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and **the Office of the Commissioner for Human Rights**

The selection of the information contained on this Issue and deemed relevant to NHRSs is made under the joint responsibility of the NHRS Unit and the Office of the Commissioner for Human Rights

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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 National Human Rights Structures Unit of the DG-HL (NHRS Unit) and the Office of the Commissioner for Human Rights carefully select and try to present in a user-friendly manner. The information is sent to the Contact Persons in the NHRSs who are kindly asked to dispatch it within their offices.

Each issue covers two weeks and is sent by the NHRS Unit 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 two and four weeks old.

Unfortunately, the issues are available in English only for the time being due to the limited means. However, the majority of the documents referred to exists in English and French and can be consulted on the web sites that are indicated in the issues.

The selection of the information included in the issues is made by the NHRS Unit and the Office of the Commissioner for Human Rights. It is based on what is deemed relevant to the work of the NHRSs. A particular effort is made to render the selection as targeted and short as possible.

Readers are expressly encouraged to give any feed-back that may allow for the improvement of the format and the contents of this tool.

The preparation of the RSIF is generously supported by funding from the Ministry of Foreign Affairs of Germany.

Part I : The activities of the European Court of Human Rights

A. Judgments

1. Judgments deemed of particular interest to NHRSs

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 NHRSs. 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 NHRS Unit and the Office of the Commissioner for 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.

- **Police misconduct**

Ersoy and Aslan v. Turkey (no. 16087/03) (Importance 3) – 28 April 2009 - No violation of Article 3 – Violence by the police while dispersing a demonstration – Ill-treatment in police station – Insufficient evidence to establish a violation

Relying in particular on Article 3 (prohibition of torture), the applicants alleged that they had suffered ill-treatment in the hands of the security forces dispersing a demonstration in which they were part of, and afterwards in the van in which they had been taken to the police station. After collecting evidence from the police officers, the Istanbul public prosecutor's office had discontinued the proceedings in a judgment subsequently upheld by the Assize Court. The Court held by four votes to three that there had been no violation of Article 3, as there was insufficient evidence to establish "beyond reasonable doubt" that the applicants' injuries had resulted from the actions of State agents performing their duties.

Kelekçier v. Turkey (no. 5387/02) (Importance 3) – Violations of Article 3 – 28 April 2009 – Ill-treatment in police station – Lack of effective investigation in that respect

The applicant alleged that he had been ill-treated by the security forces that had come to his home to arrest his brother, wanted on suspicion of fraud. Relying in particular on Article 3 (prohibition of torture), the applicant alleged that he had been beaten on the way to, and subsequently at the police station where he had been taken for questioning. The Court held by six votes to one that there had been a violation of Article 3 on account of the Government's failure to provide a plausible explanation

of the injuries observed on the applicant's body, and unanimously that there had been a violation of Article 3 on account of the lack of an effective investigation into the applicant's complaint.

- **Risk of torture in a deportation case**

Sellem v. Italy (no. 12584/08) (Importance 2) – 5 May 2009 – Violation of Article 3 – Risk of torture in case of deportation to Tunisia

Relying on Articles 3 (prohibition of torture and inhuman or degrading treatment), 6 (right to a fair hearing) and 8 (right to respect for private and family life) of the European Convention on Human Rights, the applicant, a Tunisian national, alleged that the enforcement of the order for his deportation to Tunisia, where he had been sentenced *in absentia* to ten years' of imprisonment for being a member of a terrorist organisation, would, among other things, expose him to a risk of torture. The Court noted that in its Grand Chamber judgment in the case of Saadi v. Italy (28 February 2008, no. 37201/06) it had found that many international sources referred to numerous and regular cases of torture and ill-treatment in Tunisia of persons suspected or found guilty of terrorism. In the present case the Court did not see any reason to reconsider those findings, which were, moreover, borne out by Amnesty International's 2008 report on Tunisia. It therefore held unanimously that if the order for the applicant's deportation to Tunisia were enforced, there would be a violation of Article 3. It also held that it was unnecessary to examine separately the complaints under Articles 6 and 8. (See also the cases of Abdelhedi v. Italy, Ben Salah v. Italy, Bouyahia v. Italy, C.B.Z. v. Italy, Darraji v. Italy, Hamraoui v. Italy, O. v. Italy and Soltana v. Italy in RSIF 13 and Ben Khemais v. Italy in RSIF 11)

- **Right to liberty and security**

Milošević v. Serbia (no. 31320/05) (Importance 2) – 28 April 2009 - Violation of Article 5 § 3 (right to liberty and security) – Right to be brought promptly before a judge – Right to be heard in person – Lack of judicial control over the pre-trial detention

The applicant was a national of the State Union of Serbia and Montenegro when he lodged his application before the Court. In December 1999, a judicial investigation was opened on Mr Milošević on the grounds of him having committed numerous thefts. In January 2000 Mr Milošević's whereabouts were unknown to the court and the judge issued a warrant ordering his detention for a period of up to one month.

Mr Milošević was arrested on 20 January 2005, on the basis of the court's warrant of January 2000, and was taken to the district prison in Belgrade. After having made an unsuccessful attempt to contact the applicant's lawyer, the court appointed him a different one.

On 27 January 2005, Mr Milošević was heard by a judge in his lawyer's presence. He denied all charges and explicitly stated that he would not appeal against his detention. On 4 February 2005, the detention was extended by the court without the applicant or his lawyer having been heard. Mr Milošević appealed against the extension of his detention, which was rejected by the court, once again in his and his lawyer's absence. In May 2005 Mr Milošević was found guilty, sentenced to a year and two months in prison. The court released him from detention pending his appeal.

Relying on Article 5 § 3 (right to be brought promptly before a judge) and Article 2 of Protocol No. 4 (freedom of movement), Mr Milošević complained of not having been brought promptly before a judge with the power to order his release from detention, as a result of which his freedom of movement had been unduly restricted.

The Court noted that Mr Milošević's complaint related to an alleged deficiency in the relevant domestic legislation, the Code of Criminal Procedure, and to the manner in which it had been interpreted by the domestic courts and applied to his case. In particular, Mr Milošević or his lawyer had not had an explicit right to be heard in person by the domestic courts or to be present when the appeal against a decision on his detention had been considered by a higher domestic court. Likewise, the judge who had heard Mr Milošević on 27 January 2005 had no obligation under domestic law to review his detention or the power to independently order his release.

The Court recalled that any individual under arrest had a right that a judicial control be carried out promptly and by a judge authorised by law to order their release pending trial. Mr Milošević had not been brought in person before a judge who had the obligation to review and the power to order his release until, at the earliest, more than 41 days following his arrest. There had, accordingly, been a violation of Article 5 § 3. The Court held that, in view of its findings in respect of Article 5 § 3, it was not necessary to examine Mr Milošević's complaint under Article 2 of Protocol n°4.

- **Right to access to a tribunal**

Savino and Others v. Italy (nos. 17214/05, 20329/05 and 42113/04) (Importance 1) – 28 April 2009 – Violation of Article 6 § 1 - Right to access to a tribunal established by law - Judicial Committee and Judicial Section for officials of the Chamber of Deputies

In all three cases the applicants, a surveyor and an architect, complained that they had not had access to a "tribunal" within the meaning of Article 6 § 1 of the Convention for the adjudication of their claims (special project allowance and reimbursement of insurance contributions). They argued that the Judicial Committee and Judicial Section for officials of the Chamber of Deputies were not tribunals established by law and were not independent and impartial as required by the Convention.

Admissibility

The Court observed that the applicants' claims had indeed concerned "rights" within the meaning of Article 6 § 1. It noted that the judicial bodies to which the applicants had appealed had considered their cases on the merits and had not deemed it necessary to dismiss them as being ill-founded. Furthermore, domestic law afforded judicial protection to the applicants, since the Judicial Committee and Judicial Section of the Chamber of Deputies were competent to determine any dispute against the Chamber's administration and, in the Court's opinion, performed a judicial function. Nor was there any special bond of trust between the State and the applicants such as to justify excluding them from the rights safeguarded by the Convention. The applications were therefore admissible.

Merits - "tribunal established by law":

The Court considered that the Judicial Committee and Judicial Section of the Chamber of Deputies satisfied the requirement of having a legal basis in domestic law, since the Chamber's secondary regulations establishing those bodies derived from its rule-making powers under the Constitution and were designed to preserve the legislature from any outside interference, including by the executive.

Merits - "independent and impartial":

The Court observed that the Judicial Section (an appellate body whose decisions were final) was entirely made up of members of the Bureau (the Chamber's competent body for ruling on its main administrative matters). In the present case the administrative decisions complained of had been adopted by the Bureau in accordance with its rule-making powers. That factual situation was sufficient to give rise to doubts as to the objective impartiality of the appellate body. The Court further noted the close connection between the subject of the judicial proceedings before the Section and the decisions taken by the Bureau. There had therefore been a violation of Article 6 § 1 on that account.

- **Right to a fair trial in lustration proceedings**

Rasmussen v. Poland (no. 38886/05) (Importance 2) – 28 April - Violation of Article 6 § 1 in conjunction with Article 6 § 3 (fairness) - No violation of Article 1 of Protocol No. 1 – Lustration proceedings – False lustration declaration – Collaboration with the communist secret services

The status of "retired judge" was created on 17 October 1997. On 4 December 1997 the applicant acquired the status of a "retired judge". Under the applicable provisions of domestic law retired judges were entitled, as from 1 January 1998, to a monthly special retirement pension equivalent to seventy-five per cent of their last full salary. By an amendment of 17 December 1997 to the law on the System of Common Courts of 1985, retired judges who had acquired the right to a special retirement pension were required to submit a declaration. In September 1998 the applicant made a declaration that she had never secretly collaborated with the communist secret services.

On an unspecified date, the Commissioner of Public Interest applied to the Warsaw Court of Appeal, acting as the first-instance lustration court, to institute proceedings in the applicant's case under the Lustration Act on the ground that she had lied in her lustration declaration by denying that she had collaborated with the secret services.

On 7 April 2004 the court gave a judgment in which it found that the applicant had made a false lustration declaration because she had been a willing secret collaborator of the communist secret services. It observed that the documents in the case file were incomplete, but that they were nevertheless sufficient to find that the applicant had been a secret collaborator. The applicant appealed. On 4 November 2004 the same court, acting as a court of appeal, upheld the contested judgment, holding that the evidence in the case file was sufficient to find that the applicant had knowingly and intentionally collaborated with the communist secret services. The applicant submitted a cassation appeal to the Supreme Court, which dismissed it by a judgment of 7 April 2005.

Relying on Article 6 § 1 (right to a fair hearing) alone and in combination with Article 6 § 3 she alleged that the proceedings concerning her declaration under a lustration law of 1997 had been unfair. The

applicant complained in particular that the proceedings were not held in public and that she had not had access to the case file to an extent sufficient to ensure equality of arms between her and the Commissioner of the Public Interest. She could not make and retain notes in the proceedings as the case file could be consulted only in the secret registry of the lustration court and she had not been allowed to take the notes out of the registry. Nor could she make copies of the documents in the case file and take them out of the court, other than the minutes of the court hearings. This had rendered her defence ineffective. She further complained under Article 1 of Protocol No. 1 (protection of property) about having been deprived, as a result of the judgments in the lustration proceedings, of a social insurance entitlement guaranteed to retired judges.

The relevant domestic law and practice have been extensively summarised in the following judgments: *Matyjek v. Poland*, no. 38184/03, §§ 27-38, 24 April 2007 ; *Bobek v. Poland*, no. 68761/01, §§ 18-43, 17 July 2007; and *Luboch v. Poland*, no. 37469/05, §§ 28-39, 15 January 2008. See also for instance the judgment ***Jałowiecki v. Poland*** in RSIF n°11.

The Court held unanimously that there had been a violation of Article 6 § 1 in combination with Article 6 § 3 and that the finding of a violation constituted in itself sufficient satisfaction for any non-pecuniary damage sustained by the applicant. It held that it was not necessary to examine the remainder of Ms Rasmussen's complaint concerning the fairness of the proceedings. It further found that the loss of her entitlement to the special retirement pension as a result of the submission of a false lustration declaration had not amounted to an interference with her possessions. The applicant had made a false declaration that she had not been a collaborator of the communist secret police and, consequently, the courts had found that she had not satisfied the conditions which the domestic law attached to the acquisition of that pension. It therefore held that there had been no violation of Article 1 of Protocol No. 1.

- **Right to respect for private and family life and non discrimination (disability)**

Glor v. Switzerland (no. 13444/04) (Importance 1) – 30 May 2009 - Violation of Article 14 (prohibition of discrimination), taken in conjunction with Article 8 (right to respect for private and family life) – Obligation to pay a tax in order to be exempted from military service on medical grounds - Inability to perform alternative civilian service, which by Swiss law was reserved for conscientious objectors

On 14 March 1997 the applicant was declared unfit for military service as he was suffering from diabetes (diabetes mellitus type 1). He was subsequently discharged from the Civil Protection Service in 1999. On 9 August 2001 the applicant received an order to pay the military-service exemption tax (EUR 477), which he challenged.

On 20 September 2001 the Federal Tax Administration recommended that additional examinations be carried out to ascertain whether the applicant was at least 40% disabled, this being the threshold for a "major disability" as defined in the Federal Court's case-law and for non-liability to the exemption tax.

On 15 July 2003 the authorities in charge of the exemption tax found on the basis of two expert reports (a university hospital and an army doctor) that the applicant could not be exempted from the tax as his degree of disability was lower than 40%.

On 9 March 2004 the Federal Court dismissed an appeal by the applicant, who again alleged that he had been subjected to discriminatory treatment by being required to pay the exemption tax, and that he had been prevented from performing his military service despite having always stated his willingness to do so.

The Federal Court noted that, although the applicant's type of diabetes could not prevent him from carrying out a normal professional activity, the particular demands of military service meant that he had to be declared unfit for that purpose. It held that the authorities had simply applied the provisions in force as appropriate, with the aim of ensuring equality between those who performed their military service and those who were exempted.

Relying on Article 14 taken in conjunction with Article 8, the applicant complained that he had been discriminated against in that he had been prevented against his will from performing his military service, while being forced to pay the exemption tax as his disability was not considered a major one by the authorities.

The Court observed that the notion of private life within the meaning of Article 8 included a person's physical integrity and that a State tax based on unfitness to serve in the armed forces for medical reasons indisputably fell within the ambit of that Article.

The Court considered that the Swiss authorities had treated persons in similar situations differently in two respects: firstly, the applicant was liable to the exemption tax, unlike persons with more severe

disabilities, and secondly, he was unable to perform alternative civilian service, which by Swiss law was reserved for conscientious objectors.

The first difference in treatment, according to the Swiss Government, was designed to restore equality between those who performed their military service and those who were exempted, as the tax was a substitute for the efforts of those who performed their service.

The Court considered that it was not in the interest of the community to require the applicant to pay an exemption tax to substitute for the efforts of military service, which he had been prevented from performing on medical grounds, a factual situation outside his control. The Court also pointed out that the deterrent role of the tax was only slight, seeing that the Swiss armed forces had a sufficient number of people available and fit for military service, and noted that the financial revenues from it were probably not insignificant. It further observed that a tax of this kind did not exist in most other countries.

From the applicant's point of view, the sum of EUR 477 he was required to pay in respect of the tax in question could not be described as insignificant, particularly as his income was modest and the tax was levied annually throughout the period of compulsory service, amounting to at least eight years.

With regard to the assessment of the applicant's degree of disability, the Court considered that the Swiss authorities had not taken sufficient account of his personal circumstances. They had relied on the case-law of the Federal Court and on a precedent that scarcely bore comparison – the case of an amputee – in finding that the applicant was less than 40% disabled. The Court further noted that the legislation did not provide for any exemption from the tax in question for those who were below the 40% disability threshold and who had only a modest income.

The Court suggested that persons in the applicant's case might be offered the possibility of alternative forms of service in the armed forces that entailed less physical effort and were compatible with the constraints of a partial disability – in his case, insulin injections four times a day – or of civilian service, without that option being reserved for conscientious objectors alone.

The Court concluded that there had been a violation of Article 14 taken in conjunction with Article 8, finding that the applicant had been the victim of discriminatory treatment as there had been no reasonable justification for the distinction made by the Swiss authorities between, in particular, persons who were unfit for service and not liable to the tax in question and those who were unfit for service but were nevertheless obliged to pay the tax.

K.H. and Others v. Slovakia (no. 32881/04) (Importance 2) – 28 April 2009 - Violation of Article 8 (right to respect for private and family life) - Violation of Article 6 § 1 (access to court) – Alleged forced sterilisation of Roma women – Disclosure of medical records

The applicants are eight female Slovak nationals of Roma ethnic origin. They were treated in two hospitals in eastern Slovakia during their pregnancies and deliveries, following which none of them could conceive a child again despite their repeated attempts. The applicants suspected that the reason for their infertility might be that a sterilisation procedure was performed on them during their caesarean delivery by medical personnel in the hospitals concerned.

In order to obtain a medical analysis of the reasons for their infertility and possible treatment, the applicants authorised their lawyers to review and photocopy their medical records as potential evidence in future civil proceedings, and to ensure that such documents and evidence were not destroyed or lost. The lawyers made two attempts, in August and September 2002 respectively, to obtain photocopies of the medical records, but were not allowed to do so by the hospitals' management.

The applicants sued the hospitals concerned, asking the courts to order them to release the medical records to the applicants' authorised legal representatives and to allow the latter to obtain photocopies of the documents included in the records.

In June 2003, the courts ordered the hospitals to allow the applicants and their authorised representatives to consult the medical records and to make handwritten excerpts thereof, but dismissed their request to photocopy the documents in order to prevent abuse. They also held that the applicants were not prevented from having any future claims, which they might bring for damages, determined in accordance with the requirements of the Convention. In particular, under the relevant law the medical institutions were obliged to submit the required information to, among others, the courts, for example in the context of civil proceedings concerning a patient's claim for damages.

Subsequently seven applicants were able to access their files and to make photocopies of them in accordance with the newly introduced Health Care Act of 2004. As regards the eighth applicant, the

hospital only provided her with a simple record of a surgical procedure indicating that surgery had been performed on her and that she had been sterilised during the procedure.

Relying on Article 8 (right to respect for private and family life), Article 6 § 1 (right to a fair hearing) and Article 13 (right to an effective remedy), the applicants complained of not being able to obtain photocopies of their medical records, which they needed in order to establish the reason for their infertility; they also complained of being thus denied access to court as they were unable to assess in a qualified manner the position in their cases for later civil litigation as well as the prospects of success of any such litigation and to produce these photocopies of medical records as evidence.

The Court noted that the applicants had complained that they had been unable to exercise their right of effective access to information concerning their health and reproductive abilities at a certain moment in time. This question had been linked to their private and family lives, and thus protected under Article 8 of the Convention (see for instance *Roche v. the United Kingdom* [GC], no. 32555/96, § 155, ECHR 2005-X). The Court considered that persons, who, like the applicants, wished to obtain photocopies of documents containing their personal data, should not have been obliged to make specific justification as to why they needed the copies. It should have been rather for the authority in possession of the data to show that there had been compelling reasons for not providing that facility.

Given that the applicants had obtained judicial orders allowing them to consult their medical records, the refusal of allowing them to make photocopies of those records had not been sufficiently justified by the authorities. To avoid the risk of abuse of medical data it would have been sufficient to put in place legislative safeguards strictly limiting the circumstances under which such data could be disclosed, as well as the scope of persons entitled to have access to these files (see with that respect *I. v. Finland*, no. 20511/03, § 38, 17 July 2008 and also *Z v. Finland*, judgment of 25 February 1997, *Reports* 1997-I, §§ 95-96). The Court observed that the new Health Care Act adopted in 2004 had been compatible with that requirement; however, it had come too late to affect the situation of the applicants in this case. Accordingly, there had been a violation of Article 8.

The Court accepted the applicants' argument that they had been in a state of uncertainty as regards to their state of health and reproductive abilities following their treatment in the concerned hospitals. It also agreed that obtaining the photocopies was an essential part for the assessment of their perspectives of seeking redress before the courts. Since the domestic law applicable at the time had excessively limited the possibility of the applicants or their lawyers to present their cases to the court in an effective manner, and since the Government had not presented sufficient reasons to justify this restriction, the Court held that there had been a violation of Article 6 § 1.

The Court found no violation of Article 13 noting that it did not guarantee a remedy to challenge a law as such before a domestic authority. It also considered unnecessary to examine separately the applicants' complaint under Article 13 in combination with Article 6 § 1, as it held that the requirements of Article 13 were less strict and absorbed by those of Article 6 § 1.

Judge Šikuta expressed a partly dissenting opinion, which is annexed to the judgment.

Kalacheva v. Russia (no. 3451/05) (Importance 3) – 7 May 2009 – Violation of Article 8 (right to respect for private and family life) – Domestic courts' failure to establish the paternity of a child regardless of the results of a DNA test

In September 2003, the applicant gave birth to a child out of wedlock. In November 2003 she brought civil proceedings against Mr A. before the Kirovskiy district court of Astrakhan in order to establish paternity and obtain child maintenance.

In December 2003, the court ordered a DNA test. Blood samples were thus collected in Astrakhan and sent to a specialised institute in Moscow for a forensic genetic examination. According to the expert's conclusion, delivered in March 2004, there was a 99% probability that Mr A. was the father of Ms Kalacheva's child.

Mr A. contested the test results arguing that there had been procedural shortcomings. Having heard both parties, in June 2004, the court rejected Ms Kalacheva's claim in full, as it found that she had failed to submit enough evidence.

Ms Kalacheva appealed unsuccessfully. The appeal court found that an expert conclusion was not binding on the court and that in the present case the DNA test, carried out in breach of the relevant procedure was not supported by other evidence. Ms Kalacheva's lawyer brought an application for supervisory review, which was rejected by the Supreme Court.

Relying in particular on Article 8, Ms Kalacheva complained that the domestic courts had failed to establish the paternity of her daughter's biological father regardless of the results of a DNA test.

The Court first noted that Ms Kalacheva was the sole legal guardian of her child. It had therefore been essential to her, from an emotional, social and financial point of view, to have the courts establish who her child's father was. Consequently, Ms Kalacheva's complaint related to her private life fell under Article 8 of the Convention.

The domestic judicial authorities had faced a conflict between the competing interests of Ms Kalacheva, as the mother of a child born out of wedlock, and the interests of the alleged father. The Court observed that it had been crucial to obtain the results of a DNA test in order to solve the dispute in the best interest of the child, as DNA testing had been the only scientific method for accurately determining the paternity of the child.

Given that the results of a first DNA test carried out for the purpose of establishing paternity of Ms Kalacheva's child were found inadmissible for procedural reasons, a second DNA test had been necessary. The Court noted that in accordance with the Russian Civil Procedural Code it had been up to the domestic courts to order a second DNA test if the reliability of the results of an earlier one were uncertain. This was of particular importance in the present case since the procedural irregularities appeared to have been imputable to the institute for forensic medical examination, which was a state institution. Given that the domestic court had not ordered a second DNA test, the Court held that there had been a violation of Article 8.

- **Freedom of expression and private life**

Karakó v. Hungary (no. 39311/05) (Importance 1) – 28 April 2009 – No violation of Article 8 (right to respect for private and family life) – Statement expressed by fellow politician damaging the reputation of the applicant - Value judgment – Wider limits of acceptable criticism for a politician

The applicant, László Karakó, a member of Parliament, was a candidate in the 2002 parliamentary elections. On 19 April 2002, prior to the second ballot round, a flyer was distributed in his electoral district, signed by another politician, who was the chairman of the Regional General Assembly in the same electoral district. The flyer stated that Mr Karakó regularly voted against the interests of his district.

In May 2002, Mr Karakó filed a criminal complaint against the politician whose signature appeared on the flyer, accusing him of having damaged his reputation. An investigation was opened into the allegations, but was discontinued in May 2004 as the prosecutor considered that no crime prosecutable by the State had been committed.

In January 2005, Mr Karakó brought proceedings but in May 2005 his claim was dismissed by the court, which held that the statement on the flyer in question was a value judgment and that the limits of acceptable criticism were wider for a politician who had to display a greater degree of tolerance.

Relying on Article 8, Mr Karakó complained about the Hungarian authorities' failure to protect his right to private life by refusing to act upon his criminal complaint against the other politician who had distributed the flyer.

The Court noted that an effective legal system for the protection of the rights falling under the notion of "private life" existed in Hungary at the time. Given that the act in question represented a statement, and thus an expression, by another politician, the Court recalled that the obligation of the State to protect Article 8 rights had to go in parallel with protecting the rights and freedoms under Article 10. The domestic courts had concluded that the statement in the flyer had been a value judgment, and as such, an expression protected under Hungarian law. In reaching this conclusion, the authorities took into account that Mr Karakó was an active politician and the statement in the flyer had been made during an election campaign in which he had been a candidate, and thus constituted a negative opinion about his public activities. On these grounds, the statement in question was found to have been constitutionally protected. The Court was satisfied that this analysis had been compatible with the Convention. Had the domestic courts sanctioned the politician for his statement in the flyer in question, they would have limited his freedom of expression unduly, and thus violated his Article 10 rights. Accordingly, there had been no violation of Article 8 of the Convention.

- **Freedom of expression and right to fair trial**

Özer v. Turkey (nos. 35721/04 and 3832/05) (Importance 3) - 5 May 2009 – Violation of Article 10 – Violation of Article 6 § 1 (fairness) - Conviction of the applicant for publishing an article and printing a leaflet amounting to political appeals – Non-communication of the public prosecutor's opinion to the applicant

The applicant is the owner and editor of the monthly publication Yeni Dünya İçin Çağrı ("Call for a new world"), whose registered office is in Istanbul. He also owns a publishing company, Çağrı Basın Yayın Ltd. Şti, likewise based in Istanbul. Relying on Article 10 (freedom of expression), Article 6 § 1 (right to a fair hearing) and Article 1 of Protocol No. 1 (protection of property), he complained about his conviction for publishing an article and printing a leaflet. The Court observed, in particular, that the article and leaflet in question amounted to political appeals and did not call for either violence or bloody revenge. It therefore considered that the interference with the applicant's right to freedom of expression had not been "necessary in a democratic society" and held unanimously that there had been a violation of Article 10. It also held unanimously that there had been a violation of Article 6 § 1 as regards the applicant's complaint about the non-communication of the public prosecutor's opinion, and that it was not necessary to examine separately the complaint under Article 1 of Protocol No. 1.

- **Right to respect for property**

Bijelić v. Montenegro and Serbia (no. 11890/05) (Importance 2) – 28 April 2009 – Violation of Article 1 of Protocol No. 1 - Non-enforcement of an eviction order – Succession of States

Relying on Article 1 of Protocol No. 1 (protection of property), Article 6 § 1 (right to a fair hearing) and Article 8 (right to home), the applicants complained in particular about the non-enforcement of an eviction order concerning a flat in Montenegro by the Court of First Instance on 26 January 1994 and their consequent inability to live in the flat at issue. Following the Montenegrin declaration of independence, the applicants stated that they wished to proceed against both Montenegro and Serbia, as two independent States.

One may note in particular the third party interventions in this case by the Human Rights Action and especially by the European Commission for Democracy through Law ("the Venice Commission").

"*In its written opinion (adopted by the 76th Plenary Session held on 17-18 October 2008, CDL-AD (2008) 021), the Venice Commission maintained that it would both further the protection of European human rights and be in accordance with the Court's earlier practice, if the Court were now to hold Montenegro responsible for the breaches of the applicants' Convention rights which might have been caused by its authorities between 3 March 2004 and 5 June 2006. In the opinion of the Venice Commission, there are no difficulties of international or constitutional law which should lead the Court to a different conclusion*" (§.65).

"*Given the practical requirements of Article 46 of the Convention, as well as the principle that fundamental rights protected by international human rights treaties should indeed belong to individuals living in the territory of the State party concerned, notwithstanding its subsequent dissolution or succession (see, mutatis mutandis, paragraph 58 above), the Court considers that both the Convention and Protocol No. 1 should be deemed as having continuously been in force in respect of Montenegro as of 3 March 2004, between 3 March 2004 and 5 June 2006 as well as thereafter*" (§.69).

The Court held unanimously that there had been a violation of Article 1 of Protocol No. 1 and that it was not necessary to examine separately their complaint under Article 6 § 1. By six votes to one the Court held that the Government of Montenegro should ensure the enforcement of the final domestic judgment ordering the eviction.

2. Other judgments issued 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 a more complete information, please refer to the following link:

- press release by the Registrar concerning the Chamber judgments issued on 28 April 2009 : here.
- press release by the Registrar concerning the Chamber judgments issued on 30 April 2009 : here.
- press release by the Registrar concerning the Chamber judgments issued on 5 May 2009 : here.
- press release by the Registrar concerning the Chamber judgments issued on 7 May 2009 : here.

* The "Key Words" in the various tables of the RSIF are elaborated under the sole responsibility of the NHRS Unit of the DG-HL and the Office of the Commissioner for Human Rights.

We kindly invite you to click on the corresponding link to access to the full judgment of the Court for more details. Some judgments are only available in French.

State	Date	Case Title and Importance of the case	Conclusion	Key Words	Link to the case
Greece	30 Apr. 2009	Roubies (no. 22525/07) Imp. 3.	Violations of Art. 6 § 1 (length and fairness)	Excessive length of proceedings (14 years) and infringement of the right of access to a court (dismissals of the applicant's grounds of appeal to the Court of cassation for purely formal reasons)	Link
Greece	30 Apr. 2009	Tsotsos (no. 25109/07) Imp. 3.	Violation of Art. 6 §§ 1 (length) and 3 d)	Excessive length of proceedings (seven years and seven months) and impossibility to question witnesses	Link
Hungary	28 Apr. 2009	Rózsa no. 30789/05) Imp. 2.	Violation of Art. 6 § 1 (fairness)	No fair balance had been struck between the general interest in securing the payment of the creditors and the applicant's personal interest in having access to a court (the applicants were unable to seek compensation in court for the loss of value of their shares in a company whose liquidation had been ordered unlawfully)	Link
Poland	28 Apr. 2009	Godysz (no. 46949/07) Imp. 3.	Violation of Art. 5 § 3	Excessive length of pre-trial detention (three years and two days) on suspicion of bribery, evasion of tax and customs duties and forgery committed in an organised criminal gang	Link
Romania	05 May 2009	Gavrileanu (no. 18037/02) Imp. 3.	Struck out of the list	Struck out of the list following the applicant's death (the Court already found a violation of Art. 6 § 1 and Art. 1 of Prot. No. 1 in a judgment of 22 February 2007 but the heirs of the applicant did not express their intention to pursue the proceedings on the just satisfaction).	Link
Turkey	28 Apr. 2009	Gülecan (no. 23904/03) Imp. 3.	Violation of Art. 6 §§ 1 and 3 (c) (fairness)	Deprivation of legal assistance while in police custody and failure to communicate the Principal Public Prosecutor's opinion to the applicant	Link
Turkey	28 Apr. 2009	Kuyu (no. 1180/04) Imp. 3.	Violation of Art. 6 § 1 (length)	Excessive length of proceedings (eight years and one month)	Link
Turkey	05 May 2009	Gürsel Çelik (no. 5243/03) Imp. 3.	Violation of Art. 6 § 1 (fairness) Violation of Art. 6 § 3 (c) in conjunction with Art. 6 § 1	Lack of independence and impartiality of the Diyarbakır National Security Court and inability to obtain legal assistance in police custody	Link

3. Repetitive cases

The judgments listed below are based on a classification which figures in the Registry's press release: "*In which the Court has reached the same findings as in similar cases raising the same issues under the Convention*".

The role of the NHRSs may be of particular importance in this respect: they could check whether the circumstances which led to the said repetitive cases have changed or whether the necessary execution measures have been adopted.

State	Date	Case Title	Conclusion	Key words
Italy	05 May 2009	Labbruzzo (no. 10022/02) link	Just satisfaction Friendly settlement	Struck out of the list due to a friendly settlement on just satisfaction following a violation of Art. 1 of Prot. No. 1 in a judgment of 5 October 2006.
Romania	05 May 2009	Bindea (no. 32297/04) link	Violation of Art. 6 § 1 (fairness)	Quashing of a final decision in the applicants' favour concerning immovable property
Romania	05 May 2009	Forna (no. 34999/03) link	Violation of Art. 6 § 1 (fairness) Violation of Art. 1 of Prot. No. 1	Failure to enforce a final judgment in the applicant's favour concerning a plot of land
Russia	30 Apr. 2009	Blinov and Blinova (no. 5950/04) link	Two violations of Art. 6 § 1 (fairness) Two violations of Art. 1 of Prot. No.	Non-enforcement of a judgment in the applicants' favour and quashing of the judgment by way of supervisory review.
Russia	07 May 2009	Sivukhin (no. 31049/05) link	Violation of Art. 6 § 1 (fairness)	Failure to notify the applicant of an appeal hearing.
The United Kingdom	28 Apr. 2009	Blackgrove (no. 2895/07) link	Violation of Art. 14 in conjunction with Art. 1 of Prot. No. 1	Discrimination on grounds of sex following the refusal to grant to a widower the Widowed Mother's Allowance
Turkey	05 May 2009	Yavuz and Others (no. 9923/05, 13021/05, 13186/05 etc.) link	(Bekir Yavuz) Violation of Art. 1 of Prot. No. 1 (All applicants) Violation of Art. 6 § 1 (fairness)	Delays in the payment of additional compensations for expropriation awarded to the applicants.
Turkey	28 Apr. 2009	Arıcı and Others (no. 35528/03) link	Violation of Art. 6 § 1 (fairness)	Failure to enforce a final judicial decision awarding the applicants statutory severance pay
Turkey	28 Apr. 2009	Fatihoğlu and Ugutmen (no. 43498/04) link	Violation of Art. 1 of Prot. No. 1	Deprivation of property without compensation

4. Length of proceedings cases

The judgments listed below are based on a classification which figures in the Registry's press release.

The role of the NHRSs may be of particular relevance in that respect as well, as these judgments often reveal systemic defects, which the NHRSs may be able to fix with the competent national authorities.

With respect to the length of non criminal proceedings cases, the reasonableness of the length of proceedings is assessed in the light of the circumstances of the case and with reference to the following criteria: the complexity of the case, the conduct of the applicant and the relevant authorities and what was at stake for the applicant in the dispute (See for instance Cocchiarella v. Italy [GC],

no. 64886/01, § 68, published in ECHR 2006, and Frydlender v. France [GC], no. 30979/96, § 43, ECHR 2000-VII).

State	Date	Case Title	Link to the judgment
Greece	30 Apr. 2009	Kontogouris (no. 38463/07)	Link
Greece	30 Apr. 2009	Nikolopoulou (no. 54581/07)	Link
Greece	30 Apr. 2009	Papathanasis (no. 46064/07)	Link
Poland	28 Apr. 2009	Klimkiewicz (no. 44537/05)	Link
Poland	28 Apr. 2009	Trojańczyk (no. 11219/02)	Link
Russia	30 Apr. 2009	Gasanova (no. 23310/04)	Link
"The former Yugoslav Republic of Macedonia"	07 May 2009	Bogdanska Duma (no. 24660/03)	Link

B. The decisions on admissibility / inadmissibility / striking out of the list including due to friendly settlements

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 6 to 19 April 2009.

They are aimed at providing the NHRSs with potentially useful information on the reasons of the inadmissibility of certain applications addressed to the Court and/or on the friendly settlements reached.

State	*Date*	*Case Title*	*Alleged violations (Key Words)*	*Decision*
Armenia	14 Apr. 2009	Geraguyn Khorhurd Patgamavorakan Akumb (no 11721/04) link	The applicant organisation acted as an election observer during the parliamentary election held in Armenia in 2003. According to the applicant organisation, in the pre-election stage it had disclosed numerous violations connected with the use of pre-election funds of certain parties which allegedly led to the free broadcast of the election campaign by certain TV companies being carried out mainly in favour of a number of parties. The applicant alleges violations of Art. 6 § 1 (in particular lack of access to the case file and failure to be notified of the court hearings), Art. 10 (the right to receive and impart information had been violated by the actions of the Central Election Committee) and Art. 3 of Prot. 1 (violations related to the publicity of elections and to the rights of election observers)	Partly inadmissible *ratione materiae* concerning the unfairness of the proceedings (the proceedings in question did not concern the determination of the applicant organisation's "civil rights and obligations" and fall outside the scope of Article 6 § 1) Partly inadmissible for non exhaustion of domestic remedies (concerning the remainder of application)
Armenia	14 Apr. 2009	Borisenko and Yerevanyan Bazalt LTD (no 18297/08) link	Alleged violation of Art. 6 § 1 (no access to the Court of cassation as the admissibility requirements were too vague and incompatible with the principle of legal certainty) and Art. 1 of Prot. 1 (disproportionate interference with	Partly inadmissible as manifestly ill-founded (the decision of the Court of Cassation was proportionate to the legitimate aim pursued) Partly inadmissible for non

			the property rights)	exhaustion of domestic remedies
Belgium	07 Apr. 2009	Phserowsky (no 52436/07) link	Alleged violation of Art. 6 § 1 (length of proceedings), Art. 13 (lack of an effective remedy regarding the restitution of property) and Art. 1 of Prot. 1 (impossibility to obtain the restitution of a bail)	Partly inadmissible for non exhaustion of domestic remedies (concerning the length of proceedings and the interference in the applicant's right to property), Partly inadmissible as manifestly ill-founded concerning the lack of an effective remedy
Bulgaria	07 Apr. 2009	Filipov (no 40495/04) link	Alleged violations of Art. 6 § 1 and Art. 13 (length of criminal proceedings and lack of an effective remedy in this respect), of Art 5 § 3 (unlawfulness and length of detention) and of Art. 5 § 4 (right to obtain a speedy judicial review)	Partly adjourned (concerning the length of detention, the length of criminal proceedings and lack of an effective remedy in that respect) Partly inadmissible (concerning the remainder of the application)
Bulgaria	14 Apr. 2009	Deyanov (no 2930/04) link	Alleged violation of Art. 1, 4, 5, 6, 8, 10, 13, 14, 17, 18 and 2 of Prot. 1, (authorities' failure to take timely and adequate action following the applicant's son's disappearance ; length and unfairness of proceedings ; and lack of an effective remedy in that connection)	Partly adjourned (concerning the adequacy of the authorities' reaction to the disappearance of the applicant's son, the length of the proceedings and the lack of any effective remedy in that respect) Partly inadmissible (concerning the remainder of the application)
Croatia	14 Apr. 2009	Radaljac (no 27537/07) link	Alleged violation of Art. 8 (right to respect for home) following the national courts' judgments ordering the applicant's eviction	Inadmissible as manifestly ill-founded (no appearance of violation of the Convention)
Cyprus	14 Apr. 2009	Constantinidou (no 29523/08) link	Alleged violation of Art. 6 and Art. 13 (length of civil proceedings and lack of an effective remedy in that connection)	Struck out of the list (friendly settlement reached)
Cyprus	14 Apr. 2009	Katzis (no 1887/08) link	Alleged violation of Art. 6 and Art. 13 (length of proceedings and lack of an effective remedy in that connection and failure of domestic courts to examine the evidence submitted by the applicant)	Struck out of the list (friendly settlement reached)
Finland	07 Apr. 2009	Oinaala (no 23682/07) link	The applicant complained under Art. 6 about the length of proceedings	Struck out of the list (unilateral declaration of the Government concerning the length of the proceedings)
France	07 Apr. 2009	Peraldi (no 2096/05) link	Alleged violation of Art. 5 § 3 and 6 § 1 (length of detention and lack of reasoning in the decisions related the applicant's detention)	Inadmissible because an application had already been submitted to the Working Group on Arbitrary Detention of the High Commissioner for Human Rights of the United Nations, which may be considered as "another procedure of international investigation or settlement" under Art. 35§2 of the Convention
France	07 Apr. 2009	Ghulami (no 45302/05) link	Alleged violation of Art. 3, 13 (due to the deportation of the applicant to Afghanistan) and Art. 4 of Prot. 4 (prohibition of expulsive collection of aliens)	Inadmissible as manifestly ill-founded (no appearance of violation of Article 3 and no appearance that there was no individual examination of the applicant's case)
France	07 Apr. 2009	Peckels (no 17119/06) link	Alleged violation of Art. 5 § 4 (inability of the applicant to obtain a speedy review of his detention),	Partly struck out of the list (following the unilateral declaration concerning the

			Art. 8 (disproportionate interference with the right to private and family life) and Art. 13 (lack of effective remedy to obtain a probatory release)	inability for the applicant to obtain a prompt judicial decision on his applications to leave the hospital) Partly inadmissible (concerning the remainder of the application)
France	07 Apr. 2009	Hakkar (no 43580/04) link	Alleged violation of Art. 4 of Prot. 7 (violation of the principle *non bis in idem),* of Art. 3 and 5 §§ 1 et 3 (excessive length, allegedly more than 20 years, of pre-trial detention), of Art. 6 § 1 (length and unfairness of proceedings), of Art. 7 and Art. 14 and of Prot 12	Inadmissible as manifestly ill-founded (no appearance of violation of the Convention concerning the allegations of violation of Art. 4 of Prot. 7, of Art. 3, Art. 5, of Art. 6 and of Art. 7) and for non exhaustion of domestic remedies
Greece	07 Apr. 2009	Zacharias (no 14737/06) link	Alleged violation of Art. 3, 5 §§ 3 and 4, 6 §§ 1 and 2 and Art. 14 (incompatibility of the applicant's health with detention, length of detention, unfairness of proceedings)	Inadmissible as manifestly ill-founded (no appearance of violation of the Convention)
Greece	07 Apr. 2009	Gutermann (no 20666/06) link	The applicant complains about the length and the unfairness of proceedings and ill-treatment in police custody.	Struck out of the list (following the applicant's death, the heirs were considered as no longer wishing to pursue the application)
Greece	14 Apr. 2009	Kyriakou (no 36098/05) link	Alleged violation of Art. 6 § 1 (unfairness of proceedings) and Art. 4 of Prot. 7 (violation of the principle *non bis in idem*)	Partly inadmissible for non exhaustion of domestic remedies (concerning the principle *non bis in idem*) Partly inadmissible as manifestly ill-founded (the trial could be considered as fair under Art. 6)
Greece	07 Apr. 2009	Treska (no 25861/07) link	The applicant complained under Art. 6 § 1 about the length of proceedings	Struck out of the list (applicant no longer wishing to pursue his application)
Hungary	07 Apr. 2009	Gnandt (no 22920/05) link	The applicant complained under Art. 6 § 1 about the length of proceedings	Inadmissible as manifestly ill-founded (the applicant can no longer claim the status of victim as an adequate redress was afforded at domestic level)
Hungary	14 Apr. 2009	Dees (no 2345/06) link	Alleged violation of Art. 6, 13 and 14 (length and unfairness of the proceedings, lack of effective remedy) and Art. 8 (violation of right to respect for home because of nuisance, pollution and smell caused by heavy traffic)	Partly adjourned (concerning the length of the proceedings and the right to respect for home), Partly inadmissible (concerning the remainder of the application)
Italy	07 Apr. 2009	VICCARI and others (no 33747/06 link	The applicant complains under Art. 1 of Prot. 1, about the deprivation of his properties without adequate compensation.	Inadmissible as manifestly ill-founded (the applicant can no longer claim the status of victim as an adequate redress has been afforded at domestic level)
Latvia	07 Apr. 2009	Zeludkovs (no 3873/02) link	Alleged violation of Art. 5 (length and lack of judicial review of pre-trial detention) and Art. 6 (length of criminal proceedings)	Struck out of the list (applicant no longer wishing to pursue his application)
Latvia	07 Apr. 2009	Urtans (no 25623/04) link	Alleged violation of Art. 6 § 1 (length of criminal proceedings), Art. 3 and 5 § 3 (length of pre-trial detention), Art. 6 § 3 and 13 (lack of free legal assistance and adequate time for preparation of defence and appeal and cassation courts did not accept the complaints for examination)	Partly struck out of the list (following the unilateral declaration of the Government regarding the length of proceedings) Partly inadmissible (concerning the remainder of the application)

Latvia	07 Apr. 2009	Kondrasovs (no 26555/02) link	*Inter alia* : alleged violation of Art. 6 § 1 (length of proceedings), Art. 6 § 3 (a) and (e) (failure to inform the applicant in a language that he understands about the charges brought against him), Art. 6 § 3 (b) (lack of adequate time for the preparation of the defence), Art. 6 § 3 (c) and (d)	Struck out of the list (friendly settlement reached)
Moldova	07 Apr. 2009	Moscal (no 37990/04) link	Alleged violation of Art. 6 § 1 and Art. 1 of Prot. 1 (failure to enforce a final judgment in the applicant's favour within a reasonable time and to afford appropriate redress for the delayed enforcement)	Struck out of the list (friendly settlement reached)
Moldova	07 Apr. 2009	Frunze (no 22545/05) link	Idem	Idem
Poland	07 Apr. 2009	Antoni Wojciechowski (no 12947/04) link	Alleged violation of Art. 6 § 1 (violation of right to access to a court on account of the dismissal of application for an appointment of a legal-aid lawyer in the cassation appeal proceedings, refusal to exempt the applicant from court fees and to grant him legal-aid lawyer) and of Art. 13 and 14	Struck out of the list (friendly settlement reached)
Poland	07 Apr. 2009	Drebszak (no 486/07) link	Alleged violation of Art. 6 § 1, 13 (excessive length of the enforcement proceedings and lack of an effective remedy in that connection), and Art. 14	Struck out of the list (friendly settlement reached)
Poland	07 Apr. 2009	Turzynski (no 10453/03) link	The applicant complained under Art. 1 of Prot. No. 1 that the State Treasury's Agricultural Property Agency had unlawfully deprived him of his possessions by evicting him from the farms he had been leasing, while the judgments delivered in the repossession proceedings countenanced the Agency's unlawful actions	Inadmissible for non-exhaustion of domestic remedies
Poland	07 Apr. 2009	Mazur (no 49090/06) link	The applicant complained under Art. 5 § 3 about the excessive length of his pre-trial detention.	Struck out of the list (applicant no longer wishing to pursue his application)
Poland	07 Apr. 2009	Kotlarski (no 25044/07) link	Alleged violation of Art. 5 § 3 (excessive length of pre-trial detention) and of Art. 6 § 2 (violation of the right to presumption of innocence on account of the continued detention)	Partly struck out of the list (unilateral declaration of Government concerning the length of pre-trial detention) Partly inadmissible as manifestly ill-founded (concerning the remainder of the application)
Romania	07 Apr. 2009	Cristea (no 40649/02) link	Alleged violation of Art. 6 and Art. 1 of Prot. 1 (unfairness of proceedings and illegal taxation of an allowance received at the time of appointment in military reserve)	Struck out of the list (friendly settlement reached)
Romania	07 Apr. 2009	Zamfir (no 1715/03) link	Alleged violation of Art. 6 § 1 (excessive length and unfairness of proceedings), of Art. 2 (violation of right to life on account of the small amount of retirement pension), of Art. 13 and Art. 17	Partly struck out of the list (unilateral declaration of Government concerning the length of proceedings) Partly inadmissible as manifestly ill-founded (concerning the remainder of the application)
Romania	14 Apr. 2009	Ciul (no 7644/04) link	Alleged violation of Art. 6 § 1 and of Art. 1 of Prot. 1 (unfairness of proceedings, violation of the right to legal certainty and infringement	Partly struck out of the list (unilateral declaration of Government concerning right of property)

			in the applicant's right to respect for property following the quashing of a final decision in the applicant's favour)	Partly inadmissible *ratione materiae* (taxation proceedings do not fall within the scope of Art. 6)
Romania	14 Apr. 2009	Costache (no 31725/03) link	The applicant complains under Art. 8 about the inability to maintain a family life with his son after a divorce	Struck out of the list (applicant no longer wishing to pursue his application)
Romania	14 Apr. 2009	Vlad (no 23451/04) link	Alleged violation of Art. 1 of Prot. 1 (impossibility to obtain the eviction of the unlawful occupants of the applicants' flat)	Struck out of the list (applicants no longer wishing to pursue his application)
Romania	07 Apr. 2009	Marinescu (no 4244/02) link	Alleged violation of Art. 10 and 14 (interference in the freedom of expression and discrimination following the eviction of the association "Biblio" from its premises) Art. 6 and 13 (unfairness of proceedings)	Inadmissible as manifestly ill-founded (no appearance of violation of the Convention)
Romania	07 Apr. 2009	Savulescu and others (no 71838/01) link	The applicants complain under Art. 1 of Prot. 1 about the loss of their properties without compensation	Inadmissible for non-exhaustion of domestic remedies
Russia	14 Apr. 2009	Gurok (no 18462/08) link	Alleged violation of Art. 6, Art. 1 of Prot. 1 and Art. 14 (quashing of the final judgments in the applicant's favour, deprivation of pension because the applicant left for Israel, alleged discrimination on political grounds and on grounds of the applicant's Israeli citizenship)	Struck out of the list (following the applicant's death, his heirs were considered as no longer wishing to pursue his application)
Russia	14 Apr. 2009	Kutepov (no 13182/04) link	Alleged violation of Art. 3 (ill-treatment during the arrest, insufficient medical assistance), Art. 6 § 3 (c) (absence of a legal-aid lawyer at the appeal hearing), Art. 5 §§ 1 (c), 2, 3 and 4, Art. 6 §§ 1, 2 and 3 (b) and (d), and Art. 13 (in particular unlawfulness of pre-trial detention, unfairness of criminal proceedings)	Partly adjourned (concerning the lack of adequate medical assistance throughout detention and the absence of a legal-aid lawyer at the appeal hearing) Partly inadmissible (concerning the remainder of the application)
Russia	14 Apr. 2009	Sharov (no 26972/02) link	The applicant complains under Art. 3 of Prot. 1 about a violation of his right to vote, that his vote had been "wasted" because his ballot paper was declared invalid and not counted in the final tally	Struck out of the list (applicant no longer wishing to pursue his application)
Russia	14 Apr. 2009	Yevgrafov (no 31730/03) link	The applicant complained under Article 6 §§ 1 and 2 about the length of criminal proceedings and about an interference in the right to presumption of innocence	Struck out of the list (applicant no longer wishing to pursue his application)
Russia	14 Apr. 2009	Volkov (no 41591/04) link	The applicant complains about the conditions of his detention in the Salavat police department and a lack of effective domestic remedy in this respect	Struck out of the list (friendly settlement reached)
Serbia	14 Apr. 2009	Bekker-Isakovic (no 42284/06) link	The applicant complains under Art. 6 § 1 about the excessive length of the civil proceedings, as well as their overall fairness and impartiality	Partly struck out of the list (unilateral declaration of Government concerning the length of proceedings) Partly inadmissible (the remainder of application)
Slovenia	07 Apr. 2009	Radakovic (no 17375/03) link	The applicant complains under Art. 6 § 1 about the excessive length of civil proceedings and under Art. 13 about the lack of an effective domestic remedy in that regard	Struck out of the list (friendly settlement reached)

Slovenia	07 Apr. 2009	Maric (no 9739/03) link	Idem	Idem
Slovenia	07 Apr. 2009	Cajko (no 15539/06) link	Idem	Idem
The Czech Republic	07 Apr. 2009	Cesky and Kotik (no 76800/01; 76801/01) link	*Inter alia* : alleged violation of Art. 6 § 1 (unfairness and length of proceedings), Art. 5 § 2, Art. 6 § 2 (wrong assessment of indirect evidence by domestic court), Art. 6 § 3 (d) and (c) (absence of the applicant and his lawyer to the examination of witnesses)	Inadmissible (because of non exhaustion of domestic remedies, no appearance of violation of the Convention, unsubstantiated complaint, incompatible *ratione temporis*)
"The Former Yugoslav Republic Of Macedonia"	14 Apr. 2009	Cvetanovski (no 45079/07) link	The applicant complains about the length of civil proceedings for determination of title to a property.	Struck out of the list (friendly settlement reached)
"The Former Yugoslav Republic Of Macedonia"	14 Apr. 2009	Jovanovski (no 36519/05) link	The applicant complains about the length of labour proceedings for work-related allowances	Idem
"The Former Yugoslav Republic Of Macedonia"	14 Apr. 2009	Davkovska (no 49816/07) link	The applicant complains about the length and outcome of compensation proceedings	Idem
"The Former Yugoslav Republic Of Macedonia"	14 Apr. 2009	Dzaferi (no 45580/07) link	The applicant complains about the unfairness and length of civil proceedings for annulment of his dismissal	Idem
"The Former Yugoslav Republic Of Macedonia"	14 Apr. 2009	Filipovski and others (no 20279/04) link	The applicants complain about the length of pension proceedings	Idem
The Netherlands	14 Apr. 2009	Narenji Haghighi (no 38165/07) link	The applicant, an Iranian national, complained under Art. 8 that the refusal to allow him to stay with his wife in the Netherlands violated his right to respect for his family life	Inadmissible as manifestly ill-founded (the Dutch authorities reached a fair balance between the applicant's interests on the one hand and its own interest in controlling immigration and preventing disorder or crime on the other)
The United Kingdom	07 Apr. 2009	Nowell (no 28049/02) link	The applicant complained that British social security legislation discriminated against him on grounds of sex, in breach of Article 14 taken in conjunction with both Article 8 and Article 1 of Protocol No. 1[*] (deprivation of Widowed Mother's Allowance)	Partly struck out of the list (friendly settlement reached in respect of the non-entitlement to the Widowed Mother's Allowance) Partly inadmissible (concerning the remainder of the application)
Turkey	14 Apr. 2009	Can (no 6644/08) link	Alleged violation of Art. 3 (ill-treatment in police custody and during the transfer from the prison), Art. 5 § 3 (excessive length of police custody and of pre-trial detention), Art. 5 § 4, Art. 6 § 3 (b), (c) and (d) (unfairness and inability to review the lawfulness of the pre-trial detention), Art. 6 §§ 1, 2 (unfairness and length of proceedings), Art. 13 (lack of effective remedies to challenge pre-trial detention)	Partly adjourned (concerning the alleged ill-treatment during transfer from Istanbul to Kırklareli, the right to be released pending trial, the right to challenge the lawfulness of the pre-trial detention and the right to a fair hearing within a reasonable time) Partly inadmissible (concerning the remainder of the application)

[*] See *Willis v. the United Kingdom,* no. 36042/97, §§ 14-26, ECHR 2002-IV and *Runkee and White v. the United Kingdom*, no. 42949/98, §§ 40-41, 25 July 2007

Turkey	14 Apr. 2009	Sevim Gungor (no 75173/01) link	The applicant complained under Art. 2 about the death of her mother and the flaws in the subsequent proceedings	Inadmissible as manifestly ill-founded (no indication, that there has been any failure by the respondent State to provide a mechanism to establish whether the criminal, disciplinary or civil responsibility of the medical staff was engaged)
Turkey	07 Apr. 2009	Tosun (no 45866/05) link	Alleged violation of Art. 6 § 1 and Art. 1 of Prot. 1 (deprivation of the applicant's land due to its designation as State property on the ground that it was situated on the coastline)	Struck out of the list (applicant no longer wishing to pursue his application)
Turkey	07 Apr. 2009	Sen (no 8091/05) link	The applicant complains under Art. 6 § 1 that the length of the administrative proceedings in his case exceeded the reasonable time requirement	Struck out of the list (friendly settlement reached)
Turkey	07 Apr. 2009	Parlak (no 22459/04) link	Alleged violation of Art. 2, 3, 5, 6 and 8 (ill-treatment during the arrest, lack of medical aid for the injuries related the applicant's arrest, lack of information about the reasons of the applicant's detention, failure to bring the applicant promptly before a judge, lack of effective remedy to have a compensation for unlawful detention)	Partly adjourned (concerning the ill-treatment during the arrest, the failure to bring the applicant promptly before a judge, the lack of effective remedy to have a compensation for unlawful detention) Partly inadmissible (concerning the remainder of the application)
Turkey	07 Apr. 2009	Karaoglan (no 27012/04) link	The applicant complains under Art. 2, 3 about his detention despite his thyroid cancer, and under Art. 5 and 6 about the excessive length and unfairness of proceedings	Partly adjourned (concerning the excessive length of criminal proceedings) Partly inadmissible (concerning the remainder of the application)
Turkey	07 Apr. 2009	Akol (no 36582/05) link	Alleged violation of Art. 6 (length of proceedings)	Struck out of the list (friendly settlement reached)
Turkey	07 Apr. 2009	Belin (no 12240/03) link	Alleged violation of Art. 6 (length of civil proceedings to obtain compensation)	Struck out of the list (applicant no longer wishing to pursue his application)
Turkey	14 Apr. 2009	Duruster (no 12545/03) link	Alleged violation of Art. 6 and 2 of Prot. 7 (lack of public hearing and inability to present evidences in criminal proceedings)	Struck out of the list (applicant no longer wishing to pursue his application)
Turkey	07 Apr. 2009	Erdogan (no 33090/05) link	Alleged violation of Art. 6 § 1 (fairness and length of civil proceedings)	Partly adjourned (concerning the length of proceedings), Partly inadmissible (concerning the remainder of the application)
Turkey	07 Apr. 2009	Secik (no 25515/04) link	Alleged violation of Art. 6 § 1 (length and fairness of criminal proceedings)	Struck out of the list (friendly settlement reached)

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.

There is in general a gap of three weeks between the date of the communication and the date of the publication of the batch on the Website. Below you will find the links to the lists of the weekly communicated cases which were published on the Court's Website:

- on 11 May 2009 : link

The list itself contains links to the statement of facts and the questions to the parties. This is a tool for NHRSs to be aware of issues involving their countries but also of other issues brought before the Court which may reveal structural problems. Below you will find a list of cases of particular interest identified by the NHRS Unit and the Office of the Commissioner for Human Rights.

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.

Please note that the Irish Human Rights Commission (IHRC) issues a monthly table on priority cases before the European Court of Human Rights with a focus on asylum/ immigration, data protection, anti-terrorism/ rule of law and disability cases for the attention of the European Group of NHRIs with a view to suggesting possible amicus curiae cases to the members of the Group. Des Hogan from the IHRC can provide you with these tables (dhogan@ihrc.ie).

Communicated cases published on 11 May 2009 on the Court's Website and selected by the NHRS Unit and the Office of the Commissioner for Human Rights

The batch of 11 May 2009 concerns the following States (some cases are however not selected in the table below): Georgia, Lithuania, Moldova, Portugal and Turkey.

State	Date of communication	Case Title	Key Words
Georgia	22 Apr. 2009	Seidova (no 16956/09)	Alleged violation of Art. 3 – Lack of adequate medical treatment in Prison No 5 in Tbilisi (prison for minors and women) – Alleged violation of Art. 5 – Inability to question witnesses - Lack of legal assistance –Failure to inform the applicant, in a language she understands (Azerbaijani) about the proceedings brought against her
Georgia	20 Apr. 2009	Rostomachvili (no 13185/07)	Alleged violation of Art. 3 – Conditions of detention and lack of medical treatment in prisons nos. 1 and 5 in Tbilisi, Prisons Nos. 2 and 6 in Rustavi – Alleged violation of Art. 5 §§ 1, 2, 3 and Art. 6
Moldova	23 Apr. 2009	Mătăsaru (no 20253/09)	Protest against the alleged falsification of the results of the election in Moldova in 2009 - Alleged violation of Art. 3 – Ill-treatment and lack of medical assistance while in detention in the General Police Department and in prison no. 13 in Chişinău – Alleged violation of Art. 5 § 2 and 3 – Failure to be informed of the reasons for arrest – Failure to be promptly brought before a judge – Alleged violation of 6 and 8 – The applicant was allegedly forced to reveal the passwords to his electronic mail accounts
Turkey	20 Apr. 2009	Önal (2) (no 41445/04) Önal (3) (no 41453/04)	Alleged violation of Art. 6 § 1 – Unfairness of proceedings on account of the breach of equality of arms (in particular concerning the elevated position of the Public Prosecutor in the hearing room of the *Cour de sûreté de l'Etat d'Istanbul*) – Alleged violation of Art. 10 following the publication of a book on a Kurdish businessman

D. Miscellaneous (Referral to grand chamber, hearings and other activities)

Hearings

The Court held on 6 May 2009 a Grand Chamber hearing in the case of *Medvedyev and Others v. France.*
Press release, webcast of the hearing

Other hearings in May 2009:

- Tuesday 12 May 2009: Chamber hearing on the merits and the admissibility in *Gillan and Quinton v. the United Kingdom* (no. 4158/05)

- Wednesday 20 May 2009: Grand Chamber in *Kononov v. Latvia* (no. 36376/04)

- Tuesday 26 May 2009: Chamber hearing on the merits and the admissibility in *Muñoz Diaz v. Spain* (no. 49151/07)

Visit from the Ukrainian Minister of Justice (28.04.09)

On 28 April 2009, President Costa met Mykola Onischuk, Ukrainian Minister of Justice.

50th anniversary of the ENM (29.04.09)

On 29 April 2009 President Costa participated in an event to mark the 50th anniversary of the Ecole Nationale de la Magistrature (national legal service training college) in Bordeaux. In the afternoon he chaired a debate entitled: “Working towards dialogue between different judicial systems. Justice and Globalisation: the stakes and challenges”.

Visit by a delegation from the Lithuanian Constitutional Court (06.05.09)

On 6 and 7 May 2009 a delegation from the Lithuanian Constitutional Court, led by its President, Kęstutis Lapinskas, visited the Court. It was received by, among others, President Costa and Danutė Jočienė, the judge elected in respect of Lithuania. Other judges took also part in the meeting.

Visit by the Minister of Justice of the Russian Federation (07.07.09)

On 7 May 2009 President Costa met Alexander Konovalov, Minister of Justice of the Russian Federation, who visited the Court.

Part II : The execution of the judgments of the Court

A. New information

The Council of Europe's Committee of Ministers will hold its next "human rights" meeting from 2 to 4 June 2009 (the 1059st meeting of the Ministers' deputies).

B. General and consolidated information

Please note that useful and updated information (including developments occurred between the various Human Rights meetings) on the state of execution of the cases classified by country is provided :
http://www.coe.int/t/e/human%5Frights/execution/03%5FCases/

For more information on the specific question of the execution of judgments including the Committee of Ministers' annual report for 2007 on its supervision of judgments, please refer to the Council of Europe's web site dedicated to the execution of judgments of the European Court of Human Rights: http://www.coe.int/T/E/Human_Rights/execution/

The simplified global database with all pending cases for execution control (Excel document containing all the basic information on all the cases currently pending before the Committee of Ministers) can be consulted at the following address :
http://www.coe.int/t/e/human_rights/execution/02_Documents/PPIndex.asp#TopOfPage

Part III : The work of other Council of Europe monitoring mechanisms

A. European Social Charter (ESC)

Workshop on the protection of equality between women and men, in Donetsk, Ukraine (28-29.04.09)

A workshop was held on 28 and 29 April 2009 in Donetsk (Ukraine) organised by the Council of Europe, aimed at discussing in particular international standards and practical instruments for implementing gender equality. Special attention was paid to a human rights approach to gender equality and to domestic violence as an element of practical dimension of equality between women and men. It should contribute to the increase of knowledge by public officials of the European Social Charter (revised) and other international standards with regard to gender equality, as well as to inform them about best practices in gender equality implementation. The conclusions of the workshop should contribute to identify to what extent national legislation and practice need to be adjusted to meet European standards.

International seminar on social rights held in Valencia, Spain (27-28.04.09)

A two-day international Seminar on Recent Developments in Social Rights in Europe was held at the Law Faculty of the University of Valencia, Spain from 27-28 April 2009. The Speaker of the Valencian Parliament received members of the European Committee of Social Rights.

Programme (Spanish only)

Adoption of procedure of the election of a member (28.04.09)

The procedure for election of a member of the European Committee of Social Rights has been adopted by the Committee of Ministers at the 1055th session of the Ministers' Deputies. States parties are invited to submit their candidates no later than 29 May 2009.

Committee of Ministers' decision of 22 April 2009

Meeting on non-accepted provisions in Romania in Bucharest (06.05.09)

In the framework of the Article 22 procedure, in order to promote the implementation of the Revised Social Charter in Romania, a seminar was held in Bucharest on 6 May 2009. The main objective was to encourage the Romanian authorities to accept new provisions of the Revised Charter, but also to present the procedure in the framework of the Additional Protocol to the European Social Charter providing for a system of collective complaints and to bring awareness to the Romanian authorities with a view to a possible ratification of this Protocol.

Programme

You may find relevant information on the implementation of the Charter in States Parties using the following country factsheets:

http://www.coe.int/t/dghl/monitoring/socialcharter/CountryFactsheets/CountryTable_en.asp

B. European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)

Council of Europe anti-torture Committee visits the North Caucasian region of the Russian Federation (28.04.09)

A delegation of the CPT carried out a visit to the North Caucasian region of the Russian Federation from 16 to 23 April 2009. It was the CPT's eleventh visit to this part of the Federation since the year 2000. The visit focused on the Republic of Ingushetia and the Chechen Republic, where the delegation reviewed the treatment of persons detained by Internal Affairs structures, Federal agencies and the penitentiary service, and examined the action taken by the competent authorities in respect of complaints and other indications of ill-treatment. The delegation also visited the SIZO (pre-trial establishment) in Pyatigorsk, Stavropol Kraï, to which remand prisoners from Ingushetia are being sent due to the continuing absence of a SIZO in that republic.

In the course of the visit, the CPT's delegation held discussions with the President of the Chechen Republic, Mr Ramzan KADYROV, and the President of the Republic of Ingushetia, Mr Yunus-Bek EVKUROV, as well as with numerous senior officials at the republican level. The delegation also held meetings with the First Deputy Prosecutor of the Chechen Republic, Sharpuddi ABDUL-KADYROV, the Prosecutor of Ingushetia, Yuri TURYGIN, and with senior representatives of the Prosecutor's Offices and the Investigation Committees in both republics. Further, the delegation visited the Republican Forensic Medical Bureaux in Grozny and Nazran. In addition, the delegation had consultations with representatives of the NGO "Memorial" in Grozny and Nazran, as well as with members of the Bar Association of the Chechen Republic and with defence lawyers.

In Moscow, the delegation met the Human Rights Commissioner of the Russian Federation, Vladimir LUKIN, and members of his office.

On 24 April 2009, during a meeting in Moscow chaired by the Deputy Minister of Justice, Vladimir DEMIDOV, the CPT's delegation provided the Russian authorities with its preliminary observations.

Council of Europe anti-torture Committee visits Luxembourg (30.04.09)

A delegation of the CPT carried out a visit to Luxembourg from 22 to 27 April 2009. It was the CPT's fourth visit to Luxembourg.

The delegation reviewed the measures taken by the Luxembourg authorities to implement the recommendations made by the Committee after its previous visits. It focused in particular on the safeguards afforded to persons deprived of their liberty by the police, and conditions at Luxembourg Prison and the State Socio-Educational Centre at Dreiborn. In addition, the delegation visited the Neuro-psychiatric hospital at Ettelbruck, where it paid special attention to the living conditions and treatment of patients placed in closed units for minors and adults. The legal safeguards for the procedure of involuntary placement of mentally ill persons were also examined.

In the course of the visit, the delegation held consultations with Luc FRIEDEN, Minister of Justice, Mars DI BARTOLOMEO, Minister of Health, and Marie-Josée JACOBS, Minister of Family and Integration, as well as with members of the Human Rights Advisory Commission and senior officials from the ministries and services concerned. The delegation also met Marie Anne RODESCH-HENGESCH, President of the Committee for the Rights of the Child (Ombuds-Comité fir d'Rechter vum Kand).

At the end of the visit, the delegation presented its preliminary observations to the Luxembourg authorities.

Council of Europe anti-torture Committee visits Abkhazia (07.05.09)

A delegation of the CPT has carried out an eight-day visit to Abkhazia*, Georgia. The visit began in Sukhumi on 27 April 2009. The *de facto* authorities in Abkhazia cooperated fully with the CPT's delegation. In particular, the delegation was granted access to all places of deprivation of liberty which it wished to visit and was able to interview in private persons deprived of their liberty.

At the beginning and end of its visit to Abkhazia, the delegation held discussions in Sukhumi with the *de facto* authorities. Subsequently, on 4 May 2009, the delegation met the Georgian authorities, in

* This region has unilaterally declared itself an independent republic

Tbilisi. During its visit, the delegation also met representatives of the United Nations Observer Mission in Georgia (UNOMIG) and of the Mission of the International Committee of the Red Cross in Sukhumi.

C. European Commission against Racism and Intolerance (ECRI)

ECRI's Round Table in Kiev, Ukraine (30.04.09)

ECRI held a Round Table on 7 May 2009 in Kiev, Ukraine. The main themes were: (1) ECRI's third report on Ukraine; (2) responding to racially motivated violence; (3) the fight for equality – implementing anti-discrimination laws; (4) racism, xenophobia, antisemitism and intolerance in public discourse and in the public sphere.

Programme

D. Framework Convention for the Protection of National Minorities (FCNM)

Kosovo*: Evaluation visit of the Advisory Committee (27.04.09)

The Advisory Committee of the FCNM carried a visit in Kosovo on 27-30 April 2009. The aim of the visit was to evaluate the progress made in protecting national minorities in Kosovo.

The Committee specifically looked at the implementation of existing legislation, the measures taken to increase minority communities' participation in public life and the promotion of interaction between pupils from different communities in the education system. It assessed the follow-up which has been given to its recommendations contained in its 2005 Opinion.

The Advisory Committee held meetings with minority communities, including the Ashkali, Bosniacs, Gorani, Egyptians, Montenegrins, Roma, Serbs and Turks as well as NGOs. It also discussed the situation of these communities with representatives of international organisations and local authorities.

This second visit was carried out under the specific agreement concluded between the Council of Europe and UNMIK (United Nations Interim Administration Mission in Kosovo) in 2004. It follows the progress report submitted by UNMIK in July 2008.

The Advisory Committee will draw up an Opinion in which specific recommendations will be highlighted.

Cyprus: Third State Report (30.04.09)

Cyprus has submitted its third state report in English, pursuant to Article 25, paragraph 1, 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.

E. Group of States against Corruption (GRECO)

Group of States against Corruption (GRECO) publishes report on Russian Federation (30.04.09)

The GRECO has published its Joint First and Second Round Evaluation Report on the Russian Federation. The report has been made public with the agreement of the country's authorities.

The report, drawn up by a team of evaluators following a one-week visit to the Russian Federation, was adopted by GRECO on 5 December 2008.

GRECO found corruption to be a widespread systemic phenomenon in the Russian Federation which seems to affect society as a whole, the public administration, including the institutions in place to counteract corruption (the police and the judiciary) and the business sector. The report focuses on general anti-corruption policies, independence of the judiciary, immunity from prosecution for corruption offences, the deprivation of benefits drawn from corrupt acts, measures to counter corruption in public administration and the prevention of legal persons - such as commercial companies - being used as shields for corruption.

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

GRECO noted a need for improvements in respect of the proper distribution of cases between different law enforcement agencies and for the enhancement of their interdepartmental cooperation. Moreover, further efforts to strengthen the independence of the judiciary are crucial in order to combat the common view in Russia that the judiciary is affected by undue influence and corruption.

The large number of officials enjoying immunity from criminal proceedings needs to be reduced to a minimum and the procedures for lifting such immunity should be thoroughly revised. Reforms aiming at modernising the public administration are underway. However, legislation concerning access to public information has not yet been adopted; comprehensive and precise legal rules in this respect should therefore be treated as a matter of priority.

More generally, the report stresses that the vast reforms underway require determined implementation, including through staff training. It is therefore to be welcomed that the fight against corruption is recognised as a priority at the highest political level in the Russian Federation; a Presidential Council and a National Anti-corruption Plan have been established, efforts which need to be complemented with a clear and coherent strategy and a plan of implementation.

GRECO addresses 26 recommendations to the Russian Federation. Above all, GRECO emphasises the need for corruption prevention and transparency in all sectors of public administration. It should also be ensured that civil society makes a significant input to the overall strategies against corruption. GRECO will monitor the implementation of the recommendations during the second half of 2010, through its specific compliance procedure.

Group of States Against Corruption (GRECO) publishes report on Norway (05.05.09)

The (GRECO) has published its Third Round Evaluation Report on Norway. The report has been made public following the agreement of the Norwegian authorities. It focuses on two distinct themes: criminalisation of corruption and transparency of party funding.

Regarding the criminalisation of corruption (Theme I, Link to the report), GRECO finds that the provisions on corruption and trading in influence in the Norwegian Penal Code are of a high standard and fully in line with the Criminal Law Convention on Corruption (ETS 173) and its Additional Protocol (ETS 191). Nevertheless, to prevent possible problems in the application of the law in practice and to fine-tune existing provisions, GRECO recommends to give consideration to introducing a provision on aggravated trading in influence and to reconsider the use of juries in appeal cases involving aggravated corruption.

Concerning transparency of party funding (Theme II, Link to the report), GRECO commends Norway for the changes which the legal framework for the funding of political parties underwent in 2006. However, further improvements are required in light of Recommendation Rec(2003)4 of the Committee of Ministers of the Council of Europe on Common Rules against Corruption in the Funding of Political Parties and Electoral Campaigns. First of all, the picture of the possible (financial) ties of parties as well as the manner in which the political parties spend public funding needs to be as comprehensive and easy to understand as possible. In addition to the current disclosure of income, parties should therefore also be required to provide further information on their expenditure, as well as their debts and assets. Furthermore, the current supervisory mechanism provides for a very limited and mainly formalistic supervision of party financing and relies too heavily on the media to detect and uncover possible dubious funding practices – a matter that needs to be addressed. Finally, the current system would benefit from the introduction of more flexible sanctions for violations of the Political Parties Act.

The report as a whole addresses 8 recommendations to Norway. GRECO will assess the implementation of these recommendations in the beginning of 2011, through its specific compliance procedure.

F. Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL)

Montenegro: Mutual Evaluation report made public (07.05.09)

The mutual evaluation report on Montenegro, as adopted at MONEYVAL's 29th plenary meeting (16-20 March 2009) is now available for consultation.

Link to report

G. Group of Experts on Action against Trafficking in Human Beings (GRETA)

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* No work deemed relevant for the NHRSs for the period under observation.

Part IV : The intergovernmental work

A. The new signatures and ratifications of the Treaties of the Council of Europe

Belgium ratified on 27 April 2009 the Convention on Action against Trafficking in Human Beings (CETS No.197). The Convention will enter into force on 1 August 2009 with respect to Belgium. The Convention has been ratified by Albania, Armenia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Denmark, France, Georgia, Latvia, Luxembourg, Malta, Moldova, Montenegro, Norway, Poland, Portugal, Romania, Serbia, Slovakia, Spain and the United Kingdom. It has also been signed but not yet ratified by another 17 Council of Europe member states: Andorra, Finland, Germany, Greece, Hungary, Iceland, Italy, Ireland, Lithuania, Netherlands, San Marino, Slovenia, Sweden, Switzerland, "the former Yugoslav Republic of Macedonia", Turkey and Ukraine.

Ukraine signed on 28 April 2009 the Revised Convention on Adoption of Children (CETS No. 202).

Bosnia and Herzegovina ratified on 30 of April 2009 the European Agreement on the Transmission of Applications for Legal Aid (CETS No. 092) and the Council of Europe Framework Convention on the Value of Cultural Heritage for Society (CETS No. 199).

Ireland ratified on 5 May 2009 the Additional Protocol to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, regarding supervisory authorities and transborder data flows (CETS No. 181).

Russia signed on 7 May 2009 the Additional Protocol to the Criminal Law Convention on Corruption (CETS No. 191).

B. Recommendations and Resolutions adopted by the Committee of Ministers

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C. Other news of the Committee of Ministers

Miguel Angel Moratinos: The European Court of Human Rights to improve its effectiveness soon (30.04.09)

Miguel Angel Moratinos, Foreign Affairs Minister of Spain and Chairman of the Committee of Ministers of the Council of Europe, said that a number of reforms to be considered, and eventually adopted at the upcoming ministerial session in Madrid, will improve the efficiency of the Court of Human Rights in the near future, while Protocol 14 is not yet in force.

Speaking at the Parliamentary Assembly on 30 April, he stated that the reform of the Court has been the key priority of the Spanish Chairmanship. He said the Madrid Declaration, to be adopted by the Committee on 12 May, will recognize how much Europeans owe to the Council of Europe and will set goals for the future of the organization.

Link to Speech, Link to the Video of the speech Link to Report by the Spanish Chair of the Committee of Ministers to the Parliamentary Assembly (February-April 2009)

60th Anniversary of the Council of Europe : joint statement by Secretary General Terry Davis, PACE President Lluís Maria de Puig and Committee of Ministers Chairman Miguel Angel Moratinos (04.05.09)

"In the first sixty years of its existence, the Council of Europe has helped to reconcile a continent after decades of ideological divide, created a Europe-wide court in which individuals can seek protection of their human rights, outlawed the death penalty in Europe, and produced an arsenal of more than 200

* No work deemed relevant for the NHRSs for the period under observation.

international treaties to defend and extend the Council of Europe values of democracy, human rights and the rule of law," outlined Terry Davis, Lluís Maria de Puig and Miguel Ángel Moratinos in a joint statement on the occasion of the 60th Anniversary of the Organisation.

Serbia: First report on the situation of minority languages made public (06.05.09)

The Committee of Ministers made public the first report on the situation of minority languages in Serbia. This report has been drawn up by a committee of independent experts which monitors the application of the European Charter for Regional or Minority Languages. The Charter has been in force in Serbia since 2006. On the basis of the report, the Committee of Ministers calls on Serbia to ensure that all minority languages of Serbia are taught at least at primary and secondary levels.

The Serbian authorities are also encouraged to promote awareness and tolerance in Serbian society at large vis-à-vis the minority languages and the cultures they represent.

Further recommendations concern the use of minority languages in relations with courts and local branches of the State authorities.

Link to report, see also the recommendation of the Committee of Ministers **CM/RecChL(2009)2E / 06 May 2009**

Sweden: Third report on the situation of minority languages made public (06.05.09)

The Committee of Ministers has made public the third report on the situation of minority languages in Sweden. This report has been drawn up by a committee of independent experts which monitors the application of the European Charter for Regional or Minority Languages.

On the basis of the report, the Committee of Ministers calls on Sweden to strengthen education in regional or minority languages inter alia by, where appropriate, establishing bilingual education as well as providing for university education in Sami, Finnish and Meänkieli.

The Swedish authorities are also encouraged to take urgent measures to maintain the South Sami language.

Link to report, see also the recommendation of the Committee of Ministers **CM/RecChL(2009)3E / 06 May 2009**

Part V : The parliamentary work

The Parliamentary Assembly held its Spring session between 27 and 30 April 2009. The main outcomes of this session are described below.

A. Resolutions and Recommendations of the Parliamentary Assembly of the Council of Europe adopted during the session

➢ *Countries*

Despite many challenges, Serbia 'moving forward' on road to European integration, says PACE (28.04.09)

Despite a period of turbulent transformation and several challenges, Serbia is "moving forward and making progress on the road to European integration", according to PACE.

In Resolution 1661, the Assembly called on Serbia to prepare a "roadmap" of concrete actions to reform its democratic institutions – especially the parliament – improve human rights and reinforce the rule of law. This would "prepare the way" for closing the Assembly's monitoring procedure, the parliamentarians said.

Resolution 1661: Honouring of obligations and commitments by Serbia

Recommendation 1867: Honouring of obligations and commitments by Serbia

Georgia-Russia: 'dialogue is the only way forward' (29.04.09)

The information report submitted by the co-rapporteurs of the Monitoring Committee (Luc Van den Brande (Belgium, EPP/CD) and Mátyás Eörsi (Hungary, ALDE)) concluded that Georgia has not yet fully complied with all of the Assembly's demands. Russia, for its part, has failed to comply with most of the demands and might even be seen as moving further away from the minimum conditions for meaningful dialogue.

The report re-affirms that both countries must fully comply with the Assembly's demands set out in Resolutions 1633(2008) and 1647 (2009); in addition, it calls on both countries to implement without delay a series of steps to avoid a deterioration of the security situation and stability of the region, as well as to ensure that the minimum conditions for a meaningful dialogue between Russia and Georgia are met. The rapporteurs "continue to be convinced that the establishment of a genuine dialogue is the only way forward for the resolution of this conflict and the long-term stability in the region".

PACE co-rapporteurs say dialogue 'the only solution' to Georgia's political crisis (30.04.09)

Dialogue is the only solution to the political crisis in Georgia, according to the monitoring co-rapporteurs for the country. In an information note made public, Mátyás Eörsi (Hungary, ALDE) and Kastriot Islami (Albania, SOC) said there should be "an open and genuine dialogue between all political forces in the country", with no pre-conditions, and where no subject was off limits. They also welcomed the democratic reforms initiated by the authorities, but said it was difficult to assess their full impact at this time.

PACE recommends dialogue and civil society initiatives to build up much needed trust in the conflict regions in Georgia (30.04.09)

In a text on the humanitarian consequences of the war between Georgia and Russia and the follow-up given to Resolution 1648 (2009), PACE recommends that priority be given to dialogue between all parties, and steps must be taken to support civil society initiatives. "It is the people living in the conflict region who are the victims of this conflict. Steps have to be taken to give them opportunities to build up a humane and peaceful future without further war. To achieve this, building trust is essential. Without political willingness to go for solutions, nothing will change," said Corien Jonker (Netherlands, EPP/CD), Rapporteur for the Committee on Migration, who made a fact-finding visit to South Ossetia on 13 and 14 March this year.

Resolution 1664: The humanitarian consequences of the war between Georgia and Russia: follow-up given to Resolution 1648 (2009)

Recommendation 1869: The humanitarian consequences of the war between Georgia and Russia: follow-up given to Resolution 1648 (2009)

Moldova must investigate post-electoral violence and improve the functioning of its democratic institutions (30.04.09)

PACE deplored the violent attack by demonstrators and devastation of public buildings during the events of 7 April. It also expressed its strong concern about acts of violence committed by the police in the period following the Moldovan parliamentary elections, including certain alleged cases of "beating and ill-treatment", violations of the right to a fair trial and disproportionate restrictions on freedom of the media. According to the information available, more than 300 people were arrested, and nine are still being held in detention.

The Assembly therefore urged that "an independent and thorough investigation of all these allegations of violence be started immediately, and that those responsible for these violations be brought to trial", in full co-operation with the Council of Europe's Commissioner for Human Rights and its Committee for the Prevention of Torture. It also recommended the immediate start of "an independent, transparent and credible inquiry into the post-electoral events".

Resolution 1666: The functioning of democratic institutions in Moldova

- *Themes*

A state of emergency should be 'a last resort', parliamentarians warn (27.04.09)

Declaring a state of emergency should be "a means of last resort only", clearly limited in time and subject to legislative and judicial oversight, according to PACE. Approving a report by Holger Haibach (Germany, EPP/CD), the Assembly said it was "concerned" by recent declarations of states of emergency in several member states, especially Georgia and Armenia. While permitted under the European Convention on Human Rights "in time of war or other public emergency threatening the life of the nation", such declarations should never exceed what is required by the situation, and should always stay within international law, the parliamentarians said.

Resolution 1659: The protection of human rights in emergency situations (27.04.09)

Recommendation 1865: The protection of human rights in emergency situations (27.04.09)

Prison should be used as a last resort for convicted women, PACE says (28.04.09)

According to PACE, despite the fact that the number of women in prison in Europe is growing, women are still only a minority of the prison population, with the consequence that prisons are mainly designed for men and often do not address the specific needs of women. With a view to improving the conditions of detention of women in prison, the Assembly called on the member states of the Council of Europe to implement without delay the provisions of the revised European Prison Rules. In addition it formulated specific recommendation for the member states as regards the detention of mothers or pregnant women in prison, the health and educational needs of women prisoners, the organisation of visits, the respect FOR human dignity of women prisoners and their social reintegration.

Resolution 1663: Women in prison

PACE calls for prohibition and penalisation of gender-based human rights violations (28.04.09)

In a resolution PACE invited the member states to adapt their national legislation in order to prohibit and penalise forced marriages, female genital mutilation and any other gender-based violations of human rights, encouraging them to prosecute abductions, illegal confinements and forced returns of women or girls to their countries of origin. According to the parliamentarians, cultural or religious relativism cannot be invoked to justify these acts.

"It is a matter of the member states' responsibility that they should do their utmost to guard against and combat these anachronistic, inhuman practices both nationally and internationally," said Antigoni Papadopoulos (Cyprus, ALDE), rapporteur for the Committee on Equal Opportunities for Women and Men. "British legislation on forced marriages is exemplary in this respect, in that it provides a means of stopping potential victims from being taken out of the country against their will and of compelling the family to disclose the whereabouts of a member considered to be in danger," she added, commending the courage of a victim of Bangladeshi origin who gave her personal testimony today on the sidelines of the session.

The Assembly also called upon the member states to develop co-operation procedures at the international level with the authorities in the countries of origin, encouraging them to intercede with the families concerned and to strengthen women's rights. The parliamentarians also advocate raising the awareness of consular staff as regards the serious risks facing women and girls forcibly returned to their countries of origin, and as regards the applicable legal framework.

In a recommendation to the Committee of Ministers, the PACE reiterated its request for the Council of Europe to draft a convention to combat the most serious and widespread forms of violence against women, including forced marriages.

Resolution 1662: Action to combat gender-based human rights violations, including abduction of women and girls

Recommendation 1868: Action to combat gender-based human rights violations, including abduction of women and girls

PACE reminds European governments of their obligation to protect human rights defenders (28.04.09)

PACE reminded European governments of their "obligation and responsibility" to protect human rights defenders and their work "by providing an enabling environment" and, if necessary, "protection mechanisms to ensure the physical integrity" of those who face specific threats.

The parliamentarians expressed concern about the situation of human rights defenders who are most exposed to attacks and abuses: those fighting against impunity for serious crimes and against corruption, as well as those working on economic, social and cultural rights, on the rights of lesbian, gay, bisexual and transgender persons, as well as for the rights of migrants, national or ethnic minorities.

Recommendation 1866: The situation of human rights defenders in Council of Europe member states

Resolution 1660: The situation of human rights defenders in Council of Europe member states

PACE welcomes interim plan to increase European Court's capacity to process cases (30.04.09)

A draft protocol which would increase the case-processing capacity of the European Court of Human Rights – pending the entry into force of more far-reaching measures to streamline the Court – was welcomed by the Parliamentary Assembly of the Council of Europe, following an urgent debate, as "a good interim solution".

Protocol No. 14 bis to the European Convention on Human Rights would enable a single judge to deal with plainly inadmissible applications to the Court (presently handled by committees of three judges) and extend the competence of three-judge committees to handle clearly well-founded and repetitive cases deriving from systemic defects (presently handled by Chambers composed of seven judges).

These two measures alone could increase the case-processing capacity of the Court by 20 to 25 per cent, according to rapporteur Klaas de Vries (Netherlands, SOC).

The measures would apply only to cases from those States Parties which had agreed to them, and would become redundant once Protocol No. 14, a much wider package of urgent measures to streamline the Court, comes into force.

A declaration by High Contracting Parties to the Convention in Madrid on 12 May could allow some of these measures to be provisionally applied as soon as possible, the Assembly pointed out.

The Assembly also strongly deplored that the Russian State Duma had so far refused to give its assent to Protocol No. 14, blocking its entry into force. Pointing out that this had "considerably aggravated the situation in which the Court finds itself", the parliamentarians urged the Duma to reconsider.

Text of draft Protocol No. 14 *bis*

Opinion No. 271: Draft Protocol No. 14 bis to the Convention for the Protection of Human Rights and Fundamental Freedoms

B. Other news of the Parliamentary Assembly of the Council of Europe

➢ *Countries and themes*

Armenia: first positive signals will hopefully lead to an amnesty, according to PACE co-rapporteurs (05.05.09)

"While it is too early to give a full assessment of the effects of the changes to articles 225 and 300 of the Criminal Code of Armenia, the first signals give reason for optimism" stated the two co-rapporteurs with respect of Armenia, George Colombier (France, EPP/CD) and John Prescott (United Kingdom, SOC), after the discussions that took place last week in Strasbourg in the Monitoring Committee of the Council of Europe Parliamentary Assembly (PACE) on the recent political developments in Armenia.

The two co-rapporteurs were especially satisfied that the problematic charges under articles 300 ("Usurpation of State power") and the old 225-3 ("mass disorder accompanied by murder") have been dropped by the Prosecution in the cases against the 7 opposition members that are currently in the Courts. "This confirms our view that the events on 1 and 2 March 2008, can not be seen as an attempt to a coup d'état. This will hopefully help reduce the political controversy around the court cases as well as the independent investigation into the events of 1 and 2 March 2008", they said.

British Irish Rights Watch the first winner of the Assembly's Human Rights Prize (27.04.09)

PACE decided to award its Human Rights Prize to British Irish Rights Watch, a non-governmental organisation which since 1990 has been monitoring the human rights dimension of the Northern Ireland conflict and, more recently, the peace process.

PACE elects Vice-President for Cyprus (27.04.09)

On 27 April 2009 PACE elected Christos Pourgourides (PPE/DC) Vice-President for Cyprus.

➢ *Speeches*

PACE President: 'Reach agreement beyond political contingencies' (27.04.09)

In his opening speech, PACE President, Lluís Maria de Puig, underlined that Durban II illustrated that "hatred, intolerance and destructive urges persist despite the determination that has been the driving force of all the democratic movements since the Second World War, a determination to eradicate the outrages which occurred as a result of this self-same hatred."

Opening address by Lluís Maria de Puig

Speech by Tarja Halonen, President of Finland calling for 'fair globalisation' in economic recovery (28.04.09)

Markets alone cannot give answers to the current economic crisis, declared Tarja Halonen, President of Finland, addressing the Parliamentary Assembly on 28 April. Referring to recovery plans, Mrs Halonen reminded listeners that "a human-rights based approach will lead to more equitable and sustainable solutions" and that "the Council of Europe can provide us with useful tools in responding to the challenges of today," she said.

Rodríguez Zapatero: Council of Europe must further protect human rights (29.04.09)

Council of Europe's goals must be to consolidate democracy wherever it is still fragile and to monitor the respect of fundamental rights while protecting them further. He highlighted gender equality, the fight against terrorism, human trafficking and poverty, and promoting intercultural dialogue as some of the priority areas for Spain in its cooperation with the organisation.

Address by Lluís Maria de Puig "The 'never again' sworn by the founders has not lost its immediacy", according to PACE President (27.04.09)

Part VI : The work of the Office of the Commissioner for Human Rights

A. Annual Report

"Time to honour our pledges" says Commissioner Hammarberg (30.04.09)

"Although human rights are ingrained in our European experience there is still a gap between political rhetoric and reality when it comes to their implementation" said Thomas Hammarberg presenting his 2008 activity report and the Viewpoint publication.

Analysing the human rights situation in Europe, the Commissioner states that no country is free from discrimination. "Anti-gypsyism, xenophobia and homophobia are still widespread phenomena. There are also unacceptable tendencies of anti-Semitism as well as Islamophobia. Persons with disabilities are denied access to possibilities which are seen as basic rights by others. Women are discriminated in the job market and under-represented in political bodies. Domestic violence is a sad reality in too many homes. Abuse of children is reported in every country."

Furthermore, Thomas Hammarberg stresses that all too often the different components of the standard system of justice – including the police, the judiciary and the penitentiary – do not guarantee properly individuals' rights and that there are regular reports of corruption, incompetence and abuse of power. He also reminded that some ill-advised reactions to terrorism have led to a serious degradation of human rights protection.

Drawing the attention on the negative consequences of the financial crisis on human rights, the Commissioner affirms that "we must now live up to people's expectations and urgently develop viable programmes which promote social cohesion and prevent any watering down of the already agreed human rights standards, including social and economic rights. Any policy in this sense must be sustainable and long-ranging and should ensure that the burden of recovery is not placed on those who have the least resources to take on any further pain."

Read the Annual Activity Report
Video of the speech

B. Country work

Human rights were violated in Moldova, concludes Commissioner Hammarberg (28.04.09)

More than three hundred persons were arrested in Chisinau, Moldova, in connection with the post-electoral demonstrations in early April. A significant number of them were subjected to ill-treatment by the police, some of which was severe. This was the conclusion of the Council of Europe Commissioner for Human Rights, Thomas Hammarberg, after a visit in the Moldovan capital from 25 to 28 April 2009. The Commissioner met the Ministers of Interior, Justice and Foreign Affairs, a parliamentarian from the Communist Party, the Prosecutor-General, the Ombudsman, members of the national mechanism for the prevention of torture, leaders of the political opposition as well as representatives of civil society and media.

The Commissioner interviewed various persons who were, or had been, deprived of their liberty in connection with the post-electoral demonstrations and violence. Some of those under investigation were interviewed in Prison No. 13. The Commissioner also visited the General Police Directorate in Chisinau, where many of the people who had been arrested in connection with the demonstrations had been held. The medical expert in the Commissioner's team reviewed numerous police, prison, and emergency hospital medical records.

Commissioner Hammarberg noted that, though the majority of the demonstrators had behaved peacefully, some of the protesters used violence and committed acts of vandalism. Groups of people broke into the Parliament and the Presidential building on 7 April 2009. A number of policemen had been injured by stones thrown by protesters. The riot control measures appeared to be largely ineffective.

According to information that the Commissioner obtained, persons were apprehended by plainclothes policemen who reportedly did not identify themselves. Arrestees reported that they were beaten on

apprehension, during transport and in police stations, including during questioning. They described being kicked, punched, or struck with truncheons or wooden sticks, as well as being humiliated or subjected to verbal abuse.

The files studied by the Commissioner's medical expert contained records of injuries which were consistent with the accounts of physical ill-treatment given by the people who had been in police custody. The scope and severity of this ill-treatment is illustrated by the fact that 105 persons had to be treated at the emergency hospital in Chisinau; of them, 24 had to be hospitalised. According to the Ministry of Interior and the Prosecutor General, as of 28 April 2009, more than 50 complaints concerning ill-treatment were being processed, and one criminal prosecution had been initiated.

Several of the people who had been arrested complained that they had not been given the possibility to notify their relatives of the fact of their custody, or that they had not been allowed access to a lawyer until their first appearance before a judge. Many of those people, as well as their lawyers, said that remand hearings proceeded very fast, that defence was made difficult and that the judge did not respond to complaints about ill-treatment.

The Commissioner's official interlocutors accepted that the police had abused their powers in the aftermath of the protests when dealing with persons deprived of their liberty. The Prosecutor General stated that he will investigate each case brought to his attention and also take initiatives himself upon information indicative of ill-treatment even in the absence of a complaint. The Minister of Interior referred to the possibility of disciplinary punishment within the police such as demotion, suspension or dismissal.

It is clear to the Commissioner that there is a need to review not only the behaviour of individual policemen, but also the responsibility of their superiors. It is of great concern that these violations could take place in spite of a legal ban of torture, formal preventive safeguards, a code of conduct for the police and a number of training courses. Full clarity must be established on the responsibility of this breakdown of professionalism and respect for basic standards. Impunity in this case would set a negative precedent.

Instead of requesting media outlets and non-governmental organisations to justify their critical reporting, the government authorities should encourage victims and witnesses to come forward and contribute to the investigations. It is a positive step that special prosecutors which have not had working relations with police departments implicated in the events are being assigned to these cases.

Parallel to the criminal and disciplinary procedures, there is a need to review once again the recruitment and training of policemen; to strengthen the safeguards for persons apprehended and held in police custody, including to ensure their immediate access to a lawyer; to provide more resources and support to the office of the ombudsman and the national mechanism for the prevention of torture and to ensure their unhindered access to all places of detention.

A full report from the Commissioner's office will now be drafted, submitted to the Moldovan government for comment and then made public.

C. Thematic work

"Anti-Gypsyism continues to be a major human rights problem in Europe – governments must start taking serious action against both official and inter-personal discrimination of Roma" (27.04.09)

"In spite of pledges made to combat anti-gypsyism, Roma rights continue to be violated all over Europe" said today Thomas Hammarberg in his latest Viewpoint, stressing that the Roma population faces long-lasting high levels of discrimination in the continent. The Council of Europe Commissioner for Human Rights therefore calls on European governments to take more effective and inclusive actions for the Roma. Furthermore, he reaffirms the importance for leading politicians and other opinion makers to avoid anti-Roma rhetoric and to stand up for principles of non-discrimination, tolerance and respect for people from different backgrounds.

Read the Viewpoint

Read in Russian (.pdf)

D. Miscellaneous (newsletter, agenda…)

Newsletter - Council of Europe Commissioner for Human Rights (10-30.04.09)