Summary of Final Resolutions adopted by the Committee of Ministers in 2016

(with the exception of those concerning Friendly Settlements)

These summaries are made under the sole responsibility of the Department for the Execution of Judgments of the European Court and in no way bind the Committee of Ministers.

Resolution No.	Reference	Appl. No.	Judgment final on/delivered on	Violation	Main measures taken
CM/ResDH(2016)102	**ALB / Alimucaj**	**20134/05**	**09/07/2012** 07/02/2012	***No punishment without law:*** *Infringement of the principle of legality of criminal offences and punishments, due to imposition of a heavier penalty than the one liable for at the time of the commission of the criminal offence. (Article 7)*	The applicant was released. Reopening of proceedings is possible. The criminal record can be amended, if a new decision of the Supreme Court on the matter is delivered. The Criminal Code is in line with the principle of "no punishment without the law". The relevant jurisdiction, practice and legal framework in Albania has been consolidated and further improved since 2001 when the impugned domestic court decisions were issued. In particular, the Albanian Constitutional Court in its decision of 2004, has held that the exercise of judicial power is under judicial control of higher courts. The professional skills of judges are evaluated at least once every three years by the High Council of Justice. One of the fundamental evaluations criteria is the number of decision that higher court retain for retrial for each judge. In case of professional insufficiency of judges, the High Council of Justice may dismiss the judge based on Article 147 of the Constitution. The Code of Criminal Procedure in Article 9 guarantees the right of anyone who is unlawfully sentenced to be awarded just satisfaction. The judgment was translated, published and disseminated. The Ministry of Justice and the High Council of Justice issued recommendations on the implementation of the principle and respective training activities for judges and magistrates were organised.
CM/ResDH(2016)80	**ALB /**	**9074/07**	**23/06/2010**	***Access to and efficient functioning of***	On the basis of an unilateral declaration, the authorities

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	Mullai and Others		23/03/2010 (Merits) **18/01/2012** 18/10/2011 (Just satisfaction)	***justice and protection of property:*** *Inability to obtain a conclusive judicial determination of the validity of a building permit which had been granted, then annulled and reinstated successively in several series of proceedings and infringement of property rights as - on the basis of the initial building permit which was subsequently rescinded – an old building situated on the plot of land concerned had already been demolished in view of the erection of a new building. (Articles 6§1 and 1 of Protocol No. 1)*	extended validity of the building period. Just satisfaction was paid. The legal framework on territorial planning was amended in 2011, clarifying division of competencies to review and approve building permits and their judicial control. Former provisions of the Law on Urban Planning, applicable at the material time, were declared incompatible with the Constitution. Furthermore, wide-ranging measures were adopted with a view to accelerate judicial proceedings and to improve transparency, reliability and efficiency of the judicial system. The judgment was translated and disseminated and included in the initial and continuing training by the School of Magistrates.
CM/ResDH(2016)103	**ALB / Rrapo**	**58555/10**	**25/12/2012** 25/09/2012	***Co-operation with the ECHR and right of individual petition:*** *Failure of the authorities to abide by the ECHR's Order under the rule 39 of the Rules of Court requesting not to extradite the applicant to the United States of America where he risked a death penalty. (Article 34)*	In the USA, the applicant was convicted to 80 months' imprisonment. The government identified the case as isolated in a declaration of commitment. The judgment was translated, published and disseminated. Respective training activities for judges, prosecutors and magistrates were organised. The State Advocature, as the relevant institution in direct contact with the ECHR shall notify the relevant institutions affected by such an interim measure immediately upon reception of the respective order.
CM/ResDH(2016)117	**ARM / Grigoryan**	**3627/06**	**17/12/2012** 10/07/2012	***Access to and efficient functioning of justice:*** *Excessive length of criminal proceedings due to suspension of proceedings without carrying any investigative measures. (Article 6 §1)*	Domestic proceedings closed. Isolated case. The study of the judgment is included in the curricula of judges, prosecutors and police officers as well as in trainings for the staff of detention facilities. The new draft Code of Criminal Procedure (Articles 12, 194 and 196) sets out time limits for public criminal prosecution. It is expected that they will prevent similar violations in the future. The judgment was translated, published and disseminated.

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CM/ResDH(2016)37	**ARM / Piruzyan and 1 other case**	**33376/07+**	**26/09/2012** 26/06/2012	***Protection against ill-treatment in prison:*** *Failure to provide adequate medical assistance in a detention facility and placement of the applicants in a metal cage during hearings without without any real risk of their absconding or resorting to violence, amounting to degrading treatment as well as various other shortcomings of the domestic law in force at the time concerning one applicant's detention on remand. (Articles 3 and 5 §§ 1+3+4)*	The applicants did not avail themselves of the possibility to request reopening of proceedings. Reforms in the field of criminal justice were initiated. A series of significant amendments to the existing Criminal Code were adopted and pursuant to the President's Decree of 30/06/ 2012, No. NK-96-A, approving the 2012-2016 *Strategic Programme of Legal and Judicial Reforms*, a new Criminal Code is being drafted. As to the use of a metal cage courtrooms, reforms resulted in their removal from all domestic courts. With regard to the right to health care in prison, a wide range of awareness-raising and training activities for prison administration staff and prison health staff were organised. Training courses on specific aspects of Articles 3 and 5 was organised for staff of the Ministry of Justice, the Prosecutor's Office and the Judicial Department. The project *"Penitentiary reform – Strengthening the health care and human rights protection in prisons in Armenia"* should enable penitentiary staff to apply European prison standards. In order to grant effective access to medical care in detention, the Government, by its Decree No. 825-N of 26/05/2006, adopted guidelines for prison health care services stipulating i.a. the inmates' right of access to a doctor, the principle of regular out-patient consultations and emergency treatment as well as the accesssability of diets, physiotherapy and rehabilitation. The new draft Criminal Procedure Code also envisages that in addition to the medical examination carried out by a doctor called by the police authorities, an arrested person, prior to acquiring relevant rights of an accused, shall be granted the right to request a medical examination by a doctor of his choice. A new prison building for 1200 inmates is under construction. It will include premises for a health care service with new equipment. A Memorandum of Cooperation between the Ministry of Justice and the Yerevan State Medical University has been signed on 27/01/2015 with a view to set up clinical units for prison (penitentiary) medicine in the penitentiary

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					institutions of the Ministry of Justice. A course on prison (penitentiary) medicine will be taught in the Yerevan State Medical University. The judgment was translated, published and disseminated. General measures with regard to the protection of rights in detention are supervised in the Poghosyan group.
CM/ResDH(2016)104	**ARM / Shamoyan**	**18499/08**	**07/10/2015** 07/07/2015	***Access to and efficient functioning of justice:*** *The procedural requirement that appeals on points of law could only be lodged by advocates licensed to act before the Court of Cassation - in the absence of the possibility to be granted legal aid - made the Court of Cassation's access conditional on the applicant's financial situation placing a disproportionate restriction on its effectivesness. (Article 6 §1)*	The possibility of requesting reopening was not used. In its decision no. SDV-765 of 08/10/2008 the Constitutional Court, found Article 223 § 1 (1) of the Code of Civil Procedure and Section 29.1 of the Advocacy Act unconstitutional and abolished the institute of advocates licensed to act before the Court of Cassation. Since 01/01/2009, the procedural requirement to lodge appeals on points of law through licensed advocates ceased to exist. In 2015 the Constitutional Court examined the constitutionality of another procedural requirement stipulating that a person can have access to the Court of Cassation only through an attorney and declared it incompatible with the Constitution and, thus, invalid. The judgment was, published and disseminated and integrated in the training curricula of the Justice Academy.
CM/ResDH(2016)21	**AUT / I.K.**	**2964/12**	**28/06/2013** 28/03/2013	***Expulsion/extradition:*** *Risk of ill-treatment in case of the applicant's, a Russian citizen of Chechen origin, removal to Russia. (Article 3 conditional)*	The applicant was issued a card for tolerated persons pursuant to § 46a, in conjunction with § 50, of the Federal Act regarding the Work of the Aliens Police, the Issuance of Documents to Aliens and the Granting of a Right of Entry (Aliens Police Act 2005) by the "Landespolizeidirektion Wien". The card is valid for one year and, after expiry, can be prolonged for further one-year periods if the legal requirements are still met. The judgment was translated, published and disseminated to all authorities concerned.
CM/ResDH(2016)40	**AUT / Wallishauser**	**156/04**	**19/11/2012** 19/07/2012	***Access to and efficient junctioning of justice:*** *Domestic courts denied to acknowledge deemed service against a*	The summons to a hearing of the applicant's case was finally served. The applicant's claim is currently processed in regular court proceedings. The ECHR's consideration that the rule that

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				foreign State made in accordance with rules of customary international law, by accepting the United States' refusal to serve the summons in the applicant's case as a sovereign act and by refusing to proceed with the applicant's case before labour and social courts. (Article 6 §1)	the service of documents instituting proceedings against a State was deemed to have been effected on their receipt by the Ministry of Foreign Affairs of the State concerned applied to Austria as a rule of customary international law was analysed and disseminated. The judgment was translated, published and disseminated.
CM/ResDH(2016)41	**BEL / Muskhadzhiyeva and Others and 1 other case**	**41442/07+**	**19/04/2010** 19/01/2010	***Protection against ill-treatment and detention:*** *Unlawfulness and unacceptable conditions of four children's (Russian nationals of Chechen origin) detention pending expulsion, in closed facilities inappropriate to their young age. (Articles 3 and 5 § 1)*	The applicant children were repatriated together with their mother to Poland. On 16/11/2011, Article 74/9 was inserted in the law of 15/12/1980 on "access to the territory, residence, settlement of foreigners" banning the detention of children in closed centers. By way of exception, detention is possible in places adapted to the needs of families with minor children (in which case the unity of the family is preserved and there are no contacts with other adults). Various options are now available for housing families with children not lawfully resident in the country, pending an expulsion order or where the family arrives at the border without meeting the requirements for entry and residence: - accommodation in open single-family houses; - residence in private housing; - accommodation in open centres for asylum seekers; - accommodation in specific places for families within the area of retention centers. The judgment was published and disseminated.
CM/ResDH(2016)153	**BGR / Belv and Others and 1 other case**	**16354/02+**	**02/07/2009** 02/04/2007	***Access to and efficient functioning of justice and/or protection of property:*** *Delay in enforcing final domestic judgments as a result of a series of actions and omissions by the public authorities in the enforcement proceedings (Articles 6 §1 and 1 Prot. No.1).*	Just satisfaction paid. Granting of privileges to the tax administration for the recovery of public claims must be accompanied by procedural guarantees to ensure that their implementation and their implications for other creditors are not arbitrary or unpredictable. Thus, the Code of Tax Procedure was amended in 2006 granting priority to enforcement proceedings recovering public debts, providing however that where the State Receivables Agency had interfered in

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					enforcement proceedings and remained inactive (respectively, for 6 or 12 months), the interested parties may request that the stayed enforcement be resumed - under the Civil Procedure Code or as part of a bankruptcy procedure. A law establishing a national guarantee fund for salaries to compensation of employees in case of bankruptcy. Current regulations on compensation of employees were adopted in 2004. Following an amendment of the Civil Procedure Code, enforcement proceedings are not de facto suspended in case of appeal any longer. The judgment was translated, published and disseminated.
CM/ResDH(2016)157	**BGR / Cholakov**	**20147/06**	**01/01/2014** 01/10/2013	***Freedom of expression:*** *Conviction to ten day's detention for an act of minor hooliganism for statements made in respect of public authorities in the wake of local elections without sufficient justification or meaningful analysis of the interests at stake. (Article 10)*	On 25/11/2011, the Decree 904/1963 on the Fight against Minor Hooliganism was amended allowing for a District Court's judgment imposing a sanction of detention to be appealed before the regional court. The judgment was translated, published and disseminated.
CM/ResDH(2016)53	**BGR / Dimitrova**	**15452/07**	**10/05/2015** 10/02/2015	***Freedom of religion:*** *Search and seizure carried out in the applicant's apartment in 1995 and police ordering not to host further meetings of Word of Life and the lack of effective remedy in this respect. (Articles 9 and 13 taken together with Article 9)*	Return of seized items ordered. General measures: see Boychev and others, Final Resolution CM/ResDH(2012)169.
CM/ResDH(2016)154	**BGR / Khadzhiev**	**44330/07**	**03/09/2014** 03/06/2014	***Protection of rights in detention:*** *Unlawfulness of detention in the context of two extradition requests of Turkmenistan under a Treaty of 1975 between Bulgaria and the USSR due to lacking assessment by authorities an*	Isolated case. The judgment was translated, published and disseminated.

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				assessment whether extradition would be possible under the terms of this treaty. (Article 5 § 1 (f))	
CM/ResDH(2016)156	**BGR / Paraskeva Todorova**	**37193/07**	**25/06/2010** 25/03/2010	***Discrimination:*** *Discriminatory refusal by a domestic court to suspend a sentence of imprisonment on account of the applicant's Roma origin. (Article 14 in conjunction with Article 6 § 1)*	The applicant was provisionally released. The Supreme Court of Cassation reopened the criminal proceedings against the applicant, quashed the lower courts' judgments and suspended the prison sentence imposed. Case based on very specific facts. The judgment was translated, published and disseminated.
CM/ResDH(2016)55	**BGR / Putter**	**38780/02**	**02/03/2011** 02/12/2010	***Access to and efficient functioning of justice:*** *Rejection by the Supreme Administrative Court of the applicants' appeal against the valuation of their properties conducted by the administrative authorities; domestic courts had considered themselves bound by this valuation, in spite of the explicit right of appeal against valuations provided for in Section 18 (3) of the Privatisation of State and Municipal Enterprises Act. (Article 6 §1)*	Proceedings were reopened and the original decision on the amount of compensation was quashed. Erroneous application of the respective legal provisions. The judgment was translated, published and disseminated.
CM/ResDH(2016)54	**BGR / Rahmani and Dineva**	**20116/08**	**10/08/2012** 10/05/2012	***Protection of rights in detention:*** *Lack of a timely review of an appeal contesting the lawfulness of detention pending deportation and lack of possibility for the court to order release even though the detention pending deportation had been considered unlawful. (Article 5 § 4)*	The applicant was released and received a residence permit. Following legislative changes in 2009, domestic courts examining an appeal against a detention order pending deportation or expulsion are competent to release the foreigner, if detention is found to be unlawful or no longer justified. To ensure prompt examination of appeals against detention, the relevant provisions foresee specific time-limits: one month in first instance and two months on appeal. The judgment was translated, published and disseminated.
CM/ResDH(2016)155	**BGR /**	**43590/04**	**19/10/2011**	***Protection of property:*** *Failure to*	Just satisfaction paid. National legislation provides for

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	Stoycheva and 1 other case		19/07/2011	*enforce a final court judgment restoring a plot of land which had been expropriated during the communist regime and lack of an effective remedy in this respect. (Articles 1 of Protocol No. 1 and 13)*	guarantees in order to amend errors and omissions in cadastral plans. Section 134(2) of the new Building Planning Act of 2001 regulates the possibility of amendments to the zone plan in cases of errors and omissions. Furthermore, by legislative amendments to the Cadastre and Property Register Act adopted in 2014, it has been specified that judicial decisions are direct basis for modification of the cadastral maps and that no specific administrative act is necessary in such cases. A refusal to carry out such a modification is subject to judicial review. Finally, the Supreme Court of Cassation issued an interpretative decision in order to clarify, inter alia, that the owners whose property had been restored on the basis of the Law on the Restitution of Property Expropriated under Building Planning Legislation are entitled to bring rei vindication claims without using first the procedure set out in Section 53 and 54 of the Cadastre and Property Register Act (Civil Section of the Supreme Court of Cassation in case no. 8 /2014 from 23/02/2016). Further issues concerning the revocation of expropriation are not likely to occur in the future, as the time-limit for requesting restitution under the relevant legislation has expired in 1998. The judgment was translated, published and disseminated.
CM/ResDH(2016)10	**BGR / Tsonyo Tsonev No.3**	**21124/04**	**16/01/2013** 16/10/2012	***Access to and efficient functionin of justice:*** *Refusal of Supreme Court of Cassation of the applicant's request for the appointment of counsel. (Article 6 § 1 and § 3 (c).*	The Prosecutor General requested reopening of the criminal case. The Supreme Court of Cassation (SCC) revoked the decision of 09/03/1994 and sent the case to another Chamber of the SCC for fresh examination. The authorities provided legal assistance to the applicant. The judgment was translated, published and disseminated. The general measures adopted were examined in the context of the Zdravko Stanev and Raykov cases Resolution CM/ResDH(2015)40.
CM/ResDH(2016)81	**BGR / Velyo Velev**	**16032/07**	**27/08/2014** 27/05/2014	***Right to education:*** *Disproportionate interference due to refusal to enrol the applicant in the Stara Zagora Prison*	The applicant was released from prison. Under the Execution of Punishments and Detention in Remand Act 2009 all persons deprived of their liberty, including persons detained on

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				School (Article 2 of Protocol No. 1).	remand, shall have access to educational, training, and qualification activities. Further amendments to clarify and explicit the legislative framework were adopted in 2015 and will enter into force in August 2016. The judgment was translated, published and disseminated.
CM/ResDH(2016)38	**CRO / Ajdarić**	**20883/09**	**04/06/2012** 13/12/2011	***Access to and efficient functioning of justice:*** *Denial of a fair trial; conviction of a Bosnian national for murder solely on the basis of hearsay evidence and contradictory statements of a witness suffering frommental illness; the respondent State was requested by the ECHR to secure the reopening of the impugned criminal proceedings until 4 December 2012 at the latest. (Article 6 §1)*	The impugned proceedings were reopened on 30/08/2012 on request of the applicant, who was serving his sentence in Bosnia. The execution of the sentence was stayed and a fresh detention order issued by the competent domestic court. The authorities of Bosnia and Herzegovina declined to extradite the applicant, who was released in January 2013. In view of his subsequent absconding and unknown whereabouts, the court summons could not be served and the reopened proceedings not be brought to an end. Change in domestic courts' case-law, confirmed by the Constitutional Court with its references to the present case underlining the need to secure the proper adducing of evidence in trials. The judgment was translated, published and disseminated.
CM/ResDH(2016)57	**CRO / Omerović (No. 2)**	**22980/09**	**14/04/2014** 05/12/2013	***Access to and efficient functioning of justice:*** *Denial of access to the Supreme Court, which rejected their appeal on points of law on the ground that they were not entitled to lodge it on their own behalf without being represented by an attorney, even though one applicant was himself an attorney. (Article 6§1)*	Reopening of proceedings was granted and the applicants' appeal on points of law examined. Isolated omission by the Supreme Court. . The judgment was translated, published and disseminated. An effective remedy was put in place through a change of the Constitutional Court's case-law on the admissibility of similar constitutional complaints.
CM/ResDH(2016)5	**CYP / Michael Theodossiou Ltd**	**31811/04**	**15/04/2009** 15/01/2009 (Merits) **14/07/2015** 14/04/2015	***Access to and efficient functioning of justice and property rights:*** *Disproportionate interference with property due to the excessive delay between the service of a compulsory*	Just satisfaction was paid. Unusual case stemming from the significant delay between the publication of the notice of acquisition and the actual payment of the compensation. The Director of the Land Registry sent a circular to all District Land Officers giving directions with the aim of reforming their

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			(Just satisfaction)	*acquisition order in 1972 and the actual payment of compensation in 1995 and excessive length of compensation proceedings for expropriation (Article 1 of Protocol 1 and 6§1).*	practice to comply with the judgment by speeding up valuations and payment of compensation. In addition, the domestic courts are directly applying the European court's judgment when examining similar cases. In respect of the excessive length of the proceedings, see CM/ResDH (2013)154, the Gregoriou group.
CM/ResDH(2016)113	**ESP/ G.V.A.**	**35765/14**	**Decision with undertakings 17/03/2015**	***Issues related to expulsion and protection of family life:*** *Expulsion of an Argentinian citizen, a mother of a minor child, and prohibition of re-entry for 10 years: The Government has acknowledged the violation of the rights of the applicant under Articles 8 and 13.*	The administrative order of deportation and prohibition of re-entry was revoked; just satisfaction paid. The decision has-been translated into Spanish and was formally notified to the Highest Tribunals, the State General Prosecutor and the Ministries of the Interior and of Employment. The decision was translated, published in the Bulletin of the Ministry of Justice and disseminated.
CM/ResDH(2016)139	**ESP/ R.M.S.**	**28775/12**	**18/09/2013** 18/06/2013	***Protection of family and private life:*** *Failure to secure the applicant's right to live with her child due to her placement in a foster family on account of the mother's financial situation and without taking into account subsequent changes in circumstances; failure of administrative authorities and domestic courts to provide ample justification for automatically issuing a guardianship order and declaring the child to have been abandoned. (Article 8)*	The applicant filed a Recurso de Amparo with the Constitutional Court seeking for the final judicial decision on foster care to be declared null and void on the ground of the ECR's judgment. On 01/11/015, an interim decision stayed the ongoing adoption proceedings still pending before the national courts. The Constitutional Court has also decided to grant the Recurso de Amparo the highest priority, to be adjudicated as soon as possible. Failure of authorities in the instant case do not reveal a systemic problem. The judgment was translated, published and disseminated.
CM/ResDH(2016)105	**EST / Korobov and Others**	**10195/08**	**28/06/2013** 28/03/2013	***Protection against ill-treatment:*** *Ill-treatment due to the excessive use of force by law-enforcement officers and lack of an effective and independent*	Reopening of investigations is not possible due to time limitations. The case would appear to be sui generis without need for specific legislative or regulatory action. By the new Police and Border Guard Act (entered into force on

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				investigation several applicants' allegations of ill-treatment during their arrest and/or detention during riots in Tallinn in 2007 following protests against the relocation of a monument commemorating the entry of the Soviet Army into Tallinn during the Second World War (Article 3 under its substantive and under its procedural limb).	01/01/2010) the protection of fundamental rights was regulated in more detail. A specific procedure for documenting a person's detention was established on 14/12/2009 by the Minister of the Interior's regulation No. 59. The use of direct coercion, in particular the use of special equipment and service weapons as well as handcuffs, shackles or binding means, water cannons, electric shock weapons, firearms and the aid to injured person was regulated. Police officers, in particular members of special intervention groups undergo training to ensure that the force used when performing duties should not exceed what is strictly necessary and that once a person has been brought under control, further use of force is not justified. Police officers are also trained in preventing and minimising violence in the context of an apprehension. In 2011-2013 criminal proceedings have been initiated in 98 instances of alleged abuse of authority. Non-pecuniary damages may be claimed in civil or administrative proceedings, or by an application to the relevant agency. Examples of case-law was submitted. The judgment was translated, published and disseminated.
CM/ResDH(2016)59	**EST / Rummi**	**63362/09**	**15/04/2015** 15/01/2015	***Protection of property, access to and efficient functioning of justice and lack of an effective remedy:*** *on account of the lack of reasoning in and excessive length of criminal proceedings leading to the confiscation of the applicant's late husband's property. (Articles 6 §1, 1 of Protocol No. 1 and 13)*	Criminal proceedings were reopened. Draft legislative changes of the Code of Criminal Procedure are initiated granting the extension of the rights of third parties and their involvement in criminal proceedings. The availability of domestic remedies in respect of length of proceedings has already been acknowledged: see CM/ResDH(2014)287 in Saarekallas OÜ and Others. The judgment was translated, published and disseminated.
CM/ResDH(2016)22	**EST / Tunis**	**429/12**	**19/03/2014** 19/12/2013	***Protection of rights in detention:*** *Poor conditions in Tallinn prison amounting to degrading treatment (Article 3)*	The applicant was released in 2009. The Minister of Justice's regulation No 72 of 2000 on Internal Prison Rules was amended and as of 01/01/2014 foresees that there should be at least 3 m2 (instead of former 2.5 m2) of floor space per prisoner in a

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					cell. That requirement has been implemented in practice. As of 01/01/2015 the new § 11 of the Imprisonment Act came into force providing that the number of prisoners in a prison shall not exceed the maximum number of prisoners established for the prison. Reference is made to case-law examples confirming the fact that domestic courts award compensation for insufficient detention conditions in prisons and arrest houses. The judgment was translated, published and disseminated.
CM/ResDH(2016)161	**FRA / François**	**26690/11**	**23/07/2015** 23/04/2015	***Protection of rights in detention:*** *Unlawful placement in police custody of a lawyer carrying out professional duties as a result of an altercation with a police officer. (Article 5 § 1 (c))*	The ECHR highlighted the specific circumstances of the case. The judgment was translated, published and disseminated.
CM/ResDH(2016)6	**FRA / Guerdner and Others**	**68780/10**	**17/07/2014** 17/04/2014	***Right to life:*** *Use of lethal force during police custody following an attempt to escape of the applicants' relative. (Article 2 substantive limb)*	Just satisfaction paid. The judgment was translated, published and disseminated. The Code of internal security, which codifies the ethical conduct prescribed to the police and the gendarmerie entered force on 01/01/2014, providing in Article R. 434-18 that "A police officer or policeman may use force within the framework set by the law only when necessary, and proportionate to the goal or to the seriousness of the threat, depending on the case. Weapons are to be used only when absolutely necessary and within the legal framework related to his status".
CM/ResDH(2016)60	**FRA / Peduzzi and 1 other case**	**23487/12+**	**21/05/2015** 21/05/2015	***Access to and efficient functioning of justice:*** *Denial of a fair trial, due to a lack of reasoning in the assize court judgment convicting and sentencing to imprisonment (Article 6§1).*	The applicant's counsel did not submit the information required for the payment of the just satisfaction. The applicant's request for reopening of proceedings was examined. The ECHR had already taken note of the subsequent reform of the Code of Criminal Procedure in 2011. In the event of a conviction, the law now requires the reasoning to be based on those facts examined in the course of the deliberations which convinced the assize court in respect of each of the charges brought against the accused. In the Court's view this reform appears, on

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					the face of it, to significantly strengthen the guarantees against arbitrariness and to help the accused understand the court's decision. The judgment was translated, published and disseminated.
CM/ResDH(2016)160	**FRA / Raw and Others**	**10131/11**	**07/06/2013** 07/03/2013	***Protection of family life:*** *Failure to take all of the measures that could reasonably have been demanded of them to facilitate execution of a judgment ordering the return of the two children to the United Kingdom. (Article 8)*	Just satisfaction paid. One of the children returned voluntarily to his mother in the UK, the other has become major. The judgment was translated, published and disseminated.
CM/ResDH(2016)24	**FRA / Renolde and 3 other cases**	**5608/05+**	**16/01/2009** 16/10/2008	***Right to life and protection against torture of mentally disturbed prisoners:*** *Failure of authorities to protect the right to life and/or against inhuman and degrading treatements due to placement of psychiatrically disturbed prisoners in solitary confinement, where in 2 cases they committed suicide. Failure to sufficiently take into account the need for specialized medical care in an adapted facility. (Articles 2 and 3 substantial aspect)*	To improve psychiatric care for detainees, the authorities launched a strategic action plan 2010-2014 which reviewed the organisation of psychiatric care in prison aiming to ensure graduated care adapted to the patient's concrete situation. The creation of specially equipped hospital units (UHSA) was provided for in principle by Law No. 2002-1138 of 08/09/2002 on Guidance and Planning for the Justice, aiming to improve detainees' conditions of hospitalization. An Interministerial Circular No. 105 of 18/03/2011 specifies the UHSA operating procedures. These units cover all psychiatric hospitalizations, with and without consent. Their security is assured by the prison administration. Pursuant to Article L 3214-1 of the code of public health, hospitalization within a UHSA follows the same principles as any full-time hospitalization of a detainee in psychiatric care. Circulars on guidance to provide and on methodological issues were adopted by the Directorate for Prison Administration comprising instructions on the monitoring of the in-take of prescribed medicine. On 15/06/2009 the Ministry of Justice adopted an Action Plan to prevent suicides in prisons comprising special references to detainees in solitary confinement. A circular was adopted on 19/06/2011 underlining the need to inform the psychiatrist in

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					case of solitary confinement of mentally troubled detainees and the need to proceed to cell searches in case of risk. An audit of the implementation of the Action Plan highlighted the need for an individual approach in the matter, increased recourse to alternative sanctions and immediate interruption of solitary confinement in case of suicide risk. Furthermore, the Prison Act No. 2009-1436 of 24/11/2009 now provides that "placement in disciplinary cells or solitary confinement cannot exceed twenty days, with due consideration to be given to the mental and psychological state of the detainee". The period may be extended to 30 days in severe cases. Measures were taken to alleviate conditions in disciplinary quarters for fragile detainees'. The judgment was published and disseminated.
CM/ResDH(2016)82	**GEO / Janiashvili**	**35887/05**	**27/02/2013** 27/11/2012	***Protection of rights in detention:*** *Decisions of domestic courts on detention pending trial framed in abstract terms and lacking reasoning relying on stereotyped formula paraphrasing the terms of the Code of Criminal Procedure; failure to examine the particular circumstances justifying extension of pre-trial detention and to consider the possibility of alternative non-custodial pre-trial restraint measures. (Article 5§3)*	The applicant refused the awarded just satisfaction. He was released. General measures: See CM/ResDH(2011)105 in Patsuria.
CM/ResDH(2016)25	**GEO / Jgarkava**	**7932/03**	**24/05/2009** 24/02/2009	***Access to and efficient functioning of justice:*** *Denial a fair trial due to the refusal, without clear or sufficient reasons, to award compensation after the applicant's detention on remand despite the discontinuation of criminal proceedingss, in that the Supreme Court, in its ruling, had distinguished*	On 10/05/2010 the amendments to the Code of Civil Procedure came into force, according to which a judgment/decision of the European Court finding a violation amounts to a new circumstance that constitutes a ground for reopening of the proceedings. (See "FC "Mretebi" CM/ResDH(2010)163). The applicant did not avail himself of the possibility to request reopening. On 10/10/2010, a new Code of Penal Procedure came into force. The notion of rehabilitation was abandoned.

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				between "rehabilitation" and "restoration of rights" for the first time without giving any explanation. (Article 6 §1)	According to Article 176 § 5, a detained person shall receive compensation for illegal or unjustified detention, independently of his/her conviction or acquittal, to be paid from the State budget in compliance with the rules of civil procedure. Article 276 (e) lays down that the decision on acquittal shall indicate the right of the acquitted person to be reimbursed for incurred damage. As regards the rules of civil litigation, according to Article 1005 § 3 of the Civil Code, a person shall be compensated by the State regardless of investigative, prosecution bodies' officials' or judges' fault for the unlawfulness of conviction, prosecution, detention or correctional labor as administrative penalty. In case of intentional misconduct or gross negligence, these persons shall be held jointly responsible together with the State for the damage sustained. The complaint regarding the compensation for damage may also brought on the ground of Article 24 of the Code of Administrative Procedure, according to which the claim can be raised in respect of administrative bodies' decisions impacting legal rights or interests. The judgment was translated, published and disseminated.
CM/ResDH(2016)93	**GEO / Saghinadze and Others**	**18768/05**	**27/08/2010** 27/05/2010 (Merits) **01/05/2015** 13/01/2015 (Just satisfaction)	***Protection of property and private and family life; protection of rights in detention:*** *Eviction of the applicant, an internally displaced person from Abkhazia, and unlawful deprivation of the right to use his house; prolonged pre-trial detention without relevant or sufficient reasons; lacking adversarial judicial proceedings on pre-trial detention issue. (Articles 1 of Protocol No. 1 and 8; Article 5 §§3+ 4)*	The applicant was released. The government granted a full property title to two two-room apartments in Tbilisi, which were recorded by the National Agency of Public Registry. Concerning protection of property, relevant measures have been examined in the case of Tchitchinadze, see Final Resolution CM/ResDH(2014)48. Concerning the pre-trial detention, relevant measures have been examined in the case of Baisuev and Anzorov, see Final Resolution CM/ResDH(2011)105. The judgment was translated, published and disseminated.
CM/ResDH(2016)42	**GEO / The Georgian**	**9103/04**	**08/10/2008** 08/07/2008	***Electoral rights:*** *Infringement of the Labour Party's right to stand for*	The applicant party participated in the Georgian Parliamentary and Presidential Elections of 2008, Parliamentary Elections of

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	Labour Party			*legislative election on account of the Central Electoral Commission's (CEC) decision of 02/04/2004 to cancel the election results in Khulo and Kobuleti electoral districts without relevant and sufficient reasons or the possibility of legal remedies. (Article 3 Protocol No. 1)*	2012 and Presidential Elections of 2013. In 2014 and 2015, legislative amendments detailed criterion of invalidation of election results by the CEC and its obligations in this regard. A new mechanism was put in place for dispute settlement in case of complaints against the decisions of the Precinct Election Commissions ("PEC"): "On its own initiative or based on an application/complaint, under the procedure determined in this Law for resolution of electoral disputes, the CEC verify the legality of decisions and acts of election commissions and their officials, and if any violation is identified, cancel or change the decisions and acts by its decree; decide by decree on opening of packages from the respective PEC and re-counting of ballot papers/lists of voters. If ballot papers are re-counted, the CEC shall notify thereof all the electoral subjects and observer organisations whose representatives attended the counting of ballot papers at an electoral precinct, and shall ensure, upon request, the attendance of their representatives at the re-counting process." Reports by the OSCE/ODHIR and the CoE Congress Rapporteur indicated improvement in the practice of election administration on the basis of the new legislative framework. The judgment was translated, published and disseminated.
CM/ResDH(2016)177	**GER / Althoff and others**	**5631/05**	**08/03/2012** 08/12/2011 (Merits) **27/09/2012** (Decision)	***Protection of property:*** *Amendment in 1998 - with retrospective effect - of the statutory time-limit originally set for 31/12/1992 for filing restitution claims under the Property Act whose purpose was to settle property conflicts on the territory of the former GDR, determining that the time-limit did not apply to claims by the German State. As a result, the applicants' claim for property restitution was rejected in July 2001 on the grounds that the*	Just satisfaction paid on the basis of a unilateral declaration by the government accepted by the ECHR. The case resulted from its very specific circumstances, notably the fact that, eight years after German reunification and six years after the expiry of the statutory time-limit for restitution claims based on the Property Act, legislature retrospectively amended section 30a(1) of the Property Act to the effect that this time-limit did not apply to the Federal Republic's rights under the German-US Agreement. There are no other known cases in which after restitution was made following harmful measures taken under the National Socialist regime a second injury occurred in the GDR and the injured parties are thus in competition with each other. The

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				German State had paid compensation in 1997, inter alia, to the US heir of one of the original Jewish owners under an agreement made on 13 May 1992 between Germany and the United States on the settlement of property claims ("the German-US Agreement") and that the applicants were no longer entitled to either restitution or payment of the proceeds from the sale; thus the legislative amendment of 1998 had created an inequality to the State's advantage to the detriment of the applicants. (Article 1 of Protocol No. 1)	judgment was translated, published and disseminated.
CM/ResDH(2016)178	**GRC / Alvanos and Others and 3 other cases**	**38731/05+**	**20/06/2008** 20/03/2008	***Access to and efficient functioning of justice:*** *Denial of access to the Supreme Court, due to the latter's formalistic approach regarding the admissibily grounds of an appeal in cassation; excessive length of proceedings and lack of an effective remedy to this respect. (Articles 6 §1 and 13)*	Reopening of proceedings could prejudice a third party's vested rights and does thus not prevail over the principle of legal certainty and of protection of the rights of third parties of good faith. Change in case-law of the Supreme Court based on decision no 14/2010 regarding the admissibility criteria of applications in cassation and the judgments of the ECHR by the Plenary Session of the Supreme Court: the judge-rapporteur should make ample use of his power to make necessary additions in order to 'restore' the inadmissible reason for cassation as admissible, on the other hand, the Supreme Court should assess the admissibility of cassation appeals in a fair and lenient manner (see also CM/ReDH(2009)68 in Liakopoulou. As concerns excessive length of proceedings and a respective remedy, the cases concerned were closed with Final Resolution CM/ResDH(2015)230 in Vassilios Athanasiou and Others v. Greece and 205 cases.
CM/ResDH(2016)178	**GRC / Dimitras**	**44077/09+**	**08/04/2013** 08/01/2013	***Freedom of religion:*** *Obligation based on national legislation, when taking an*	Just satisfaction paid. For general measures see Final Resolution CM/ResDH(2012)184 in Dimitras and others group.

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	and Others No. 3 and 1 other case			*oath at criminal court hearings as witness, complainant or suspect, to reveal one's religious convictions, in order to be allowed to make a solemn declaration (instead of a religious oath) and not to be presumed Orthodox Christian; lack of an effective remedy in this respect. (Articles 9 and 13)*	
CM/ResDH(2016)7	**GRC / Negreponti s-Giannisis**	**56759/08**	**28/11/2011** 03/05/2011 (Merits) **14/04/2014** 05/12/2013 (Just satisfaction)	***Protection of private and family life and property:*** *Discriminatory non-recognition by the Court of Cassation of the applicant's adoption by his uncle, an orthodox bishop, made in the United States, as contrary to public order; denial of the right to a fair hearing due to this refusal; interference with property rights as the refusal to recognise the applicant's status as adopted child had resulted in depriving him of his rights as heir (Articles. 8 taken alone and in conjunction with 14 and 1 of Protocol No 1).*	Reopening in civil matters not possible. Just satisfaction paid. Erroneous interpretation of the applicable law in the instant case. The judgment was translated, published and disseminated.
CM/ResDH(2016)94	**GRC / Papazoglou and Others and other 31 cases**	**73840/01+**	**13/02/2004** 13/11/2003	***Access to and efficient functioning of justice:*** *Length of proceedings before the Court of Audit and lack of an effective remedy in this regard. (Articles 6 §1 and 13)*	All domestic proceedings are closed. By virtue of law no. 4055/2012 several measures were taken with a view to accelerate proceedings before the Court of Audit (e.g. pilot proceedings, reinforced filtering of appeals, possibility to join appeals, possibility to submit documents electronically, etc.). The measures were codified in law no. 4129/2013 entitled "Ratification of the Code of Laws for the Court of Audit". On 12/02/2014 law no. 4239/2014 establishing a compensatory remedy to address the problem of possible excessive length

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					criminal and civil proceedings and proceedings before the Court of Audit was adopted following the pilot judgments in Michelioudakis and Glykantzi and Others. The ECHR recognized the effectiveness of this remedy stating that this appeal meets the requirements of Article 13 in Xynos c. Greece (No. 30226/09). The Court of Audit also adopted new Internal Rules on the organisation and functioning of the judicial services with a view to reduce length of proceedings. The Rules were published on 21/11/2014. Budgetary means were increased in 2014 from 443 mio Euros to 498 mio Euros. Currently there are 18500 cases pending in comparison to 31488 in 2013. Further improvements (projects on recruitment of lawyer trainees and e-justice) are under way. The judgment was translated, published and disseminated.
CM/ResDH(2016)8	**GRC / Zouboulidis No. 2 and 1 other case**	**36963/06+**	**06/11/2009** 25/06/2009	***Protection of property:*** *Application of different limitation periods and starting points for default interest between State and private parties in labour proceedings granting a preferential treatment in favour of the State (shortest period of prescription, shortest period for calculation of default interest) without sufficient justification by public interest (Article 1 of Protocol No. 1).*	Just satisfaction paid. The judgment was translated, published and disseminated. Change of case-law of domestic courts adhering to the ECHR findings. In subsequent judgments in the cases Giavi and Viaropoulou as well as in the admissibility decision Grigoriou-Kanari, the ECHR held that the State privileges had been applied in compliance with the Convention on the grounds: a) the State had acted by exercising public power in the general interest and b) the difference of the default rate between the debts of the State and the debts of the individuals had not been grossly disproportionate.
CM/ResDH(2016)61	**HUN / Zoltán Németh**	**29436/05**	**14/09/2011** 14/06/2011	***Protection of private and family life:*** *Non-enforcement of the applicant's right of access to his son for several years; the measures taken proved to be ineffective or not sufficiently prompt. (Article 8)*	The applicant's son reached majority. The judgment was translated, published and disseminated. The case constituted an isolated incident.
CM/ResDH(2016)26	**ISL / Björk**	**46443/09+**	**10/10/2012**	***Freedom of expression:***	The applicants did not make use of the possibility to seek

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	Eiðsdóttir and 3 other cases		10/07/2012	*Disproportionate interference due to convictions of the applicant journalists in civil defamation proceedings brought against them on the basis of articles published in good faith in consistence with the diligence expected of a responsible journalist reporting on a matter of public interest (Article 10).*	reopening of proceedings. The judgment was translated, published and disseminated. Training was organised and awareness raising measures were taken to induce change of case-law of domestic courts. Penal legislation regarding defamation and freedom of speech is currently being reviewed with a view to abolish the possibility of prison sentences for defamation, even if this sanction is currently not applied any more in practice.
CM/ResDH(2016)13	**ITA / Alikaj and Others**	**47357/08**	**15/09/2011** 29/03/2011	***Right to life:*** *Excessive use of force by police resulting in the death of the applicants' relative, shot while resisting arrest; imprudent behavior of the police agent responsible; lack of information on regulations on the use of firearms as well as lack of effective investigation into this death: lack of independence of the investigators; excessive length of proceedings terminated by effect of statutory limitation of the criminal liability of the police agent concerned and failure to institute disciplinary proceedings against him. (Article 2 substantive and procedural limb)*	By a decision of 09/05/2011, the civil court in Milan recognised the responsibility of the agent concernend for the applicants' relative's death and awarded the applicants compensation for the damage suffered, to be paid by the Ministry of Home Affairs. The shooting incident was not the consequence of a deficiency in legislation or the system of safeguards concerning the use of firearms by the police. Information on the existing statutory and regulatory framework for the use of firearms by police contained in domestic law was submitted. The Court of Cassation, in recent decisions interpretating of some of these provisions, underlined the requirements of necessity and proportionality in the assessment of the lawfulness of firearm use. Some of the provisions concern recruitment requirements, in particular the assessment of the moral qualities and the psychological skills of the candidate and in-service training of police agents. The judgment was translated, published and disseminated.
CM/ResDH(2016)63	**ITA / Panetta**	**38624/07**	**15/10/2014** 15/07/2014	***Access to and efficient functioning of justice:*** *Excessive length of national proceedings intended to provide assistance under the New York Convention of 1956 on the recovery of maintenance abroad. (Article 6 §1)*	Just satisfaction paid. EC Regulation 4/2009 removed the exequatur procedure the duration of which was originally found excessive, thereby shortening maintenance claims recovery proceedings. It also provides modern technical methods of communication (fax, email) and forms-type to be translated automatically, using the internet page of the European judicial network in civil matters. It foresees strict deadlines for

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					informing the creditor on the state of recovery of the debt and allows location of the debtors and access to information on their property/income. The Ministry of Justice has been designated Central Authoritiy.
CM/ResDH(2016)119	**ITA / Patrono, Cascini and Stefanelli and 2 other cases**	**10180/04+**	**20/07/2006** 20/04/2006	***Access to and efficient functioning of justice:*** *Inability to bring criminal proceedings for defamation against members of parliament enjoying parliamentary privilege and thus could not maintain their right to redress by becoming civil parties due to disproportionate application of the respective law concerning parliamentary immunity as the utterances at issue were not strictly linked to the exercise of the parliamentarians' role as legislators. (violation of Article 6§1)*	Just satisfaction paid. Change of the Constitutional Court's case-law acknowledging that the parliamentary privilege of Article 68 of the Constitution should not be extended to utterances without link to the exercise of the parliamentary function. If in judicial proceedings a legislative chamber states that the behavior of one of its members falls within the scope of Article 68, the judge shall raise a conflict of State powers before the Constitutional Court. Respective guidelines and recommendations on the scope of Article 68 on parliamentary immunity were introduced in the Government report to Parliament on the execution of judgments of the European Court for 2010. The judgment was translated, published and disseminated, in particular to the Ministry of Justice and the Chamber of Deputies through the observatory of ECHR judgments of the Chamber of Deputies' State Legal Advisor.
CM/ResDH(2016)27	**ITA / Roda and Bonfatti and 2 other cases**	**10427/02+**	**26/03/2007** 21/11/2006	***Protection of family life:*** *Authorities' failure to take the necessary measures to maintain contacts between children and their natural families while the children were in care (and partly declared adoptable), in particular through the organisation of regular visits (Article 8).*	The children concerned have reached the age of majority. The supervision of care measures was strengthened. Law 149/2001 regulates adoption and State guardianship: placement orders must indicate how a child's guardian is to exercise his responsibility, and how the parents and other members of the nuclear family are to maintain their links with the minor child. Placement orders must also lay down the duration of the placement. The social service department responsible for the placement must inform the judge of any significant event and must facilitate the minor's relations with and return to its family of origin. A 2003 Opinion by the Supreme Judicial Board (CSM) noted that the reinforced supervisory system is generally satisfactory (see also CM/ResDH(2008)53 in Scozzari and Giunta). Further legislative changes took place in 2012 and

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					2013 in the field of family law, in particular with regard to the possibilities of minors to be heard by the judge in procedures concerning them, including those relating to the minor's adoptability. New provisions included in Article 337 of the Civil Code govern the relations between biological parents and the child in proceedings relating to divorce, physical separation and interruption of cohabitation. The Issue of training measures for Social Services will be examined in the context of Piazzi (No. 36168/09). Legislative Decree n. 154 of 2013 amended Law No. 184 of 1983 and underlines the purpose of the social services' intervention which is to provide support for the family of origin. The judgment was translated, published and disseminated. The change of case-law of the Court of Cassation with regard to declarations of adoptability is examined in *Zhou* and *Akinnibosun*.
CM/ResDH(2016)120	**ITA / Sciacca**	**50774/99**	**06/06/2005** 11/01/2005	***Protection of private life:*** *Publication in a newspaper of photographs of the applicant taken upon arrest in the context of preliminary investigations following their communication by the financlial police to the press without legal basis. (Article 8)*	Just satisfaction paid. Evolution in the legal framework since the facts of the case: Adoption of the Law on the Protection of Personal Data (Legislative Decree No 196/2003) taking into account CoE Convention for the protection of individuals with regard to the processing Automated Personal Data of 1981 and CM Recommendation (R(87)15) regulating the use of personal data in the sector police. The Code of Ethics relating to processing of personal data in journalism refers to the need to protect the dignity of persons. The Court of Cassation considers the Code as an integral part of the law on protection of personal data (ex multis Cass. No. 12834/2014). The law on privacy provides that everyone can protect his/her rights before the judicial authority or by appealing to the Controller of the Data Protection Personal. Numerous decisions of the Controller of the Data Protection personal that have remedied violations similar to that which the applicant was a victim (ex multis Doc. Web n. 1053631). The Ministry of Interior's regulation, adopted 21/06/2006, on the treatment of personal data and the judiciary, identified personal and judicial data to be used by the

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					administration and police in the accomplishment of their institutional tasks. The judgment was translated, published and disseminated.
CM/ResDH(2016)121	**ITA / Sejdovic**	**56581/00**	**01/03/2006 Grand Chamber**	***Access to and efficient functioning of justice:*** *Unfair criminal proceedings; sentencing in absentia to several years' imprisonment although it had not been shown that the applicant had wilfully absconded or renounced to their right to attend the hearings. (Article 6 §§1 and 3)*	The international warrant against the applicant was revoked and the ECHR judgment was noted in his criminal record. Just satisfaction unpaid as the applicant could not be localised. General measures: see final resolution CM/ResDH(2011)122 in F.C.B. Article 175 of the CPP (Legislative Decree No. 17 of 21/02/2005, confirmed by Act No. 60 of 22/04/2005), was amended to determine the requirements of an application for suspension of the time-limit for appeal against sentence. Under the new provisions, the time-limit for appeal against a judgment issued in absentia is reopened upon request of the accused unless he or she had "effective knowledge" of the proceedings against him or of the judgment and has wilfully decided not to appear or to appeal. The basic deadline was extended from ten to thirty days counting from the date upon which the accused is delivered to the Italian authorities. The judgment was translated, published and disseminated.
CM/ResDH(2016)28	**ITA / Torreggiani and Others and 1 other case**	**43517/09+**	**27/05/2013** 08/01/2013	***Protection of rights in detention:*** *Conditions of detention resulting mainly from a structural problem of overcrowding in Italian prison facilities; in view of the scale of the problem, the ECHR requested Italy to put in place, by 27 May 2014, a remedy or combination of remedies providing redress in respect of violations resulting from overcrowding in prison. (Article 3)*	***Pilot judgment:*** The applicants were released or transferred to cells which are not overcrowded. Law-Decree No. 146/2013 of December 2013 establishes a new preventive remedy allowing an inmate to complain about any violation of their rights to a supervisory judge. This remedy can provide redress for detention in overcrowded conditions, conferring the judge the power to order the transfer of the complainant. Law-Decree 92/2014 which came into force on 28/06/2014 establishes a new compensatory remedy. Accordingly, an inmate may apply to a supervisory judge for a reduction of the remaining sentence: 1 day of reduction, for each 10 days spent in over-crowded detention condition. Persons already released can apply to civil courts for pecuniary compensation in the amount of 8 euros per day for time spent in overcrowded detention

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					conditions. The pecuniary compensation remedy applies also to persons who spent less than 15 days in such conditions or if a sentence remaining to be served is shorter than a period which could be deducted. Substantive measures are taken on 3 lines of action: 1) legislative measures aimed at increasing the use of alternatives to imprisonment by removing mandatory imprisonment for a number of minor offences, thus limiting the use of detention on remand for minor offences; and increasing possibilities for prisoners to benefit from early release under supervision in certain cases; 2) organisational measures, mainly focused on improving living conditions by increasing freedom of movement of prisoners outside their cells; 3) renovation of prisons. In particular, Law-Decree No. 146/2013 increased the number of days of imprisonment per semester for a prisoner to become entitled to early release, increased use of electronic tagging as an alternative to imprisonment, as well as house arrest, and introduced more lenient penalties for minor drug-related offences. The majority of detainees are now permitted to spend at least 8 hours per day outside their cells and have easier access to work. Information on the impact of the measures taken: In April 2012 the occupation rate of Italian prisons stood at 148%. In April 2014, the occupation rate had fallen to 124%. Statistics provided in September 2014 indicate that the number of persons deprived of liberty continues to decrease: from 58,092 on 30/06/2014 to 54,252 on 31/08/2014. By 3o/09/2014, the occupation rate had again decreased to 110%. Since 19/05/2014 no prisoner enjoys a vital space of less than 3m². Other statistics submitted show an increased use of measures alternative to detention, a decrease of the overall prison population and a slow but steady decrease in the number of people detained on remand. An office of a National "Garante", a type of Ombudsman for persons deprived of their liberty, was established. The Department of Prison Administration developed a computerised system for monitoring prison space and population, which guides

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					reallocation of prisoners detained in overpopulated facilities.
CM/ResDH(2016)97	**LIT / Baškienė**	**11529/04**	**10/12/2007** 24/07/2007	***Access to and efficient functioning of justice:*** *Denial of access to court and the excessive length of civil proceedings seeking to have shares redeemed by a company (Article 6§1 double).*	The domestic proceedings in the applicant's case are closed. civil action against the State asking for pecuniary damage damages was rejected on 28/02/2011 by the Supreme Court. Concerning the applicant's initial claim seeking to oblige the company to redeem her shares, the court noted that the law in force at the material time did not provide for such an obligation. As regards the general measures taken to address the problem of length of judicial proceedings and the lack of an effective remedy in respect thereof, see Final Resolution CM/ResDH(2014)291 in Šulcas group. The judgment was translated, published and disseminated.
CM/ResDH(2016)124	**LIT / Drakšas**	**36662/04**	**31/10/2012** 31/07/2012	***Protection of private life:*** *Disclosure to the media of the applicant's (a politician and founding member of the Liberal Democrats political party) telephone conversations, which had been intercepted by the State Security Department and lack of an effective remedy allowing for an examination of the legality and the implementation of the surveillance measures. (Articles 8 and 13)*	Criminal prosecution of the perpetrators became time-barred. Case due to to ineffective application of the regulatory framework. The Law on Operational Activities that was applicable at the material time on 01/01/2013 was replaced by the Law on Criminal Intelligence, which provides for an effective domestic remedies for the protection of human rights enabling inter alia judicial examination of the legality and the implementation of surveillance measures. In June 2015 the Supreme Court of Lithuania published on its website a survey of the domestic case-law with regard to application of Article 154 of the Code of Criminal Procedure and Article 10 of the Law on Criminal Intelligence as concerns the monitoring, recording and storage of the information transmitted through the electronic communications networks explaining criteria for secret surveillance measures to comply with Article 8. The judgment was translated, published and disseminated.
CM/ResDH(2016)65	**LIT / JGK Statyba LTD and Guselnikova**	**3330/12**	**05/02/2014** 05/11/2013 (Merits) **27/04/2015**	***Access to and efficient functioning of justice and protection of property:*** *Denial of a fair trial on account of the excessive length of two sets of civil*	Just satisfaction paid. Domestic proceedings finalized. Introduction of an effective compensatory domestic remedy for excessive length of proceedings under Article 6.272 of the Civil Code (see detailed explanations in CM/ResDH(2014)291 in

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	s		27/01/2015 (Just satisfaction)	*proceedings relating to the ownership of two houses; prolonged seizure and prohibition on making use of the two houses (Articles 6 §1 and 1 of Protocol No. 1).*	Sulcas. Isolated case due to specific circumstances. New legislation on seizure of property came into force on 01/08/2015 through an amendment to Article 147 § 5(8) of the Civil Procedure Code. The judgment was translated, published and disseminated.
CM/ResDH(2016)181	**LIT / Lalas**	**13109/04**	**01/06/2011** 01/03/2011	***Access to and efficient functioning of justice:*** *Denial of a fair hearing in that the applicant was found guilty of drug dealing following active incitement by undercover state agents without the applicant's plea of incitement being adequately addressed by the domestic courts. (Article 6 § 1)*	The impugned proceedings were reopened resulting in the applicant's acquittal. For general measures, see Final Resolution CM/ResDH(2011)231 in Ramanauskas and Malininas.
CM/ResDH(2016)66	**LIT / Pyrantienė and 3 other cases**	**45092/07+**	**05/02/2014** 05/11/2013 (Merits) **27/01/2015** 27/01/2015 (Just satisfaction)	***Protection of property:*** *Significant disproportion between the compensation awarded for the deprivation of land by the authorities and the land's market value; deprivation of property under conditions imposing an excessive burden on the applicants. (Article 1 of Protocol No. 1)*	Just satisfaction paid. Domestic proceedings finalized. Erroneous application of domestic law. The judgment was translated, published and disseminated. Examples of changed case-law of domestic courts concerning the minimization of consequences following the annulment of land purchase agreements, the compensations for non-pecuniary damage due to unlawful action or inaction, errors or omissions of authorities, compensation for pecuniary damage and the necessity to act promptly while correcting mistakes of the State authorities, were submitted.
CM/ResDH(2016)124	**LIT / Venskutė**	**10645/08**	**11/03/2013** 11/12/2012	***Protection of rights in detention:*** *Arbitrariness of detention by the State Border Guard Service without proper records of her arrest or the questioning as a suspect being drawn up. (Article 5 § 1)*	The applicant was released. The case seems to be an isolated incident. An explanatory note with a summary of the judgment was placed on the website of the Ministry of Justice and disseminated among all domestic courts and the relevant institutions, including the State Border Guard Service. A copy of the judgment is accessible for the public on the websites of the Ministry of Justice and of the National Courts' Administration.
CM/ResDH(2016)180	**LVA / A.K.**	**33011/08**	**24/09/2014**	***Protection of private life:*** *Procedural*	Reopening of proceedings was refused by the Supreme Court

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			24/06/2014	*shortcomings in compensation proceedings on account of the applicant's gynaecologist's alleged medical negligence in antenatal care. (Article 8 in its procedural aspect)*	for lack of proper reasoning as to why the ECHR's judgment in the case should be considered as a newly disclosed circumstance. Just satisfaction for non-pecuniary damage paid. Isolated incident, which resulted from excessive formalism of national courts. Case-law examples of domestic courts demonstrate that the national courts do award compensation for damages in case of negligence by the medical personnel, inter alia, under the provisions of the Medical Treatment Law. The judgment was translated, published and disseminated and included in the Judicial Training Centre's (the LJTC) programme for the judges of the regional courts and the Supreme Court.
CM/ResDH(2016)122	**LVA / Kadiķis and 6 other cases**	**62393/00+**	**04/08/2006** 04/05/2006	***Protection of rights in detention:*** *Degrading treatment resulting from the conditions administrative detention in Liepaja State Police short-term detention facility, Jelgava State Police short-term detention facility, Daugavpils prison, Valmiera prison, Saldus State Police short-term facility and the Prison Hospital; lack of an effective and accessible remedy with respect to the conditions of detention; ban on correspondence with the family and opening by the prison authorities of the letters addressed to the ECHR. (Articles 3, 13 and 8)*	Applicants were either released or transferred to other detention facilities. On 13/10/2005 the Law on Procedure of Keeping of Apprehended Persons was adopted providing for appropriate detention conditions. Those short-term detention facilities which did not comply with the requirements of the newly adopted Law were closed, while new short-term detention facilities were put in operation in Liepâja (since 2006), in Riga (since 2008), in Kuldiga (since 2011), in Ventspils (since 2012) and in Daugavpils (since 2013). As concerns the privacy of in-cell toilet facilities, this issue has been effectively addressed by the Constitutional Court in its judgment of 20/12/2010 in case no.2010-44-01. Accordingly, as of 2012 many of the short-term detention facilities have undergone major repair and renovation works. With respect to the improvement of the material conditions of detention in the prison facilities, in 2014 several places of deprivation of liberty were renovated or reconstructed: in Brasa prison, in the Cësis Juvenile Correctional Institution, in the Daugavgrïva prison, in the Ilguciems prison, in the Jelgava prison, in the Jëkabpils prison, in the Liepaja prison, in the Rïga Central Prison, in the Sl}irotava prison and in the Latvian Prison Hospital. Amendments to Article 504 of the Law on Enforcement of Sentences entered into force on 09/12/2004, repealing the

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					provision that permitted detention of lifesentenced prisoners in a solitary cell for up to six months. Today life-sentenced prisoners shall be detained in a specially designated prison block under enhanced supervision. Regulations for body-searches and the use of special restraint means were adopted. On 31/07/2007 the Administration of Places of Deprivation of Liberty closed the Prison Hospital located within the premises of the Central prison and opened the Latvian Prison Hospital within the premises of the Olaine prison on 01/08/2007. Following the legislative amendments of 2004 and 2005, correspondence of convicted or apprehended persons with international and national human rights institutions and organisations, the Prosecutor Office, courts and defence counsel may not be subjected to censorship. Following the entry into force of the Administrative Procedure Law on 01/02/2004, State authorities decisions and de facto actions are subject to the administrative courts' scrutiny. Thus, an additional remedy capable in substance to address the detained persons' complaints was put in operation. The judgment was translated, published and disseminated.
CM/ResDH(2016)96	**LVA / Pacula**	**65014/01**	**15/12/2009** 15/09/2009	***Access to and efficient functioning of justice and protection of correspondence:*** *Conviction based on a witness' statements without opportunity to question them at the hearing; opening by the prison authorities of the applicant's correspondence with the Court and their refusal to send certain items from his case file to the Court.. (Articles 6§§1+3d and 8)*	The applicant was released on parole. The Supreme Court dismissed the prosecutor's decision concerning the reopening of the criminal proceedings on the ground of the impossibility to question the witness who had already passed away. General measures: See Final Resolution CM/ResDH (2009)131 in Lavents and Jurjevs cases. According to the amended Article 50 of the Law on Execution of Sentences, which entered into force on 09/12/2004, prisoners' correspondence with, inter alia, international and national human rights institutions and organisations, the Prosecutor Office, courts and defence counsel must not be subject to censorship. The postal expenses should also be met by the respective place of deprivation of liberty from its own budget. As concerns detainees on remand, similar legal regulation has been introduced in Article 15 of the

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					Law on Procedure of Detention on Remand. The judgment was translated, published and disseminated. Respective training activities for judges were organised. The ECHR's findings were explicitly referred to by domestic courts in similar cases, introducing a change of case-law.
CM/ResDH(2016)29	**LVA / Perry**	**30273/03**	**02/06/2008** 08/11/2007	***Freedom of religion:*** *Unlawful ban imposed on a foreign resident to exercise his functions as pastor when his residence permit was renewed. (Article 9)*	The applicant left the country in 2004. Erroneous application of the Aliens Act by the Office of Citizenship and Migration Affairs and subsequent erroneous interpretation by domestic courts. The Aliens Act became null and void after the entry into force of the Immigration Law on 01/05/2003. Its Article 34 lists exhaustive and clear grounds on which a residence permit can be refused, while Article 35 defines the basis for a temporary residence permit's annulment. Article 61 provides for a procedure and states the grounds for including an alien in the list of persons to whom the entry is prohibited and a residence permit refused or annulled (threat to national security or public safety, member of a criminal organisation, etc.). Pursuant to the Constitutional Court' s ruling of 06/12/2004 in the case no2004-14-01 this law was supplemented with a list of the authorities competent to issue an opinion in such cases (the Constitution Protection Bureau SAB, the Security Police and the State Police) and criteria concerning the contents of the decision. The law also contains procedural provisions for the lodging of an appeal before the administrative courts against the Minister of Interior's decision. The judgment was translated, published and disseminated.
CM/ResDH(2016)64	**LVA / Shannon**	**32214/03**	**24/02/2010** 24/11/2010	***Protection of rights in detention:*** *Failure by a regional court to examine promptly appeals against the extension of remand in custody. (Article 5§4)*	The applicant was released and expelled. On 01/10/2005, the impugned regulation was replaced by the Criminal Procedure Law introducing the position of investigative judges, whose primary duty is to ensure observance of human rights during the pre-trial stage of criminal proceedings. Maximum procedural terms for detention are binding both during the pre-trial proceedings and the adjudication stage and detention

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					orders are subject to regular judicial review at two levels of jurisdiction. Mandatory periodic control over the applied pre-trial detention is carried out every two months by the investigative judge. The individual concerned (or through his/her defence counsel) may at any time submit an application to the investigative judge asking to review the imposed security measure. Domestic court practice concerning the reasoning given in support of detention orders and their subsequent prolongation has considerably developed. The judgment was translated, published and disseminated.
CM/ResDH(2016)123	**LVA / Ternovskis**	**33637/02**	**29/07/2014** 29/04/2014	***Access to and efficient functioning of justice:*** *Unfair proceedings in which the applicant contested the authorities' refusal to grant the necessary security clearance and his subsequent dismissal from service as a state border guard: lack of access to to all the material relevant for the determination of the reasons for the security clearance refusal and examination of the applicant's appeal by the appelate court in his absence. (Article 6§1)*	Just satisfaction paid. Case resulted from insufficient knowledge of national judges on the ECHR standards. The judgment was translated, published and disseminated.
CM/ResDH(2016)98	**LVA / Užukauskas as and 1 other case**	**16965/04+**	**06/10/2010** 06/07/2010	***Access to and efficient functioning of justice:*** *Infringement of the principle of equality of arms due to the domestic administrative courts finding against the applicants in proceedings instituted by them against their entry in an "operational records file", a database containing information compiled by law-enforcement officers, which had been used to revoke their firearms*	Reopening was possible, but not requested. Erroneous application and interpretation of law by the domestic courts. By a ruling of 15/05/2007, the Constitutional Court held that "no court decision can be entirely substantiated by the information constituting a state secret (or other classified information), which is unknown to the parties". For general measures see also case of Gulijev which is closed by Final Resolution CM/Res (2007)154.

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				license without disclosure of the evidence or the possibility to respond to it. (Article 6 § 1)	
CM/ResDH(2016)147	**MDA / Cebotari and 2 other cases**	**35615/06+**	**13/02/2008** 13/11/2007	***Protection of rights in detention and right to individual petition:*** *Unlawfulness of detention in the Centre For Fighting Corruption and Economic Crimes ("CFECC") due to lack of a reasonable suspicion for the commission of an offence; insufficient amount of compensation awarded by domestic courts in respect of non-pecuniary damage for unlawful detention; criminal proceedings opened with the only aim to put pressure on the applicant in order to hinder the company Oferta Plus from pursuing its application before the ECHR; lack of confidentiality of discussion with lawyer; inability to sign the application forms affecting the applicant's right of petition to the ECHR. (Articles 5 §1, 18 in conjuction with 5 §1 and 34)*	Just satisfaction paid. The applicants are no longer in detention on remand, the applicant in the *Cebotari* case was acquitted in June 2007 of all the charges wrongfully brought against him and the company Oferta Plus was eventually able successfully to proceed with its complaint to the ECHR. A substantial reform of the prosecution service was undertaken, improving its independence *vis-à-vis* legislature and executive and establishing the disciplinary accountability of prosecutors. According to the Constitutional Court's decision of 23/09/2013, State authorities are prohibited from interfering in the handling of specific criminal cases. Subsequently a Law on the Prosecution Service was adopted in February 2016 following an overall positive assessment by Council of Europe experts. The Supreme Court's ruling of 24/12/2012 provided guidance to domestic courts on the amounts to be awarded, in conformity with the ECHR's case- law, for non-pecuniary damage for unlawful detention. The examination of other outstanding questions are raised in the framework of the joined *Muşuc*, *Guţu* and *Brega* groups.
CM/ResDH(2016)84	**MDA / Ciubotaru**	**27138/04**	**27/07/2010** 27/04/2010	***Protection of private life:*** *Impossibility to request a change of the ethnicity registered in civil status documents without despite objectively verifiable links with the Romanian ethnic group such as language, name, empathy and others, which the authorities failed to examine. (Article 8)*	Domestic civil proceedings were reopened and the Supreme Court ordered the competent civil status registration authority to change the ethnicity entry in the applicant's birth certificate from Moldovan to Romanian. On 22/03/2012 the Law on civil status documents was amended to allow the registration of ethnicity of a child's parents in the child's birth certificate at their request and on the basis of their own declarations and a possibility for a child to change his ethnicity according to his/her own declarations when he/she reaches his/her sixteen's

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					birthday. The judgment was published and disseminated to all authorities directly concerned.
CM/ResDH(2016)146	**MDA / Colibaba and 1 other case**	**29089/06**	**23/01/2008** 23/10/2007	***Protection of rights in detention and right to individual petition:*** *Ill-treatment in police custody and lack of an effective investigation; intimidation by the Prosecutor General of the applicant's lawyer with a view to preventing him from exercising the right of petition to the ECHR; refusal to grant access for a medical doctor to the applicant and his medical files with a view to presenting an estimate of pecuniary damage before the ECHR. (Articles 3 substantive and procedural limbs and 34)*	Reopening of domestic proceedings in the first case was not considered propitious given the factual barriers in gathering evidence; in the second case no pertinent evidence could be gathered in new investigations. On 30/07/2015 the Superior Council of Prosecutors adopted a Code of Ethics of Prosecutors stating that a prosecutor shall act in compliance with the Convention requirements and the Court's case-law, respect the rights and legitimate interests of all parties in the judicial process, observe the principles of integrity, responsibility, impartiality. A Law on the Prosecution Service, adopted on 25/12/2008, provided that a prosecutor may be subject to disciplinary proceedings for conduct prejudicial to the interests of the prosecution service and for damaging its reputation and image. In particular, Article 61 of the law defines as a disciplinary offence any violation of the Code of Ethics as well as undignified behaviour towards any participant in the judicial process, including the lawyers. The disciplinary offences are examined by the Disciplinary Board established within the Superior Council of Prosecutors. In recent years the Prosecution Service underwent a comprehensive reform process that resulted in the adoption on 25/02/2016 of a new Law on the Prosecution Service which will enter in force on 01/08/2016. The draft law was elaborated by a working group composed of the representatives of the prosecution service, the Ministry of Justice and NGOs "Centre for Legal Resource from Moldova", "Institute for Penal Reforms" and "The Lawyers for Human Rights". Two EU experts participated in the drafting process as observers. It was reviewed jointly by the Venice Commission, CoE experts and OSCE/ODIHR. Furthermore, following amendments of November 2012 to the Execution Code, a detainee shall undergo a medical examination immediately when entering a detention facility and at the

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					release. General measures with regard to ill-treatment in detention and the failure to conduct an effective investigation are examined in the Corsacov group.
CM/ResDH(2016)164	**MDA / Societatea Română de Televiziune**	**36398/08**	**15/10/2013 Friendly settlement**	***Freedom of information and protection of property:*** *Friendly settlement with special undertaking: authorities acknowledged the breach of the right of the applicant, a public television company ("SRTV"), to impart information and the right to peaceful enjoyment of its possessions due to the interruption of its broadcasting despite the fact that its broadcasting license was still valid. (Articles 10 and 1 of Protocol No. 1).*	In accordance with National Audiovisual Coordinating Council (NACC) decision no. 174 from 15/11/2013 "On the transmission of TVR in Moldova programming services", the State Company "Radiocomunicații" entered into a contract with the applicant company's cooperation in the pilot project to test the technology of digital terrestrial television which provides broadcast services in digital format MPEG-4SD DVBT2, in particular the broadcasting of the applicant's TV programme "TVR Moldova", in Chișinău. The contract is renewed on an annual basis. On 04/01/2016 the Contract No. 3 was concluded. A first functional digital terrestrial television multiplex with national coverage was created. On 04/01/2016, the NACC in a public meeting decided to provide the applicant's company with a broadcasting license for a slot in the first digital terrestrial multiplex with national coverage for the retransmission of the programme "TVR Moldova". The applicant company was issued a broadcasting license, being exempted from participation in tender, for a term of seven years until 2023. The decision was translated, published and disseminated.
CM/ResDH(2016)35	**MKD / Atanasovic and Others and 55 other cases**	**13886/02**	**12/04/2006** 22/12/2005	***Access to and efficient functioning of justice and effective remdy:*** *Excessive length of civil, labour, criminal and enforcement proceedings and lack of an effective domestic remedy in respect of excessive length of civil or enforcement proceedings (Articles 6§1 - in some cases also Article 1 Protocol 1 as well as 13).* *One of the cases concerns the*	Proceedings in all cases but one were closed, just satisfaction was paid. Legislative measures adopted include the amendments of September 2010 to the Civil Procedure Code, the new Criminal Procedure Code of November 2010, the new Enforcement Law 2005 and its amendments of July 2010 as well as the Courts Act and its amendments of 2008. The procedural deadlines and discipline were tightened in civil proceedings, the evidence procedure was revisited and mediation introduced to alleviate the workload of civil courts. In criminal proceedings, hearings need not be restarted all over again in case of a trial

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				excessive length of criminal proceedings due to the failure of the domestic courts to secure the accused's attendance and the failure to protect his private life in that the domestic courts for this reason did not decide on the merits of his claims in the defamation proceedings as they became time-barred (Articles 6 and 8).	judge change within a single set of proceedings; second instance courts shall hold a hearing and decide on the merits if the case has already been subject to a remittal, thus eliminating repetitive remittals within one set of criminal proceedings. With respect to the enforcement proceedings, private bailiffs were introduced assuming responsibility for enforcement as from 2012. For measures taken to increase efficiency of the administrative proceedings see Dumanovski group CM/ResDH (2011)81. Furthermore, the number of civil and judicial servants as well as of judges was increased. The Academy for Judges and Public Prosecutors carried out trainings courses with special focus on the right to a hearing within a reasonable time, with support of the CoE. Steps were taken to address the court backlogs, including monthly targets for judges, leading to high clearance rates of the first instance courts in 2009, 2010 and 2011 (up to 170% in 2011) but also to more procedural discipline, due to monitoring of performance of individual judges. Automated case management was introduced in all courts in 2010. On 22/07/2015 the Judicial Council started monitoring the status of all cases pending before domestic courts for more than seven years in order to ensure finalization of proceedings before the end of 2015. The Courts Act of 2006, which introduced a domestic remedy in January 2007, was amended as from 22/03/2008. Under the 2008 Act, the Supreme Court has exclusive competence to decide upon the remedy. A special department was set up within the Supreme Court to deal with length-of-proceedings cases. Complaints can be lodged while proceedings are pending, but not later than six months after the decision becomes final. The CEPEJ Report 2014 and the most recent data document the positive impact of these measures. Finally, the Criminal Code was amended to decriminalise defamation in line with the Resolution 1577(2007) of the Parliamentary Assembly and on 12/11/2012 the new Law on Civil Responsibility for Insult and Defamation was adopted. The Academy for Training of Judges and

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					Prosecutors carried out several training courses on the subject with the support of the CoE and the Norwegian Ministry of Foreign Affairs.
CM/ResDH(2016)77	**MKD / Spasovski**	**45150/05**	**10/09/2010** 10/06/2010	***Access to and efficient functioning of justice and protection of property:*** *Dismissal of the applicant's action for compensation for damage as result of acts of violence or terrorism twice on procedural grounds without examining it on the merits because of the domestic courts conflicting positions with regard to the appropriate defendant (State or municipality). (Article 6§1)*	The impugned proceedings were reopened and the applicant was granted the requested compensataion. Domestic legislation (Section 166 of the Obligation Act) already provides for the State responsibility for any damage caused as result of acts of violence or terrorism. On 22/02/2011 the Civil Department of the Supreme Court adopted an opinion regarding the interpretation of this Section. The judgment was translated, published and disseminated. Domestic courts aligned their case-law following the ECHR judgment.
CM/ResDH(2016)142	**MKD / Šterjov and Others**	**40160/04**	**16/10/2014** 16/10/2014	***Access to and efficient functioning of justice:*** *Excessive length of civil proceedings before domestic courts and lack of an effective respective remedy. (Article 6 §1 and 13)*	The impugned domestic proceedings were closed. For general measures see Final Resolution CM/ResDH(2016)35 in the Atanasovic group of cases.
CM/ResDH(2016)165	**MON / Boucke**	**26945/06**	**21/05/2012** 21/02/2012	***Access to and efficient functioning of justice:*** *Failure to enforce a final domestic judgment ordering payment of child maintenance. (Article 6 §1)*	Payment of child maintenance is enforced through monthly attachments on the debtor's salary. A new Enforcement Act was adopted in July 2011 entrusting the enforcement of final decisions to public enforcement officers with the goal to reduce workload in courts and increase efficiency of enforcement proceedings in general. The Act included special provisions concerning enforcement of decisions in respect of child maintenance imposing special diligence. The reform of the enforcement proceedings is still on-going. To this end, in March 2014 the Ministry of Justice prepared the Strategy for the Reform of the Judiciary 2014-2018. The Strategy provides for an objective to enhance further the efficiency of the enforcement proceedings. It is envisaged that a dedicated IT

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					system in respect of enforcement cases will be put in place and that public enforcement officers will be able to access the database of government authorities to carry out enforcement. Pursuant to the most recent data for 2014, enforcement of child maintenance decisions lasted on average 90 days. The judgment was translated, published and disseminated and is used in training activities.
CM/ResDH(2016)45	**MON / Koprivica**	**41158/09**	**22/02/2012** 22/11/2011 (Merits) **23/09/2015** 23/06/2015 (Just satisfaction)	***Freedom of expression:*** *Conviction in civil proceedings of a magazine editor for defamation of a fellow journalist to pay excessive damages. (Article 10)*	Just satisfaction paid. The impugned judgment was quashed and further action withdrawn in reopened proceedings. The authorities have taken steps to ensure that inadequate case-law of domestic courts is brought into compliance with the Convention requirements. The judgment was translated, published and widely disseminated among the legal community. On 29/03/2011, the Supreme Court adopted a binding legal opinion on the obligation to respect the ECHR case-law and the Convention standards concerning freedom of expression.
CM/ResDH(2016)44	**MON / Šabanović**	**5995/06**	**31/08/2011** 31/05/2011	***Freedom of expression:*** *Conviction to suspended prison term for defamation of a public official (water inspector) in a matter of public interest amounting to an unnecessary interference. (Article 10)*	Criminal proceedings were reopened and the applicant acquitted on the basis of new favourable legislation. The impugned judgment was quashed. On 22/06/2011, amendments to the Criminal Code abolished defamation and criminal insult. The amendments were published in the Official Gazette in July 2011. The judgment was translated, published and disseminated.
CM/ResDH(2016)67	**NLD / Geisterfer**	**15911/08**	**09/03/2015** 09/12/2014	***Protection of rights in detention:*** *Detention on remand and subsequent release and re-detention during trial on the basis of a purely abstract assessment of the social need to continue deprivation of liberty on the ground of threat to the public order caused by an offence. (Article 5 §§ 1 (c)*	The case occurred in very specific circumstances. Usually detention on remand lasts for a much shorter period and suspects are not released during trial and then re-detained. The notion of threat to the public order caused by an offence as such had been accepted by the ECHR in earlier case-law. The judgment was translated, published and disseminated.

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				and 3)	
CM/ResDH(2016)31	**NLD / K.**	**11804/09**	**27/11/2012 FS with undertaking**	***Protection of private life:*** *Taking and storing of the applicant's cellular material, after he had been convicted of a criminal offence, pursuant to the DNA Testing (Convicted Persons) Act. (Article 8)*	The applicant's DNA profile, which had been taken and stored pursuant to the DNA Testing (Convicted Persons) Act was deleted from the DNA database and the costs for the applicant's proceedings fully covered by the domestic legal aid scheme.
CM/ResDH(2016)126	**NLD / Mathew**	**24919/03**	**15/02/2006** 29/09/2005	***Protection of righs in detention:*** *Inhuman treatment due to the keeping for an excessive and unnecessarily protracted period in solitary confinement in the Aruba Correctional Institution (KIA), the keeping in a cell which failed to provide adequate protection against the weather, the keeping in a location from which he could only gain access to outdoor exercise and fresh air at the expense of unnecessary and avoidable physical suffering. (Article 3)*	The applicant was released. The KIA was renovated, as a result of which the prison cells and the place designated for outdoor activity are now on the ground floor. Disciplinary cells were renovated. Following the publication on 29/01/2008 of the CPT report (2008)2, the State Secretary of Internal Affairs and Kingdom Relations requested the governor of Aruba to report every six months. The Aruban Ministry of Justice has also set up a Commission on the Supervision of Prison Cells and Treatment of Detainees to supervise the adjustment of the prisons and to deal with legal, individual and personnel aspects. Special attention was paid to training and expanding prison staff and police personnel. All KIA prisoners are guaranteed the care – including specialist care – required by their state of health, free-of-charge to prisoners who do not have the necessary resources to pay. The policy regarding disciplinary punishments was adjusted. Constraint measures are no longer imposed automatically. All cases of placements in punishment cells are directly reported to the medical staff who visit these prisoners daily. If they consider continued solitary confinement a danger to the health of the prisoner, it is stopped. The judgment was published in several law journals.
CM/ResDH(2016)108	**NOR / Hansen**	**15319/09**	**02/01/2015** 02/10/2014	***Access to and efficient functioning of justice:*** *Failure of the High Court, as an appellate court entrusted with full jurisdiction, to give sufficient reasons*	In reopened proceedings the High Court decided again to refuse to admit the appeal with specific reasons provided. With effect from 10/12/2010, Article 29-13 (5) was amended to include a requirement that a refusal of admission of an appeal

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				for its refusal pursuant to Article 29-13(2) of the Code of Civil Procedure to admit for examination the applicant's appeal against the first instance judgment in civil proceedings. (Article 6 § 1)	under Article 29-13 (2) had to be reasoned (see § 46 of the judgment). This legislative change incorporated prior new case-law developed by the Supreme Court after the facts of the case. A summary translation of the judgment was published.
CM/ResDH(2016)68	**NOR / Kaplan and Others**	**32504/11**	**24/10/2014** 24/07/2014	***Protection of private and family life:*** *Expulsion of a family father to Turkey with a five-year re-entry ban. (Article 8)*	Just satisfaction paid. The expulsion decision was reversed and the re-entry ban lifted. A residence permit was granted to the father. The judgment was translated, published and disseminated. The instructions issued to the Immigration Directorate regarding expulsion cases affecting children in 2011 are still valid. In the Ministry's of Justice assessment the case was based on specific and unique circumstances.
CM/ResDH(2016)46	**NOR / Lindheim and Others**	**13221/08+**	**22/10/2012** 12/06/2012	***Protection of property:*** *Failure to strike a fair balance between the interests of the applicant landowners (the lessors) and the leaseholders (the lessees), notably because of an amendment, in 2004, to the Ground Lease Act 1996, regulating certain long land leases allowing lessees to claim the indefinite extension on unchanged conditions resulting in rents with no relation to actual value of the land. (Article 1 of Protocol No. 1)*	**Under Article 46,** the Court held "that the problem … concerns the legislation itself and that its findings extend beyond the sole interests of the applicants in the instant case" (there appear to exist between 300,000 and 350,000 ground lease contracts in a population of 5 million inhabitants). On 19/11/2013, the Supreme Court decided to stay the applicant's reopening proceedings in anticipation of the amendments to the Ground Lease Act. Now the applicant is free to resume the reopening proceedings. Equally, a class action of a goup of lessors was stayed and may be resumed now. A provisional act on extention of ground lease contracts of 14/12/2012 replaced section 33 of the 1996 Ground Lease Act. On 01/07/2015 the permanent amendments entered into force introducing a mechanism allowing one-off rent increases on extension which reflect the market value of the undeveloped plot: Lessees still have a right to extension of the ground lease when the contract expires. However, if the lessee now chooses to extend the contract, the amended law grants the lessor a one-off upward rent adjustment fixed to 2% of the value of the undeveloped plot. This rent adjustment is modified by a rent

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					"ceiling" of NOK 9,000 per decare (1,000 m2) of ground, adjusted every year (after 1 January 2002) in accordance with inflation (currently about NOK 11,300, approx. EUR 1,250). According to a safeguard clause for exceptional cases, the rent adjustment can exceed this ceiling in cases of extraordinarily high value of the undeveloped land. Furthermore a mechanism allowing both parties to claim another one-off upward or downward adjustment of the rent to 2% of the market value of the undeveloped plot 30 years after extension of the contract was introduced. As regards contracts previously extended on unchanged conditions pursuant to the former rules of the Ground Lease Act 1996 (as in force since November 2004), the amended Ground Lease Act has retrospective effect, so that lessors are entitled to claim (ex nunc) rent adjustment according to the new rules. The judgment was translated, published and disseminated. See AR 2015
CM/ResDH(2016)148	**POL / Dzwonkovski and 7 other cases**	**46702/99+**	**12/07/2007** 12/04/2007	***Protection of rights in detention/ right to life:*** *Ill-treatment inflicted by the police as well as in two cases death and unintentional killing by the police and lack of effective investigation in this respect. (Articles 2 or 3 substantive and/or procedural limbs)*	The discontinued investigations can be resumed by the authorities or on request of the applicants. On 05/06/2013 the Act on the measures of direct coercion and firearms came into force according to which measures of direct coercion are applied in a manner necessary to achieve the goals of this application, proportionally to the level of danger, choosing a measure of least possible affliction. On 01/01/2004 the Decree of the Chief Police Commander on the principles of professional ethics of a police officer came into force. The Ordinance of the Minister of Internal Affairs dated 18/04/2012 on the qualification proceedings in relation to candidates applying to Police duty was issued. Decree no. 30 of the Chief Police Commander dated 16/12/2013 on the functioning of the hierarchy organisation in the Police forces established the obligations of the professional supervisor in respect of irregularities or improper behavior of a subordinate. Training and educational activities were intensified and a publication titled "Police Officer's Powers in Respect of the Use of

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					Measures of Direct Coercion and Firearms" was prepared. The issue of educational training was included in the Directional Police Strategy in respect of the development of the human rights protection system in 2013-2015. A System of Early Intervention created a consistent system of multidisciplinary actions to prevent abuse, irregularities and dysfunctions in police units and the plenipotentiaries for human rights protection in the Police were reinforced. As concerns the investigations into allegations of ill-treatment or death, the following legislative changes were introduced: A decree of the Minister of Internal Affairs dated 13/09/2012 on medical examinations of persons apprehended by the Police was issued. Guidelines of the General Prosecutor from 27/06/2014 covered the conduct of proceedings on crimes resulting in deprivation of life as well as inhuman or degrading treatment or punishment, caused by the actions of Police officers or public officers; these proceedings are monitored by the Department of Preparatory Proceedings of the General Prosecutor's Office. Statistics on such proceedings were provided. Police and the Prosecutor's Office coordinate actions with regard to the conduct of parallel penal and disciplinary proceedings. On 10/07/2014 the Minister of Internal Affairs signed a decision on the Guidelines to the rules and methods of communicating information on complaints to the Ombudsman and the Minister of Internal Affairs by the Police and Border Guard. By an amendment in force since 01/05/2009, the Act on a complaint for denial of a court trial without undue delay of 17/06/2004 provides for the possibility of a complaint for excessive length of investigations. In 2007 the Human Rights Advisers to the Chief Commander and Province Commanders of Police were given full-time positions. Their tasks include, inter alia, training of police officers, promoting police conduct and monitoring police operations. In 2008, the Ombudsman announced the creation within of a special body within his office competent to examine complaints on police and other services' actions. The

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					judgment was translated, published and disseminated and used by the National School of Judiciary and Public Prosecution in their programmes.
CM/ResDH(2016)128	**POL / Horych and 4 other cases**	**13621/08+**	**05/04/2010** 05/01/2010	***Protection of rights in detention and private and family life:*** *The "dangerous detainee" regime, pursuant to Article 212a of the Code of Execution of Criminal Sentences, (placement in solitary cells on a high-security ward, only a single hour-long solitary walk per day in a segregated area, subjection to strip searches on leaving and entering the cell, handcuffing when outside the cell, increased supervicsion, etc.) exceeded the legitimate requirements of security in prison due to its rigid rules for the imposition of the special regime, the lack of a meaningful review, and the duration and severity of the measures taken. The regime also imposed restrictions on visiting rights and correspondence. One case concerns excessive length of pre-trial detention and restrictions of access to case-files in proceedings to challenge the lawfulness of that detention, one other case concerns excessive the length of criminal proceedings. (Articles 3, 8, 5 §§ 3+4, 6 §1)*	The applicants were either released or are serving their sentences but are no longer subject to the "dangerous detainee" regime. Immediate change of practice: The "dangerous detainee" status was applied only on an exceptional basis and can be challenged before domestic courts. Legislative amendments to the Code of Execution of Criminal Sentences entered into force on 24/10/2015, in particular Article 212 concerning the classification of a prisoner as dangerous and Article 88 concerning the restrictions applied. These amendments eliminate automatic application of the regime to certain categories of detainees. Supervision of the correct application of art. 88 § 3 and 212a § 1 of the Code of Execution of Criminal Sentences is done by the supervisory bodies of the Prison Service, which control the appropriateness and promptness of the decisions of penitentiary commissions. Article 7 of CECS provides the possibility of judicial review of such decisions. Statistical data indicate a reduction in the number of "dangerous detainees" (from 260 on 30/06/2012, to 169 on 12/09/2014 and 156 on 31/12/2015) as confirmed by the CPT. Measures were taken to improve the treatment of detainees subject to the regime. The Act on measure of direct coercion and firearms of 05/06/2013 limits measures of direct coercion to "particulary justified cases". Directors of Regional Prison Services were reminded that "dangerous detainees" should have access to cultural, educational and sport activities. According to Instruction No. 16 of the Director General of Prison Services of 13/08/2010 activities for dangerous detainees to counterbalance negative consequences of their limited social interaction should be intensified. The issues concerning "dangerous detainee" status were included in training curricula of prison staff. Improvements made to visiting

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					centres in two locations (Gdansk and Crakow) and appropriate conditions for family visits were established in almost every penitentiary unit in Poland. Measures addressing the issue of excessive length of criminal proceedings are currently examined in the Bak group of cases. Issues related to censorship of correspondence and restrictions of family visits are addressed in the Klamecki No. 2 group, closed by Final Resolution CM/ResDH(2013)228 and those relating to judicial review of detention in the Chruściński case, closed by Final Resolution CM/ResDH(2011)142, while the issue of excessive length of detention on remand was examined by the Committee in the Trzaska group of cases, closed by Final Resolution CM/ResDH(2014)268.
CM/ResDH(2016)4	**POL / Iwanczuk**	**25196/94**	**15/02/2002** 15/11/2001	***Protection of rights in detention:*** *Ill-treatment due to regular strip searches without justification; unjustified length of pre-trial detention, excessive length of criminal proceedings. (Articles 3, 5 §3 and 6 §1)*	The applicant was released, the proceedings were closed. Incorrect one-off practice of prison staff. Translation and dissemination of the judgment; transmission to the Central Board of Prison Guards. Training sessions for 2604 prison staff in 2014 and for 2559 in 2015. Length of pre-trial detention: see CM/ResDH(2014)268 in Traska. Excessive length of criminal proceedings is examined in the Kudla group.
CM/ResDH(2016)127	**POL / Jaremowicz**	**24023/03**	**05/04/2010** 05/01/2010	***Right to marry and effective remedy:*** *Refusal to allow a prisoner to marry in prison; ineffectiveness of procedure for challenging the decision due to lack of promptness. (Articles 12 and 13)*	The applicant ultimately obtained a leave to marry. Case of an isolated nature. The judgment was translated, published on the website of the Ministry of Justice and disseminated among judges, prosecutors and prison staff. It was also used in training activities of the National School of Judiciary and Public Prosecution.
CM/ResDH(2016)32	**POL / Ladent and 4 other cases**	**11036/03**	**18/06/2008** 18/03/2008	***Protection of rights in detention:*** *Arbitrary detention disproportionate to the aim of securing the proper conduct of criminal proceedings, delays in release from detention on remand; failure to inform of the reasons for*	The applicants were released. Arbitrariness of detention due to erroneaous practice of domestic authorities. As regards the delays in release, on 23/06/2015 the new Ordinance of the Minister of Justice on Administrative Acts concerning Execution of Pre-Trial Detention and Sentences and Coercive Measures resulting in Deprivation of Liberty was adopted,

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				arrest and charges and failure to bring the arrested person promptly before a judge; lack of an initial automatic judicial review. (Article 5 § 1+2f+3)	following the Constitutional Court's ruling on 04/10/2011 on the deficiencies of the previous Ordinance addressed to the Ministry of Justice. Documents authorising release of a prisonner's release can now be sent by fax and confirmed by e-mail with a secure electronic signature. On 07/07/2003 Article 72 of the Code of Criminal Procedure was amended providing that the accused is entitled to assistance of the interpreter if he/she does not speak Polish to a sufficient extent and should be served with the decision on charges together with its translation. The new Code of Criminal Procedure (entry into force 01/07/2015) enshrines the obligation to promptly bring before a court a defendant who has been detained on the basis of a warrant, unless the prosecutor who had interrogated the detainee repealed detention on remand or substituted it with a non-custodial preventive measure. Awareness-raising was organised and systemic trainings for judges and prosecutors held at the National School of Judiciary and Public Prosecution. The judgment was translated, published and disseminated.
CM/ResDH(2016)47	**POL / Sierpiński**	**38016/07**	**03/02/2010** 03/11/2009 **(Merits)** **27/07/2010** 27/07/2010 **(Just satisfaction)**	***Protection of property:*** *Refusal to pay compensation for a property unlawfully expropriated in 1967 based the domestic courts' view, that the applicant's claims for compensation against the State Treasury were addressed to the wrong defendant. Shifting the responsibility of identifying the competent authority to be sued to the applicant and depriving him of compensation on that basis was a disproportionate requirement and failed to strike a fair balance between the public interest and the applicants' rights. (Article 1 of Protocol No. 1)*	Just satisfaction determined in a friendly settlement was paid. General measures: see Final Resolution CM/ResDH(2014)119 in Plechanow. The judgment was translated, published and disseminated.

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CM/ResDH(2016)2	**POL / Stankiewicz and Others and 1 other case**	**48723/07+**	**14/01/2015** 14/10/2014	***Freedom of expression:*** *Disproportionate interference due to conviction of the applicants (journalists, newspaper company as well as a film director author of articles) in civil proceedings brought by parties claiming protection of their personal rights. (Article 10)*	Enforcement proceedings were either not initiated or discontinued. Change of practice of domestic courts due to awareness-rising measures and training orgenised by the National School of the Judiciary and Public Prosecution Service.
CM/ResDH(2016)48	**POL / Wloch No. 2**	**33475/08**	**28/11/2011** 10/05/2011	***Protection of rights in detention:*** *Refusal of a domestic court to grant compensation under the relevant provisions for the applicant`s unlawful detention on remand. (Article 5§5)*	Similar to Bruczynski v. Poland (19206/03), closed by Final Resolution CM/ResDH(2012)43. The impugned proceedings were reopened and compensation awarded. The Supreme Court, in its judgment of 12/06/2012, clearly underlined that lower courts would have to follow indications from the ECHR judgment in the present case. In addition, in May 2014 the Ministry of Justice sent a letter to presidents of all the courts of appeal, requesting to familiarize all relevant judges with the issues raised in the case. The judgment was translated, published and disseminated.
CM/ResDH(2016)166	**PRT / Ferreira Santos Pardal**	**30123/10**	**30/10/2015** 30/07/2015	***Access to and efficient functioning of justice:*** *Dismissal of an action for civil liability against the State contrary to the Supreme Court's settled case-law in the matter; uncertainty in the case-law and absence of a mechanism, within the Supreme Court for ensuring its consistency. (Article 6 §1)*	No individual measure taken. According to the amended Article 688, par. 1 of the Civil Procedure Code, parties can appeal to the Plenary Chamber of the Civil Chambers of the Supreme Court, if a judgment is in contradiction with previous case-law. (article 688, par. 1). The judgment was translated, published and disseminated.
CM/ResDH(2016)49	**PRT / Gramaxo Rozeira**	**21976/09**	**21/04/2014** 21/01/2014	***Access to and efficient functioning of justice:*** *Denial of a fair trial in civil proceedings, due to the failure to communicate to the applicant a letter by the Cabinet of the Prime Minister included in the case file. (Article 6 §1)*	Just satisfaction paid. Isolated case. The judgment was translated, published and disseminated.

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CM/ResDH(2016)86	**PRT / Jorge Nina Jorge and Others**	**52662/99**	**19/05/2004** 19/02/2004	***Excessive delay in determining and paying compensation*** *following the expropriation of agricultural properties of the applicants in the framework of the 1975 Agrarian Reform (Art. 1 Prot. 1).*	See Final Resolution CM/ResDH(2014)11 in Carvalho Acabado and 30 others cases.
CM/ResDH(2016)99	**PRT / Martins de Castro and Alves Correia de Castro and 28 other cases**	**33729/06+**	**10/09/2008** 10/06/2008	***Access to and efficient functioning of justice:*** *Lack of effectiveness of a compensatory remedy (action in tort against the State) available to victims of excessively lengthy proceedings. (Article 13)*	Domestic proceedings are closed. Over the years, the case-law of administrative tribunals has evolved in line with requirements resulting from the judgment in the case of Martins Castro and subsequent cases of this group. This was recognized by the ECHR in Valada Neves (n.º73798/13) of 29/10/2015, final on 29/01/2016, where it stated that Article 12.º of Law nº 67/2007 constitutes an effective remedy in a consolidated national jurisprudence, with particular reference to the judgment of the Administrative Supreme Court of 27/11/2013, as regards the criteria for the duration of the trial, the allocation of non-pecuniary damage and its payment. The judgment was translated, published and disseminated. Respective training activities for judges and magistrates were organised.
CM/ResDH(2016)33	**PRT / Martins Silva**	**12959/10**	**28/08/2014** 28/05/2014	***Access to and efficient functioning of justice:*** *Denial of a fair trial in civil proceedings due to the failure to communicate documents in the case file (Article 6).*	Reopening of proceedings possible. The judgment was translated, published and disseminated. Awareness-raising measures adopted.
CM/ResDH(2016)149	**PRT / Oliveira Modesto and Others and 48 other**	**34422/97+**	**08/09/2000** 08/06/2000	***Access to and efficient functioning of justice:*** *Excessive length of civil, administrative or criminal proceedings. (Article 6 §1)*	Just satisfaction paid. Major legislative measures adopted demonstrate the authorities' commitment to address the problem of excessive length of judicial proceedings. Encouraging results have been obtained and consolidated with regard to criminal proceedings, first instance civil declaratory proceedings and civil proceedings in general before the higher courts. The effectiveness of the remedy established for

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	cases				obtaining compensation in respect of excessive length of proceedings has been recognized by the ECHR. Outstanding questions concerning the impact of the adopted measures on the length of the proceedings in which no positive trend has been observed to date will be examined in the context of more recent cases pending.
CM/ResDH(2016)167	**PRT / Phostira Efthymiou and Ribeiro Fernandes**	**66775/11**	**01/06/2015** 05/02/2015	***Protection of family life:*** *Infringement of a mother's and daughter's right to family life in the event of the execution of a decision to return the child to her father in Cyprus, which was taken without adequate consideration of the best interests of the child. (Article 8)*	The domestic decision to return the first applicant to her former country of habitual residence, Cyprus, has not been executed since 2011 when it became final. The judgment of the ECHR was communicated to the relevant public ministry. Applicants have the right to request a review of the internal decision under the Article 696.º f) of the Code of Civil Procedure when it is inconsistent with the judgment of the ECHR. The judgment was published in the website of the General Prosecutor's Office, sent for distribution in the High Judicial Council and forwarded to the Centre for Judicial Studies for inclusion in training programmes.
CM/ResDH(2016)110	**ROM / Al-Agha and 5 other cases**	**40933/02+**	**12/04/2010** 12/01/2010	***Protection of rights in detention and issues related to deportation:*** *Unlawful detention of aliens with a view to deportation as well as lack of access to a court to examine the lawfulness of this detention; lack of an enforceable right to compensation for unlawful detention with a view to deportation; degrading detention conditions in the holding center at Bucharest airport; infringement of the procedural guarantees of the expulsion procedures); the lack of an effective investigation into complaints of ill-treatment by private parties. (Articles 5 §§ 1+4+5; Article 1 of Protocol No. 7;*	All applicants were released. As concerns the lawfulness of an alien's detention in view of deportation and procedural guarantees in expulsion proceedings, Emergency Ordinance No. 194/2002 was amended on several occasions – reference is made to CM/ResDH(2015)50 in Kaya and Lupsa. In accordance with art. 101 of the Emergency Ordinance No. 194/2002 a foreigner may be placed in custody in the following cases: if there is a risk that the foreigner will avoid removal or prevents his return or is subject to a deportation measure ordered by the criminal court. The risk of escape is presumed in the case of an alien who has not meet the deadline for voluntary return, a foreigner declared undesirable or after the lifting of his "tolerated" status. Custody may be ordered only if it is not possible proceed to the foreigner's immediate removal under escort. The custody measure is decided by the prosecutor at the Court of Appeal Bucharest, for a period of 30 days on

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				Article 3 substantive and procedural)	request of the Inspectorate General for Immigration,. The measure can be extended on request of the Inspectorate, for justified reasons, not to exceed 6 months, in exceptional situations (due to actions of the person to be returned or the attitude of third countries refusing the issuing of travel documents) may be extended to 12 months. A custody measure may be contested before the Court of Appeal in the district which is the retention centre is situated. As concerns the right to compensation for unlawful detention, see information submitted in Degeratu, Tase and Sâncrăian. As concerns the lack of effective investigation into ill-treatment, reference is made to CM/ResDH(2014)152 in Bucureşteanu. Regarding the violation of Article 3 (conditions of detention), reference is made to the CPT-reports of 2002 and 2008, in which the material conditions in the centre were found to be satisfactory. The judgment was translated, published and disseminated.
CM/ResDH(2016)150	**ROM / Barbu Anghelescu and 35 other cases**	**46430/99+**	**05/01/2005** 05/10/2004	***Protection against ill-treatment:*** *Abuse suffered by the applicants or their relatives in police custody or upon arrest, ineffectiveness of related criminal investigations and proceedings and absence of an effective remedy as regards compensation for damages sustained; racially-motivated ill-treatment inflicted to an applicant of Roma origin and failure of the authorities to investigate such motives. (Articles 3 and 13 as well as 14 taken together with Articles 3 and/or 13 – in certain cases also Articles 6 §1, 8 and 34 were concerned)*	Criminal liability became time-barred, therefore reopening of investigations was impossible in most cases. A far-reaching reform 2002 resulted in the demilitarization of police. The organisation and functioning of the police are now governed by Law No. 218/20021 while Law No. 360/20022 regulates the status of its members. Police staff lost their status of active officers of the armed forces, aquiring that of civil servants. The Code of Criminal Procedure (the "CCP") was modified accordingly so that the criminal investigations and trial in cases involving police staff fall henceforth within the province of civil prosecutor's offices and courts. A number of amendments were made in 2015 to the law governing the statute of police officers with regard to disciplinary procedure. Law no. 364/2004, regulating the organisation of the judicial police was also amended. A new Criminal Code (Law no. 286/2009) and a new Criminal Procedure Code (Law no. 135/2010) entered into force 01/02/2014. A new law on the execution of custodial sentences and measures ordered by the judicial authorities in criminal

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					proceedings (Law no. 254/2013) was adopted on 19/07/2013. Law no. 35/1997 governing the activity of the Ombudsman was amended by Government's Emergency Ordinance no. 48 of 26/06/2014, designating the Ombudsman as national preventive mechanism under the Optional Protocol to the UN Convention against Torture. Law No. 278/2006 amending the Criminal Code introduced the ethnic/racial motivation as a statutory aggravating factor creating an obligation for the prosecuting authorities to verify, on their own motion, its incidence in a given case. For general measures required in response to the other issues are or were examined in the context of the groups of cases Vlad and Others and Bota (closed by Final Resolution CM/ResDH(2011)27) and of the cases of Varga (closed by Final Resolution CM/ResDH(2011)23) and Gagiu (closed by Final Resolution CM/ResDH(2015)93).
CM/ResDH(2016)135	**ROM / Butnaru and Bejan Piser**	**8516/07**	**23/09/2015** 23/06/2015	***Access to and efficient functioning of justice:*** *Conviction by domestic courts in spite of the fact that a judgement of acquittal for facts substantially the same had previously become final; infringement of the res judicata principle. (Article 4 of Protocol No. 7)*	The applicant has also the possibility to ask for the reopening of the domestic proceedings. Domestic authorities' incorrect assessment, in the case at hand, of the applicability of the ne bis in idem principle. The summary of the case and a translation of the judgment was forwarded to all national courts and prosecution offices. Professional training activities were organised.
CM/ResDH(2016)70	**ROM / Codarcea**	**31675/04**	**02/09/2009** 02/06/2009	***Protection of private life and access to and efficient functioning of justice:*** *Absence of legal means to enforce the compensation awarded by the domestic courts for bodily injuries caused by medical errors and lack in the domestic law at the material time of a mechanism of liability insurance for malpractice claims; domestic courts' failure to hold liable in tort the public hospital which employed the*	Law 95/2006 reformed the health sector and its Title XV Chapter V requires medical staff is to contract professional liability insurance to guarantee compensation for damages that may be caused by their fault in the exercise of their profession. Order 346/2006 issued by the National Fund for Health Insurance sets a minimum threshold for insured damages. Law No 95/2006 also provides explicitly that civil liability of the medical unit that hires the wrongdoer may be engaged. Judicial practice is almost unanimous in recognizing also the civil responsibility of the health units, which may also be held criminally responsible for negligence when providing medical

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				doctor involved as well as excessive length of criminal proceedings against the doctor joined by the applicant as a civil party. (Articles 8 and 6§1)	services. The judgment was translated, published and disseminated.
CM/ResDH(2016)136	**ROM / Costel Gaciu**	**39633/10**	**23/09/2015** 23/06/2015	***Protection of rights in detention discrimination:*** *Degrading treatment due to conditions of detention in Cluj detention centre and Gherla Prison; refusal of his requests for conjugal visits during his pre-trial detention solely because he had not been a convicted prisoner. (Articles 3 and 14 in conjunction with 8)*	The applicant was released. Conditions of detention are examined in the Bragadireanu group of cases. Regulation on the application of Law No. 254/2013 on the excution of penalties and custodial measures ordered by the judicial bodies during the criminal trial (No. 157) was adopted and published in the Official Bulletin No. 271/11 in April 2016. According to Article 145, corroborated by Article 249, said regulation, beneficiaries of the right to conjugal visits are sentenced prisoners, prisoners on remand and persons detained temporarily during the phase of criminal investigations. The judgment was translated, published and disseminated.
CM/ResDH(2016)71	**ROM / Csoma**	**8759/05**	**15/04/2013** 15/01/2013	***Protection of private life:*** *Medical procedure, necessary due to pregnancy complications leading to permanent inability to bear children, carried out without the applicant's informed written consent; disregard by the prosecutor in the ensuing criminal investigation, of decisive medical evidence, failing thus to clarify factual issues crucial for establishing a possible medical negligence; lack of effective judicial system for complaints of medical negligence. (Article 8)*	Erroneous application of Law No. 3/1978 on public health which established the requirement to obtain the patient's informed consent for medical interventions. A series of laws on public health service and patients' rights detailed the obligation to inform a patient about any surgical procedure proposed, the risks involved in the procedure, alternative treatment, and diagnosis and prognosis (Laws Nos. 3/1978 and 306/2004 on public health insurance; Law No. 74/1995 on the establishment and functioning of the College of Doctors; Law No. 46/2003 on patients' rights ("Law no. 46/2003"). A new Law no. 95/2006 on the reform of the medical sector allows for victims of medical negligence to seek compensation in the absence of a finding of guilt in criminal procedure. It introduced the notion of medical negligence as a basis for the liability of medical personnel and created an obligation on them to obtain insurance for any civil liability resulting from their work. Evolution of the administrative and judicial practice between 2005 and 2016: Several practioners were sanctioned by the National Medical

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					Order for their failure to obtain the patient's informed consent and compensation for malpractice was granted in several cases. The judgment was translated, published and disseminated. Training activities for medical staff were organised. See also Eugenia Lazar and Baldovin cases.
CM/ResDH(2016)130	**ROM / Danis and the Association of ethnic Turks**	**16632/09**	**21/07/2015** 21/04/2015	***Electoral rights and discrimination:*** *Entry into force 7 months before the parliamentary elections 2008 of a new legal eligibility condition imposed on the applicants in order to present their candidacy, unlike national minority organisations already represented in Parliament, which did not have to fulfill this new requirement. (Article 14 of the Convention taken together with Article 3 of Protocol No. 1)*	No individual measures necessary. Facts of the case relate very specifically to the elections 2008. The judgment was translated, published and disseminated.
CM/ResDH(2016)134	**ROM / Dumitru Popescu (No. 2)**	**71525/01**	**26/07/2007** 26/04/2007	***Protection of private life and correspondence:*** *Interception of telephone conversations during criminal proceedings by intelligence services on the basis of Law No. 51/1991 on national security, which lacked sufficient safeguards against arbitrariness. (Article 8)*	The applicant's request for reopening was dismissed. The intelligence services initiated legal proceedings in order to destroy the recordings no longer necessary. Amendments were brought to Law No. 51 of 29 July 1991 on national security and to Law No. 14 of 24 February 1992 on the organisation and operation of the Intelligence Service. These amendments (entry into force on 01/02/2014) aim at remedying the lack of safeguards for the respect of private life in the challenged legislation. The new legislation requires prior judicial authorization for the specific activities regarding the collecting of information by the intelligence services that may constitute interferences with private life. These requirements as well as the recent amendments brought to the legislation regarding the national security, are currently examined in the case Bucur and Toma v. Romania.
CM/ResDH(2016)133	**ROM /**	**23257/04**	**19/08/2015**	***Access to and efficient functioning of***	Reopening of proceedings is possible. Incorrect application by

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	Fălie		19/05/2015	***justice:*** *Failure of domestic court of last resort to analyse the merits of the applicant's civil action without justification on any legitimate grounds. (Article 6 §1)*	domestic courts of the applicable law. The judgment was translated, published and disseminated.
CM/ResDH(2016)137	**ROM / Georgel and Georgeta Stoicescu**	**9718/03**	**26/10/2011** 26/27/2011	***Protection of private life and access to and efficient functioning of justice:*** *Failure to comply with the obligation to protect the applicant's physical and psychological integrity due to lack of sufficient measures taken by the authorities in addressing the issue of stray dogs, combined with their failure to provide appropriate redress to the applicant as a result of the injuries sustained and lack of an effective right of access to a court due to dismissal of the applicant's civil case without an examination on the merits, on the ground that she had failed to identify the authority against which she should have brought her claim. (Articles 8 and 6 §1)*	The first applicant passed away. Regarding the development of legal framework in this matter, Emergency Ordinance no. 155/2001 (in force at the time of the events) was amended by Law no. 258, in force since 26/09/2013 providing for ways of tackling the stray dogs' issue, that is, their placement in public shelters, adoption and euthanasia, in specific conditions. According to the Authority for Surveillance and Protection of Animals (ASPA) attached to the Bucharest City Hall, that since September 2013, 59,229 stray dogs were captured out of which 25,575 dogs were adopted, 32,229 underwent euthanasia and the rest are still in public shelters. At present, an average number of 800 dogs are captured every month. The reported estimated number of the stray dogs in March 2013, before these measures being taken, was 64,704. According to information submitted by the Hospital for Infections and Contagious Illnesses "Victor Babes", 17 patients accused they had been bitten by stray dogs in 2013, 19 patients in 2014 and 4 patients in the first half of 2015. The new law is clear and foreseeable as to the authority against which a victim of stray dogs can bring a civil claim. The courts of Bucharest have developed a well-established case law in which the Authority for Surveillance and Protection of Animals has been obliged to pay damages for such aggressions occurred within the territory of Bucharest Municipality. In other cases, the city halls were found accountable for failing to tackle the stray dogs' issue when persons were injured by animals, and obliged to pay damages. The judgment was translated, published and disseminated.

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CM/ResDH(2016)131	**ROM / Milena Felicia Dumitrescu**	**28440/07**	**24/06/2015** 24/03/2015	***Protection against ill-treatment:*** *Lack of an effective investigation into assault allegations resulting in proceedings being time-barred and the accused exonerated. (Article 3 procedural limb)*	Reopening of the impugned decision was possible. Awareness-raising organised among judges, prosecutors and law-enforcement officers. The judgment was translated and published on the website of the Superior Council of the Magistracy; it was also sent to the courts of appeal, the prosecutor's office attached to the High Court of Cassation and Justice and to the General Police Inspectorate, for dissemination to all lower courts, prosecutor's offices and police units. As regards the unreasonable length of domestic proceedings, the issue is supervised in the Stoianova and Nedelcu group of cases.
CM/ResDH(2016)39	**ROM / Moldovan and Others No.1+2 and 1 other case**	**41138/98+**	**05/07/2005**	***Discrimination and access to the efficient functioning of justice, protection against ill-treatment and protection of private and family life and home:*** *Length and result of domestic proceedings brought by Roma villagers following racially-motivated violence in 1993 in the locality of Hădăreni (Mureş County); improper living conditions following the destruction of their homes amounting to ill-treatement; general discriminatory attitude of the authorities, including their prolonged failure to put an end to the breaches of the applicants' rights. (Articles 3, 6, 8, 13, and 14 in conjunction with Articles 6 and 8)*	Just satisfaction and the sums awarded in the friendly settlements accepted by one part of the applicants were paid. Some applicants left, others continue to reside in Hădăreni and respective measures were adopted on community level. General measures already taken and issues outstanding in June 2011 were presented in document CM/Inf/DH(2011)37. Remaining issues concerned the reconstruction/renovation of certain houses destroyed in the conflict, the construction of a community medical dispensary and of an industrial building, the acquisition of equipment, the finalisation of the local cultural centre, school and kindergarten as identified by the inter-institutional working group co-ordinated by the Private Office of the Deputy Prime Minister. As difficulties in clarifying the legal status of the lands on which the houses are to be rebuilt persisted, the working group, joined meanwhile by the relevant local and departmental authorities, submitted its proposals in November 2013. On 28/04/2014, the Prime Minister approved the new strategy. A legal framework for financing the construction of a local medical centre and an industrial hall for the manufacturing of concrete products for construction works was approved by Parliament in June 2015. Representatives of the working group and NGOs from Mureș County as well as national NGOs agreed on additional measures

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					with regard to education and the training of adult. A visit of representatives of the working group, the General Police Inspectorate, the Regional Bureau for Roma – organised within the Institution of the Prefect of Mureş County – and of the National Agency for Roma to Târgu Mureș and Hădăreni took place in September 2015 to evaluate risks of interethnic violence and to discuss issues related to education, health, employment and housing needs with community representatives. It showed that the risk of violence was low, that, however, awareness of the importance of education still needed improvement. The housing situation in the community was considered satisfactory. An integrated training programme in the field of non-discrimination, bringing together officials from the Chețani city hall, teachers, medical personnel and officials from the county administration is planned. Communication between authorities and the community and between communities themselves needs strengthening. In order to monitor the overall situation in Hădăreni, an efficient annual reporting system shall be put in place, involving local and county authorities (the mayor of Chețani and the county level Bureau for Roma).
CM/ResDH(2016)170	**ROM / Morar**	**25217/06**	**07/10/2015** 07/07/2015	***Freedom of expression:*** *Criminal conviction and civil liability of a journalist working for a satirical weekly for defamation against the political adviser to an electoral candidate. (Article 10)*	Just satisfaction paid; conviction erased from the applicant's criminal record. For general measures see CM/ResDH(2011)73 in Dalban. Insult and defamation are no longer identified as offences in the new Penal Code in force since 01/022014.
CM/ResDH(2016)151	**ROM / Nicolau and 79 other cases**	**1295/02+**	**03/07/2006** 12/01/2006	***Access to and efficient functioning of justice:*** *Excessive length of civil or criminal proceedings and the absence of an effective remedy in this respect; interference with property rights; in some cases the lack of effective means*	Proceedings at issue in these cases were completed. Wide-ranging judicial reform completed in September 2013 addressed i.a. excessive length of civil and criminal proceedings. New Codes of Civil and Criminal Procedure introduced a number of measures: diversification of the methods by which judicial acts can be served, simplification of the contentious

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				to obtain payment of compensation awarded by courts due to the excessive length of proceedings; unfairness of proceedings; lack of access to court due to excessive court fees require; delayed enforcement of a final court decision. (Articles 6 §1, 13 and 1 of Protocol No. 1)	procedure and improvement of the system of evidence-taking; in criminal matters broadening the scope of conciliation, streamlining of the stages of the ordinary procedure, simplified procedures and limitation of the possibility of referring cases back to the prosecutor's office. In both matters, the reform simplified the appeals system: suppression of the possibility to lodge appeals on points of law for certain types of disputes, introduction of more restrictive admissibility criteria when this appeal remains available to the parties and restriction of the possibilities for the appellate courts to quash a ruling and refer the case back to the first instance court. To ensure the viability of the reform, the authorities increased the budget of the Ministry of Justice by 46% between 2013 and 2015, allowing the creation of 390 posts for judges and auxiliary staff. The judicial organisation will be reformed by merging or suppressing a number of first instance courts and prosecutors' offices. The Superior Council of Magistracy SCM monitors the performance of the courts, using a methodology inspired in particular by the SATURN Guidelines developed by the CEPEJ. In case of under-performance, the SCM determines the measures to improve the efficiency of the court at issue. The Public Prosecutor's Office carries out reinforced monitoring of criminal proceedings pending for more than two years before prosecutors' offices. Preliminary data show a decrease in the backlog and a slight decrease in the average length of civil proceedings between 2013 and 2015. The average length of criminal proceedings increased between 2014 and 2015 (from 118.9 to 137.4 days), but the authorities indicate that this is a transitional situation, related to the efforts made by the criminal courts to adapt to the substantial changes introduced by the new Code of Criminal Procedure. The new Codes introduced accelatory remedies. A compensatory remedy consists of a civil action against the State: several shortcomings of this remedy, have been overcome and no longer hinder its effectiveness. The impact of these measures and the questions

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					related to the setting up of effective remedies in this field will be examined in the context of the remaining cases of the groups of Nicolau and Stoianova and Nedelcu, and in particular Vlad and Others, where the judgment contains relevant indications for the execution under Article 46 of the Convention. General measures required in response to the other violations in some of these cases were examined in the group of cases Săcăleanu, the case of Weissman and others (Final Resolution CM/ResDH(2011)249) and the Calmanovici group (Final Resolution CM/ResDH(2014)13) as well as in the case of Albina (Final Resolution CM/ResDH(2010)181).
CM/ResDH(2016)169	**ROM / Opris and 1 other case**	**15251/07+**	**23/09/2015** 23/06/2015	***Access to and efficient functioning of justice and protection of rights in detention:*** *Criminal conviction for drug trafficking following active incitement by State agents and failure by the domestic courts to duly examine the applicants' plea of entrapment; conditions of detention amounting to ill-treatment in the second case. (Article 6 §1 and 3)*	The applicants may request the reopening of the impugned proceedings under Article 465 of the Code of Criminal Procedure. The second applicant was released. For general measures with regard to incitement, see Final Resolution CM/ResDH(2013)40) in Constantin and Stoian. The new Code of Criminal Procedure of 2014 reinforced the guarantees instituted by the former CCP and by Law No. 143/2000 on the prevention and control of illicit drug traffic and guarantees the obligation of courts to analyze all the relevant elements brought before them regarding the use of undercover agents. Conditions of detention are examined in general measures required in the Bragadireanu group of cases.
CM/ResDH(2016)50	**ROM / Pop and Others**	**31269/06**	**24/06/2015** 24/03/2015	***Access to and efficient functioning of justice:*** *Lack of independence and impartiality of the military courts which convicted civilians for trafficking in visa. (Article 6 § 1)*	Reopening of criminal proceedings possible. At the time of the events, civilians could be tried by military courts if accused of committing offences together with military personnel. According to Article 35 (2) of the Code of Criminal Procedure, as amended by Law No. 356/2006, in case of indivisibility or connection if one of the courts is a civil court and the other one is a military court, the competence belongs to the civil court. For general measures see Mazsni closed by final Resolution CM/ResDH(2013)168.

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CM/ResDH(2016)132	**ROM / S.C. Uzinexport S.A.**	**43807/06**	**30/06/2015** 31/03/2015	***Access to and efficient functioning of justice:*** *Dismissal by the High Court of Cassation and Justice of a claim by a company seeking to obtain default interest for late payment in respect of a sum owed to it by the State as out of time; arbitrary decision incompatible with the principle of legal certainty. (Article 6 §1)*	Reopening of proceedings is possible. Erroneous interpretation by High Court of Cassation. The judgment was translated, published and disseminated.
CM/ResDH(2016)171	**ROM / Samoilă**	**19994/04**	**16/10/2015** 16/07/2015	***Access to and efficient functioning of justice:*** *Final judgment of the Bucharest Court of Appeal in the applicant's action in insolvency proceedings for repayment of the amount owed to him by the debtor company referred only to twelve companies as having lodged the appeal without mentioning the applicant as a party to the proceedings. (Article 6 §1)*	Insolvency proceedings were finalised and no reopening of the impugned proceedings is possible. Punctual omission of the Court of Appeal. The judgment was translated, published and disseminated.
CM/ResDH(2016)168	**ROM / Tăutu**	**17299/05**	**09/05/2010** 09/02/2010 (Merits) **28/10/2015** 28/07/2015 (Just satisfaction)	***Access to and efficient functioning of justice and protection of property:*** *Supreme Court's annulment of a final court decision granting the applicant's action to establish a title concerning a plot of land, lodged against a third party. (Articles 6 § 1 and 1 of Protocol no. 1)*	Just satisfaction paid. For general measures see Final Resolution CM/ResDH(2007)90 in Brumarescu.
CM/ResDH(2016)88	**ROM / Zaieţ**	**44958/05**	**24/06/2015** 24/03/2015	***Protection of family life:*** *Annulment of an adoption order, 31 years after its issue and at the request of the adoptee's sister without relevant and*	Inappropriate examination of the applicant's action and erroneous motivation of the domestic decisions. The judgment was translated, published and disseminated.

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				sufficient reasons. (Articles 8 §1 and1 of Protocle No. 1)	
CM/ResDH(2016)72	**RUS / Konovalova**	**37873/04**	**16/02/2015** 09/10/2014	***Protection of private life:*** *Unlawful presence of medical students during the birth of the applicant's child resulting from the lack of sufficient procedural safeguards in domestic law regulating this matter. (Article 8)*	A set of rules regulating the participation of medicine students was adopted in 2007 in the form of Order no. 30 of the Ministry of Healthcare and Social Development under the Healthcare Act. This order required the patient's consent for such participation. On 01/01/2012 the new Federal Law "On the Fundamental Health Protection Principals" entered into force. Pursuant to the Act and the Federal Law "On Personal Data", information concerning medical consultation, an individual 's health, his or ber diagnosis and other data obtained in the course of rnedical examination or treatment shall be considered as confidential (medical secrecy). In addition, the order of the Ministry of Healthcare adopted in 2013 under the Education Act 2012 provides that such participation is only possible with the consent of the patients or their lawful representatives, in accordance with medical ethical standards and under supervision of the teaching staff and/or medical institution staff. The judgment was translated, published and disseminated.
CM/ResDH(2016)152	**SER / Bjelajac and 10 other cases**	**6282/06+**	**18/12/2012 18/09/2012**	***Access to and efficient functioning of justice and/or protection of property:*** *Length of proceedings and failure to enforce a final domestic decisions. (Articles 6 §1 and/or 1 of Protocol No. 1)*	The domestic decisions were enforced. Measures were taken with a view to ensuring the effectiveness of the enforcement of decisions in civil, commercial and family-related matters, as well as eviction orders within the context of the special "protected tenancy regime". The exact number of unenforced decisions rendered against socially-owned companies in respect of salary arrears and the amount of aggregate debt was established. The measures aimed at ensuring the enforcement of decisions rendered against municipal authorities, demolition orders in respect of unauthorised constructions and decisions rendered in the pension matters remain under examination. The new remedy in respect of excessive length of enforcement proceedings and further measures required will be examined in

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					the context of the remaining cases of the EVT Company group.
CM/ResDH(2016)175	**SUI / Dembele**	**74010/11**	**17/02/2014** 24/09/2013	***Protection against ill-treatment: Unjustified use of force amounting to*** *inhuman treatment by the police during an identity check, including the use of batons; lack of the requisite diligence and unjustified delays in the investigation of the complaint. (Article 3 substantive and procedural limb)*	The applicant did not request reopening of proceedings. The judgment was published and disseminated to all authorities concerned. According to the Federal Court's well-established case-law, in case of alleged ill-treatment a prompt and impartial investigation must be conducted. As regards the Canton of Geneva in particular, a general service inspection was established in 2008, that is after the events in question. This body deals with grievances against members of the police corps. The applicant's case would thus no longer be treated in the same manner. On the judicial level, respective complaints are treated more swiftly and in a more in-depth manner than in the past. A brochure elaborated by the cantonal police of Berne and different NGOs aiming at ensuring the correct handling of notably identity checks is used by the majority of police corps.
CM/ResDH(2016)76	**SUI / Haldimann and Others**	**21830/09**	**24/05/2015** 24/02/2015	***Freedom of expression:*** *Conviction of four journalists for secretly filming an interview with an insurance broker (the broker's face had been pixelated and his voice had been altered) and subsequently broadcasting it in a documentary on the poor quality of the advice provided by private insurance brokers. (Article 10)*	The Federal Court quashed the applicants' convictions. Deficient assessment by the Federal Court of the circumstances in this particular case. The judgment was translated, published and disseminated.

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CM/ResDH(2016)182	**SUI / Mäder**	**6232/09**	**08/03/2016** 08/12/2015	***Protection of rights in detention:*** *Lack of a speedy review of the lawfulness of the applicant's detention from the psychiatric clinic where he was detained on grounds of protective care due to an obligation to obtain a decision on release from a guardianship authority before being able to apply to a court. (Article 5 §4)*	The applicant was released from the psychiatric clinic. The Court's judgment was published and disseminated, including to the authorities directly concerned. On 01/01/2013 amendments to the Swiss Civil Code entered into force. Article 439 of the Civil Code now provides that the detention/placement in a medical institution without consent of the person concerned can be appealed directly to the court.
CM/ResDH(2016)34	**SVK / Ďurd'ovič and Trančikova**	**16639/11**	**07/01/2015** 07/10/2014	***Access to and efficient functioning of justice:*** *Lack of access to Constitutional Court due to a restrictive requirement, imposed by the Constitutional Court's practice at the relevant time, according to which the time-limit to lodge a constitutional complaint was not respected if the Supreme Court rejected an appeal on point of law as inadmissible (6 §1).*	Folowing a legislative amendmend in September 2014, reopening of proceediings before the Constitutional Court is possible. The applicant's request for reopening was allowed by the Constitutional Court on 27/10/2015. The case presents certain similarities to Franek closed by CM/ResDH(2015)12 in the light of a change in practice of the Constitutional Court. More recent examples dating 2011-2014 confirming this practice were submitted.
CM/ResDH(2016)75	**SVK / Horváth and 3 other cases**	**5515/09+**	**27/02/2013** 27/11/2012	***Protection of rights in detention:*** *Excessive length of proceedings related to the applicants' requests for release from detention on remand. (Article 5§4)*	The applicants were released. All cases were isolated incidents. The judgment was published in the Judicial Revue No. 12/2011 and sent by the Minister of Justice to the President of the Constitutional Court. Training activities were organised by the Judicial Academy. As regards the compensation awarded in cases of excessive length of proceedings for review of the lawfulness of detention, examples of judgments submitted allowed to observe that the practice of the Constitutional Court concerning the providing of appropriate redress in cases of violation of Article 5 § 4 had evolved.
CM/ResDH(2016)138	**SVK / Kovárová**	**46564/10**	**23/09/2015** 23/09/2015	***Access to and efficient functioning of justice:*** *Lack of access to the Constitutional Court due to rejection of*	Article 133 of the Constitution (effective 01/09/2014) offers a new option of reopening of the impugned Constitutional Court proceedings. For general measures see CM/ResDH(2012)221 in

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				the relevant part of the applicant's constitutional complaint due to excessive formalism in the assessment of compliance with the relevant procedural time limit. (Article 6 §1)	Stavebna spolocnosr TATRY Poprad,s.r.o. and CM/ResDH(2015)12 in Franek. The Constitutional changed its practice: in case of concurrent lodging of the appeal on points of law and the constitutional complaint, the constitutional complaint is admissible only after the decision of the Supreme Court on the appeal on points of law. However, the statutory time-limit is considered to be preserved not only in respect of the decision on appeal on points of law but also in respect of the previous decision against which the appeal on points of law has been lodged. The judgment was published and disseminated.
CM/ResDH(2016)16	**SVK / Mikolajova**	**4479/03**	**18/04/2011** 18/01/2011	***Protection of private life and presumption of innocence :*** *Disproportionate interference with the right to protect one's reputation due to the disclosure by police of a decision stating that the applicant had committed an offence, even though no criminal proceedings had been brought against her and lack of any available recourse to obtain a subsequent retraction or clarification of the terms in the police decision. (Articles 6 §2 and 8)*	One off-case. The applicant's case was reexamined and a new decision given deleting the criminal record. The judgment was translated, published and disseminated in particular to the Consitutional Court, the General Police Corps and the General Prosecutor's Office drawing attention to the fact that the existing remedy (petition to the Public Prosecution Service according to Article 31 of the Public Prosecution Service Act) was not properly applied in the circumstances of the present case.
CM/ResDH(2016)17	**SVK / Mizigarova**	**74832/01**	**14/03/2011** 14/12/2010	***Right to life:*** *Failure of authorities to protect the health and well-being of the applicant's husband of Roma origin, who allegedly committed suicide while in police custody, and failure to conduct an independent and effective investigation. (Article 2 substantive and procedural limb)*	Investigation cannot be reopened due to the suicide of the police officer involved. Allocating, carrying and storing service weapons during performance of official duties is ruled by a respective Resolution of the Ministry of Interior of 1995. The compliance with the Resolution is regularly monitored and members of the Police Corps are educated in this respect. One prosecutor in each judicial district, a special police department within the office of the head of police and in each police district deal with extremism and 231 police officers specialised in

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					minorities/ Roma issues operate at the level of regional police departments. The police undergo periodic training on measures to combat new forms of extremist criminal acts and to prevent the excessive use of police force against Roma. An increase of the number of police officers of Roma origin is planned. A Committee for Prevention and Elimination of Racism, Xenophobia, Anti-Semitism and Other forms of Intolerance acts as an advisory body under the Ministry of Interior. As of August 2013 any investigation related to extremism must be conducted by a police investigator (not any more by an ordinary police officer). An amendment to section 115 of the Code of Criminal Procedure is envisaged to allow the use of wire-tapping also in the investigation of extremist offences. The possibility of a mandatory requirement to record all interventions by security forces on an audio-visual tape is under consideration. Police also undergo periodic training on measures to combat new forms of extremist criminal acts and to prevent excessive use of force against Roma. In case of alleged criminal acts committed by a police officer, investigation is conducted by a fully independent inspection service, not related to the Police Corps, carrying out operative-inquisitive actions and criminal investigation. The judgment was published and disseminated and is used in the training of judges, prosecutors and members of the Police Corps.
CM/ResDH(2016)18	**SVK / Trancikova**	**17127/12**	**13/04/2015** 13/01/2015	***Access to and efficient functioning of justice:*** *Unfair civil appeal proceedings, in particular because the defendant's observations in response to the applicant's appeal had not been communicated to her and because her appeal had not been heard publicly. (Article 6)*	The applicant did not request reopening of proceedings. According to the Supreme Court's meanwhile established case-law, the lower-court's judgment is automatically quashed with reference to Article 237 of the Code of Civil Procedure and the case returned to re-examination, if a party to the civil proceedings lodges the appeal on points of law due to the failure to forward a copy of the other party's written observations in appellate proceedings. The judgment was translated, published and disseminated.

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CM/ResDH(2016)112	**SVN / Kuric and Others**	**26828/06**	**26/06/2012 (Merits) 12/03/2014 (Just satisfaction)** Grand Chamber	***Protection of private and family life and discrimination**: Automatic deprivation without prior notification of the applicants' status as permanent residents in Slovenia after its declaration of independence. The "erasure" of the resident status concerned former citizens of the Socialist Federal Republic of Yugoslavia (the "SFRY") with permanent residence in Slovenia and citizenship of one of the other SFRY republics at the time of Slovenia's declaration of independence; lack of an effective remedy in respect of the status deprivation; discrimination of the applicants whose situation was significantly altered after independence in comparison to aliens who did not originate from other SFRY republics (Articles 8, 13 and 14, both in conjunction with 8).* *The Court applied the pilot-judgment procedure and requested the respondent State to introduce within one year after the judgment became final (i.e. by 26/06/2013), an ad hoc domestic compensation scheme for the "erased" who are still denied compensation for the infringement of their fundamental rights. At the same time, the Court decided to adjourn for one year the examination of all similar applications pending the adoption of the remedial measures at issue.*	**Pilot judgment** - The applicants' residence status was regularised and the just satisfaction for pecuniary and non-penuniary damage paid. The Act on Compensation for Damage to Persons Erased from the Register of Permanent Residents entered into force on 18/12/2013 and became applicable on 18/12/2014. Beneficiaries of the compensation scheme are defined as those "erased" persons who have acquired a permanent residence permit or citizenship as well as those "erased" persons who made an unsuccessful application to that effect under the legislation applicable prior to the enactment of the Amended Legal Status Act 2010. Special attention was thus devoted to develop a proper solution with regard to those whose applications for citizenship or permanent residence permits had been rejected. Claims for compensation under the Act will have to be filed no later than three years after its entry into force or after notification of the decision on permanent residence or citizenship. The amount of compensation is calculated on the basis of a lump sum of 50 EUR for each completed month of "erasure" covering both pecuniary and non-pecuniary damage sustained. The amount of compensation took into account the current financial situation and considerations relating to the welfare State. In addition, claims for additional compensation can be lodged under the general rules of the Code of Obligations. Beneficiaries are entitled to other forms of allowances: compulsory health insurance, benefits and preferential treatment under social security programmes; access to other forms of public assistance and State grants; benefits and preferential treatment in the matter of housing (non-profit rent); access to the education system; and, lastly, preferential treatment under programmes for aliens who are not citizens of EU member States, with a view to their integration into cultural, economic and social life. Adequate funds have been set aside to meet the compensation claims. The actual amount paid as pecuniary compensation claimed through administrative and judicial proceedings in 2014 and

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					2015 stood at EUR 3 972 128.63 and EUR 5 137 542.37, respectively. The 2016 and 2017 budgets have foreseen a total of EUR 7 110 200 and EUR 10 007 000 for compensation, respectively. By 26/02/2016, 7 268 claims for the determination of financial compensation in administrative proceedings were lodged and 7081 decisions adopted, amounting to 97.5 % of the claims. The Legal Status Act was amended in 2010 in order to regulate its incompatibilities with the Constitution entering into force on 24/07/2010. These legislative and other developments in the practice of domestic authorities, secured the regulation of the residence status of the "erased". The Act provided for the acquisition of both *ex nunc* and *ex tunc* (that is, since 26/02/1992) permanent residence permits by the "erased" persons "actually residing" in Slovenia. By July 2013, 10 046 of the 25 671 "erased", including 5 360 minors, had settled their residence status (2 807 by acquisition of a permanent residence permit and 7 239 by acquisition of Slovenian citizenship). By January 2016, 1 907 requests for permanent residence were lodged (of these, 1 608 had been filed by erased citizens, 70 by children of the erased persons, and 229 by citizens of other republics of the SFRY who have resided in Slovenia uninterruptedly since 25/06/1991). By January, 2016, a total of 259 permanent residence permits had been issued (of these 217 to the erased), 1 395 requests for permanent residence permit had been rejected and 253 are pending. 933 requests for a special ex tunc decision had been filed, 254 by the "erased", 70 by the children of the "erased", and 609 by nationals who had been erased before acquiring citizenship. 612 of such requests were granted (111 to the "erased", 39 to the children of the "erased", and to 462 citizens) while 255 requests were rejected, and 66 remain pending. The judgment was translated, published and disseminated. Awareness-raising measures were organised to inform potential beneficiaries of the compensation scheme.

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CM/ResDH(2016)141	**SWE / Lucky Dev**	**7356/10**	**27/02/2015** 27/11/2014	***Access to and efficient functioning of justice:*** *Conviction in tax proceedings despite an acquittal in criminal proceedings for the same offence. (Article 4 Protocol No. 7)*	The applicant's claim for non-pecuniary damages to the Chancellor of Justice was rejected on 13/11/2015 on the ground that she had been fully compensated by the just satisfaction awarded by the ECHR. The applicant has the option of bringing an action for damages against the State in the general courts or to apply for a re-opening of the tax proceedings with the Supreme Administrative Court, in accordance with Section 37 b of the Administrative Court Procedure Act, invoking the ECHR's judgment. Amendments to relevant legislation ensuring the respect of the principle of ne bis in idem entered into force on 01/01/2016. A new provisions in the Tax Procedure Act prohibits the Tax Agency from deciding on tax surcharges if a prosecutor already initiated proceedings on tax offences concerning the same individual and relating to the same error or omission. Conversely, a new provision in the Tax Offences Act prohibits proceedings on tax offences if the Tax Agency has decided on tax surcharges. In conformity with the principle of lis pendens, these provisions go further than the requirements of Article 4 of Protocol No. 7, which provide protection only once a matter has become res judicata. The judgment was translated, published and disseminated.
CM/ResDH(2016)140	**SWE / Olsby**	**36124/06**	**21/09/2012** 21/06/2012	***Access to and efficient functioning of justice:*** *Lack of access to a court due to dismissal of an appeal against an attachment order on formal grounds even though it had been submitted within the prescribed time-limit. (Article 6 §1)*	Amendments of the relevant legislation entered into force on 01/01/2016. According to Chapter 18, Section 7, third paragraph of the Enforcement Code, an order for the distribution or payment of attached funds to the creditor can be appealed against by the debtor within the same time-limit as is prescribed for an appeal against the attachment order, if the time-limit for the attachment order expires later. Hence, the order for distribution or payment will not be final until the time-limit for an appeal against the attachment has passed. The judgment was translated, published and disseminated.
CM/ResDH(2016)114	**TUR /**	**48888/09**	**10/06/2015**	***Access to and efficient functioning of***	Impugned proceedings were closed. General measures: The

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	Behçet Taş		10/03/2015	***justice:*** *Excessive length of civil proceedings before administrative courts (Article 6 §1)*	case falls under the Ormanci group of cases which was closed by Final Resolution CM/ResDH(2014)298). The judgment was translated, published and disseminated.
CM/ResDH(2016)115	**TUR / Fatma Nur Erten and Adnan Erten**	**14674/11**	**25/02/2015** 25/11/2014	***Access to and efficient functioning of justice:*** *Denial of a fair trial on account of the fact that the applicant's rectification request of the initially requested compensation amount was rejected by the Supreme Military Administrative Court for being lodged out of the statutory deadlines. (Violation of Article 6§1)*	As a result of reopened proceedings the applicants were awarded the amount claimed as compensation. Article 46 of the Law No. 1602 was amended in April 2013. The current law allows for one adjustment request to be made before the domestic judgment becomes final. The judgment was translated, published and disseminated.
CM/ResDH(2016)116	**TUR / Güzel Erdagöz**	**37483/02**	**06/04/2009** 21/10/2008	***Protection of private life:*** *Domestic court's refusal of the applicant's request for rectification of her name lacking a clearly established legislation or sufficient and relevant reasoning.(Article 8)*	As a result of reopened proceedings, the applicant's name was rectified as demanded. The Civil Code (Law no. 4721) was amended in 2003 and the Civil Registration Act (Law no. 1587) was repealed in 2006 allowing to request name changes on justified demand. The assessment of the reason put forward shall be made by the judge on case-by-case basis. Change of the Court of Cassation`s case-law inasfar applications for name change cannot be dismissed on the ground that the requested name is not available in Turkish language. The judgment was translated, published and disseminated.
CM/ResDH(2016)143	**UK / R.E.**	**62498/11**	**27/01/2016** 27/10/2015	***Protection of private life:*** *Covert surveillance of a detainee's consultations with his lawyer and the person appointed to assist him, as a vulnerable person, following his arres; tlegal regime failed to provide sufficient safeguards for the protection of material obtained by covert surveillance of lawyer-client consultations. (Article 8)*	The covert surveillance ended in 2010. The legal lacuna was rectified on 22/06/2010 when the Implementing Code to provide for the secure handling, storage and destruction of material obtained through covert surveillance was brought into operation. The judgment has been published and disseminated.

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CM/ResDH(2016)20	**UK. / Piper**	**44547/10**	**27/07/2015** 21/04/2015	***Access to and efficient functioning of justice:*** *Excessive length of criminal proceedings to seize assets under the 1994 Drug Trafficking Act, which allows the State to confiscate assets equivalent in value to the proceeds received from drug trafficking. (Article 6 § 1)*	The delays involved were the result of error rather than any systemic fault. The judgment was published and disseminated.
CM/ResDH(2016)79	**UKR / Chorniy**	**35227/06**	**16/08/2013** 16/05/2013	***Access to and efficient functioning of justice and protection of property:*** *Failure of judicial authorities to provide the applicant with adequate facilities for the preparation of his defense in a criminal case by not serving upon him a copy of an appeal court's decision in due time. (Article 6 §3(b) in conjunction with Article 6 § 1)*	Reopening of proceedings was not requested. The present case resulted from the "malpractice of the national courts" and, therefore, no legislative changes were required. Information on the publication and dissemination of the judgment, together with an explanatory note, to all the authorities concerned, was provided.
CM/ResDH(2016)36	**UKR / Pichkur**	**10441/06**	**07/02/2014** 07/11/2013	***Discrimination with regard to property rights:*** *Entitlement to the pension dependent on the retired person's place of residence, resulting in the applicant's deprivation of his entitlement on the ground that he no longer lived in Ukraine. (Article 14 in conjunction with a of Protocol No. 1)*	The applicant did not ask for review of the impugned proceedings. On 09/10/2009, the Constitutional Court declared the practice of depriving non-residents of their pension entitlement unconstitutional and invited Parliament to adopt legislation in conformity with its decision. The Pension Fund resumed payment of pension to the applicant from the date of the Constitutional Court's decision. The judgment was translated, published and disseminated.
CM/ResDH(2016)91	**UKR / Shapovalov**	**45835/05**	**31/10/2012** 31/07/2012	***Access to and efficient functioning of justice and protection of property:*** *Termination of proceedings instituted by a journalist challenging a local electoral commissions' refusals to give him copies of its decisions and to allow him to attend its meetings without*	The applicant could to apply for the review of the impugned proceedings. The right and procedure of challenging of decisions, actions or omissions of the election commissions is now regulated by Article 172 of the Code of Administrative Procedure of 2005. The judgment was translated, published and disseminated.

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				examination of the merits on the ground that he had allegedly lodged it under the wrong provisions of the Code of Civil Procedure. (Article 6 § 1)	
CM/ResDH(2016)92	**UKR / Zagorodniy**	**27004/06**	**24/02/2012** 24/11/2011	***Access to and efficient functioning of justice:*** *Unlawful restriction of the right to a free choice of defence counsel arising from the continuous uncertainty in the relevant domestic legislation as to whether only licensed advocates could be defence counsels.(Artcile 6 §§ 1 and 3)*	The impugned proceedings were reopened. On 13/04/2012 Parliament adopted the new Code of Criminal Procedure. According to its Article 45 the defence counsel is an advocate who protects the rights of the suspect, accused, convicted, acquitted person or the person subject to compulsory medical or educational measures and/or extradition. Information on the advocate is included in the Unified Register of Advocates. Thus, only duly licensed advocates are now entitled to participate in criminal proceedings ensuring that the legal aid provided is qualified and effective. The judgment was translated, published and disseminated. The ECHR's conclusions in the above judgment were transmitted to the Cabinet of Ministers of Ukraine and to the judges of the relevant domestic courts.