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Introduction

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

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

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

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PartOne

GENERAL INFORMATION

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

This information was issued during the period under observation (1-30 November 2016) by the European Court of Human Rights, the European Committee of Social Rights, the Committee of Ministers, the Parliamentary Assembly and other Council of Europe monitoring mechanisms.

PartOne

§1 - EUROPEAN COURT OF HUMAN RIGHTS

A. Judgments

1. Judgments deemed of particular interest to the NHRs

The judgments presented under this heading are the ones for which a separate press release is issued by the Registry of the Court as well as other judgments considered relevant for the work of the NHRs. They correspond also to the themes addressed in the Peer-to-Peer Workshops. The judgments are thematically grouped. The information, except for the comments drafted by the Directorate of Human Rights, is based on the [press releases of the Registry of the Court](#).

Some judgments are only available in French.

Please note that the Chamber judgments referred to hereunder become final in the circumstances set out in Article 44 § 2 of the Convention: “a) when the parties declare that they will not request that the case be referred to the Grand Chamber; or b) three months after the date of the judgment, if reference of the case to the Grand Chamber has not been requested; or c) when the panel of the Grand Chamber rejects the request to refer under Article 43”.

Note on the Importance Level:

According to the explanation available on the Court’s website, the following importance levels are given by the Court:

1 = High importance, Judgments, which the Court considers, make a significant contribution to the development, clarification or modification of its case law, either generally or in relation to a particular state.

2 = Medium importance, Judgments, which do not make a significant contribution to the case law but nevertheless do not merely apply existing case law.

3 = Low importance, Judgments with little legal interest - those applying existing case-law, friendly settlements and striking out judgments (unless these have any particular point of interest).

Each judgment presented in section 1 and 2 is accompanied by the indication of the importance level.

- **Right to life (Art. 2)**

MURADYAN V. ARMENIA (No. 11275/07) - Importance 2 - 24 November 2016 - Violation of Article 2 - Domestic authorities failure

This case concerned the death of the applicant’s son (Suren), a military who had died from a ruptured spleen, allegedly from ill-treatment by his superiors.

The Court first focuses on the alleged violation of Article 2 under its procedural aspect. It had doubts as to the official explanation – namely accidental contact with the Suren’s abdomen during an argument in public with his superiors – for that fatal injury. The Court noted in particular a number of serious flaws in the investigation. First, witness statements obtained from other servicemen suggested that Suren had only started to feel unwell after he had been taken on a number of occasions to the office of his military

unit's acting commander. Despite this evidence, the three high-ranking officers concerned had not immediately been isolated and had only been questioned two, three and ten days later. The Court also noted that those officers' denial of any ill-treatment during their questioning had been readily accepted, without further inquiries. Furthermore, as concerned the two servicemen who had been summoned to the acting commander's office at the same time as Suren, it could not be ruled out that they had not spoken of any ill-treatment when making their statements because they feared reprisals in the military unit where they were still serving. Nor had the authorities taken any protective measures – such as those servicemen's transfer to another unit – to guarantee their safety. Finally, the Court noted that no attempts had been made at all to clarify medically the Suren's death.

The Court therefore concluded that the authorities had failed to carry out an effective investigation into the circumstances in which Suren had sustained a ruptured spleen and died, in violation of Article 2.

For that reason, the Court also concluded that there had been a violation of Article 2 in its substantive aspect.

Article 41 (Just satisfaction)

The Court held that Armenia was to pay the applicant EUR 50,000 in respect of non-pecuniary damage and EUR 165 for costs and expenses.

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

MUSTAFA HAJILI V. AZERBAIJAN (No. 42119/12) - Importance 1 - 29 November 2016 - Violation of Article 3 - Ill-treatment in police custody

The applicant was editor-in-chief of the Demokrat newspaper. The case concerned his allegations that, after attempting to attend a protest, he had been arrested by police and assaulted by officers whilst in custody.

The Court first held that the applicant had produced sufficiently strong evidence that he had been assaulted in the police station. In particular, this was because the existence of a bruise on his calf had been established by a forensic medical report; the report had found that the injury had been inflicted by a hard blunt object at a time corresponding to the date. The Court took the view that, though the injury had not required medical intervention, it must have caused the applicant physical pain and suffering, in addition to mental suffering and a loss of human dignity. For these reasons, the Court found a violation of the substantive part of Article 3.

As to the obligation to carry out an effective investigation, the Court noted that the prosecutor had refused to institute criminal proceedings. The Court also found that the inquiry itself had been subject to numerous shortcomings. The domestic authorities had failed to take all of the measures reasonably available to them to secure relevant evidence. In particular, they had failed to obtain video recordings from the security cameras covering the temporary detention where the events took place. The investigator in charge of the case had also failed to order a face-to-face confrontation between the applicant and the police officers. The Court therefore found that the investigation of the applicant's claim of ill-treatment had been ineffective, and there had been a violation of the procedural limb of Article 3.

Article 41 (Just satisfaction)

The Court held that Azerbaijan was to pay the applicant EUR 10,000 in respect of non-pecuniary damage, and EUR 3,000 in respect of costs and expenses.

Right to liberty and security (Art. 5)

KIRIL ZLATKOV NIKOLOV V. FRANCE ([IN FRENCH ONLY](#)) (Nos. 70474/11, 68038/12) - Importance 2 - 10 November 2016 - No violation of Article 5 § 3 - Justified waiting period of almost four days before appearing before an investigating judge

The case concerned the applicant's complaint that he had not been "brought ... before a judge or other officer authorised by law to exercise judicial power" "promptly" after his handover to the domestic authorities.

The Court reiterated that it had already held that an investigating judge is "a judge or other officer authorised by law to exercise judicial power" within the meaning of that provision, with responsibility for assessing the "merits" of the detention. The Court observed that where the same judge then decided, following the person's initial questioning, whether he or she should be placed under formal investigation or released, that judge should re-verify the cogency of the evidence against them, and that judge therefore had already formed some kind of opinion when deciding this matter. Nevertheless, the second decision was taken after the applicant had been questioned and had therefore had an opportunity to provide the judge with information or viewpoints capable of changing the latter's assessment. The Court concluded that the applicant had been brought before "a judge or other officer authorised by law to exercise judicial power". The Court noted that the period when the applicant had been brought before a judge after his handover to the domestic authorities complied with domestic law. The Court considered that the circumstances of the case provided sufficient justification for not bringing the applicant before the investigating judge any sooner.

Therefore, there had been no violation of Article 5 § 3 of the Convention.

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

[LHERMITTE V. BELGIUM](#) (No. 34238/09) - Importance 1 - 29 November 2016 - No violation of Article 6§1 - Sufficient safeguards to ensure the applicant with the understanding of her guilty verdict

The case concerned the reasons given by the Assize Court for the conviction of a mother who had killed her five children.

The Court had to determine whether or not the applicant had been able to understand the reasons why the jury had found that she had been responsible for her actions at the material time, notwithstanding the unanimous findings to the contrary reached by the psychiatric experts.

The Court accepted that the jury had not provided any reasons about why it had found the applicant's guilty. However, it reiterated that compliance with the requirements of a fair trial must be assessed on the basis of the proceedings as a whole. The Court first observed that the case against the defendant had then been the subject of adversarial argument, each item of evidence being examined. It also noted that the applicant, assisted by counsel, had had the opportunity to call witnesses and respond to the testimony heard. The Court observed that from its preliminary stage the investigation had focused on the applicant's personal history, character and psychological state at the time of the killings. There had been an adversarial trial, with the defendant and her counsel present. The Court also noted that the question of the defendant's criminal responsibility had therefore been a central focus of the trial hearing. In addition, the Court noted that the sentencing judgment also included reasoning that could have assisted the applicant in understanding why the jury had found her criminally responsible. With regard to the lack of specific explanations for the difference in opinion between the jury and the three psychiatric experts, the Court reiterated that both the admissibility of evidence and its assessment were primarily a matter for regulation by domestic law and domestic courts. It reiterated that those statements formed only one part of the evidence submitted to the jury. In conclusion, the Court considered that the applicant had been afforded sufficient safeguards enabling her to understand the guilty verdict against her.

There had therefore been no violation of Article 6 § 1 of the Convention.

LUPENI GREEK CATHOLIC PARISH AND OTHERS V. ROMANIA (No. 76943/11) - Importance 1 - 29 November 2016 – No violation of Article 6 § 1 in respect of access to a court - Violation of Article 6 § 1 on account of the breach of the principle of legal certainty - Violation of Article 6 § 1 on account of the length of the proceedings - No violation of Article 14 - Absence of difference in treatment between the Catholic and the Orthodox parishes in the exercise of their right of access to a court

The case concerned the applicants' request for the restitution of a place of worship that had belonged to the Catholic Church and was transferred during the totalitarian regime to the ownership of the Orthodox Church. They alleged that the domestic courts did not decide their case under ordinary law, but instead in accordance with the criterion, which was applicable to the friendly settlement procedure.

Article 6 § 1

The Court noted that the domestic High Court had examined the circumstances surrounding the construction of the contested place of worship, the financial contributions made by the various parties, the way in which the building had been used, and how the structure of the community had developed. Moreover, the domestic courts had verified that the worshippers' wishes had a genuine basis in fact, taking account of the historical and social aspects. The Court then found that what was at stake in the present case was not a procedural obstacle hindering the applicants' access to the courts, but a substantive provision which, while it was such as to have an impact on the outcome of the proceedings, did not prevent the courts from examining the merits of the dispute. The domestic courts had had full jurisdiction to apply and interpret the national law, without being bound by the refusal of the Orthodox parish to reach a friendly settlement in the context of the procedure before the joint committee. Therefore, the Court concluded that there had been no violation of Article 6 § 1 in respect of access to a court.

The Court noted that the conflicting interpretation of the concept of "ordinary law" existed within the domestic High Court itself, called upon to settle these disputes at last instance. If conflicting practice developed within one of the highest judicial authorities in a country, that court itself became a source of legal uncertainty, thereby undermining the principle of legal certainty and weakening public confidence in the judicial system. Thus, a large number of Catholic parishes had been affected by these differences in approach by the domestic courts with regard to the interpretation of the applicable law. Consequently, the Court considered that in the present case "profound and long-standing differences" had existed in the case-law. The Court noted that existing legal uncertainty had related to the question of access to a court. Therefore, the Court concluded that there had been a violation of Article 6 § 1 on account of the breach of the principle of legal certainty. The Court noted that the length of the proceedings had been about ten years and three weeks, for three levels of jurisdiction, for the second applicant, and about five years for the first and third applicants, again for three levels of jurisdiction.

Therefore, the Court concluded that there had been a violation of Article 6 § 1 on account of the length of the proceedings.

Article 14

The Court pointed out that Article 6 § 1 did not in itself guarantee any particular content of the substantive law of the Contracting Parties. The Court considered that it had not been shown that the criterion of the worshippers' wishes had created a difference in treatment between the Catholic parishes and the parishes of the Orthodox Church in the exercise of their right of access to a court. In consequence, the Court did not discern a difference in treatment between the applicants and the defendant Orthodox parish in respect of the possibility of applying to the courts and obtaining a judicial decision on the action to recover possession of the place of worship.

Therefore, the Court concluded that there had been no violation of Article 14.

Article 41 (Just satisfaction)

The Court held that Romania was to pay the applicants jointly EUR 4.700 in respect of non-pecuniary damage and EUR 696,33 in respect of costs and expenses, EUR 8,567 in respect of costs and expenses.

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

FIGUEIREDO TEIXEIRA V. ANDORRA ([IN FRENCH ONLY](#)) (No. 72384/14) - Importance 3 - 08 November 2016 - No violation of Article 8 - Justified use of personal telephone data by an investigating judge

The case concerned the applicant's complaint that the storage of data relating to his telephone communications amounted to an unjustified interference with his right to respect for his private life.

The Court observed that the impugned interference was covered in domestic law. The Code of Criminal Procedure had required the courts to give a reasoned decision explaining the necessity and proportionality of the measure and mentioning the evidence obtained and the seriousness of the offence under investigation. The Court emphasised that the domestic authorities' procedure provided a wide range of safeguards against arbitrary actions. The Court emphasised that domestic law on the protection of personal data clearly excluded from its scope the processing of data relating to the prevention of criminal offences. The Court considered that domestic law had complied with the requirements of the investigation, the seriousness of the offence in question (drug trafficking) and the practicalities of the intrusion into the applicant's private sphere. Moreover, the Court observed that the aforementioned rules drew no distinction between mobile telephone contract holders and prepaid card users.

The Court considered that the domestic authorities thus respected "proportionality between the effects of the use of special investigation techniques and the objective that has been identified", and that they had used an unintrusive method to "enable the offence to be detected, prevented or prosecuted with adequate effectiveness".

Therefore, there had been no violation of Article 8 of the Convention.

[DUBSKÁ AND KREJZOVÁ V. THE CZECH REPUBLIC](#) (Nos. 28859/11, 28473/12) - Importance 1 - 15 November 2016 - No violation of Article 8 – Considerable room for manoeuvre of the question of home births

The case concerned the applicants' complaint that mothers had no choice but to give birth in a hospital if they wish to be assisted by a midwife.

According to the domestic law, midwives had been prevented in practice from assisting to give birth at home. The Court considered that that amounted to an interference with the applicants' right to respect for their private life. Furthermore, that interference had been designed to protect the health and safety of mother and child during and after delivery. The Court pointed out that it was for the competent national authorities to decide the most appropriate policy for regulating matters related to the circumstances in which a mother gave birth. Moreover, the domestic authorities had considerable room for manoeuvre ("margin of appreciation"), because there is no consensus among member States of the Council of Europe.

The Court noted that the risks for mothers and newborns were higher in the case of home births than in the case of births in maternity hospitals, which are fully staffed and adequately equipped. On the other hand, according to a report of 2010 of the Committee on the Elimination of Discrimination against women the applicants' concerns about the questionable conditions for child birth and obstetric services in the domestic authorities were confirmed. The Court invited the domestic authorities to make further progress by keeping the relevant legal provisions under constant review, making sure that they reflect medical and scientific developments whilst fully respecting women's rights in the field of reproductive rights.

Consequently, the Court held that there had been no violation of Article 8 of the Convention.

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

[MAGYAR HELSINKI BIZOTTSÁG V. HUNGARY](#) (No. 18030/11) - Importance 1 - 08 November 2016 - Violation of Article 10 - Unlawful refusal to provide an NGO with information relating to the work of *ex officio* defence counsel

The case concerned the applicant NGO's complaint that the domestic court's refusal to order the surrender of the information in question had amounted to a breach of its right to access to information.

The Court considered that Article 10 § 1 of the Convention could be interpreted as including, in the circumstances of the case, a right of access to information. The Court therefore noted that by denying it access to the requested information, which was ready and available, the domestic authorities had impaired the applicant's exercise of its freedom to receive and impart information. However, this interference was prescribed by the domestic law. The information was classified by the domestic authorities as personal data not subject to disclosure. The information requested had consisted of the names of public defenders and the number of times they had been appointed to act as counsel in certain jurisdictions. The Court considered that public defenders' professional activities could not be considered to be a private matter. Moreover, the domestic authorities had not demonstrated that disclosure of the information could have affected the public defenders' enjoyment of their right to respect for private life within the meaning of Article 8 of the Convention. The Court also considered that the disclosure of public defenders' names and the number of their respective appointments would not have subjected them to exposure to a degree surpassing that which they could have foreseen when registering as public defenders. The Court noted that the subject matter of the survey concerned the efficiency of the public defenders system, an issue that was closely related to the right to a fair hearing, a fundamental right in domestic law and under the Convention. Moreover, although the information request had admittedly concerned personal data, it did not involve information outside the public domain.

In consequence, the Court concluded that there had been a violation of Article 10 of the Convention.

Article 41 (Just satisfaction)

The Court held that Hungary was to pay the applicant NGO EUR 215 in respect of pecuniary damage and EUR 8,875 in respect of costs and expenses.

KARAPETYAN AND OTHERS V. ARMENIA (No. 59001/08) - Importance 2 - 17 November 2016 - Violation of Article 10 - Proportionate decision to dismiss high-ranking civil servants following their political public statement to ensure neutral public service

The case concerned the dismissal of four high-ranking civil servants in the Ministry of Foreign Affairs, after they had issued a public statement criticising the Government in the aftermath of the Armenian presidential election of February 2008. They complained that their dismissals had violated their right to freedom of expression.

The Court first recognised that the applicants' dismissal from their posts as a result of the statement had amounted to an interference with their right to freedom of expression. The applicants accepted that the dismissal had been carried out in pursuit of a legitimate aim (namely, protecting national security, public safety and public order). However, they maintained that their dismissal had not been prescribed by law, and had not been necessary in a democratic society. As to their first argument, the Court noted a relevant provision of the Diplomatic Service Act, which had stated that a diplomat shall be dismissed from office if he violates some restrictions (namely the "use of official capacity and work facilities for the benefit of parties and non-governmental organisations"). The Court therefore found that the interference had been prescribed by domestic law. It then examined if it had been necessary in a democratic society. The Court noted that the applicants had released a statement that had made explicit reference to their official titles, in which "outrage" was expressed "against the fraud of the election process", and a "demand" was put forward that "urgent steps be undertaken to call into life the recommendations" of international reports. The Court noted that the dismissals had taken place during a political crisis, and reiterated that civil servants are entitled to freedom of expression. However, the Court also noted that national authorities may restrict the freedom of civil servants to engage in political activities, in order to achieve the aim of having a politically neutral civil service.

Furthermore, though the dismissal of the applicants had been a severe measure, it had not been disproportionate. The Court therefore held that the dismissals had been based on relevant and sufficient grounds, and had been proportionate to a legitimate aim.

There had therefore been no violation of Article 10.

KAOS GL V. TURKEY ([In French only](#)) - No. 4982/07 - Importance 3 - 22 November 2016 - Violation of Article 10 - Disproportionate decision to seize all the copies of a magazine promoting LGBT rights

The case concerned the seizure of all the copies of a magazine published by Kaos GL, a cultural research and solidarity association for gays and lesbians.

The Court first held that this seizure had constituted an interference with the applicant's right to freedom of expression. The Court noted that it was prescribed by domestic law and that it had a legitimate aim, namely the protection of public morals. As regards whether the interference had been "necessary in a democratic society", the Court observed the decisions of the domestic courts and concluded that in the present case it was impossible to determine the reason why a given article or a specific image in the magazine had infringed public morals. Indeed, the Court noted that the domestic judge had not examined in detail the compatibility of the magazine's content with the principle of protection of public morals. The Court noted that it had been unjustifiable to prevent general public access to the impugned issue of the magazine. It emphasised that the domestic authorities had not attempted to implement any preventive measure less harsh than seizure of all the copies of the issue in question (for example, prohibiting the sale of the magazine to persons under the age of 18).

The Court therefore held that the seizure of all the copies of the magazine amounted to a disproportionate interference with the exercise of the applicant association's right to freedom of expression and had not been "necessary in a democratic society" within the meaning of Article 10 of the Convention.

There had therefore been a violation of Article 10 of the Convention.

Article 41 (Just satisfaction)

In the absence of any claim for just satisfaction from the applicant, the Court considered that there was no need to make any award on that head.

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

YABLOKO RUSSIAN UNITED DEMOCRATIC PARTY AND OTHERS V. RUSSIA (No. 18860/07) - Importance 3 - 08 November 2016 - Violation of Article 3 of Protocol No. 1 – Violation of the electoral rights of the party

The case concerned the applicants' complaint that the annulment order had arbitrarily excluded them from participation in the election.

The Court observed that the domestic court's conclusion that the applicant's procedure for the selection of candidate had violated the ground rules of democratic representation and majority rule, did not rely directly on any provision of domestic legislation, but on its own interpretation. The Court held that this interpretation had not been foreseeable, in relation to both the interpretation of the contents of the legislation, and given that no new facts had arisen since the Electoral Commission had registered the applicant's candidates two weeks earlier. The second reason upheld by the domestic court to justify the cancellation of the registration had been that the applicant had relied upon an invalid version of its charter. However, the Court noted in particular that similar regulations had existed in both the old and new versions of the charter; and that both versions of the charter had been deposited with and accepted by the Federal Registration authority. The Court noted that the general rule that the absence of a particular party or name on a voting ballot cannot by itself lead to a finding of a violation of a frustrated voter's right to free elections; unless the restrictions on the free expression of the will of the people had been so serious as to have effectively curbed the very essence of the right in question.

Therefore, the Court considered that there had been a violation of Article 3 of Protocol No. 1.

Article 41 (Just satisfaction)

As the applicants had not submitted a claim for just satisfaction, the Court held that there was no call to award them any.

- **Article 4 of Protocol No. 7**

A AND B V. NORWAY (Nos. 24130/11, 29758/11) - Importance 1 - 15 November 2016 - No violation of Article 4 of Protocol No. 7 - Justified implementation of the *ne bis in idem* principle by the conduct of administrative and criminal proceedings resulting in a combination of penalties

The case concerned the applicants' allegation that they had both been prosecuted twice in respect of the same offence. Firstly, tax penalties had been imposed on them by the tax authorities, which they had paid, and thereafter they had been convicted and sentenced in criminal proceedings.

The domestic court had found that the factual circumstances forming the basis for the tax penalty and the criminal conviction, the omission to provide certain information in the tax return were sufficiently similar to be regarded as the same (*idem*). In the domestic court's view, the purpose of tax penalties was first and foremost to encourage taxpayers to comply with their duty to provide complete and correct information and to strengthen the foundations of the national tax system, a precondition for a functioning State and thus a functioning society. Criminal conviction, on the other hand, served not only as a deterrent but also had a punitive purpose in respect of the same anti-social omission, and involved the additional element of culpable fraud. The Court concluded that it had no cause to cast doubt on the reasons why the domestic legislature had opted to regulate the socially harmful conduct of non-payment of taxes by means of an integrated dual (administrative/criminal) process. The Court found that the conduct of dual proceedings, with the possibility of a combination of different penalties, had been foreseeable for the applicants. It appeared clear that the criminal and administrative proceedings had been conducted in parallel and were interconnected. The Court concluded that there was no indication that applicants had suffered any disproportionate prejudice or injustice as a result of the impugned integrated legal treatment of their failure to declare part of their income and pay part of their taxes.

Therefore, the Court found no violation of Article 4 of Protocol No. 7.

2. Other judgments issues in the period under observation

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

For more detailed information, please refer to the cases.

STATE	DATE	CASE TITLE	IMP.	CONCLUSION	KEY WORDS
ARMENIA	10 November 2016	Avetisyan (No 13479/11)	3	Violation of Art. 6 § 1 read in conjunction with Art. 6 § 3 (d)	Unfair domestic trial because the applicant's conviction had been based entirely on the evidence of three witnesses, that the applicant had had no fair opportunity to examine
BULGARIA	10 November 2016	Boykanov (In French only) (No 18288/06)	3	Violation of Art. 10	Accusation of libel against the applicant by a domestic judge during judicial proceedings
ESTONIA	8 November 2016	Põnkä (No 64160/11)	2	Violation of Art. 6 § 1	Unfair civil proceedings because there was no oral hearing held for the applicant and no witnesses to give evidence
HUNGARY	8 November 2016	Szanyi (No 35493/13)	3	Violation of Art. 10	Interpellations banned for their style and contents rather than not meeting the formal requirements. Interferences devoid of a compelling reason, since the interests of the domestic authority of, and order in, Parliament were not demonstrated to be seriously affected, nor was it shown that these interests were on balance weightier than the right to freedom of expression of the opposition.
LITHUANIA	8 November 2016	Urbšienė and Urbšys (No 16580/09)	3	Violation of Art. 6 § 1	Denial by domestic authorities of legal aid to prepare claims with regard to the bankruptcy and rent arrears proceedings, to prepare the cassation appeal against the Court of Appeal's refusal to transfer the applicants' cases to the domestic Court and to prepare the claim concerning the reopening of the bankruptcy case and for their representation in the reopened rent arrears case on several occasions
				No violation of Art. 6 § 1	No lack of proper notification of a hearing before the domestic appellate court

LITHUANIA (CONTINUED)		Kraulaidis (No 76805/11)	3	Violation of Art. 3	Domestic authorities not displaying the required level of diligence when investigating the circumstances of the accident, particularly taking into account the grave and irreparable consequences suffered by the applicant
	15 November 2016	Misiukonis and Others (No 49426/09)	3	Violation of Art. 1 of Prot. No. 1	Domestic authorities' placement of an individual and excessive burden on the applicants and failure to strike a fair balance between the general interest of the community and the protection of the applicants' fundamental rights, by requiring the applicants to pay to the State more money than they had actually received from selling their land to third parties
LITHUANIA AND SWEDEN	8 November 2016	Naku (No 26126/07)	2	Violation of Art. 6 § 1	Applicant's deprivation of access to court to complain about her dismissal as her Swedish employer had invoked jurisdictional immunity and this had been upheld by the Lithuanian courts
ROMANIA	15 November 2016	Tudoroaie (In French only) (No 37665/12)	3	Violation of Art. 3	Domestic authorities' lack of an effective and prompt investigation into the attack against the applicant
RUSSIA	8 November 2016	Ustinova (No 7994/14)	3	Violation of Art. 8	Exclusion order on the grounds of threat to public health, resulting in the applicant's separation from her family
	15 November 2016	Zolotarev (In French only) (No 43083/06)	3	Violation of Art. 3	Applicant severely beaten by the domestic police officers
				Violation of Art. 3	No effective investigation by the domestic authorities into the applicant's complaints
				Violation of Art. 34	Applicant's letters to the Court opened and monitored by the domestic authorities
	Goryachkin (No 34636/09)	3	Violation of Art. 6 § 1	Domestic authorities' denying the applicant an opportunity to appear in person before a court, when making his civil claims against the domestic authorities	

RUSSIA (CONTINUED)	17 November 2016	Alentseva and Others (No. 31788/06)	3	Violation of Art. 1 of Prot. No. 1	Domestic authorities' failure to ensure a proper expert review as regards the lawfulness of the real-property transactions
SWITZERLAND	8 November 2016	El Ghatet (No 56971/10)	2	Violation of Art. 8	Domestic authorities' refusal of the applicant's request for family reunification
TURKEY	15 November 2016	Hamdemir and Others (In French only) (No 41896/08)	3	Violation of Art. 2	Domestic authorities having used excessive and disproportionate force during an operation in a prison
		Keriman Tekin and Others (In French only) (No 22035/10)	2	Violation of Art. 1 of Prot. No. 1	Domestic authorities' interference with the applicants' right to peaceful enjoyment of their possessions
		Savda (In French only) (No 2458/12)	2	Violation of Art. 10	Applicant's conviction in criminal proceedings for having read out a statement to the press
UKRAINE	10 November 2016	Sitnevskiy and Chaykovskiy (Nos 48016/06 and 7817/07)	3	Violation of Art. 6 §§ 1 and 3 (c)	Domestic authorities' failure to demonstrate convincingly why, exceptionally and in the specific circumstances of the case, the overall fairness of the trial on those charges was not irretrievably prejudiced by the restriction on the applicant's access to legal advice at the investigation stage
				Violation of Art. 6 §§ 1 and 3 (d)	Admission of witnesses pre-trial statements in evidence against the first applicant undermining the fairness of the proceedings against him
				No violation of Art. 6 § 1	Applicants' allegation that they were ill-treated not supported by any evidence

B. The decision on admissibility

Those decisions are published with a slight delay of two to three weeks on the Court's website. Therefore the decisions listed below cover the period **from 1 to 31 August 2016**. Those decisions are selected to provide the NHRs with potentially useful information on the reasons of the inadmissibility of certain applications addressed to the Court and/or on the friendly settlements reached.

STATE	DATE	CASE TITLE	ALLEGED VIOLATION	DECISION
NETHERLANDS	28 August 2016	Gereghiher Geremedhin v. The Netherlands (No. 45558/09)	Violation of Art. 8 of the Convention (The applicant's children cannot settle with him in the Netherlands) and Art. 13 (Ineffective remedy for the previous complaint)	Rejected as inadmissible (The applicant did not provide the national administrative and judicial authorities with the opportunity to examine his allegation and did not have an "arguable claim")
	30 August 2016	Mustafić-Mujić and others v. The Netherlands (No. 49037/15)	Violation of Art. 2 of the Convention (Three servicemen should have been tried for their part in the deaths of three people, the refusal of the public prosecutor to bring a prosecution, followed by the refusal of the Court of Appeal to order one, had denied them justice)	Rejected as ill-founded (It cannot be said that the domestic authorities have failed to discharge the procedural obligation under Article 2 of the Convention to conduct an effective investigation which was capable of leading to the establishment of the facts, and of identifying and – if appropriate – punishing those responsible)
TURKEY	30 August 2016	Cumhuriyet Halk Partisi v. Turkey (No. 16572/15)	Violation of Art. 6 of the Convention (Violation of the right to a fair trial) and Art. 67 of the Constitution (Failure of the national bodies to correct alleged electoral fraud)	Rejected as incompatible <i>ratione materiae</i> with the provisions of the Convention
		Yavaş v. Turkey (No. 16576/15)	Violation of Art. 6 of the Convention (Violation of the right to a fair trial) and Art. 67 of the Constitution (Failure of the national bodies to correct alleged electoral fraud)	Rejected as incompatible <i>ratione materiae</i> with the provisions of the Convention

C. The communicated cases

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

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

STATE	DATE OF DECISION TO COMMUNICATE	CASE TITLE	KEY WORDS OF QUESTIONS SUBMITTED TO THE PARTIES
BULGARIA	8 September 2016	OGNYANOV (No. 20981/09)	The applicant complains that he was tried and punished twice for the same offence.
CROATIA	15 September 2016	TURKOVIĆ AND OTHERS (No. 43391/16)	The applicants complain of the lack of an effective reaction by the domestic authorities to their arguable allegations of an ecological disaster threatening from a nearby waste disposal site.
GEORGIA	14 September 2016	AMAGHLOBELI AND OTHERS (No. 41192/11)	All three applicants complain about the unjustified interference with their journalistic freedom to interview people in order to collect information necessary for their journalistic enquiry.
	14 September 2016	RAMISHVILI (No. 48099/08)	The applicant complains that as a convicted prisoner he was subject to a blanket ban on voting and was unable to participate in the parliamentary elections of 21 May 2008.
POLAND	21 September 2016	KUDRAŃSKI (No. 59038/11)	The applicant complains that he was not provided with a vegetarian diet during his detention in prison.
	21 September 2016	BALIK (No. 10531/12)	The applicant complains that his right to manifest his religion was violated during his detention as despite the fact he informed the authorities about his religious requirements, they continued to serve him sausages which contain pork meat.
RUSSIA	21 September 2016	SABLINA AND OTHERS (No. 4406/16)	The applicants complain that the domestic laws on organ transplantation do not provide sufficient protection from arbitrariness, therefore enabling doctors to perform the removal without informing the relatives or seeking their consent.

RUSSIA (Continued)	26 Septembre 2016	MADAYEVA AND OTHERS (No. 27414/15)	The applicants complain of a violation of their relative's right to life and submit that the circumstances of his abduction indicate that the perpetrators were State agents. The applicants further complain that they are suffering severe mental distress on account of the indifference demonstrated by the authorities in respect of the abduction and subsequent disappearance of their close relative.
	29 September 2016	SOZAYEV AND OTHERS AND SAMBURGOV (Nos. 67685/14 and 35199/15)	The applicants complain about the allegedly unlawful and disproportionate measures taken against them as peaceful protesters and claim that the dispersal of the gathering which called for equality for LGBT people constituted discrimination on the grounds of their sexual orientation and political views.
	29 September 2016	S.K. (No. 5578/12)	The applicant complains that her enforced abortion and the manner in which it was carried out, including the absence of the requisite medical care, amounted to inhuman treatment
SERBIA	29 September 2016	SVILENGAČANIN AND IVANOVIĆ (No.50104.10)	The applicants complain that the domestic Supreme Court could not be regarded as independent or impartial as, after meeting the representative of the Ministry of Defence, the opponent party in the proceedings, it allegedly changed its practice on the matter in issue and influenced the other courts in how to adjudicate.
SLOVAKIA	23 September 2016	MAC TV S.R.O. (No. 13466/12)	The applicant complains that the domestic authorities' interference with its freedom of expression was unnecessary and disproportionate in a democratic society as the commentary presented merely a sarcastic opinion about the political activity of the late President
TURKEY	7 September 2016	ÇİÇEKÇİ (No. 24011/12)	The applicants complain that they were arrested and held in police custody and pending trial in the absence of any tangible evidence and reasonable grounds and, as journalists, their arrest and detention were part of the Government's policy to oppress political opponents.

PartOne

§2 - EUROPEAN COMMITTEE OF SOCIAL RIGHTS

A. Resolutions and Decisions

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

AUTHOR	DATE	TEXT NUMBER	SUBJECT MATTER	DECISION
ASSOCIAZIONE NAZIONALE GIUDICI DI PACE	7 July 2016	N° 102/2013	Security protection for Justices of the Peace (Art. E and Art. 12§1)	Domestic Government having not established that all persons who perform the duties of Justice of the Peace do enjoy social security coverage in practice, including where these persons suspend or reduce their professional activity beyond the level required for registration with the <i>Cassa Forense</i> or for the accrual of retirement annuities. Therefore, there has been a violation of Art. E in conjunction with Art. 12§1.

B. Other information

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

PartOne

§3 - RECOMMENDATIONS & RESOLUTIONS

A. Recommendations

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

B. Resolutions

AUTHOR	DATE	TEXT NUMBER	SUBJECT MATTER	DECISION
PACE	25 November 2016	2138	The situation in Aleppo	PACE called for an “immediate end by Syrian and Russian forces to all aerial bombardments of the city” and the immediate implementation of the ceasefire agreement of September 2016
PACE	25 November 2016	2139	Ensuring access to healthcare for all children in Europe	PACE calls on the member States to ensure “adequate funding to develop health care systems to be provided to all children in an equitable manner across every country”
PACE	25 November 2016	2140	The exploration and exploitation of non-conventional hydrocarbons in Europe	PACE urged all member States to adopt strong legislation in this field, encouraging bans on fracking in favour of cleaner and safer energy alternatives

PartOne

§4 - OTHER INFORMATION OF GENERAL IMPORTANCE

A. Information from the Committee of Ministers

■ Conference in Tallinn on children's rights in migration crisis and digital environment (04.11.2016)

An international conference on Children's rights in the migration crisis and the digital environment took place in Tallinn, Estonia, from 3 to 4 November 2016. It was held under the current Estonian Chairmanship of the Committee of Ministers of the Council of Europe. ([Read more](#) - [More information about the conference](#) - [Children's Rights](#) - [Migrants' Rights](#) - [Cybercrime](#))

■ Statement by Jürgen Ligi, Chair of the Committee of Ministers, Minister of Foreign Affairs of Estonia (05.11.2016)

Jürgen Ligi, Chair of the Committee of Ministers, Minister of Foreign Affairs of Estonia stated that the recent developments in Turkey are a cause for grave concern. ([Read more](#))

■ 2016 Exchange on the religious dimension of intercultural dialogue (09.11.2016)

The role of education in the prevention of radicalisation leading to terrorism and violent extremism was the main theme at the 2016 Council of Europe Exchange on the religious dimension of intercultural dialogue. ([Read more](#) - [Press release](#))

■ 1270th meeting of the Ministers' Deputies (09.11.2016)

At their meeting on 9 November, the Minister's Deputies held an exchange of views with Ambassador Tomáš Boček, Special Representative of the Secretary General on migration and refugees, following his presentation of the report on his fact-finding mission on the situation of migrants and refugees in Calais and Grande-Synthe (France), which took place on 12-13 and 21-23 September 2016. ([Read more](#))

■ European Day on the Protection of Children against Sexual Exploitation and Sexual Abuse (14.11.2016)

Statement by Jürgen Ligi, Chair of the Committee of Ministers and Minister for Foreign Affairs of Estonia. ([Read more](#) – [Press release](#))

■ 1271st meeting of the Ministers' Deputies (16.11.2016)

At their meeting on 16 November, the Minister's Deputies held exchanges of views with guests and the Secretary General presented to the Deputies his fourteenth consolidated report on the conflict in Georgia. ([Read more](#))

■ Committee of Ministers: Estonia hands over chairmanship to Cyprus (22.11.2016)

The Chairmanship of the Committee of Ministers of the Council of Europe today passed from Estonia to Cyprus, at a meeting at the Organisation's Strasbourg headquarters, attended by representatives of its 47 member States. ([Read more](#) – [Press release](#) - [Speeches by Ioannis Kasoulides, Minister for Foreign Affairs of the Republic of Cyprus](#) - [Video](#))

■ 1272nd meeting of the Ministers' Deputies (30.11.2016)

At their meeting on 30 November, the Minister's Deputies took a series of decisions on the abolition of the death penalty, notably concerning the signature and ratification of Protocols Nos. 6 and 13 to the European Convention on Human Rights and the on-going executions in Belarus, Japan and the United States. ([Read more](#))

B. Information from the Parliamentary Assembly

■ International Day to End Impunity for Crimes against Journalists (02.11.2016)

In a statement Volodymyr Arieu (Ukraine, EPP/CD), General Rapporteur on Media Freedom and Safety of Journalists, said that “Impunity is incompatible with the obligation of every member of the Council of Europe to accept the principles of the rule of law”. ([Read more](#))

■ Syria: the committee calls on the parties to seek a common position and conduct joint international action (07.11.2016)

In a draft resolution adopted unanimously, the Political Affairs Committee calls for the immediate implementation of the ceasefire agreement of September 2016 and an immediate end by Syrian and Russian forces to all aerial bombardments of Aleppo. Condemning the human rights violations and abuses committed, some of which may constitute war crimes or crimes against humanity according to the committee, it calls for those responsible to be brought to justice, including, as appropriate, before the International Criminal Court. ([Read more](#) – [Adopted report](#))

■ ‘Education is one of the most important factors of social development’, said Pedro Agramunt (08.11.2016)

“Education is one of the most important factors of social development,” said PACE President Pedro Agramunt, introducing today a plenary session of the World Forum for Democracy, with Anja Olin Pape, Vice Chair of the Council of Europe Advisory Council on Youth. ([Read more](#) – [Forum webpage](#))

■ Aleppo will not be the last battle (09.11.2016)

Aleppo will not be the last battle in the war in Syria, even though many are hoping that it will at least pave the way for a resumption of peace talks. The experts invited to a hearing on the situation in Aleppo, held by the Political Affairs Committee, were unanimous in their assessment. ([Read more](#))

■ Pedro Agramunt: ‘An education of citizenship and democracy to immunise our societies against the virus of hatred’ (10.11.2016)

Speaking at the opening of the annual Council of Europe Exchange on the religious dimension of intercultural dialogue, PACE President Pedro Agramunt called to fulfil a common duty to promote a culture of peace and living together. ([Read more](#) – [Speech \(in French only\)](#) – [Programme](#))

■ The International Olympic Committee supports #NoHateNoFear initiative (15.11.2016)

“As the leader of the sporting world, the International Olympic Committee fully supports the #NoHateNoFear initiative because we know that only by standing together we can achieve a world free of terror, free of hate and free of fear,” said the President of the IOC, Thomas Bach, in a video statement. ([Read more](#) - [Governments and the Olympic movement have a common responsibility in the fight against doping](#) - [video](#) - [#NoHateNoFear](#))

■ ‘Protecting migrant and asylum-seeking minors is our obligation’ (17.11.2016)

Ahead of the European Day on the Protection of Children against Sexual Exploitation and Sexual Abuse, celebrated every year on 18 November, the General Rapporteur of the Parliamentary Campaign to End Immigration Detention of Children, Doris Fiala (Switzerland, ALDE) called upon those member States, who have not yet ratified this Convention, to do so and all States to fully implement it and take all the necessary steps to protect children, prevent sexual violence, protect child victims and prosecute perpetrators. ([Read more](#) - [Lanzarote Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse](#))

■ European Day on the Protection of Children against Sexual Exploitation and Sexual Abuse (17.11.2016)

On the occasion of the European Day on the Protection of Children against Sexual Exploitation and Sexual Abuse 2016, Pedro Agramunt, President of the Parliamentary Assembly of the Council of Europe (PACE) called upon his parliamentary colleagues to raise awareness of these important issues in their national parliaments and their local constituencies, not only on 18 November every year but all year long". ([Read more](#))

■ **Trans Day of Remembrance: 'A time to stand up for equality as we honour those who have gone' (18.11.2016)**

"On 20 November, the Transgender Day of Remembrance, we honour the memory of the hundreds of transgender people whose lives have been cruelly cut short in the past year due to unspeakable acts of hatred and violence," said Jonas Gunnarsson, Assembly's General rapporteur on the rights of LGBT people. ([Read more](#))

■ **Executions in Japan: 'Our fight against the death penalty must go on' (24.11.2016)**

Mr Alain Destexhe (Belgium, Alliance of Democrats and Liberals for Europe), Chair of the Committee on Legal Affairs and Human Rights, said he was saddened and shocked that Japan, an observer State with the Council of Europe, continues to apply the death penalty. ([Read more](#))

■ **PACE encourages bans on 'fracking' in favour of cleaner and safer energy alternatives (25.11.2016)**

The PACE Standing Committee declared that "hydraulic fracturing ("fracking") raises a number of concerns related to public health and environmental protection", and urged all member States to adopt strong legislation in this field, encouraging bans on fracking in favour of cleaner and safer energy alternatives. ([Read more](#) - [Web page of the Standing Committee](#) - [Adopted resolution](#))

■ **Call for an inclusive constituent process to tackle today's challenges (25.11.2016)**

In the Declaration of Nicosia, the Standing Committee stated that it is urgent and imperative for the Council of Europe to adapt to today's context and be better equipped to tackle current challenges. ([Read more](#))

■ **Put a halt to hate speech and sexist attacks, provide education on democratic citizenship from an early age (25.11.2016)**

"One woman in three suffers from physical or psychological violence in their lifetime. For this reason, on the occasion of the International Day for the Elimination of Violence against Women, we reiterate our call on all member States of the Council of Europe to sign and ratify the Istanbul Convention", stated Elena Centemero (Italy, EPP/CD), Chairperson of the Committee on Equality and Non Discrimination of the Parliamentary Assembly, in Nicosia. ([Read more](#))

■ **Health care services available and accessible for all of Europe's children (25.11.2016)**

Expressing concern over inequalities across Europe in the availability and accessibility of health care services for children, the PACE Standing Committee, meeting in Nicosia, has called on the member States to ensure "adequate funding to develop health care systems to be provided to all children in an equitable manner across every country", covering prevention, diagnosis, treatment, rehabilitation, palliative care, health emergencies and chronic diseases affecting physical and mental health. ([Read more](#) - [Web page of the Standing Committee](#) - [Adopted resolution](#))

■ **'Time to break the silence and stop violence against women' (25.11.2016)**

"Faced with challenges that undermine the very foundations of our democratic societies, we must maintain our commitment and fight for our values. Combatting violence against women is one of them," declared Ms Sahiba Gafarova, PACE General Rapporteur on violence against women on the occasion of the International Day for the Elimination of Violence against Women (25 November). ([Read more](#) - [The Network Women Free from Violence](#) - ["Istanbul" Convention on preventing and combating violence against women and domestic violence](#))

■ Cyprus' priorities for its Chairmanship: reinforcing democratic security in Europe and promoting co-operation (25.11.2016)

Addressing the Standing Committee in Nicosia today, Cypriot Foreign Minister Ioannis Kasoulides gave an overview of the country's priorities for its Chairmanship of the Council of Europe Committee of Ministers, underlining in particular the enhancement of democratic security in Europe. "We need to invest in democratic institutions, transparent processes, pluralistic and inclusive societies that foster tolerant and democratically active citizens," he said. ([Read more](#) - [Web page of the Standing Committee](#) - [Standing Committee to meet in Cyprus](#))

■ Aleppo: call for immediate halt to aerial bombardments by Syrian and Russian forces (25.11.2016)

The PACE Standing Committee, meeting in Nicosia, voiced its deep concern over the situation in Aleppo and called for an "immediate end by Syrian and Russian forces to all aerial bombardments of the city" and the immediate implementation of the ceasefire agreement of September 2016. ([Read more](#) - [Web page of the Standing Committee](#) - [Recommendation adopted](#) - [Adopted resolution](#))

■ PACE: condemnation of recent executions in Belarus (29.11.2016)

Andrea Rigoni (Italy, ALDE), Rapporteur on the situation in Belarus, and Alain Destexhe (Belgium, ALDE), Chair of the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe (PACE), have expressed deep concern at press reports according to which death convicts Ivan Kulesh, 28, and Siarhei Khmialeuski, 31, have been executed in November in Belarus. ([Read more](#))

■ Call for scrutiny to protect democracy and citizens in blue print for future world trade (30.11.2016)

In a draft resolution adopted unanimously today, the Committee on Social Affairs, Health and Sustainable Development of the Parliamentary Assembly of the Council of Europe (PACE) reminded member States to pay very close attention to safeguarding environmental, democratic, and human rights imperatives in Europe, when drafting the "new generation trade agreements". ([Read more](#) - [Adopted report](#))

C. Information for the Commissioner for Human Rights

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

D. Information from the monitoring mechanisms

■ CPT: Intolerable detention conditions in certain Belgian prisons during May 2016 strikes, said the Committee (18.11.2016)

In its report, the CPT describes the disturbing situation it found during its visit in May 2016 to Huy, Ittre and Jamioux prisons, as well as in the social defence establishment (EDS) in Paifve in the context of industrial action by prison staff ([Read the report](#) - [Read more](#)).

■ CPT: The Committee held its November 2016 plenary meeting (21.11.2016)

The CPT held its 91st plenary meeting from 7 to 11 November 2016 in Strasbourg ([Read more](#)).

■ GRETA: Committee of the Parties elects GRETA members (07.11.2016)

At its 19th meeting (4 November 2016), the Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings held elections for 13 members of the GRETA ([Read more](#)).

■ GRETA: Improving access to justice for trafficked persons: launch of an anti-human trafficking lawyers' network (25.11.2016)

On 22-23 November 2016, the Council of Europe Anti-Trafficking Division, together with the Netherlands Helsinki Committee, organised a meeting of lawyers and NGOs providing legal assistance to victims of trafficking in human beings ([Read more](#)).

■ ECRI: European day to end child sex abuse: irregular migrant children are among the most vulnerable, says Council of Europe's Anti-racism Commission (14.11.2016)

([More information](#))

PartTwo

INFORMATION BY COUNTRY

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

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

Albania

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

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

B. Resolutions, signatures and ratifications

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

C. Other information

■ PACE: Co-rapporteurs on Albania welcome justice reform and encourage further reforms (02.11.2016)

Following their visit to Albania from 26 to 30 October 2016, Andrej Hunko (Germany, UEL) and Joseph O'Reilly (Ireland, EPP/CD), co-rapporteurs of the Parliamentary Assembly of the Council of Europe (PACE) for the monitoring of obligations and commitments by Albania, welcomed the on-going justice reform. ([Read more – Co-rapporteurs carry out a monitoring visit to Albania](#)).

■FCNM: Receipt of the 4th cycle State Report (21.11.2016)

Albania submitted its fourth State Report on 18 November 2016, in English, pursuant to Article 25, paragraph 2, of the Framework Convention for the Protection of National Minorities.

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

Armenia

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

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

B. Resolutions, signatures and ratifications

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

C. Other information

■ CPT: Publication of a report on Armenia (22.11.2016)

The CPT has published a report on its fourth periodic visit to Armenia, which took place from 5 to 15 October 2015, together with the response of the Armenian Government. Both documents have been made public at the request of the Armenian authorities ([Read the report](#) - [Read more](#)).

Bulgaria

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

CASE	DATE	RESOLUTION	CONCLUSION
KRASIMIR YORDANOV 50899/99	15 May 2007	CM/ResDH(2016)306	Examination closed

B. Resolutions, signatures and ratifications

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

C. Other information

■ PACE: Bulgaria Presidential election well administered, although accuracy of voters' lists remains a concern (07.11.2016)

An 8-member delegation of the Parliamentary Assembly of the Council of Europe (PACE), led by Mr Joseph O'Reilly (Ireland, EPP/CD) and accompanied by representatives of the Venice Commission, visited Bulgaria from 3 to 7 November 2016 in order to observe the presidential election. The delegation concluded that the election was technically well administered and fundamental freedoms were respected. ([Read more – PACE to observe presidential election in Bulgaria](#))

Cyprus

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

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

B. Resolutions, signatures and ratifications

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

C. Other information

■ PACE: President supports Cypriot priorities for their Chairmanship of the Council of Europe (25.11.2016)

At the end of his visit to Cyprus (24-25 November), PACE President Pedro Agramunt praised Cypriot authorities for their commitment towards Council of Europe values and for the ambitious programme of the Chairmanship of the Committee of Ministers. ([Read more](#))

■ PACE fully supports Cypriot President and Turkish Cypriot leader in their efforts to reach a solution to the conflict (25.11.2016)

“We come to Cyprus at what could be a historic period for the on-going process of talks on the reconciliation of the island and its people,” said PACE President Pedro Agramunt, addressing the PACE Standing Committee in Nicosia. In this context, he underlined that “the Assembly fully supports President Anastasiades and Turkish Cypriot leader Mustafa Akinci in their efforts to reach a solution to a conflict that has run for 42 years.” ([Read more](#) - [Opening statement by Pedro Agramunt](#) - [Web page of the Standing Committee](#) - [Standing Committee to meet in Cyprus](#))

Czech Republic

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

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

B. Resolutions, signatures and ratifications

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

C. Other information

■ **GRECO: The Czech Republic should improve measures to prevent corruption among MP's, judges and prosecutors, according to Council of Europe report (02.11.2016)**

In a report, the GRECO calls on the Czech authorities to make substantial reforms to strengthen the prevention of corruption among parliamentarians, judges and prosecutors ([Read the report](#) - [Read more](#)).

Estonia

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

CASE	DATE	RESOLUTION	CONCLUSION
JULIN 16563/08+	29 August 2012	CM/ResDH(2016)307	Examination closed
TALI 66393/10	13 May 2014	CM/ResDH(2016)307	Examination closed
MARTIN 35985/09	7 October 2013	CM/ResDH(2016)308	Examination closed
VRONCHEN KO 59632/09	18 October 2013	CM/ResDH(2016)309	Examination closed
ROSIN 26540/08	14 January 2014	CM/ResDH(2016)309	Examination closed

B. Resolutions, signatures and ratifications

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

C. Other information

■ FCNM: Adoption of a Committee of Ministers' resolution on Estonia (03.11.2016)

[\(Read the resolution\)](#).

France

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

CASE	DATE	RESOLUTION	CONCLUSION
M.K. 19522/09	18 July 2013	CM/ResDH(2016)310	Examination closed

B. Resolutions, signatures and ratifications

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

C. Other information

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

Greece

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

CASE	DATE	RESOLUTION	CONCLUSION
KONSTAS 53466/07	28 November 2011	CM/ResDH(2016)311	Examination closed
ALEXANDRI DIS 19516/06	21 May 2008	CM/ResDH(2016)312	Examination closed
ELYASIN 46929/06	6 November 2009	CM/ResDH(2016)313	Examination closed
POPOVITSI 53451/07	14 April 2010	CM/ResDH(2016)313	Examination closed

B. Resolutions, signatures and ratifications

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

C. Other information

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

Hungary

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

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

B. Resolutions, signatures and ratifications

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

C. Other information

■ MONEYVAL: Publication of its latest report on Hungary (30.11.2016)

In its new report, MONEYVAL welcomes that the number of investigations and prosecutions for money laundering in Hungary are on the rise. However, it considers that the fight against money laundering is not a priority objective.

The report analyses the implementation by Hungary of international standards against money laundering and terrorist financing since the country's last evaluation in 2010 ([Read the report](#)).

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

CASE	DATE	RESOLUTION	CONCLUSION
HOKIC AND HRUSTIC 3449/05	1st March 2010	CM/ResDH(2016)314	Examination closed
NICOLA SILVESTRI 16861/02	9 September 2009	CM/ResDH(2016)315	Examination closed
GAGLIARDI 29385/03	16 July 2013	CM/ResDH(2016)315	Examination closed
VENTORINO 357/07	17 August 2011	CM/ResDH(2016)316	Examination closed
OGARISTI 231/07	18 August 2010	CM/ResDH(2016)317	Examination closed

B. Resolutions, signatures and ratifications

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

C. Other information

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

Kosovo*

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

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

B. Resolutions, signatures and ratifications

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

C. Other information

■ FCNM: Visit of the Advisory Committee on the FCNM (17.11.2016)

A delegation of the Advisory Committee on FCNM visited Kosovo* (Pristina, Obiliq/Obilić, Mitrovica/Mitrovicë, Gračanica/Graçanicë) from 14-18 November 2016 to evaluate the progress made in protecting the rights of non-majority communities in Kosovo* ([Read more](#)).

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

Latvia

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

CASE	DATE	RESOLUTION	CONCLUSION
DAVIDOVŠ 45559/06	7 July 2015	CM/ResDH(2016)318	Examination closed
URTĀNS 16858/11	28 January 2015	CM/ResDH(2016)318	Examination closed
MIROĻUBO AND OTHERS 798/05	15 December 2009	CM/ResDH(2016)319	Examination closed

B. Resolutions, signatures and ratifications

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

C. Other information

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

Liechtenstein

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

CASE	DATE	RESOLUTION	CONCLUSION
A.K. 38191/12	9 October 2015	CM/ResDH(2016)320	Examination closed

B. Resolutions, signatures and ratifications

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

C. Other information

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

Republic of Moldova

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

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

B. Resolutions, signatures and ratifications

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

C. Other information

■ **PACE: Competitive Moldova presidential run-off: fundamental freedoms respected, but polarised media campaign (14.11.2016)**

The second round of the presidential election in Moldova was competitive, with respect for fundamental freedoms. The campaign, featuring televised debates, allowed the two candidates to address voters directly. However, increasingly polarised media coverage, harsh and intolerant rhetoric and continued instances of abuse of administrative resources detracted from the process. ([Read more – PACE to observe the 2nd round of the presidential election](#) – [Statement at the first round of the presidential election](#) - [Flickr link](#))

Monaco

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

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

B. Resolutions, signatures and ratifications

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

C. Other information

■ PACE: The President congratulates Monegasque authorities for the progress made since 2004 (05.11.2016)

At the end of his official visit to Monaco (3-4 November 2016), PACE President Pedro Agramunt congratulated the Monegasque authorities on the progress made since 2004. ([Read more](#))

Norway

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

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

B. Resolutions, signatures and ratifications

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

C. Other information

■ ECRI: Combating racial discrimination and intolerance in Norway: a Round Table of the Anti-racism Commission of the Council of Europe in Oslo (04.11.2016)

In co-operation with the Norwegian Equality and Anti-Discrimination Ombud (LDO), the ECRI is organising a round table in Oslo on 8 November 2016 to discuss the follow-up to the recommendations of its 2015 report on Norway ([Read more](#)).

Poland

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

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

B. Resolutions, signatures and ratifications

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

C. Other information

■ GRETA's second evaluation round visit to Poland (23.11.2016)

A delegation of the GRETA carried out an evaluation visit to Poland from 14 to 18 November 2016. The visit provided an opportunity to assess progress in the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings since the first evaluation visit by GRETA in 2012 ([Read more](#)).

Romania

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

CASE	DATE	RESOLUTION	CONCLUSION
NIȚULESCU 16184/06	22 December 2015	CM/ResDH(2016)321	Examination closed
GROSARU 78039/01	2 June 2010	CM/ResDH(2016)322	Examination closed

B. Resolutions, signatures and ratifications

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

C. Other information

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

Russia

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

CASE	DATE	RESOLUTION	CONCLUSION
FOTEYEV 75639/13	19 January 2016	CM/ResDH(2016)323	Examination closed
NAUMOV 24232/13	17 June 2014	CM/ResDH(2016)323	Examination closed
OKHAPKIN AND 15 OTHER 15338/06+	17 June 2014	CM/ResDH(2016)323	Examination closed
RESHETIN 17329/06	26 January 2016	CM/ResDH(2016)323	Examination closed

B. Resolutions, signatures and ratifications

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

C. Other information

■ PACE: Rapporteur expresses concern at Russia's decision to withdraw its signature from the Rome Statute (17.11.2016)

"I sincerely regret the fact that the Russian Federation has announced its intention to withdraw its signature from the Rome Statute establishing the International Criminal Court (ICC)", declared Alain Destexhe (Belgium, ALDE), Chair of the Committee on Legal Affairs and Human Rights, charged with the follow-up to his own report on "Co-operation with the International Criminal Court: towards a concrete and expanded commitment". ([Read more](#) - ["Co-operation with the International Criminal Court: towards a concrete and expanded commitment"](#) - [Resolution 2134 \(2016\)](#))

Serbia

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

CASE	DATE	RESOLUTION	CONCLUSION
Vesna KATIĆ AND 39 OTHER 76895/13	8 December 2015	CM/ResDH(2016)324	Examination closed

B. Resolutions, signatures and ratifications

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

C. Other information

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

Switzerland

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

CASE	DATE	RESOLUTION	CONCLUSION
HASANBASIC 52166/09	7 October 2013	CM/ResDH(2016)325	Examination closed
PERİNÇEK 27510/08	15 October 2015	CM/ResDH(2016)326	Examination closed
POLIDARIO 33169/10	30 October 2013	CM/ResDH(2016)327	Examination closed
UDEH 12020/09	16 April 2013	CM/ResDH(2016)328	Examination closed

B. Resolutions, signatures and ratifications

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

C. Other information

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

“The former Yugoslav Republic of Macedonia”

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

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

B. Resolutions, signatures and ratifications

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

C. Other information

■ PACE pre-electoral delegation hopes that forthcoming elections will provide a way out of the profound crisis (23.11.2016)

A delegation of the Parliamentary Assembly of the Council of Europe (PACE) was in Skopje on 21 and 22 November 2016 to assess the pre-electoral climate of the early parliamentary elections scheduled for 11 December 2016. ([Read more](#))

Turkey

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

CASE	DATE	RESOLUTION	CONCLUSION
YAVUZ SELİM GÜLER 76476/12	15 March 2016	CM/ResDH(2016)329	Examination closed
AHMET ARSLAN AND OTHERS 41135/98	4 October 2010	CM/ResDH(2016)330	Examination closed
GÖZÜM 4789/10	20 April 2015	CM/ResDH(2016)331	Examination closed
DEMIREL GROUP AND OTHERS 39324/98	28 April 2003	CM/ResDH(2016)332	Examination closed

B. Resolutions, signatures and ratifications

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

C. Other information

■ GRETA: Conference on the Anti-trafficking Convention in Ankara (14.11.2016)

A conference on the GRETA took place on 8-9 November 2016 in Ankara, Turkey. The conference, which was co-organised by the Anti-Trafficking Division of the Council of Europe and the Directorate General of Migration Management of the Ministry of the Interior of Turkey, followed the entry into force of the Convention in respect of Turkey on 1 September 2016. ([Read more](#))

■ PACE: Pedro Agramunt deeply concerned by the detention of co-chairs of the HDP party in Turkey (04.11.2016)

PACE President reacted to today's detention of the co-chairs of the HDP party in Turkey. ([Read more](#))

■ PACE: The arrest of HDP parliamentarians jeopardises the functioning of democracy in Turkey (09.11.2016)

The PACE Monitoring Committee expressed its deep concern at the latest developments in Turkey in the wake of the failed coup d'état of 15 July 2016, which it firmly condemned. ([Read more](#))

■ PACE: Rapporteur calls on Turkish authorities to release journalists unless indicted for participating in terrorist activities (16.11.2016)

Returning from a visit to Ankara and Istanbul (Turkey) on 14 November 2016, Rapporteur Volodymyr Ariev (Ukraine, EPP/CD) on "attacks against journalists and media freedom in Europe", appealed to the Turkish authorities to release from detention all journalists who have not been indicted for actively participating in terrorist activities. ([Read more](#))

Ukraine

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

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

B. Resolutions, signatures and ratifications

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

C. Other information

■ ECRI: Preparation of a report on Ukraine (29.11.2016)

A delegation of the ECRI visited Ukraine from 21 to 25 November 2016, as the first step in the preparation of its 5th monitoring report on the country. The visit was conducted in parallel with a visit by a delegation of the Advisory Committee on the Framework Convention for the Protection of National Minorities and a delegation of the Committee of Experts of the European Charter for Regional or Minority Languages ([Read more](#)).

■ FCNM: Visit of the Advisory Committee on the FCNM (21.11.2016)

A delegation of the Advisory Committee on the FCNM visited Kyiv, Odessa, Kharkiv and Uzhorod on 21-29 November 2016 to evaluate the progress made in the monitoring of the protection of national minorities in Ukraine ([Read more](#)).