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("Peer-to-Peer II Project")

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*The **selection** of the information contained in this Issue and deemed relevant to NHRSs is made under the responsibility of the NHRS Unit*

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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) carefully selects and tries 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 limited means. However, the majority of the documents referred to exists in English and French and can be consulted on the websites that are indicated in the Issues.

The selection of the information included in the Issues is made by the NHRS Unit. 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 funded under the so-called Peer-to-Peer II Project, a European Union – Council of Europe Joint Project entitled "Promoting independent national non-judicial mechanisms for the protection of human rights, especially the prevention of torture".

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

We invite you to read the INFORMATION NOTE No. 132 (provisional version) on the Court's case-law. This information note, compiled by the Registry's Case-Law Information and Publications Division, contains summaries of cases which the Jurisconsult, the Section Registrars and the Head of the aforementioned Division examined in July 2010 and sorted out as being of particular interest.

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, 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.

- **Conditions of detention / Ill-treatment**

Ciorap v. Moldova (No. 2) (no. 7481/06) (Importance 2) – 20 July 2010 – Violation of Article 3 – Domestic courts' failure to provide the applicant with sufficient redress for the damage caused to him on account of the inhuman conditions of detention and of the failure to provide him with timely medical assistance

The applicant was arrested on suspicion of fraud in October 2000, two days after he had left hospital for a liver-related operation. He alleged that he was severely beaten with machine guns and rubber truncheons and that the beating reopened his surgical wound. He was then placed in a small police station cell where he had to sleep on a concrete floor without a bed, mattress or blankets and without access to a toilet or washing facilities. A doctor saw him seven days later and recommended his immediate admission into hospital. However, the police refused to transfer him and it was not until eight days later, that he was placed in a prison medical unit. The applicant complained to the domestic courts that the police had ill-treated him, denied him immediate medical help and kept him in inhuman conditions. It was not found to be established that the applicant had been beaten or otherwise tortured by the police. However, in November 2007 the Supreme Court of Justice found that there had been a delay of eight days in providing necessary medical treatment and that he had been kept in inhuman detention conditions, contrary to Article 3. The Supreme Court noted that, although no domestic law existed in Moldova for compensation for Article 3 violations, the Convention had to be applied directly as it was part of the domestic legal system according to the Moldovan Constitution. The Supreme

Court awarded Mr Ciorap 600 Euros (EUR) as compensation for non-pecuniary damage and EUR 12,6 for pecuniary damage.

The applicant complained that he had been ill-treated by the police, detained in inhuman conditions and denied medical treatment.

The Court first examined whether the applicant could still claim to be a victim of a violation of Article 3. It noted that a decision in favour of an applicant was not sufficient by itself to deprive him or her of the victim status. The national authorities should have also acknowledged, either explicitly or in substance, the breach of the Convention and should have afforded redress for it. In addition, it was important to ascertain whether the applicant had received compensation, comparable to the just satisfaction award of the Court under Article 41, for the damage caused. The Court recalled its settled practice that, where the national authorities had found a violation and had provided sufficient redress for it, the applicants could no longer claim to be victims within the meaning of Article 34 of the Convention. The applicant had been detained only two days after his operation and had not been in good health immediately before his arrest. The medical evidence submitted to the Court had only indicated that, after the arrest, he had experienced problems related to his surgical wound; however, there had been no evidence to show the existence of any other injury that could have been caused by the alleged beating. Given that the applicant had a history of self-harm in prison, it was not excluded that he could have re-opened the wound himself. Consequently, his allegations that he had been tortured had not been substantiated before the Court. However, the national court had found that conditions in the police station where the applicant had been kept had been inhuman; that, against medical advice, he had been denied medical treatment for eight days; and that those circumstances had given rise to a violation of Article 3. In the light of the principle of subsidiarity, which requires the Convention rights to be secured in the first place by the national authorities, and given that the Moldovan Supreme Court had examined the issues and found a violation of Article 3, the Court held that it could not rule to the contrary, as the national court had neither misinterpreted or misapplied the Convention principles. Neither had it reached a manifestly unreasonable conclusion.

The Court commended the Moldovan Supreme Court's decision which had found that the applicant had been treated inhumanly, in breach of Article 3. That said, in respect of the compensation awarded to him, the Court found that it was considerably below the minimum it generally awarded in cases in which it found Article 3 violations. Therefore, the applicant had not been given sufficient redress for the damage caused to him and could still claim to be a victim of an Article 3 violation. The Court concluded that Article 3 had been breached in view of the inhuman conditions, in which the applicant had been held, and of the failure to provide him with timely medical assistance.

Rokosz v. Poland (no 15952/09) (Importance 3) – 27 July 2010 – Violation of Article 3 – Domestic authorities' decision to return a seriously ill patient, declared unfit for prison, to prison, had amounted to ill-treatment

The applicant is currently held in Białystok Prison. While he was serving various prison sentences, the Białystok Regional Court granted him two months' prison leave in 2007 for health reasons. It based its decision on an expert's opinion indicating that the applicant required urgent physiotherapy (following a plastic hip implant in 2003), and on another opinion to the effect that the treatment could not be provided to him in prison. The prison leave was extended a number of times, in the light of medical reports indicating that he required cardiological treatment outside the prison, that his health problems were incurable and progressive and put his health and life at serious risk. The opinion of an expert cardiologist in November 2007 stated that to keep him in prison would entail a huge risk and might even be fatal. In November 2008 the applicant was, however, returned to prison. His request for a stay of execution of his sentences on medical grounds was rejected in December 2008 by the Olsztyn District Court, which gave its decision based on an expert cardiologist's opinion of September 2008, which concluded that the applicant was permanently unsuited for imprisonment, but pointed out that if the court should decide otherwise he would have to be placed in a prison with a hospital unit. Based on that comment by the expert, the court found that there were "no obstacles capable of continuing to prevent the enforcement of the sentences". The applicant appealed against that decision but was unsuccessful. In February 2009 the Olsztyn Regional Court found that his state of health, although worrying, did not justify suspending his sentence. Having regard to the experts' opinions in the case file, it pointed out that the applicant's state of health was likely to decline, in any event, whether or not he was imprisoned. The applicant requested prison leave on medical grounds, but that request was also rejected, in April 2009, by the Regional Court of Gdańsk, which referred to the view of a manager of Gdańsk Prison hospital that he could receive treatment in detention. In May 2009, the Gdańsk Court of Appeal set aside that decision and referred the case back for reconsideration. It took the view that the applicant's state of health had to be re-examined by appropriately specialised experts and that it would be for them to conclude whether or not he should remain in prison. The panel of doctors indicated that he had a "significant" degree of permanent invalidity – which had already been recorded

in 2001 – and stated that he was unfit for work and required the permanent assistance of a third party. To date the Court of Appeal's decision has not been acted upon.

The applicant complained that he had been kept in prison despite serious health problems and medical opinions that had repeatedly advised against his imprisonment. He further complained of the inadequate quality of medical assistance in the prison.

The Court reiterated that the lack of appropriate medical care and, more generally, the detention of a sick person in inadequate conditions, might in principle constitute treatment contrary to Article 3. It pointed out that, when the domestic authorities decided to place and maintained a sick person in prison, they had to take particular care that the conditions of his detention satisfied the specific needs resulting from his disability. It was not in dispute that the applicant was suffering from numerous chronic and serious health problems. The Court observed that while the applicant required constant and multidisciplinary therapeutic care, the Polish Government had not provided any information as to the nature or quality of his medical treatment in prison, nor even about the physical conditions of his detention. The Court further observed that the applicant had a number of times been granted prison leave, in particular on the ground that the prison system was unable to provide him with the treatment required by his state of health. In addition, the specialist doctors commissioned by the authorities had expressly concluded that he was permanently unfit to be imprisoned. However, the applicant had nevertheless been returned to prison in 2008 without there being, in the Court's view, any argument whatsoever that would be capable of showing how his situation might have evolved such as to make him fit enough for detention. The decision of April 2009 rejecting the request for prison leave had admittedly been set aside on appeal, but no other measure had subsequently been taken. In that connection, the Court condemned the fact that one year after the appeal judgment no medical examination – which the Court of Appeal had found necessary – had been conducted. The Court took the view that the delay showed that the authorities had not been as diligent in the applicant's case as his condition required. The anxiety and discomfort that a seriously ill prisoner must have felt in such a situation, being aware that he was unfit for imprisonment and that, according to the specialists, he was a high-risk patient, combined with the suffering he had endured as a result of his illnesses was in violation of Article 3.

Kopylov v. Russia (no. 3933/04) (Importance 3) – 29 July 2010 – Four violations of Article 3 – (i) Severe torture in police custody – (ii) Lack of an effective investigation – (iii) Ill-treatment by courtroom escorts (iv) Lack of an effective investigation

The applicant was arrested in January 2001 - on suspicion of murdering a policeman, according to what he was told, and - on suspicion of drug-trafficking, according to what was entered in the police report. The applicant submitted that, in order to force him confess to the murder, several police officers beat him cruelly and repeatedly for a number of days until he confessed and signed a statement that he did not need a lawyer. His confession was filmed by the police after one of the officers put make-up on his face to hide the bruise marks he had sustained from the beatings. He was ill-treated severely again by the same police officers, on many occasions between 9 and 17 February and 29 March and 7 April 2001. In particular, he was repeatedly beaten, slapped, kicked, threatened with rape; a gas-mask was put over his face and he was forced to inhale cigarette smoke; his hands tied behind his back with a rope, he was hung down; electric shocks were given to various parts of his body, making him faint repeatedly; his head, eyes, ears, back, stomach and kidneys were punched and slapped; officers jumped over his chest, beat with rubber truncheons his feet, and pointed a gun at him threatening to kill him. The murder charge against the applicant was dropped in May 2001, as, his confession retracted, there was no other evidence against him; another person was subsequently convicted for the policeman's murder. In 2002, psychiatrists diagnosed the applicant with post-traumatic paranoid personality disorder of a chronic nature. Between February 2001 and February 2008, the applicant was examined numerous times by doctors who concluded that he suffered from a number of serious conditions, such as post-traumatic pain disorder caused by inflammation of a spinal cord membrane, accumulation of water in the brain, post-traumatic deformation of two ribs and a shoulder blade, tics, inflammation of and damage to bone joints caused by strains or injuries, neuropathy of the feet (a disease affecting the nervous system caused by infection, or repeated or acute trauma); hearing impairment; general brain dysfunction.

The applicant's numerous complaints, lodged between January and April 2001, were not followed up by the investigating authorities until June that year. Eventually a few police officers were questioned, but criminal proceedings were not opened until October 2001. Initially, four police officers were criminally charged with abuse of office associated with the use of violence and weapons; those charges were later brought in respect of ten other officers whom the applicant identified as having participated in his ordeals. The officers were found guilty, with a final judgment of June 2008, and received various sentences ranging from three years and three months effective imprisonment to two years and six month suspended with a two-year probation. The applicant was awarded by the

domestic courts around 12,500 euros (EUR) for non-pecuniary damage. The applicant also complained of being further ill-treated when, on his way to a court hearing in June 2002 in another case against him (for robbery), following his and other detainees' disobedience, escorts forced him into the courtroom by beating him with rubber truncheons as a result of which he had an epileptic fit and was taken to hospital. The prosecutor refused to open criminal proceedings against the escorts finding that the force used complied with the relevant legislation; that decision was upheld by the courts.

The applicant complained that he had been severely ill-treated by the police for prolonged periods of time and that the authorities' investigation into his allegations of ill-treatment was inadequate and ineffective.

Ill-treatment by police between January and April 2001

The Court noted the domestic courts' findings that as a result of ill-treatment by the Russian police, the applicant had sustained very serious and irreversible damage to his health. Given in particular the length and intensity of the ill-treatment, the Court held that it had amounted to torture. As the domestic courts had found in the applicant's favour, the Court examined whether he could still claim to be a victim of a Convention's violation. The answer to that question depended on whether the investigation into his complaints had been effective and on whether the compensation awarded to him had been sufficient. The applicant had brought numerous complaints which had been supported by medical evidence. An inquiry had been delayed for months and when it had been finally conducted, there had been an evident link between the investigating officials and those accused of ill-treatment. Consequently, the investigation had not been independent. In addition, progress with prosecuting the perpetrators had been rather slow, having spread over about seven years, until the police officers who had tortured the applicant had been finally convicted. Imposing rather lenient sentences so long after the events, had fostered the police officers' sense of impunity. Instead, the State should have shown that such acts would not be tolerated. Accordingly, the Court found that the investigation into the applicant's complaints had not been effective, in violation of Article 3. As regards the compensation given to him, the Court noted that it had been substantially lower than what it generally awarded to applicants in comparable Russian cases and consequently had not been a sufficient redress, in breach of Article 3.

Beating by the court escort

The Court noted that it had not been disputed between the parties that the applicant had been beaten with rubber truncheons in the building of the Regional Court, which had provoked his epileptic fit and an emergency taking to hospital. The Court found that the force used had been disproportionate to his alleged misconduct, namely a refusal to go to the hearing room. The Court was particularly struck that the applicant had been hit despite the authorities having been aware that his physical and mental condition had been known to be extremely frail and unstable. Accordingly, there had been a violation of Article 3. The Court found that the prosecutor had not provided sufficient reasons for their failure to open criminal proceedings in respect of the incident with the escorts. Further, the courts had not made any independent establishment or evaluation of what had actually happened, in breach of Article 3.

A. A. v. Greece (no. 12186/08) (Importance 3) – 22 July 2010 – Violation of Article 3 – Conditions of detention at the Samos detention centre and lack of adequate medical assistance – Violation of Article 5 §§ 1 and 4 – Unlawfulness of detention and lack of an effective remedy to challenge the lawfulness of the detention

After fleeing the refugee camp where he had been living in Lebanon, the applicant entered Greek territorial waters, where he was arrested by the maritime police while his boat was sinking. The Samos police authorities took him into custody and the public prosecutor ordered the applicant's return to his country of origin. According to the applicant, during his arrest he was kicked nine times in the ribs by an officer wearing military boots. The applicant also complained about the squalid conditions in which he was held at the Samos detention centre: dirt-encrusted floor on which the detainees would eat and, in most cases, sleep; piles of rubbish in the corridors; insufficient food prepared in unhygienic conditions; lice and skin diseases; windows barred by wooden planks; combined toilet and shower with no hot water; access to a small courtyard only at the whim of the guards; impossibility of making telephone calls; overcrowding. In June 2007 the applicant's application for political asylum was registered after two unsuccessful attempts, the first of which he had made on the day of his arrest. In July a stay of execution of his removal was ordered pending the adoption of a final decision on his asylum application. He was ultimately released in August 2007 having reached the statutory three-month time-limit for detention. In December 2008 his asylum application was dismissed on the ground that he had not provided evidence to prove a risk of proceedings against him in his country for reasons of religion, nationality or political opinions. The applicant's appeal against that decision is still pending.

The applicant alleged that he had been ill-treated by the maritime police during his arrest and also complained about the conditions in which he was held at the Samos detention centre. He further complained that he had not been informed of the possibility of appealing and had not had the assistance of a lawyer or of an interpreter. He also complained that he had been detained unlawfully: because the removal procedure had been suspended during the examination of his asylum application, his detention should also have been suspended.

Article 3

The Court noted that, in 2008, the Committee for the Prevention of Torture had reported that in Greece there was no independent mechanism for the supervision of detention facilities or for investigating complaints against police officers. The Court observed in particular that the applicant had not specifically complained about his individual situation; he claimed to be a victim of the conditions in the centre that affected all detainees. The Court reiterated that the right of States to place asylum-seekers in detention, by virtue of their *"undeniable (...) right to control aliens' entry into and residence in their territory"*, must be exercised in accordance with the provisions of the Convention. The applicant's allegations concerning the state of the centre where he had been held for three months were corroborated by a number of corresponding reports by international organisations and Greek NGOs. They had indicated the following problems: overcrowding, extremely cramped and dirty conditions, bathroom facilities shared by men and women and in a state of disrepair, bathroom area immersed in 1 cm of water, no possibility of hospital treatment, defective sewer system, nauseating smells, infectious skin diseases and violence during arrests. All those conditions amounted to an "insult to human dignity", "[blackening] the image of Greece internationally and [constituting] a downright violation of human rights". The fact that the applicant had been held for three months in those conditions constituted degrading treatment in breach of Article 3. There had therefore been a violation of Article 3 on account both of the living conditions in the detention centre, entailing degrading treatment of the applicant, and of the lack of diligence on the part of the authorities in providing him with appropriate medical assistance.

Article 5 § 4

The Court reiterated that the Greek judicial review of detention with a view to expulsion did not meet the requirements of Article 5 § 4, in particular because an action to have an expulsion decision set aside could concern only the person's return to his country of origin and not his detention. The law as worded enabled the Greek courts to examine the detention decision only from the standpoint of the risk of absconding or of danger for public order but not its legal basis. A number of recent administrative court decisions ordering the release of people held illegally had not been sufficient to overcome the ambiguity of the statutory provisions. Moreover, the assistance of a lawyer was necessary for the drafting of the application – a complex legal document – to the administrative courts for a stay of execution of the removal decision, and was also required for a hearing before them, without which the application would be inadmissible. In reality, in view of the above-mentioned detention conditions and the centre's organisation, the effectiveness of that remedy was purely theoretical. The Court found that there had therefore been a violation of Article 5 § 4.

Article 5 § 1

As the applicant had not been in possession of any identity document, his arrest had been necessary and reasonable. The stay of execution of the removal procedure could not, under Greek law, automatically be extended to his detention. Whereas detention should remain a measure of last resort, the Greek authorities had been using it systematically for purposes of dissuasion. Article 5 § 1 did not only require that any deprivation of liberty should comply with domestic law, but also that it should be consistent with the protection of the individual against arbitrariness. Thus, a measure of deprivation of liberty could be lawful under domestic law but nevertheless arbitrary and therefore in breach of the Convention. The Court noted that it was only on the applicant's third attempt that his asylum application was registered, in June 2007, the first not having been taken into account and the registration of the second having been rejected by the detention centre's lawyer on grounds of overwork. While the execution of the removal procedure had been stayed, in accordance with the law, on the registration of the asylum application, the applicant had remained in the detention centre. In spite of the order of July 2007 staying execution of removal pending a decision concerning his asylum application, the applicant was held until August 2007. Thus, at least from June 2007 onwards, when his asylum application was officially registered, and until August, he had been deprived of his liberty without any legal basis. The Court further observed that he had been released solely because the maximum period of detention permitted by law had been reached. In the absence of any other serious grounds that could justify the prolongation of his detention, the Court did not find that the period of the applicant's detention subsequent to the registration of his asylum application – in conditions that were, moreover, in breach of Article 3 – had been necessary for the purposes of the aim pursued. The Court therefore found that there had been a violation of Article 5 § 1.

Abdolkhani and Karimnia v. Turkey (No. 2) (no. 50213/08) (Importance 3) – 27 July 2010 – Violation of Article 3 – Conditions of detention in the Hasköy police headquarters

As refugees under the mandate of the United Nations High Commissioner for Refugees (UNHCR), the applicants entered Turkey in June 2008 and, were arrested at a gendarmerie road checkpoint as their passports were found to be false, so were placed in detention at Hasköy police headquarters. They were subsequently transferred in September 2008 to Kırklareli Foreigners' Admissions and Accommodation Centre. The applicants were first held in the basement of Hasköy Police Headquarters. According to them, it was damp, with insufficient natural light and overcrowded. They further reported, among other things, dirty blankets infected with lice, dermatological diseases and infections with no medical assistance, as well as insufficient food. According to them, they also had to wear the same clothes for three months and communications were not allowed except for one visit from a UNHCR officer. The authorities refused the written complaints regarding those conditions sent by the applicants. The Turkish Government submitted that the new facility built in Hasköy provided adequate medical assistance, a garden, bathrooms, and food three times a day. Following their request to the Court, the applicants were granted interim measures whereby the Court indicated to the Turkish Government that the applicants should not be deported to Iran or Iraq in the interests of the parties and the proper conduct of the proceedings.

The applicants complained about the conditions of their detention in both the police headquarters and the Foreigners' Admissions and Accommodation Centre.

The Court noted that the applicants had been held in the basement of the police headquarters for three months. No relevant photographs indicating the conditions of detention there had been provided by the Turkish Government – the pictures submitted showed the new foreigners' guesthouse, built subsequent to the applicants' transfer. The European Committee for the Prevention of Torture (CPT) had emphasised that, the period of time spent by immigration detainees in ordinary police detention facilities should be kept to the absolute minimum because the conditions there might generally be inadequate for prolonged periods. While the Court could not check the veracity of all the applicants' allegations – as a result of the failure of the government to submit documentary evidence – the length of detention and the overcrowding were sufficient to conclude that the conditions of detention at Hasköy Police Headquarters amounted to degrading treatment contrary to Article 3.

- **Risk of being subjected to ill-treatment / Deportation cases**

A. v. the Netherlands (no. 4900/06), Ramzy v. the Netherlands (no. 25424/05), N. v. Sweden (no. 23505/09) (Importance 2) – 20 July 2010 – There would be a violation of Article 3 (cases of A. and N.) if the applicants were to be expelled to their countries of origin – No violation of Article 13 – The applicant had an effective remedy at his disposal (case of A.)

All three cases concerned the applicants' complaints that they would risk ill-treatment if expelled or deported to their country of origin.

A. entered the Netherlands in November 1997 and applied, unsuccessfully, for asylum as he feared persecution in Libya for his involvement since 1988 in a clandestine opposition group. Following a report by the Dutch General Intelligence and Security Service, he was arrested in August 2002 on suspicion of belonging to a criminal organisation conducting a holy war (jihad) against the Netherlands. He was acquitted of all charges in June 2003. In November 2005, an exclusion order was imposed on him in the Netherlands as he was found to represent a danger to national security.

Mr Ramzy was apprehended in January 1998 in the Netherlands when he was trying to leave in a lorry for the United Kingdom. He applied for asylum, telling the authorities that he grew up in an orphanage, did not know his parents, and left Algeria because it was unstable and dangerous. He also stated, without further explanation, that he was approached by an Islamic fundamentalist movement long before he left Algeria. His asylum application and subsequent appeal being rejected, he continued to live illegally in the Netherlands. In June 2002, he was arrested on suspicion of participating in a criminal organisation which supported, among others, the Taliban and their allies (Al-Qaeda and/or other pro-Taliban combatants). An exclusion order was imposed on him in September 2004 as the Dutch authorities considered he posed a threat to national security. He was acquitted of all charges and was released in August 2005.

N. applied for asylum, together with her husband X., three days after their arrival in Sweden, in August 2004. They claimed that they had been persecuted in Afghanistan because X. had been a politically active member of the communist party. The asylum application being rejected in March 2005, N. appealed claiming that, as she had in the meantime separated from her husband, she would risk social exclusion and possibly death if she returned to Afghanistan. Her appeal was also rejected. She applied for a residence permit three times, as well as for divorce from X., submitting that she was at an

ever-heightened risk of persecution in Afghanistan, as she had started an extra-marital relationship with a man in Sweden which was punishable by long imprisonment or even death in her country of origin. All her applications were rejected.

The applicants complained that, if expelled or deported to their country of origin, they would be at risk of being subjected to inhuman and degrading treatment. A. and Mr Ramzy further complained that they could not effectively challenge the ground used – that they were a threat to national security – for the exclusion orders against them.

A. v. the Netherlands

The Governments of Lithuania, Portugal, Slovakia and the United Kingdom challenged what they considered to be the rigid way in which the Court systematically applied the absolute prohibition on ill-treatment. They submitted that, by not allowing the risk of such treatment of the individual in the country of destination to be weighed against the reasons for expulsion, even national security, the Court had caused the States bound by the Convention many difficulties, by preventing them in practice from enforcing expulsion measures. Those four Governments proposed that, if such a State presented evidence that the individual was a threat to national security, in order to trigger the protection of the Convention under Article 3, that individual should have to show that "it was more likely than not" that they would be ill-treated in the receiving country. Several international human rights organisations strongly supported the Court's approach to Article 3. According to the AIRE Centre, the rule prohibiting expulsion to face torture or ill-treatment had become a norm of international law. Amnesty International and others reiterated that the burden of proof could not rest with the individual alone, especially as s/he did not always have access to the same information as the State. Also, diplomatic assurances did not suffice to offset an existing risk of torture. It was enough for the applicant to make an arguable case, leaving the expelling state to refute the claims. According to the organisations Liberty and Justice, any change would amount to a dilution of a fundamental human right which would have a long-term corrosive effect on democratic values and the Convention. The Court reiterated that the prohibition of ill-treatment under Article 3 was absolute, that is to say it made no provision for exception. It further noted that it was not possible to weigh the risk of ill-treatment against the reasons put forward for the expulsion in order to determine whether the responsibility of a State was engaged under Article 3. In addition, the existence of domestic laws and accession to international human rights treaties by a State which was not party to the Convention was not by itself sufficient to ensure adequate protection from ill-treatment. That was especially the case where reliable sources had reported practices, manifestly contrary to the Convention, which were actively pursued or tolerated by the authorities. The Court then noted that the overall human rights situation in Libya continued to give rise to serious concerns. Reports showed that detainees in Libya were at a real risk of being tortured or otherwise ill-treated. Although A. had been acquitted in the Netherlands, his case had been broadly covered in the media and the Libyan authorities had been informed that he had been placed in aliens' detention for removal purposes. Consequently, it was likely that – once in Libya - A. would be detained and questioned, and that he risked ill-treatment. Accordingly, the Court concluded that A.'s expulsion to Libya would breach Article 3. The Court found that there had been no violation of Article 13 as A. had had available an effective remedy in respect of his grievance under Article 3.

Ramzy v. the Netherlands

The Court noted that Mr Ramzy's legal representatives did not know his whereabouts and so could not answer the Court's questions. It concluded that Mr Ramzy had lost interest in pursuing his application, and decided to strike out the case.

N. v. Sweden

While being aware of reports of serious human rights violations in Afghanistan, the Court did not find that they showed, on their own, that there would be a violation of the Convention if N. were to return to that country. Examining N.'s personal situation, however, the Court noted that women were at a particularly heightened risk of ill-treatment in Afghanistan if they were perceived as not conforming to the gender roles ascribed to them by society, tradition or the legal system there. The mere fact that N. had lived in Sweden might well be perceived as her having crossed the line of acceptable behaviour. The fact that she wanted to divorce her husband, and in any event did not want to live with him any longer, might result in serious life-threatening repercussions upon her return to Afghanistan. Among other things, the Court noted that a recent law, the Shiite Personal Status Act of April 2009, required women to obey their husbands' sexual demands and not to leave home without permission. Reports had further shown that around 80 % of Afghani women were affected by domestic violence, acts which the authorities saw as legitimate and therefore did not prosecute. Unaccompanied women, or women without a male "tutor", faced continuous severe limitations to having a personal or professional life, and were doomed to social exclusion. They also often plainly lacked the means for survival if not

protected by a male relative. Consequently, the Court found that if N. were deported to Afghanistan, Sweden would be in violation of Article 3.

Karimov v. Russia (no. 54219/08) (Importance 3) – 20 July 2010 – There would be a violation of Article 3 if the applicant were to be expelled to Uzbekistan – Violation of Article 5 §§ 1 and 4 – Unlawful detention and lack of an effective remedy to challenge the lawfulness of the detention – Violation of Article 13 in conjunction with Article 3 – Lack of an effective remedy

The applicant is an Uzbek national. He arrived in Russia in June 2005; soon after he was arrested and placed in detention pending extradition at the request of the Uzbek authorities. He was released in June 2009 and granted temporary asylum for one year in August 2009.

The case concerned the applicant's allegation that his detention pending extradition had been unlawful. The applicant further alleged that, if extradited to his country of origin, where he was on a wanted list for suspected involvement in, among other things, terrorism and membership of extremist organisations (including Hizb-ut-Tahrir), he would be at real risk of politically-motivated persecution, torture and/or ill-treatment.

As to the applicant's personal situation, the Court observed that he was charged with a number of politically motivated crimes. Given that an arrest warrant was issued in respect of the applicant, it was most likely that he would be placed in custody directly after his extradition and therefore would run a serious risk of ill-treatment. The Court also took note of the information received from the Russian Office of the UN High Commissioner for Refugees confirming the applicant's allegations of a risk of ill-treatment in Uzbekistan in the event of his extradition. Accordingly, the applicant's forcible return to Uzbekistan would give rise to a violation of Article 3 as he would face a serious risk of being subjected there to torture or inhuman or degrading treatment.

Further, the Court noted that the Government acknowledged that the applicant's detention between 21 and 24 July 2008 had not been based on a court order. At the same time they contended that in any case this detention had been authorised by the court order of 24 July 2008 which had authorised the applicant's detention between 12 June and 24 July 2008 and extended it until 12 December 2008. The Court noted the inconsistency of the Government's stance concerning the legal grounds for the applicant's detention between 21 and 24 July 2008. But even assuming that this detention was authorised by the court order of 24 July 2008, the Court reiterated that any *ex post facto* authorisation of detention on remand was incompatible with the "right to security of person" as it was necessarily tainted with arbitrariness. Permitting a prisoner to languish in detention on remand without a judicial decision would be tantamount to overriding Article 5, a provision which makes detention an exceptional departure from the right to liberty and one that is only permissible in exhaustively enumerated and strictly defined cases. There had therefore been a violation of Article 5 § 1. The Court reiterated that where an individual's personal liberty is at stake, the Court has set up very strict standards concerning the State's compliance with the requirement of speedy review of the lawfulness of detention. Having regard to the above, the Court considers that the delays in question, ranging from thirteen to twenty-five days, cannot be considered compatible with the "speediness" requirement of Article 5 § 4. There had therefore been a violation of Article 5 § 4. The Court finally noted that it should also be noted that the Government did not refer to any provisions of domestic legislation which could have afforded redress in the applicant's situation or had a suspensive effect on his extradition. Accordingly, the Court concludes that in the circumstances of the present case there has been a violation of Article 13 of the Convention because the applicant was not afforded an effective and accessible remedy in relation to his complaint under Article 3 of the Convention.

- **Right to liberty and security**

Gatt v. Malta (no. 28221/08) (Importance 1) – 27 July 2010 – Violation of Article 5 § 1 – Domestic authorities' failure to strike a fair balance between the importance in a democratic society of securing the immediate fulfilment of the obligation in question and the importance of the right to liberty by imposing a two thousand days' imprisonment on the applicant for breaching bail conditions – The Court recommended the applicant's immediate release

Facing drug trafficking proceedings, the applicant was granted bail in August 2001. The conditions of bail included a personal guarantee of 23,300 euros (EUR) and restrictions on his leaving his place of residence. Following a complaint that he had been seen in Valletta during his curfew hours, the Criminal Court revoked his bail, ordered him to be re-arrested and to pay the guarantee. As he was not able to pay, imprisonment-in-default proceedings were brought and, in July 2006, the sum in guarantee was converted into detention at the rate of one day per EUR 11.50, namely two thousand days (or more than five years and six months) imprisonment. The applicant brought a constitutional

complaint which was ultimately dismissed on appeal in February 2008. The Constitutional Court held that his detention had its basis in Article 5 § 1 (b) (namely, to secure the fulfilment of an obligation prescribed by law) and that he had accepted the conditions of his bail in full knowledge of the consequences.

The applicant alleged that the conversion into imprisonment of the guarantee he had failed to pay on breaching his bail conditions had been excessive and disproportionate. He particularly highlighted that, under the relevant provisions of the Criminal Code, no ceiling was placed on the maximum length of detention and that he could not benefit from remission for good behaviour.

Article 5 § 1

The Court noted that it was not in dispute that the applicant's detention, ordered by the domestic courts had been lawful. However, the Court considered that the applicant, who had been under strict bail conditions for nearly five years – presumably without being able to earn a living – could not realistically have been expected to comply with the court order and fulfil the relevant obligation, and that, in the circumstances, his detention, especially taking into account its duration, had been disproportionate. In particular, Maltese law and its application in the applicant's case had been deficient in two respects: it had made no distinction between a breach of bail conditions related to the primary purpose of bail (ie appearance at trial) and other considerations of a less serious nature such as a curfew, and it had not applied a ceiling on the duration of detention, nor had it made any assessment of proportionality. Thus, it had failed to strike a balance between the importance in a democratic society of securing the fulfilment of the obligation in question and the importance of the right to liberty, in violation of Article 5 § 1.

Article 1 of Protocol No. 4

Given the above finding, the Court did not consider it necessary to examine separately the complaint under Article 1 of Protocol No. 4. Nevertheless, given that the applicant had been in detention since July 2006 in flagrant breach of Article 5 § 1, it recommended that Malta consider his immediate release.

Konontsev v. Russia (no. 19732/04) (Importance 3) – 20 July 2010 – Violation of Article 5 § 1 – Unlawful and arbitrary detention pending extradition

The applicant is a Kyrgyz national. He was arrested in Russia in July 2003 and placed in detention pending extradition at the request of the Kyrgyz authorities on account of fraud charges. He was extradited to his country of origin in 2004.

The case concerned the applicant's allegation that his detention pending extradition had been unlawful.

The Court found that, in the absence of clear legal provisions establishing the procedure for ordering and extending detention with a view to extradition and setting time-limits for such detention, the deprivation of liberty to which the applicant was subjected was not circumscribed by adequate safeguards against arbitrariness. In particular, the Court observed that the detention order of 14 October 2003 did not set any time-limit for the applicant's detention. Under the provisions governing the general terms of detention, the time-limit for detention pending investigation was fixed at two months. A judge could extend that period to up to six months. Further extensions could only be granted by a judge if the person had been charged with serious or particularly serious criminal offences. However, upon the expiry of the maximum initial two-month detention period, no extension was granted by a court in the present case. The applicant was in detention pending extradition for more than one year, at least until 29 July 2004, when the extradition order against him was finalised by the Supreme Court. During that period, no requests were lodged for his detention to be extended. Thus, the national system has failed to protect the applicant from arbitrary detention, and his detention cannot be considered "lawful" for the purposes of Article 5 § 1 of the Convention. In these circumstances, the Court does not need to separately consider whether the extradition proceedings were conducted with due diligence. In view of the above, the Court found that the applicant's detention during the period in question was unlawful and arbitrary, in violation of Article 5 § 1.

- **Right to respect for private and family life**

Dadouch v. Malta (no 38816/07) (Importance 1) – 20 July 2010 – Violation of Article 8 – Domestic authorities' refusal to register the applicant's marriage for a period of over two years was a disproportionate interference with his right for private and family life

In 1993, the applicant acquired Maltese citizenship as a consequence of his marriage to a Maltese national, which was annulled. He retained Maltese nationality. In July 2003, he married a Russian national in Moscow. In July 2004, he applied to the Public Registration Office to have his marriage registered in Malta. On several occasions, notwithstanding the presentation of his Maltese identity card and a Maltese passport, the Public Registry required that the applicant submit a letter from the Department of Citizenship declaring that he was a citizen of Malta. Despite his contention that this request had no legal basis in domestic law, the applicant asked the department to issue the letter. His request was refused. In May 2005, the applicant obtained a decision of the Court of Revision of Notarial Acts, requiring the Director of the Public Registry to register the marriage, upon the applicant submitting his original act of marriage in Russian together with an English translation authenticated by his lawyer. In April 2006, that decision was revoked by the Court of Appeal. The latter, while expressing doubts as to whether the Court of Revision of Notarial Acts had any competence in this case, held that a Maltese passport was not conclusive evidence of citizenship. The applicant instituted proceedings before the Civil Court in its constitutional jurisdiction, complaining that the refusal to register his marriage was in violation of his right to private life. The evidence submitted by the relevant Government minister showed that the requirement for a "letter of citizenship" did not result from the law or a legal notice but from an internal regulation. In October 2006, the court rejected the application, with legal costs to be paid by the applicant. It held that Article 8 had not been breached, since the Director of the Public Registry had not categorically refused to register the marriage, but had merely requested appropriate documentation. The applicant also appealed to the Constitutional Court, which found in March 2007 that his right to private life had not been breached. In the course of those proceedings a circular, applicable to all Government departments, had been issued stating that Maltese passports could be accepted as proof of citizenship. In May 2006 the Head of the Nationality Department had confirmed that the applicant was a Maltese citizen. In November 2006, the marriage had been registered on the basis of the documents originally submitted by the applicant.

The applicant complained that the failure of the Maltese authorities to register his marriage, for 28 months, had breached his right for private and family life.

The Court held that registration of a marriage, being a recognition of an individual's legal civil status, came within the scope of Article 8 § 1. The delay of over 28 months in the registration of the applicant's marriage clearly had an impact on his private life (lack of such documentation makes the processing of certain requests, such as applications for social or tax benefits, lengthier and more complex, if possible at all). Such interference was in breach of Article 8 unless it could be justified as being "in accordance with the law", as pursuing a legitimate aim and as being "necessary in a democratic society" in order to achieve the aim or aims concerned. The Court had considerable doubt whether the relevant law satisfied the requirements of precision and forseeability, but did not find it necessary to decide the question. The Court noted that apart from the issue as to whether the documents submitted by the applicant fulfilled formal requirements, the Government had not given any reason justifying the need for refusing registration of the applicant's marriage for over two years. Even assuming that the marriage act itself required further verification, it could have been done more speedily. Similarly, as regards the certification of the applicant's citizenship, the Court was of the view that, since he was in possession of a valid Maltese passport, a presumption of his Maltese nationality arose. If the authorities believed that he might have renounced his Maltese citizenship, it was for them to verify the matter with the relevant department and within an appropriate time-frame. The Court further observed that the applicant had attempted to obtain a letter of citizenship, notwithstanding the precarious legal basis for such a requirement, but the authorities refused to issue such a letter. Thus, the Court rejected the Government's argument that the delay was due to the applicant's decision to institute proceedings; it noted that the Government itself conceded that the procedure had been unnecessarily prolonged. In consequence the denial to register his marriage for a period of over two years was a disproportionate interference with his right to private life, in violation of Article 8.

Aksu v. Turkey (nos. 4149/04 and 41029/04) (Importance 1) – 27 July 2010 – No violation of Article 14 in conjunction with Article 8 – An academic study and dictionary definitions containing passages that appeared discriminatory or insulting to the Roma community, did not insult the applicant's integrity

The applicant is of Roma origin and alleged that two government-funded publications included remarks and expressions that reflect anti-Roma sentiment. On behalf of the Turkish Gypsy associations, the applicant filed a petition with the Ministry of Culture in June 2001, complaining that a book published by the Ministry, entitled "The Gypsies of Turkey", contained passages that humiliated Gypsies. In particular, he claimed that the author stated that Gypsies engaged in criminal activities, living as "thieves, pickpockets, swindlers, robbers, usurers, beggars, drug dealers, prostitutes and brothel keepers". The applicant requested that the sale of the book be stopped and all copies seized. Informed by the Ministry of Culture that, according to its publications advisory board, the book

reflected scientific research, and that the author would not allow any amendments, the applicant brought civil proceedings against the ministry and the author of the book. He requested compensation and asked for the book to be confiscated and for its publication and distribution to be stopped. In September 2002, Ankara Civil Court dismissed the requests in so far as they concerned the author and decided that it lacked jurisdiction as regards the case against the Ministry. The Court of Cassation upheld the judgment and eventually dismissed the applicant's request for rectification. In April 2004 the administrative court dismissed the complaint subsequently lodged by the applicant against the ministry. Both the civil court and the administrative court held that the book was the result of academic research and that the passages in question were not insulting. The second publication, a dictionary for school pupils, had been published in 1998 by a language association and had been funded by the Ministry of Culture. In April 2002 the applicant sent a letter to the language association on behalf of the Confederation of Gypsy Cultural Associations, alleging that certain entries in the publication, such as "gypsyness" for stinginess and greediness, were insulting and discriminatory against Gypsies. He asked the association to remove a number of expressions from the dictionary. Having received no reply, the applicant brought civil proceedings against the association in April 2003, requesting that the expressions in question be removed and asking for compensation for the non-pecuniary damage he had suffered. In July 2003, the civil court dismissed the case, holding that the definitions in the dictionary were based on historical and sociological facts and that there had been no intention to humiliate or debase an ethnic group. It further noted that there were similar expressions in Turkish concerning other ethnic groups, which were also included in dictionaries. The judgment was upheld by the Court of Cassation.

The applicant complained, in two separate applications, that certain passages and expressions included in the two publications reflected clear anti-Roma sentiment and that the refusal of the domestic courts to award compensation demonstrated a bias against Roma.

The Court reiterated that Article 8 did not merely compel the State to abstain from arbitrary interference with an individual's private life, but could also give rise to positive obligations to adopt measures designed to secure respect for private life. In the present case, the Court observed that the applicant had been able to argue his cases thoroughly before the domestic courts and that it was clear from the case file that the domestic courts had conducted a thorough examination of the cases. They had thereby provided a forum for solving the dispute between private persons as part of their obligations under Article 8. The Court further underlined that the domestic courts were in a better position to evaluate the facts of a given case and that it was not its function to deal with errors of fact or law allegedly made by a national court, except where they might have infringed rights and freedoms protected by the Convention. As regards the book "The Gypsies of Turkey", the Court noted that the passages cited by the applicant, when read on their own, appeared to be discriminatory or insulting. However, examined as a whole, the book did not allow a reader to conclude that the author had any intention of insulting the Roma community. It was made clear in the conclusion to the book that it was an academic study which conducted a comparative analysis and focused on the history and socio-economic living conditions of the Roma people in Turkey. The Court observed that the author in fact referred to the biased portrayal of the Roma and gave examples of their stereotyped image. It was important to note that the passages referred to by the applicant were not the author's comments but examples of the perception of Roma people in Turkish society. As regards the dictionary, the Court observed that the expressions and definitions in question were prefaced with the comment that they were of a metaphorical nature. The Court therefore found no reason to depart from the domestic courts' findings that the applicant had not been subjected to discriminatory treatment because of the expressions listed. The Court concluded, by four votes to three, that it could not be said that the applicant had been discriminated against on account of his ethnic identity as a Roma, or that there had been a failure on the part of the authorities to take the necessary measures to secure respect for the applicant's private life. There had therefore been no breach of Article 14 taken in conjunction with Article 8. Judges Tulkens, Tsotsoria and Pardalos expressed a joint dissenting opinion.

Mengesha Kimfe v. Switzerland (no. 24404/05) (Importance 3), Agraw v. Switzerland (no. 3295/06) (Importance 2) – 29 July 2010 – Violation of Article 8 – Domestic authorities' refusal to assign the applicants (asylum-seekers) to the same Canton as their husbands, for a considerable amount of time, had not been a measure "necessary in a democratic society"

The applicants are two Ethiopian nationals living in Switzerland. Their husbands, also Ethiopian nationals, had had their asylum applications rejected, following which they were placed in a reception centre, in a different Canton from that of the applicants. The applicants and their husbands had entered Switzerland illegally and sought asylum there. In accordance with the Federal Asylum Act, which provides for asylum-seekers to be assigned to a particular canton, the Federal Office for Refugees ("the Office") assigned Mrs Agraw to the Canton of Berne, Mrs Mengesha Kimfe to the Canton of St Gall and their husbands to the Canton of Vaud. After their applications for asylum had all

been refused, they were ordered to be sent back to Ethiopia and placed in reception centres for refugees pending their deportation. They remained in Switzerland, however, because the Ethiopian authorities prevented their return. Instructions from the Office, attached by Mrs Mengesha Kimfe to her application, showed that since 1993 the Ethiopian authorities had been obstructing the repatriation of unsuccessful asylum seekers of Ethiopian origin, and that the Office had even temporarily stayed enforcement of deportation orders in 1997. The applicants got married in the Canton of Vaud. The authorities refused their requests to be assigned to that Canton on the ground that "unsuccessful asylum seekers in respect of whom the departure date initially fixed for leaving Switzerland had elapsed [could] not be assigned to a different Canton". In the decision concerning Mrs Agraw the Swiss authorities observed that the couple could voluntarily return to Ethiopia at any time and that they had known, when they married, that they could not live together in Switzerland. After her marriage, Mrs Mengesha Kimfe mainly lived with her husband, illegally, in Lausanne. After being summoned to Lausanne police station in December 2003, she was immediately taken back to St Gall, handcuffed. Her application for family reunion was initially refused and subsequently granted in 2008, when she was issued with a residence permit in the Canton of Vaud on that ground. In 2005 Mrs Agraw gave birth to a child, who lived with her in the Canton of Berne, separated from his father. Her application for a residence permit for the Canton of Vaud was eventually granted by the Office in 2008 on the grounds of her right to family unity.

The applicants complained that they had been unable to live with their husbands – despite the close and effective ties between them – on account of the Swiss authorities' refusal to assign them to the same Canton as their husbands.

The Court noted that States did not have a general obligation to comply with the choice of joint residence elected by married couples or to allow foreign couples to settle in the country. However, for the purposes of Article 1, the applicants, whose involuntary prolonged stay in Switzerland had been due to the failure to enforce the order deporting them to Ethiopia, came within the "jurisdiction" of Switzerland, which was accordingly obliged to assume its responsibility under the Convention. The applicants had not complained of the decision ordering their deportation from Switzerland, but of having been prevented from cohabiting with their husbands following the refusal to assign them to the Canton where the latter lived. The Court observed that the possibility of leading a life as a couple was one of the essential elements of the right to respect for family life. It noted that the interference by the Swiss authorities with the exercise of this right was prescribed by the Federal Asylum Act, whose purpose was to assign asylum seekers equitably between the Cantons and prevent unsuccessful applicants from changing Canton. The applicants had been officially prevented from living together for approximately five years. While Mrs Mengesha Kimfe had lived with her husband in Lausanne most of the time, she had nonetheless been liable to a criminal penalty for illegal residence whenever she visited him. Moreover, her decision not to stay in the Canton of St Gall had had significant practical consequences, such as the suspension of welfare benefits and the restriction on reimbursements of medical expenses to those incurred in the Canton of St Gall. With regard to Mrs Agraw, even if the one-and-a-half hour train journey that separated her from her husband had allowed them to have regular contact, as was evidenced by the birth of their child, their prolonged separation had amounted to a serious restriction on their family life. The Court pointed out that the applicants had been prevented from constructing a family life outside Swiss territory because it had been impossible to enforce the deportation order against them because of the Ethiopian authorities' systematic opposition to the repatriation of their citizens. Even if the equitable assignment of asylum seekers between the Cantons could be deemed to fall within the concept of "economic well-being of the country" and public policy, assigning the applicants to the Canton of Vaud would have been of little consequence in that respect. In any event, their private interests carried much more weight than the advantages of the system for the State, even having regard to the administrative burden and the costs incurred in assigning them to a different canton. Having regard to the exceptional nature of these cases and to the considerable number of years during which the applicants had been officially separated from their husbands, the Court considered that the measure in question had not been necessary, in a democratic society, and held that there had been a violation of Article 8.

P.B. and J.S. v. Austria (no. 18984/02) (Importance 2) – 22 July 2010 – Violation of Article 14 in conjunction with Article 8 – Discriminatory treatment as regards the extension of insurance cover to a partner for a homosexual couple

The applicants live in a homosexual relationship. J.S. is a civil servant while P.B. is not gainfully employed and runs the couple's household. In July 1997, P.B. asked the authority in charge of insurance for civil servants to recognise him as a dependent to whom J.S.'s sickness and accident insurance cover could be extended. The authority eventually dismissed the request in January 1998, referring to the relevant section of the Civil Servants Sickness and Accidents Insurance Act ("the insurance act"), which provided that only a close relative or a cohabitee of the opposite sex qualified

as a dependent. The administrative court dismissed P.B.'s complaint against the decision in October 2001, holding that only where a man and a woman lived together in a household run by one of them while not being gainfully employed could it be concluded that they were cohabiting in a partnership. This was not the case if two people of the same sex lived together in a household. In August 2006 an amendment to the insurance act entered into force, which introduced the possibility for a same-sex partner to qualify as a dependent if he or she was raising children or doing nursing work in the household. This condition was not necessary for a partner of the opposite sex to qualify as a dependent. Another amendment to the act entered into force in July 2007, after which opposite-sex partners were no longer entitled to qualify as a dependent without raising children or doing nursing work in the household. The amended act included a transitory provision for people previously entitled to benefits.

The applicants complained that the administrative court's decision discriminated against them because of their sexual orientation.

Compliance with Article 14 in conjunction with Article 8 before the amendment of the insurance act

The Court observed that the Austrian Government had not given any justification for the difference in the treatment of P.B. and J.S., on the one hand, and cohabitees of opposite sex on the other. The Court underlined that States had only a narrow margin of appreciation as regards different treatment based on sex or sexual orientation and that they were required to demonstrate that such a difference in treatment was necessary in order to realise a legitimate aim. In the absence of any justification, the Court concluded, by five votes to two, that there had been a breach of Article 14 in conjunction with Article 8 in respect of the period in question.

The period from August 2006 until June 2007

The Court considered that the discriminatory character of the insurance act did not change after its amendment in August 2006, even though homosexual couples, such as P.B. and J.S., were no longer fully excluded from its scope. There remained a substantial difference in treatment in comparison with heterosexual couples, since same-sex couples could qualify for the extension of one partner's insurance cover to the other partner only if they were raising children together. The Court therefore unanimously found that there had also been a breach of Article 14 in conjunction with Article 8 in respect of this period.

The period from July 2007

The newly amended version of the insurance act was formulated in a neutral way concerning the sexual orientation of cohabitees. The Court therefore considered that as of July 2007 P.B. and J.S. had no longer been subject to an unjustified difference in treatment as regards the benefit of extending health and accident insurance cover to P.B. The Court was not convinced by P.B. and J.S.'s argument that the legal situation was still discriminatory, as the amendment had made it more difficult to extend insurance cover by introducing additional conditions which they did not fulfil. The Convention did not guarantee access to specific benefits. Moreover, the condition of raising children in the couple's home was not in principle impossible for a homosexual couple to fulfil. The Court was further not convinced by the argument that P.B. and J.S. were still discriminated against, because people to whom the extension of insurance cover had been granted before the amendment continued to benefit from it. According to the transitory provision, the benefit continued to apply only to people having passed a certain age limit and was otherwise limited to a certain period of time. Such arrangements were acceptable in view of the principle of legal certainty. The Court therefore unanimously concluded that there had been no violation of Article 14 in conjunction with Article 8 since July 2007.

- **Disappearances cases in Chechnya**

Benuyeva and Others v. Russia (no. 8347/05) (Importance 3) – 22 July 2010 – Violation of Article 2 (substantive) – Abduction by State servicemen and presumed death of the applicants' close relatives, Abu Zhanalayev and Sayd-Selim Benuyev – Violation of Article 2 (procedural) – Lack of an effective investigation into the circumstances of their disappearance – Violation of Article 3 – Mental suffering of the first, ninth and tenth applicants – No violation of Article 3 on account of the second, third, fourth, fifth, sixth, seventh, eighth, eleventh, twelfth, thirteenth, fourteenth and fifteenth applicants' mental suffering – Violation of Article 5 – Unacknowledged detention of the applicants' close relatives – Violation of Article 13 in conjunction with Article 2 – Lack of an effective remedy

Akhmatkhanovy v. Russia (no. 20147/07) (Importance 3) – 22 July 2010 – Violation of Article 2 (substantive) – Abduction by State servicemen and presumed death of the applicants' close relative, Artur Akhmatkhanov – Violation of Article 2 (procedural) – Lack of an effective investigation into the circumstances of their disappearance – Violation of Article 3 – The applicants' mental suffering –

Violation of Article 5 – Unacknowledged detention of the applicants' close relative – Violation of Article 13 in conjunction with Article 2 – Lack of an effective remedy

2. Judgments referring to the NHRSs

Shchukin and Others v. Cyprus (no. 14030/03) (Importance 2) – 29 July 2010 – No violation of Article 3 (substantive) – No evidence to conclude that the violence used against the first applicant by the police during his arrest was excessive – Violation of Article 3 (procedural) – Lack of an effective investigation into the alleged ill-treatment

The applicants are ten Ukrainian nationals and one Estonian national who were employed by a Ukrainian travel company as catering and hotel staff on a Ukrainian cruise ship.

The case concerned the circumstances of their deportation from Cyprus after the ship owners went bankrupt. The ship was anchored in Cyprus with more than 100 crew members and more than 100 passengers aboard in September 2001. It was subsequently impounded and forbidden from sailing by a court order, pending proceedings brought by crew members for unpaid wages before the Cypriot Admiralty Court. A number of crew members stayed on board and received revocable landing permits allowing them to disembark. A majority of them left for Ukraine after the court's decision, while a small group, including the applicants, remained on board. The ship's captain informed the Cypriot authorities in January 2003 that the group created problems by drinking alcohol almost every evening, expressing concerns about the risk of fire or other damage and requested that the group be sent back to Ukraine. In early February 2003, the authorities issued detention and deportation orders against the applicants on the grounds that they were prohibited immigrants under national law. They were informed of the orders more than ten days later. That day, they went to the immigration police station at the port, having been told that their photographs were to be taken for a renewal of their landing permits. The applicants maintained that, at the police station, they were immediately arrested, without being served with a document explaining the reasons, and refused contact with the Ukrainian Consul or their lawyer. According to the Cypriot Government, the Ukrainian captain of the ship and a Russian-speaking member of the immigration police had informed the applicants of the reasons for their arrest and deportation. However, since they had reacted violently to the news, the deportation and detention orders were only shown to them from a distance to avoid their destruction. The three women among the group, one of whom had a baby, were separated from the men; according to the Cypriot Government this was for their own protection. They were then driven separately to the airport and deported to Ukraine. The applicants claimed that they were unable to collect their personal belongings from the ship. Four of the applicants corroborated the claim of the ship's masseur, the first applicant, that he had been punched in the forehead, held by the neck, forced to the ground and kicked so that he temporarily lost consciousness, after he had asked the police to provide documents or an explanation for their actions. The Cypriot Government denied any ill-treatment of the applicant, but stated that the police used force to arrest him and handcuffed him because he had attacked the police officers, one of whom was left unfit for work for five days. Three days after his return to Ukraine, the applicant was examined by a forensic medical expert, whose report stated that he had some minor bodily injuries, in particular a head injury, bruises on his neck and abrasions in the area of the wrist joints, which had been inflicted three to four days earlier. The applicants lodged a petition with the **Ukrainian Parliamentary Ombudsman**, complaining of the degrading treatment they had allegedly received from the Cypriot authorities. Their petition was referred to the **Cypriot Ombudsman**, who in November 2004 issued a report in which she criticised in particular a lack of legal grounds for the deportation orders, as the applicants had not illegally entered the country, and a violation of the applicants' right of access to information, to be heard and to seek court or out-of-court protection. She referred the case to the Cypriot Attorney-General, who took no legal action.

The first applicant complained that he had been injured by immigration police officers. All ten applicants further complained about the alleged unlawfulness of their arrest and detention. They further raised a number of complaints concerning their detention and deportation.

Article 3 (substantive)

The Court observed that the Cypriot Government had not disputed that police officers had caused the applicant's injuries, as documented in the medical report, by using force. However, the medical report did not support the allegation that he had been kicked. At the same time, noting that one of the officers' injuries rendered him unfit for work, the Court had no reason to doubt that the applicant forcefully resisted the arrest. The Court further noted that the injuries he suffered had not had any lasting consequences. The Court unanimously concluded that the use of force against the applicant had not been so excessive as to reach the threshold of treatment contrary to Article 3. There had been no violation of Article 3.

Article 3 (procedural)

The Court considered that the applicant's complaint, together with the admission by the police that force had been used, had given rise to a reasonable suspicion that he might have been subjected to ill-treatment by the police. The Cypriot authorities had therefore been under an obligation to conduct an effective investigation. However, there had been no follow-up by the Attorney-General's office concerning the applicant's complaint. The Government's justification for the lack of action was the failure to submit the applicant's medical report to the Ombudsman, but there had been no formal decision stating that fact. The Court further noted that all reports concerning the incident came from the district immigration police, that is, the very authority responsible for the detention and deportation in question. Moreover, the relevant reports were incomplete, as they did not provide any information as to the exact nature of the force used to arrest the applicant. There was no documentary evidence of any concrete steps taken by the police to investigate the allegations. The authorities had failed to carry out an investigation that was independent, impartial and subject to public scrutiny and the competent authorities had not acted with exemplary diligence and promptness. There had been a violation of Article 3 concerning the lack of an effective investigation. The other complaints have been declared inadmissible.

3. 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 20 Jul. 2010: here
- Press release by the Registrar concerning the Chamber judgments issued on 22 Jul. 2010: here
- Press release by the Registrar concerning the Chamber judgments issued on 27 Jul. 2010: here
- Press release by the Registrar concerning the Chamber judgments issued on 29 Jul. 2010: here

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
Armenia	20 Jul. 2010	Hovhannisyan and Shiroyan (no. 5065/06) Imp. 2 Yeranosyan and Others (no. 13916/06) Imp. 3	Violation of Art. 1 of Prot. 1	Unlawful and arbitrary termination of the applicants' right of protection of property	Link Link
Greece	22 Jul. 2010	Melis (no. 30604/07) Imp. 2	Violation of Art. 6 § 1	Interference of the applicant's right of access to a court on account of domestic courts' refusal to reopen civil proceedings which had been flawed as a result of false evidence	Link
Italy	27 Jul. 2010	Marcon (no. 32851/02) Imp. 3	Violations of Art. 6 § 1	Excessive length of main proceedings and lengthy non-enforcement of the "Pinto" judgment	Link
Lithuania	27 Jul. 2010	Gineitienė (no. 20739/05) Imp. 2	No violation of Art. 8 in conjunction with Art. 14	Domestic courts' decision fixing the applicant's two daughters' place of residence with their father was in the children's best interest	Link
Lithuania	20 Jul. 2010	Balčiūnas (no. 17095/02) Imp. 3	Violation of Art. 5 § 3 No violation of Art. 6 §§ 1 and 3 (d)	Excessive length of detention Lack of arbitrariness in the domestic courts' decisions and respect of the applicant's rights of defence	Link
Luxembourg	22 Jul. 2010	Ewert (no. 49375/07) Imp. 2	No violation of Art. 8 Violation of Art. 6 § 1	No evidence to conclude that there was an interference with the applicant's right to respect for correspondence Interference with the applicant's right of access to court on account	Link

* The "Key Words" in the various tables of the RSIF are elaborated under the sole responsibility of the NHRS Unit of the DG-HL

				of the Court of Cassation's excessively formalistic approach in dismissing some of the applicant's grounds of appeal	
Malta	27 Jul. 2010	Louled Massoud (no. 24340/08) Imp. 3	Violation of Art. 5 §§ 1 and 4	Unlawfulness of asylum seeker's detention; lack of an effective and speedy remedy to challenge the lawfulness of the detention	Link
Poland	27 Jul. 2010	Rafał Orzechowski (no. 34653/08) Imp. 3	Violation of Art. 6 § 1 (length)	Excessive length (almost ten years) of criminal proceedings	Link
Poland	27 Jul. 2010	Sierpiński (no. 38016/07) Imp. 3	Just satisfaction Friendly settlement	Judgment on just satisfaction following a judgment of 3 February 2010	Link
Portugal	27 Jul. 2010	Almeida Santos (no. 50812/06) Imp. 2	Just satisfaction	Judgment on just satisfaction following a judgment of 6 January 2010	Link
Romania	27 Jul. 2010	Ababei (no. 34728/02) Imp. 3	Violation of Art. 6 § 1 (length)	Excessive length of criminal proceedings	Link
Russia	22 Jul. 2010	Samoshenkov and Strokov (nos. 21731/03 and 1886/04) Imp. 3	(Mr Strokov) Violation of Art. 5 § 1 (Mr Samoshenkov) Violation of Art. 6 § 1 (length) (Mr Samoshenkov) Violation of Art. 6 §§ 1 and 3 (c) (fairness)	Unlawfulness of detention Excessive length of criminal proceedings Lack of legal representation at the appeal proceedings	Link
Russia	29 Jul. 2010	Shaposhnikov (no 8998/05) Imp. 3	Violation of Art. 5 § 1	Unlawful pre-trial detention	Link
Turkey	27 Jul. 2010	Karaarslan (no. 4027/05) Imp. 3	Two violations of Art. 6 § 1 (fairness)	The applicant's lack of access to the classified documents submitted to the Supreme Military Administrative Court; failure to provide the applicant with the written opinion of the principal public prosecutor	Link
Turkey	20 Jul. 2010	Altıparmak (no. 27023/06) Imp. 3	Violation of Art. 6 § 1 (fairness)	Interference with the applicant's right of access to court on account of the obligation imposed on her to pay a fee to obtain a copy of a judgment in her favour	Link
Turkey	20 Jul. 2010	Volkan Özdemir (no. 29105/03) Imp. 3	Revision Art. 41	Following the death of Mr Özdemir, the Court considered that the amount awarded in a previous judgment to the applicant should be paid, jointly, to his heirs	Link

4. 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
Albania	20 Jul. 2010	Puto and Others (no. 609/07) link	Violation of Art. 6 § 1 Violation of Art. 1 of Prot. 1 Violation of Art. 13 in conjunction with Art. 6 § 1	Lengthy non-enforcement of a final decision in the applicants' favour Lack of an effective remedy
Azerbaijan	29 Jul. 2010	Jafarli and Others (no. 36079/06)	Violation of Art. 6 § 1 (fairness) Violation of Art. 1 of Prot.	Lengthy non-enforcement of final judgments in the applicants' favour

Russia		link Kuznetsova (no. 3006/03) link	1	
Italy	27 Jul. 2010	Chirò and Others (No. 1) (no. 63620/00) link	Just satisfaction	Judgments on just satisfaction following the judgments of 11 October 2005, 15 November 2005 and 11 July 2006
Italy	27 Jul. 2010	Chirò and Others (No. 2) (no. 65137/01) link	Idem.	Idem.
Italy	27 Jul. 2010	Chirò and Others (No. 4) (no. 67196/01) link	Idem.	Idem.
Italy	27 Jul. 2010	Chirò and Others (No. 5) (no. 67197/01) link	Idem.	Idem.
Italy	27 Jul. 2010	Dora Chirò (no. 65272/01) link	Idem.	Idem.
Italy	27 Jul. 2010	Gravina (no. 60124/00) link	Idem.	Idem.
Italy	27 Jul. 2010	La Rosa and Alba (No. 1) (no. 58119/00) link	Idem.	Idem.
Italy	27 Jul. 2010	La Rosa and Alba (No. 3) (no. 58386/00) link	Idem.	Idem.
Italy	27 Jul. 2010	Maselli (No. 2) (no. 61211/00) link	Idem.	Idem.
Italy	29 Jul. 2010	Carla Binotti (no. 63632/00) link	Just satisfaction	Judgments on just satisfaction following judgments of 15 July 2005, 13 October 2005, 17 November 2005, 20 April 2006, 13 July 2006 and 19 October 2006
Italy	29 Jul. 2010	Laura Binotti (no. 71603/01) link	Idem.	Idem.
Italy	29 Jul. 2010	Ceglia (no. 21457/04) link	Idem.	Idem.
Italy	29 Jul. 2010	Colacrai (No. 1) (no. 63296/00) link	Idem.	Idem.
Italy	29 Jul. 2010	De Sciscio (no. 176/04) link	Idem.	Idem.
Italy	29 Jul. 2010	Fiore (no. 63864/00) link	Idem.	Idem.
Italy	29 Jul. 2010	La Rosa and Others (No. 6) (no. 63240/00) link	Idem.	Idem.
Italy	29 Jul. 2010	La Rosa and Alba (No. 7) (no. 63241/00) link	Idem.	Idem.
Italy	29 Jul. 2010	Lo Bue and Others (no. 12912/04) link	Idem.	Idem.
Italy	29 Jul.	Maselli (no. 63866/00)	Idem.	Idem.

	2010	link		
Italy	29 Jul. 2010	Zaffuto and Others (no. 12894/04) link	Idem.	Idem.
Romania	27 Jul. 2010	Popescu (no. 6332/04) link	Violation of Art. 6 § 1 (fairness)	Non-enforcement of a final judgment in the applicant's favour concerning the return of his plot of land
Russia	29 Jul. 2010	Streltsov and 86 other "Novocherkassk military pensioners cases" (nos. 8459/06, 17763/06, 18352/06 etc.) link	(All cases) Violation of Art. 6 § 1 and Art. 1 of Prot. 1 (68 cases) Violation of Art. 1 of Prot. 1	Lengthy non-enforcement of judgments in the applicants' favour and quashing by way of supervisory review of judgments in the applicants' favour Quashing by way of supervisory review of judgments in the applicants' favour
Turkey	20 Jul. 2010	Erdoğan and Fırat (nos. 15121/03 and 15127/03) link	Revision Art. 41	Following the death of the applicant, the Court considered that the amount previously awarded to the applicant should be paid, jointly, to his heirs
Turkey	20 Jul. 2010	Keçecioğlu and Others (no. 37546/02) link	Just satisfaction	Judgment on just satisfaction following a judgment of 8 July 2008
Turkey	27 Jul. 2010	Solomonides (no. 16161/90) link	Just satisfaction	Judgment on just satisfaction following a judgment of 6 July 2009

5. 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	22 Jul. 2010	Matou and Others (no. 54837/08)	Link
Greece	22 Jul. 2010	Petridis (no. 53351/07)	Link
Greece	22 Jul. 2010	Tsoukalas (no. 12286/08)	Link
Hungary	27 Jul. 2010	Bartal (no. 8226/07)	Link
Hungary	27 Jul. 2010	Füry (no. 38042/06)	Link
Hungary	27 Jul. 2010	Gézáné Nagy (no. 20743/07)	Link
Hungary	27 Jul. 2010	Gyárfás and Hunaudit Kft. (no. 15258/06)	Link
Hungary	27 Jul. 2010	Zoltánné Kalmár (no. 16073/07)	Link
Italy	27 Jul. 2010	Pala Mobili Snc and Others (nos. 26334/03, 26338/03, 26341/03, 26343/03 and 26344/03)	Link
Romania	27 Jul. 2010	Alecu (no. 28194/03)	Link
Turkey	20 Jul. 2010	Biçer and Others (no. 19441/04)	Link
Turkey	20 Jul. 2010	Buhur (no. 24869/05)	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 28 June 2010 to 22 August 2010**.

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.

- **Decisions deemed of particular interest to NHRSs**

Babar Ahmad and Others v. the United Kingdom (nos. 24027/07, 11949/08, 36742/08) (Importance 3) – Partly admissible – If expelled, real risk of being detained at "supermax" prisons such as ADX Florence and the imposition of special administrative measures post-trial in respect of the 2nd and 3rd applicants, and concerning the length of their possible sentences – Partly inadmissible (concerning the remainder of the application)

The applicants have been indicted on various charges of terrorism in the United States of America. On the basis of each indictment, the United States Government requested each applicant's extradition from the United Kingdom.

The applicants complained that there would be violations of Articles 2, 3, 5, 6, 8 and 14 if they were extradited to the United States in particular on account of the risk of their being designated as enemy combatants at the conclusion of the criminal proceedings pending against them; that they would be subjected to "special administrative measures" ; that there was a real risk they would be detained in a "supermax" prison such as ADX Florence and that if extradited, they would face sentences of life imprisonment without parole and/or extremely long sentences of determinate length.

Post-trial detention: "supermax" conditions of detention at ADX Florence and the continuation of special administrative measures

The Court first considered the case of the fourth applicant and saw no reason to question the conclusions of the Senior District Judge and the High Court that, at most, he would only spend a short period of time at ADX Florence. It was apparent that Mr Wiley's characterisation of conditions of detention at ADX Florence was different from the conclusions reached in other reports but his statement that a full medical examination would be carried out on the fourth applicant had not been contradicted. There were no objective grounds for treating this statement with caution on this point, as the fourth applicant argued. There was also no evidence that the Bureau of Prisons, in carrying out the medical examination, would apply an inappropriate standard or that conditions at a medical centre would be incompatible with Article 3. Lastly, if an issue arised under Article 3 in respect of ADX Florence it was on the basis of the prolonged periods of isolation that detainees experience and not their physical conditions of detention *per se*. In fact, the fourth applicant had not argued that a short period of detention at ADX Florence would be incompatible with Article 3. The Court rejected the fourth applicant's complaint in respect of detention at ADX Florence as manifestly ill-founded.

Turning to the first three applicants, who were at real risk of detention at ADX Florence, the Court considered that these complaints raise serious questions of fact and law which were of such complexity that their determination should depend on an examination on the merits. The Court declared admissible the applicants' complaints based on Article 3 in respect of their possible detention at ADX Florence. To the extent that their conditions of detention may be made stricter by the imposition of special administrative measures, it also declared this aspect of the complaint admissible.

The length of the applicants' possible sentences

The Court considered that, in respect of the first, third and fourth applicants, there was a possibility that life sentences would be imposed if they were convicted. In light of its case-law, particularly *Kafkaris*, the Court considered that this part of each application raised serious questions of fact and law which are of such complexity that their determination should depend on an examination on the merits. It therefore declared these complaints admissible.

For the second applicant, the Court noted his submission that United States prosecutors told him that he risked a life sentence if convicted. Whatever may have been said, the Court preferred the evidence of the United States prosecutor, whose affidavit of 9 December 2005 (confirmed by the Department of Justice's letter of 23 March 2010) made clear that the maximum sentence the second applicant faced was one of fifty years' imprisonment. The Court noted that the second applicant was thirty-five years of age. If a sentence of fifty years' imprisonment were imposed, even with the 15% reduction which is available for compliance with institutional disciplinary regulations, the applicant would be nearly seventy-eight years of age before he became eligible for release. In those circumstances, at this stage the Court was prepared to accept that, while he is at no real risk of a life sentence, the sentence the second applicant faces also raised an issue under Article 3. The Court considered that this part of his application also raised serious questions of fact and law which were of such complexity that their determination should depend on an examination on the merits and declared this complaint admissible.

The Court declared inadmissible the remainder of each application.

- **Other decisions**

State	***Date***	***Case Title***	***Alleged violations (Key Words)***	***Decision***
Armenia	29 Jun. 2010	Hovhannisyan and Gevorgyan (no 42702/05) link	Alleged violation of Art. 1 of Prot. 1 (unlawful deprivation of property), Art. 6 (unfairness of proceedings)	Partly incompatible *ratione materiae* (concerning claims under Art. 1 of Prot. 1), partly inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention concerning claims under Art. 6)
Armenia	29 Jun. 2010	Papyan and Davtyan (no 43334/05) link	Idem.	Inadmissible for non-exhaustion of domestic remedies
Austria	01 Jul. 2010	Standard Verlags GMBH and Rottenberg (no 36409/04) link	Alleged violation of Art. 10 (the applicant company's conviction for publishing an article concerning the system of giving former politicians well-paid positions in other public areas irrespective of their qualifications), Art. 6 § 1 (domestic courts' refusal to hear a number of witnesses)	Struck out of the list (it is no longer justified to continue the examination of the application)
Bosnia and Herzegovina	29 Jun. 2010	Zečević (no 30675/08; 37254/08 etc.) link	Alleged violation of Art. 5 § 1 (e) (unlawfulness of detention in Zenica Prison Forensic Psychiatric Annex)	Struck out of the list (friendly settlement reached)
Bulgaria	29 Jun. 2010	Butrakov (no 29834/05) link	The application concerned an excessive length of proceedings	Idem.
Bulgaria	29 Jun. 2010	Stanev (no 36760/06) link	Alleged violation of Art. 5 §§ 1 and 4 (unlawful deprivation of liberty on account of the applicant's placement in a social care home against his will and lack of an effective remedy to challenge the lawfulness of his detention), Art. 3 and Art. 13 (conditions in the social care home and lack of an effective remedy), Art. 6 § 1 (lack of an access to a court to restore his legal capacity), Art. 8 and 14 (in particular the trusteeship system, the appointment of the director of the social care home as his trustee and the alleged lack of scrutiny of the director's decisions)	Admissible
Bulgaria	06 Jul. 2010	Yakimovi (no 26560/05) link	Alleged violation of Art. 6 § 1 (excessive length of civil proceedings)	Struck out of the list (unilateral declaration from the Government)
Bulgaria	06 Jul. 2010	Georgieva (no 33730/04) link	Alleged violation of Articles 6 § 1, 8 and 13 (arbitrary deprivation of property), Art. 6 § 1 (unfairness and excessive length of proceedings)	Partly inadmissible for non-respect of the six-month requirement (concerning the deprivation of property), partly inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention concerning the remainder of the application)
Bulgaria	06 Jul. 2010	Donchev (no 23530/05) link	The applicant complained about an arbitrary deprivation of his apartment and of the unfairness of proceedings	Inadmissible (rejected as an abuse of the right of application)
Bulgaria	06 Jul.	Lenko Yordanov (no	The applicant complained about the excessive length of criminal	Struck out of the list (friendly settlement reached)

	2010	1143/03) link	proceedings, the lack of effective remedies and the interference with the applicant's right to peaceful enjoyment of his possessions	
Bulgaria	29 Jun. 2010	Mitev (no 42758/07) link	Alleged violation of Art. 5 §§ 1, 4 and 5 (unlawful placement in a social care home, and lack of an effective remedy to challenge the placement, lack of an effective remedy to obtain compensation), Art. 6 (lack of access to a court), Art. 8 and 13 (in particular the trusteeship system)	Struck out of the list (it is no longer justified to continue the examination of the application)
Bulgaria	29 Jun. 2010	Todorovi (no 15013/04) link	Alleged violation of Art. 2 (lack of an effective investigation into the applicants' son's death)	Inadmissible for non-exhaustion of domestic remedies
Bulgaria	29 Jun. 2010	Stanev (no 36760/06) link	Alleged violation of Art. 5 §§ 1 and 4 (unlawful placement in a social care home and lack of an effective remedy to challenge that placement), Art. 5 § 5 (lack of an adequate compensation in respect of that placement), Art. 3 and Art. 13 (conditions in the social care home and lack of an effective remedy), Art. 8 and 13 (in particular the trusteeship system)	Admissible
Bulgaria	06 Jul. 2010	Moralian (no 21703/03; 22002/03) link	Alleged violation of Art. 1 of Prot. 1 (hindrance to the applicant's right to obtain construction permits), Art. 13 (lack of an effective remedy), Art. 14 (different treatment in comparison to other cases in the same neighbourhood)	Partly inadmissible for non-exhaustion of domestic remedies (concerning claims under Art. 1 of Prot. 1), partly inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention concerning the remainder of the application)
Finland	29 Jun. 2010	Kellosalo (no 50704/09) link	Alleged violation of Art. 6 § 1 (excessive length of administrative proceedings)	Struck out of the list (friendly settlement reached)
France	29 Jun. 2010	Caron and Others (no 48629/08) link	Alleged violation of Articles 2 and 8 (in particular the applicants' criminal conviction for having participated in an action designed to alert authorities about the risks of genetically modified organisms), Art. 1 of Prot. 1 (damages on the applicants' properties on account of the presence of GMOs)	Partly incompatible *ratione personae* (concerning claims under Art. 1 of Prot. 1), partly inadmissible as manifestly ill-founded (concerning the remainder of the application)
Georgia	29 Jun. 2010	Bekaouri (no 14102/02) link	Alleged violation of Articles 3, 5 and 7 (the applicant alleged in particular that his life-sentence was incompatible with his health state, that he had been ill-treated during arrest)	Partly admissible (concerning the applicant's conviction to a life-sentence), partly inadmissible (concerning the remainder of the application)
Germany	29 Jun. 2010	Bauer (no 29035/06) link	Alleged violation of Art. 1 of Prot. 1 in conjunction with Art. 6 § 1 (violation of property rights on account of the disciplinary proceedings and the applicant's removal from office for a lengthy period of time), Art. 1 of Prot. 1 (the applicant complained that the domestic courts had wrongly assumed that there was a risk that the applicant would continue to breach his duties if allowed to practice as a notary)	Inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention)
Greece	06 Jul. 2010	Star Cate - Epilekta Gevmata and Others (no 54111/07)	Alleged violation of Art. 6 (unfairness of proceedings), Art. 1 of Prot. 1 (lack of adequate compensation for enterprises situated on expropriated land)	Partly inadmissible for non-exhaustion of domestic remedies (concerning the compensation for Georgios and Soultana Didaskalou), partly inadmissible as

		link		manifestly ill-founded (concerning the remainder of the application)
Hungary	06 Jul. 2010	Vilotijevic (no 5975/06) link	Alleged violation of Art. 5 (excessive length of pre-trial detention) and Art. 6 (unfairness of proceedings)	Struck out of the list (the applicant no longer wished to pursue his application)
Lithuania	06 Jul. 2010	Lietuvos Nacionalinis Radijas Ir Televizija and Tapinas and CO LTD. (no 27930/05) link	Alleged violation of Art. 10 (interference with the applicants' right to freely express their thoughts and opinions on account of their conviction for making a public statement concerning an influential official, accusing him of asking for bribes in return for his help in settling the gambling organisers' problems)	Inadmissible as manifestly ill-founded (domestic courts' finding against the applicants and the sanctions imposed were not disproportionate to the legitimate aim pursued, and the reasons given to justify those measures were relevant and sufficient; the interference with the applicants' exercise of their right to freedom of expression can therefore reasonably be regarded as having been necessary in a democratic society)
Malta	29 Jun. 2010	Curmi and Others (no 48580/07) link	Alleged violation of Articles 13 and 14 in conjunction with Art. 1 of Prot. 1 (lack of adequate and effective remedy regarding the applicants' property rights derived from the lands situated outside the Malta Freeport Project perimeter and discriminatory approach taken by the Constitutional Court)	Inadmissible (the applicants have settled the case and can no longer claim to be victims of the alleged violation)
Malta	06 Jul. 2010	Green and Farhat (no 38797/07) link	Alleged violation of Art. 8 in conjunction with Art. 14 (interference with the applicants' right to family life on account of domestic authorities' refusal to register their marriage; discrimination on grounds of Muslim religion)	Inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention)
Moldova	06 Jul. 2010	Straisteanu (no 18928/08) link	Alleged violation of Art. 3 (conditions of detention in Prison no. 3), Art. 6 § 1 (excessive length of criminal proceedings), Art. 8 (seizure of correspondence by the prison administration)	Struck out of the list (friendly settlement reached)
Poland	29 Jun. 2010	Ostrowski (no 27224/09) link	Alleged violation of Art. 8 in conjunction with Art. 14 (interference with the applicant's private life and discrimination on the basis of age)	Struck out of the list (following the applicant's death no one has expressed the wish to continue the examination of the application)
Poland	29 Jun. 2010	Gieter-Nikiel (no 20947/05) link	Alleged violation of Art. 6 § 1 and Art. 1 of Prot. 1 (ineffective enforcement of a final judgment given in the applicant's favour)	Inadmissible as manifestly ill-founded (the period of enforcement, which lasted for about three years and two months, does not appear to have been so long as to impair the essence of the applicant's right to a court or to represent a disproportionate interference with his property rights)
Poland	06 Jul. 2010	Nitkowski (no 46176/09) link	Alleged violation of Art. 6 § 1 (excessive length of criminal proceedings)	Struck out of the list (friendly settlement reached)
Poland	06 Jul. 2010	Surman-Januszewska (no 45657/08) link	Alleged violation of Art. 6 § 1 (excessive length of civil proceedings)	Struck out of the list (unilateral declaration of Government)
Poland	29 Jun. 2010	Kulczycki (no 34006/08) link	Idem.	Struck out of the list (friendly settlement reached)
Poland	29 Jun. 2010	Gmerek (no 43064/08) link	Alleged violation of Art. 6 § 1 (excessive length of criminal proceedings)	Idem.
Poland	29	Golczyk (no	Alleged violation of Art. 6 § 1	Idem.

	Jun. 2010	13805/07) link	(excessive length of civil proceedings)	
Poland	29 Jun. 2010	Cichowski (no 21195/07) link	Alleged violation of Art. 6 § 1 (excessive length of criminal proceedings)	Idem.
Poland	29 Jun. 2010	Jąkalski (no 45076/08) link	Idem.	Inadmissible (non-respect of the six-month requirement)
Poland	06 Jul. 2010	Kamyszek (no 37729/02) link	Application concerning the poor conditions of detention, restriction on the family visits in pre-trial detention	Struck out of the list ((following the applicant's death no one has expressed the wish to continue the examination of the application)
Poland	29 Jun. 2010	Kurp (no 9709/08) link	Alleged violation of Art. 6 § 1 (lack of sufficient reasoning of domestic court's decision rejecting the applicant's request for legal assistance)	Struck out of the list (friendly settlement reached)
Poland	29 Jun. 2010	Aksman (no 43760/09) link	Alleged violation of Articles 6 § 1 and 13 (excessive length of proceedings and lack of an effective remedy)	Partly struck out of the list (unilateral declaration of the Government concerning excessive length of proceedings), partly inadmissible as manifestly ill-founded (concerning the remainder of the application)
Romania	06 Jul. 2010	Muresan (no 21504/04) link	Alleged violation of Art. 3 (conditions of detention in Botosani prison)	Struck out of the list (the applicant no longer wished to pursue his application)
Romania	06 Jul. 2010	Suditu (no 32855/05) link	Alleged violation of Art. 3 (poor conditions of detention in Jilava prison)	Idem.
Romania	06 Jul. 2010	Delimoţ (no 24316/04) link	Alleged violation of Art. 6 (non-enforcement of the judgment in the applicant's favour), Art. 14 in conjunction with Articles 6 and 8 (discrimination on account of the applicant's pregnancy)	Inadmissible (the applicant can no longer claim to be a victim of a violation)
Romania	06 Jul. 2010	David (no 27121/04) link	Alleged violation of Art. 3 (conditions of detention in Gherla prison)	Struck out of the list (the applicant no longer wished to pursue his application)
Romania	06 Jul. 2010	Valentir (no 28213/03) link	Alleged violation of Art. 6 § 1 and Art. 1 of Prot. 1 (lack of adequate compensation)	Struck out of the list (the applicant no longer wished to pursue her application)
Romania	06 Jul. 2010	Creţu (no 33563/03) link	Alleged violation of Art. 3 (conditions of detention in Rahova prison)	Struck out of the list (the applicant no longer wished to pursue his application)
Russia	06 Jul. 2010	Korolev (no 25551/05) link	Alleged violation of Art. 6 § 1 and Art. 1 of Prot. 1 (domestic authorities' failure to pay the applicant the amount awarded by the domestic courts), Art. 6 (domestic courts' failure to consider the applicant's application challenging the bailiffs' inactivity and various breaches of domestic procedural requirements by the domestic courts, notably of the time-limits provided for by domestic law)	Inadmissible (the facts of the present case taken as a whole disclose no denial of justice at the domestic level)
Russia	01 Jul. 2010	Stolboushkin and 48 other applications (no 11511/03; 24501/03 etc.) link	The applicants complained about the delayed enforcement of the judgments in their favour and, in certain cases, of assorted faults that allegedly accompanied the judicial or enforcement proceedings. Some applicants raised various inadmissible complaints that were not communicated to the respondent Government	Struck out of the list (unilateral declaration of Government)
Russia	01 Jul. 2010	Sokolov (no 37495/05) link	Alleged violation of Art. 5 § 3 (excessive length and unlawfulness of detention), Art. 6 § 1 (excessive length of criminal proceedings)	Struck out of the list (the applicant no longer wished to pursue his application)

Russia	06 Jul. 2010	Vasilyev (no 28370/05) link	Alleged violation of Art. 3 (lack of adequate medical assistance in detention, conditions of detention), Articles 6 and 13 (unfairness of proceedings and lack of an effective remedy), Articles 3, 6, 13 and Art. 1 of Prot. 6 and Articles 3 and 4 of Prot. 7 (violations concerning the criminal proceedings)	Partly admissible (concerning the lack of medical assistance and the unfairness of civil proceedings), partly inadmissible for non-respect of the six-month requirement (concerning claims under Articles 3, 6 and 13 and Art. 1 of Prot. 6 and concerning the conditions of detention, partly inadmissible as manifestly ill-founded (concerning the remainder of the application)
Slovakia	06 Jul. 2010	Balvín and Others (no 49247/07) link	Alleged violation of Art. 6 § 1 (excessive length of civil proceedings)	Struck out of the list (unilateral declaration of Government)
Slovakia	29 Jun. 2010	Horváth (no 28942/07) link	Alleged violation of Art. 6 § 1 (excessive length of civil proceedings)	Struck out of the list (friendly settlement reached)
Slovakia	06 Jul. 2010	Bardošová (no 10275/06) link	Alleged violation of Art. 6 § 1 (excessive length and unfairness of proceedings)	Partly struck out of the list (unilateral declaration of the Government concerning the length of proceedings), partly inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention concerning the remainder of the application)
Slovenia	06 Jul. 2010	Sluga and Others (no 50455/06; 50611/06) link	Alleged violation of Art. 6 § 1 and 13 (excessive length of civil proceedings and lack of an effective remedy)	Struck out of the list (the matter has been resolved at the domestic level)
Spain	06 Jul. 2010	Moya Valverde (no 43216/08) link	Alleged violation of Articles 2, 6 § 1 and 13 (the applicant's brother's death due to police brutality during arrest)	Struck out of the list (the applicant no longer wished to pursue her application)
Sweden	06 Jul. 2010	Albertsson (no 41102/07) link	The original application concerned an alleged violation of Art. 1 of Prot. 1 and Articles 6 and 13 The application concerned the applicant's claim that the Swedish Government had no practical or legal need to slander the applicant in order to protect themselves against a decision on admissibility in the case before the Court and asked the Court to waive the immunity of Mr Ehrenkrona, the Swedish Government's representative	Inadmissible (the Court considers that the questioning of the credibility of evidence invoked in a case is, as such, justified; the terms of Mr Ehrenkrona's statement cannot be said to have exceeded the limits of what was permissible to this end; it follows that a waiver of Mr Ehrenkrona's immunity would prejudice the purpose of that immunity within the meaning of Article 5 § 2 (a) of the Agreement)
Switzerland	06 Jul. 2010	Dokic (no 21311/07) link	Alleged violation of Art. 5 § 1 (unlawful detention)	Struck out of the list (the applicant no longer wished to pursue his application)
the Netherlands	06 Jul. 2010	Van Anraat (no 65389/09) link	Alleged violation of Art. 6 (the Supreme Court had failed to answer the applicant's argument that he ought not to have been convicted as Saddam Hussein and Ali Hassan al-Majid al-Tikriti's accessory, as they were beyond the jurisdiction of the Netherlands courts), Articles 6 and 7 (section 8 of the War Crimes Act did not meet the standard of *lex certa*)	Inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention)
the Netherlands	06 Jul. 2010	Deveci (no 33874/07) link	Alleged violation of Art. 8 (excessive formalism displayed by the Dutch authorities in insisting the applicant return to Turkey to apply for a provisional residence visa), Art. 3 (risk of being subjected to ill-treatment if returned to Turkey)	Struck out of the list (the applicant no longer wished to pursue the examination of her application)

the Netherlands	06 Jul. 2010	Sanogo (no 32702/07) link	Alleged violation of Art. 3 (risk of being subjected to ill-treatment if expelled to Côte d'Ivoire)	Struck out of the list (the applicant has now been issued with a residence permit so that he is no longer at risk of being returned to his country of origin and the matter complained of can therefore be considered resolved)
Turkey	29 Jun. 2010	Boran Bulut (no 24394/05) link	The applicant complained about the excessive length of the civil proceedings	Struck out of the list (friendly settlement reached)
Turkey	06 Jul. 2010	Akgöz (no 38927/09) link	Alleged violation of Art. 6 (excessive length of proceedings, Art. 6 §§ 1, 3 (b) and 3(c) (absence of legal assistance during detention in police custody, failure to provided the applicant with adequate time or facilities to prepare her defence), Art. 6 § 2 (infringement of the principle of presumption of innocence)	Partly adjourned (concerning the length of proceedings), partly inadmissible for non-exhaustion of domestic remedies (concerning claims under Art. 6 §§ 1, 3 (b) and (c)), partly inadmissible as manifestly ill-founded (concerning the remainder of the application)
Turkey	06 Jul. 2010	Papayianni and Others (no 479/07; 4607/10; 10715/10) link	The applicants are relatives of three Greek-Cypriot men, reservists or serving in the army, who went missing in July-August 1974 following the invasion of northern Cyprus by Turkish armed forces Alleged violation of Articles 2, 3, 5, 8, 10, 13 and 14 (the applicants' relatives' death and lack of an effective investigation), Articles 8, 14 and 1 of Prot. 1 (the applicants' deprivation of, and access to, enjoyment of their properties and homes in northern Cyprus)	Partly adjourned (concerning the lack of investigation following the discovery of the remains of the applicants' relatives and the treatment which they suffer as a result), partly incompatible *ratione temporis* (concerning the events in 1974), partly inadmissible for non-respect of the six-month requirement (concerning the lack of an effective investigation into the disappearance), partly inadmissible for non-exhaustion of domestic remedies (concerning the property)
Turkey	06 Jul. 2010	Tilki (no 39420/08) link	The applicant complained about being ill-treated in police custody without relying on a particular provision, Art. 5 § 3: excessive length of pre-trial detention, excessive length and unfairness of proceedings	Partly adjourned (concerning the length of proceedings), partly inadmissible for non-exhaustion of domestic remedies (concerning the alleged ill-treatment), partly inadmissible for non-respect of the six-month requirement claims under Art. 5 § 3, and partly inadmissible as manifestly ill-founded (the applicant has not sufficiently established any arbitrary conduct on the part of the domestic courts that prejudiced the fairness of the proceedings)
Turkey	29 Jun. 2010	Rashidi and Others (no 60091/09; 61432/09) link	Alleged violation of Articles 3, 5, 13 and 34 (real risk of being subjected to ill-treatment if deported to Afghanistan, unlawful detention, deprivation of access to asylum proceedings and lack effective remedy before national authorities to prevent the deportation)	Struck out of the list (it is no longer justified to continue the examination of the applications)
Turkey	29 Jun. 2010	Erkan (no 15555/07) link	The application concerned the excessive length of two sets of civil proceedings and the lack of an effective remedy	Struck out of the list (friendly settlement reached)
Turkey	29 Jun. 2010	Acet (no 41590/06) link	Alleged violation of Art. 2 (domestic authorities' failure to protect the applicant's right to life), Art. 6 and 17 (unlawfulness of proceedings and lack of impartiality of the prosecutor)	Inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention)
Turkey	06 Jul. 2010	Zuğurli (no 37161/05) link	Alleged violation of Articles 2, 5 and 13 (unlawful deprivation of liberty and killing by State agents of the applicants' close relatives, lack of an effective investigation), Art. 3 (ill-	Struck out of the list (friendly settlement reached)

			treatment of the applicants' close relatives and lack of an effective investigation in that respect)	
Turkey	06 Jul. 2010	Tekin (no 3786/06) link	The application concerned the excessive length of criminal proceedings	Idem.
Turkey	06 Jul. 2010	Öcalan (no 5980/07) link	Alleged violation of Articles 13, 14 and 46 (domestic authorities' failure to comply with a Court's judgment ordering them to reopen criminal proceedings against the applicant), Art. 6 (unfairness of proceedings)	Incompatible *ratione materiae*
Turkey	29 Jun. 2010	Karakoç and Others (no 30729/05) link	Alleged violation of Art. 1 of Prot. 1 (infringement of the right to peaceful enjoyment of possessions on account of domestic courts' failure to apply the correct interest rates to the applicants' credits), Art. 6 § 1 (unfairness of proceedings)	Partly adjourned (concerning claims under Art. 1 of Prot. 1), partly inadmissible as manifestly ill-founded (concerning the remainder of the application)
Turkey	06 Jul. 2010	Devrim (no 43708/06) link	Alleged violation of Art. 3 (ill-treatment in police custody and in pre-trial detention), Art. 6 §§ 1 and 3 (excessive length and unfairness of proceedings)	Partly adjourned (concerning the length of proceedings), partly inadmissible for non-exhaustion of domestic remedies (concerning the unfairness of proceedings), partly inadmissible *ratione temporis* (concerning the remainder of the application)
Turkey	06 Jul. 2010	Aslan (no 3401/08) link	Alleged violation of Art. 5 § 3 and Art. 6 § 1 (excessive length of pre-trial detention and excessive length of proceedings)	Struck out of the list (friendly settlement reached)
Turkey	06 Jul. 2010	Göçmen (no 46083/09) link	Alleged violation of Art. 6 § 1 (unfairness of proceedings), Art. 8 (interference with the applicant's right to respect for family life if she had to return her son to the United States)	Inadmissible as manifestly ill-founded (the courts' decision ordering the applicant's son's return to the United States was based on relevant and sufficient reasons)
Ukraine	29 Jun. 2010	Kovalenko (no 45510/05) link	The application concerned the lengthy non-enforcement of a judgment in the applicant's favour	Struck out of the list (it is no longer justified to continue the examination of the case following the applicant's death)

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 19 July 2010 : link
- on 2 August 2010: link
- on 9 August 2010: link
- on 16 August 2010: 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.

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 19 July 2010 on the Court's Website and selected by the NHRS Unit

The batch of 19 July 2010 concerns the following States (some cases are however not selected in the table below): Croatia, Finland, Georgia, Greece, Montenegro, Norway, Poland, Romania, Russia, Slovakia, the Czech Republic, "the former Yugoslav Republic of Macedonia", Turkey and Ukraine.

State	Date of Decision to Communicate	Case Title	Key Words of questions submitted to the parties
Norway	01 Jul. 2010	Antwi and Others no 26940/10	Alleged violation of Art. 8 – Would the first applicant's expulsion to Ghana with the prohibition of re-entry into Norway for 5 years entail an unjustified interference with his, the second and third applicants' rights?
Poland	28 Jun. 2010	Heine no 51209/09	Alleged violation of Art. 6 § 1 – Unfairness of proceedings – Alleged violation of Art. 8 – Hindrance to the applicant's right to access to his personal file – Alleged violation of Art. 13 in conjunction with Art. 8 – Lack of an effective remedy
Poland	28 Jun. 2010	Sroka no 42801/07	Alleged violation of Art. 10 § 1 – Domestic authorities' interference with the applicant's right to freedom of expression, in particular the right to receive and impart information, by regulating the concept of "correction" and specifying a person responsible for its contents in Polish law, and the question of the responsibility of an editor-in-chief for the refusal to publish the correction
Romania	30 Jun. 2010	Costache no 25615/07	Alleged violation of Articles 3 and 8 – The applicant's living conditions in the accommodation provided by the authorities as social housing – Alleged violation of Art. 8 – State's failure to provide the applicant with adequate housing
Romania	29 Jun. 2010	Moldovan no 19452/05	Alleged violation of Art. 6 § 1 taken alone or in conjunction with Art. 14 – Did the applicant benefit from a fair hearing in so far as similar actions before the courts of appeal concerning the status of Jehovah's Witnesses as politically persecuted persons following their imprisonment under the communist regime for refusal to be recruited for mandatory military service had different outcomes? – Alleged violation of Art. 1 of Prot. 1 taken alone or in conjunction with Art. 14 – Interference with the applicant's property rights in the light of the different outcomes in similar proceedings?
Romania	29 Jun. 2010	Sasu no 15294/03	Alleged violation of Art. 3 – Conditions of detention in Mărgineni Prison – Question as to whether the applicant exhausted all domestic remedies? – Was relevant national law an "effective remedy"? – Question as to whether the facts of the present application disclose the existence of a "systemic problem", to the extent that the deficiencies in the national law and practice complained of may give rise to numerous similar applications?
Romania	29 Jun. 2010	Szilagyi no 30164/04	Alleged violation of Art. 8 – Monitoring of the applicant's telephone conversations, video surveillance of the applicant in a public place
Russia	01 Jul. 2010	Klyukin no 54996/07	Alleged violation of Art. 3 – Conditions of detention at remand prison no. IZ-77/3 in Moscow and correctional colony no. IK-16 in Nizhniy Novgorod – Alleged violation of Art. 13 – Lack of an effective remedy
Russia	01 Jul. 2010	Umarov and Umarova no 2546/08	Alleged violations of Art. 2 (substantive and procedural) – Disappearance of the applicants' relative – Lack of an effective investigation – Alleged violation of Art. 3 – The applicants' mental suffering – Alleged violation of Art. 5 § 1 – Unacknowledged detention – Alleged violation of Art. 13 – Lack of an effective remedy in respect of the above complaints
Russia	01 Jul. 2010	Vakhayeva no 27368/07	Alleged violation of Art. 2 – Disappearance of the applicant's son – Lack of an effective investigation – Alleged violation of Art. 3 – The applicant's mental suffering – Alleged violation of Art. 5 § 1 – Unacknowledged detention – Alleged violation of Art. 13 – Lack of an effective remedy in respect of the above complaints
the Czech Republic	29 Jun. 2010	Furtsev no 22350/10	Alleged violation of Art. 14 – Alleged discriminatory treatment in the calculation of the applicant's old-age pension in comparison to a person who had not worked in the Czech Republic
Turkey	29 Jun. 2010	Kizilkaya no 12988/05	Alleged violation of Art. 2 – Domestic authorities' failure to protect the applicant's brother's life during military service

Communicated cases published on 2 August 2010 on the Court's Website and selected by the NHRS Unit

The batch of 2 August 2010 concerns the following States (some cases are however not selected in the table below): Bulgaria, France, Georgia, Moldova, Montenegro, Poland, the Czech Republic and Ukraine.

State	Date of Decision to Communicate	Case Title	Key Words of questions submitted to the parties
Bulgaria	13 Jul. 2010	Lenev no 41452/07	Alleged violations of Art. 3 (substantive and procedural) – (i) Ill-treatment by the police – (ii) Lack of an effective investigation – Alleged violation of Art. 8 – Alleged deficiencies in the relevant law and practice on secret surveillance – Alleged violation of Art. 13 – Lack of an effective remedy in respect of Articles 3 and 8
France	13 Jul. 2010	Gougou no 27244/09	Alleged violation of Art. 6 §§ 1 and 3 – Unfairness of proceedings, infringement of the principle of equality on account of the applicant's mental and physical health – Alleged violation of Art. 3 – Question as to whether the applicant's detention was compatible with his health state
France	13 Jul. 2010	V.T. no 3551/10	Alleged violation of Art. 3 – Risk of being subjected to ill-treatment if expelled to Sri Lanka
Georgia	12 Jul. 2010	Nizharadze no 34361/10	Alleged violation of Art. 3 – Lack of medical care in prison – Is continued detention justified? – Alleged violation of Art. 13 – Lack of an effective remedy
Moldova and Russia	13 Jul. 2010	Besleaga no 48108/07	Question as to whether there had been any developments following the *Ilaşcu and Others* case which might affect the responsibility of either Contracting Party? Alleged violation of Art. 3 – Conditions of detention – Alleged violation of Art. 5 – Unlawfulness of detention – Failure to inform the applicant of the reasons for his arrest – Lack of an effective remedy – Alleged violation of Art. 6 – Unfairness of proceedings – Alleged violation of Art. 10 – Arrest for allegedly expressing in public political views – Alleged violation of Art. 2 of Prot. 4 – Infringement of the right to freedom of movement – Alleged violation of Art. 13 in conjunction with Articles 3, 5, 6 and Art. 2 of Prot. No. 4 – Lack of an effective remedy
Poland	12 Jul. 2010	Trojak no 60606/09	Alleged violation of Art. 3 – Did the applicant's detention amount to inhuman or degrading treatment in breach of Article 3 of the Convention, taking into account the following elements the nature of the applicant's disability and his special needs; the quality of care provided to the applicant in detention; the overcrowding and the overall conditions of the applicant's detention?
Ukraine	13 Jul. 2010	Breslavskaya no 29964/10	Alleged violation of Art. 3 – Lack of adequate medical care in pre-trial detention – Conditions of detention

Communicated cases published on 9 August 2010 on the Court's Website and selected by the NHRS Unit

The batch of 9 August 2010 concerns the United Kingdom. No communicated cases were selected

Communicated cases published on 16 August 2010 on the Court's Website and selected by the NHRS Unit

The batch of 16 August 2010 concerns Serbia.

State	Date of Decision to Communicate	Case Title	Key Words of questions submitted to the parties
Serbia	26 Jul. 2010	Stanimirović no 26088/06	Alleged violations of Art. 3 (substantive and procedural) – (i) Ill-treatment by the police – (ii) Lack of an effective investigation – Alleged violation of Art. 6 § 1 – Unfairness of proceedings as a result of the admission and use of statements made as a result of torture by the police

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

No news were published under the observation period.

Part II: The execution of the judgments of the Court

A. New information

The Council of Europe's Committee of Ministers held a "human rights" meeting from 14 to 15 September 2010 (the 1092nd meeting of the Ministers' deputies).

Agenda of the meeting

- CM/Del/OJ/DH(2010)1092prelE / 21 June 2010
  1092nd meeting (DH), 14-15 September 2010 - Preliminary list of items for consideration

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 2008 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/dghl/monitoring/execution/default_en.asp

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)

The June 2010 edition of the Newsletter of the European Committee of Social Rights is now available here

The next session of the European Committee of Social Rights will be held from 13 to 17 September 2010.

You may find relevant information on the implementation of the Charter in State 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 interrupts visit to the Transnistrian region of Moldova (30.07.2010)

A delegation of the CPT began a visit to the Transnistrian region* of Moldova on 21 July 2010. Against the background of the CPT's reports on its previous visits to the region in 2000, 2003 and 2006, the intention of the delegation was to review the situation of persons deprived of their liberty in police and prison establishments. Following initial consultations with Sergey STEPANOV, the person responsible in the region for justice-related issues, the CPT's delegation commenced a visit to the remand section (SIZO) of Colony No. 3 in Tiraspol on 22 July 2010. However, the delegation was informed that, unlike the Committee's previous visits, it would not be allowed to interview remand prisoners in private. Such a restriction contradicts one of the fundamental characteristics of the preventive mechanism embodied by the CPT, namely the power to interview in private any person deprived of his or her liberty. Consequently, the Committee's delegation decided to interrupt its visit to places of deprivation of liberty in the region until such time as the enjoyment of this power could be guaranteed. Nevertheless, the CPT's delegation visited Penitentiary establishments Nos. 8 and 12 in Bender; these establishments are located in an area controlled by the de facto authorities of the Transnistrian region but form part of the prison system of the Republic of Moldova. The opportunity was also taken to review the treatment of persons detained by the Moldovan police. In this context, the delegation paid follow-up visits to Temporary detention isolators in Anenii Noi and Bender, as well as to the Temporary detention isolator of the General Police Directorate in Chişinău. Further, the delegation interviewed in private a number of newly-arrived remand prisoners at Chişinău Penitentiary establishment No. 13 on the subject of their treatment by the police.

At the end of the visit, the CPT's delegation had a meeting with Alexandru TĂNASE, Minister of Justice of the Republic of Moldova, and senior officials of the Ministry of Internal Affairs, the Prosecution Service and the Department of Penitentiary Institutions, and presented to them its preliminary observations.

Council of Europe anti-torture Committee publishes report on Romania (26.08.2010)

The CPT has published on 26 August the report on its ad hoc visit to Romania in September/October 2009, together with the response of the Romanian authorities. These documents have been made public at the request of the Romanian authorities. The main objective of the visit was to review the situation of residents and patients at Nucet Medico-Social Centre and at Oradea Hospital for Neurology and Psychiatry (Bihor county), in the light of the recommendations and comments made by the Committee concerning these two establishments in the report on its 2006 visit.

* The Transnistrian region unilaterally declared itself an independent republic in the early 1990s.

C. European Commission against Racism and Intolerance (ECRI)

Statement by the European Commission against Racism and Intolerance on the situation of Roma migrants in France (24.08.2010)

ECRI is deeply concerned about the treatment of Roma migrants in France today. In a report published in June 2010, ECRI had called on the French authorities to combat the racist attitudes and hostility harboured by the majority population vis-à-vis this community. In recent weeks high-ranking officials have made political statements and the Government has taken action stigmatising Roma migrants. The latter are held collectively responsible for criminal offences and singled out for abusing EU legislation on freedom of movement. ECRI can only express disappointment about this most negative development. Already in 2005 ECRI had recommended that France should ensure Roma migrants' social rights to housing, health and education. In 2010 many such persons still live in squalid conditions in makeshift camps. A policy based on evictions and "incentives" to leave France, even assuming that relevant human rights standards are complied with, cannot provide a durable answer.

While France may impose immigration controls in accordance with its international obligations, ECRI wishes to recall that EU citizens have the right to be on French territory for certain periods of time and to return there. In these circumstances, France should look for sustainable solutions in cooperation with partner States and institutions.

Generally speaking, ECRI considers that anti-Gypsyism, which is a particular form of racism, should be effectively combated in all European countries. Well resourced programmes capable of reaching out to the real target groups are needed to counter Roma marginalisation and the negative image that inevitably accompanies it. Government policies or legislative proposals that are grounded in discrimination on ethnic grounds are impermissible and run counter to legal obligations binding on all Council of Europe member States.

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

Spain: receipt of the third cycle State Report (23.08.2010)

Spain submitted on 23 August 2010 its third state report in English and Spanish, 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.

Austria: receipt of the third cycle State Report (23.08.2010)

Austria submitted on 23 August 2010 its third state report in English and German, 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)

GRECO publishes report on Hungary (29.07.2010)

GRECO has published on 29 July its Third Round Evaluation Report on Hungary. It focuses on two distinct themes: criminalisation of corruption and transparency of party funding.

Regarding the *criminalisation of corruption* [hyperlink to theme I report], the Hungarian legislation is to a large extent in conformity with the requirements of the Criminal Law Convention on Corruption. However, the report also notes shortcomings as regards foreign passive bribery in the private sector and the scope of the offence of trading in influence, which appears more limited than is required by the Convention. GRECO also calls for Hungary to swiftly ratify the Additional Protocol to the Convention and to clarify the criminalisation of domestic arbitrators. Lastly, some procedural adjustments are required, namely an extention of the limitation period for the prosecution of certain bribery and trading in influence offences and a review of the special defence of "effective regret" in order to minimise risks of abuse.

Concerning the *transparency of party funding* [hyperlink to theme II report], GRECO notes that although the Hungarian legislation is, on paper, of a relatively good standard, in practice it lacks effective application. This, in turn, has led to strong mistrust in the system of political financing. The absence of transparency in the financing of election campaigns is an area of particular concern in the light of plausible evidence that a great majority of such funding is not accounted for or reported at all in Hungary. In order to enhance the credibility of the system, the control performed by the State Audit over political financing must be considerably sharpened through more frequent and swift audits and by

adopting a genuinely proactive approach. It is also essential that the financial discipline of political parties be strengthened, in particular by establishing clear rules obliging political parties to keep proper books and accounts and by subjecting them to independent audit. Lastly, GRECO calls for appropriate sanctions for the violation of funding rules. The report as a whole addresses 15 recommendations to Hungary. GRECO will assess the implementation of these recommendations in 2012 through its specific compliance procedure.

San Marino joins GRECO (16.08.2010)

The Republic of San Marino has joined GRECO on 13 August 2010 as its 48th Member State. This accession further strengthens GRECO's role as the reference for anti-corruption monitoring in Europe: its membership extends to the entire continent, all 47 Member States of the Council of Europe, and beyond to the United States of America. By joining GRECO, San Marino actively commits itself to fighting corruption. An evaluation team will soon visit the country to assess the capability of national institutions to deal with corruption cases, immunities as a possible obstacle to prosecution, the deprivation of the proceeds of corruption, integrity in public administration, and responsibility of legal persons.

Next year, GRECO will issue a report summing up the findings of the on-site evaluation and containing recommendations prompting the necessary legislative, institutional and practical anti-corruption reforms. A further evaluation visit will be organised at a later stage to address the criminalisation of bribery and trading in influence, as well as transparency of party funding.

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

MONEYVAL Evaluator Training Seminar (19.07.2010)

MONEYVAL held its evaluator training seminar from 12 to 16 July 2010 in Andorra la Vella. The seminar was attended by 34 delegates from 22 different countries. In addition to delegates from 17 MONEYVAL countries there were also delegates from France, Germany, Italy, Spain and Turkey as well as representatives from the FATF and MONEYVAL Secretariat. The purpose of the seminar was to train future evaluators who would be involved in the 4th Round of mutual evaluations by MONEYVAL. The learning was consolidated by participation in a number of worked exercises and case studies. The materials used were based on training materials prepared by FATF, the IMF and the World Bank as well as material prepared by MONEYVAL. During this event, delegates had also the pleasure to meet Mr Jaume Bartumeu Cassany, Head of the Andorran Government.

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 inter-governmental work

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

22 July 2010

The **Netherlands** accepted the Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xénophobic nature committed through computer systems (ETS No. 189), and the Council of Europe Convention on the Prevention of Terrorism (CETS No. 196).

27 July 2010

San Marino ratified the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (CETS No. 198).

29 July 2010

Serbia ratified the Council of Europe Framework Convention on the Value of Cultural Heritage for Society (CETS No. 199), and the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201).

5 August 2010

Spain ratified the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201), and the European Convention on the Adoption of Children (Revised) (CETS No. 202).

10 August 2010

Spain ratified the Convention on Mutual Administrative Assistance in Tax Matters (ETS No. 127).

B. Recommendations and Resolutions adopted by the Committee of Ministers

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C. Other news of the Committee of Ministers

Committee of Ministers Chairman meets European Commission Vice-President (19.07.2010)

On 19 July, in Brussels, Antonio Miloshoski, Chairman of the Council of Europe Committee of Ministers, and Viviane Reding, Vice-President of the European Commission and EU Commissioner for Justice, Fundamental Rights and Citizenship, discussed co-operation between the Council of Europe and the European Union and the areas where it can be further improved, based on the 2007 Memorandum of Understanding. They agreed that the accession of the EU to the European Convention on Human Rights will play a significant role in further strengthening the system of human rights protection to the benefit of all European citizens.

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

Part V: The parliamentary work

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A. Resolutions and Recommendations of the Parliamentary Assembly of the Council of Europe

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

➢ *Countries*

PACE President makes official visit to Romania (25.08.2010)

Mevlüt Çavusoglu, President of PACE, made an official visit to Romania (29 August-1 September). During his visit, he was due to meet in Bucharest the President of the Republic Traian Basescu, the Speaker of the Chamber of Deputies Roberta Alma Anastase, the President of the Senate Mircea Geoana, the Minister of Foreign Affairs Teodor Baconschi and the head of the Romanian Orthodox Church, Patriarch Daniel of All Romanians. He already met representatives of local authorities in Tulcea.

➢ *Themes*

PACE President expresses concern over the situation of Roma in Europe (20.08.2010)

"Recent developments in several European countries, most recently evictions of Roma camps in France and expulsions of Roma from France and Germany, are certainly not the right measures to improve the situation of this vulnerable minority. On the contrary, they are likely to lead to an increase in racist and xenophobic feelings in Europe," Mevlüt Çavusoglu, President of PACE, declared on 20 August.

Following a debate in June, PACE said it was shocked by recent outrages against this minority in Europe. "Taking advantage of the financial crisis, some governments and groups capitalise on fears deriving from the equation made between Roma and criminals, choosing a scapegoat that presents an easy target, as Roma are among the most vulnerable groups of all. The European Court of Human Rights has regularly condemned states in which Roma have suffered from abuse or discrimination," the President said, recalling also that Protocol No. 4 to the European Convention on Human Rights prohibited the collective expulsion of aliens. Stressing that the process of Roma integration has not reached its objectives over the last 20 years, the PACE President urged member States to face up to their responsibilities and to tackle the issue of the situation of Roma seriously and sustainably. He re-iterated PACE's call for determined measures with regard to education, employment, housing, health care and political participation. The PACE President welcomed the adoption by many member States of national strategies for improving the situation and the integration of Roma. "This is positive but not sufficient. Such action plans need adequate and long-term funding, efficient co-ordination and have also to be implemented at local and regional levels."

The situation of Roma in Europe was also one of the issues discussed during the PACE President's official visit to Romania from 29 August to 1 September. Resolution 1740 (2010) on the situation of Roma in Europe, Recommendation 1924 (2010) on the situation of Roma in Europe

PACE rapporteur on the situation in Belarus to visit Minsk (20.08.2010)

Sinikka Hurskainen (Finland, SOC), rapporteur of PACE on the situation in Belarus made a visit to Minsk from 23 to 25 August. During her visit, she met the Chairman of the Council of the Republic Anatoly Rubinov, the Deputy Chairman of the House of Representatives and Chairman of the parliamentary Committee on relations with PACE Viktor Guminsky, the Minister of Justice Viktor Golovanov, the Prosecutor General Grigory Vasilevich, the Deputy Minister of Foreign Affairs Valery Voronetsky, the Minister of Information Oleg Proleskovsky and the Head of the parliamentary working group on the issue of the death penalty Nikolai Samoseiko. Talks were also scheduled with representatives of opposition parties, NGOs and the media.

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

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

A. Country work

Cyprus: "Eradicating trafficking in human beings is a pressing need" (26.07.2010)

"Progressive measures have been taken to fight trafficking in human beings. It is now crucial for Cyprus to step up efforts to eradicate this scourge totally" said Thomas Hammarberg, Council of Europe Commissioner for Human Rights, publishing on 26 July a letter sent to the Minister of Interior of Cyprus. The letter followed the Commissioner's visit to Cyprus on 10 June and focuses also on the human rights of asylum seekers and refugees. Read the letter sent to the Minister of Interior of Cyprus, Reply by the Minister of Interior of Cyprus

B. Thematic work

Landmines still kill in Europe: time for an absolute ban (27.07.2010)

There have been more than 3 000 casualties caused by landmines in Europe in the last ten years. Anti-personnel landmines continue to kill or maim indiscriminately long after wars have finished. They are therefore banned under international law. However, this prohibition has not been effectively implemented and some Council of Europe member States have not even ratified the 1997 Mine Ban Treaty. Today the victims of these remnants of military conflicts are innocent civilians, often children. In certain areas migrants in search of asylum have stepped on mines. They do not see the warning signs when they are trying to cross these contaminated areas during the night. Read the Human Rights Comment

Elderly across Europe live in extreme hardship and poverty (05.08.2010)

"Hundreds of thousands of elderly persons across Europe are struggling for their everyday survival. European leaders should develop adequate policies to improve the living conditions of this vulnerable group of people" said the Council of Europe Commissioner for Human Rights, Thomas Hammarberg, publishing on 5 August his human rights comment. "Many elderly suffer a shocking level of poverty. They tend to be ignored by politicians and are often seen as being non-productive and worthless in modern society. Their human rights must not be further undermined by governments' austerity programs." Read the Human Rights Comment

Stateless Roma: no documents – no rights (17.08.2010)

"Tens of thousands of Roma live in Europe without a nationality. Lacking birth certificates, identity cards, passports and other documents, they are often denied basic rights such as education, healthcare, social assistance and the right to vote" said the Council of Europe Commissioner for Human Rights, Thomas Hammarberg, publishing on 17 August his human rights comment. "This problem exists in many countries in Europe, but it is particularly acute in the Western Balkans where restrictive citizenship rules have been adopted. [...]". Read the Human Rights Comment

Refugee children should have a genuine chance to seek asylum (24.08.2010)

"The asylum policies in Europe largely ignore children among refugees. Governments should better protect them" said the Council of Europe Commissioner for Human Rights, Thomas Hammarberg, publishing on 24 August his human rights comment. "Migrant children are often not listened to and rather treated as if they were possessions belonging to their parents. It is often forgotten that they could have their own reasons for seeking protection." Read the Human Rights Comment

Part VII: Activities of the Peer-to-Peer Network

(under the auspices of the NHRS Unit of the Directorate General of Human Rights and Legal Affairs)

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