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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

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.

- **Pilot Judgments**

Greens and M.T. v. the United Kingdom (nos. 60041/08 and 60054/08) (Importance 1) – 23 November 2010 – Violation of Article 3 of Protocol No. 1 – Domestic authorities' continued failure to amend the legislation imposing a blanket ban on voting in national and European elections for convicted prisoners in detention in the United Kingdom – No violation of Article 13 – Article 13 does not guarantee a remedy allowing the national laws of a State which had ratified the Convention to be challenged before a national authority on the ground of being contrary to the Convention or to equivalent domestic legal norms

The Court found that the violation in this judgment was due to the United Kingdom's failure to execute the Court's Grand Chamber judgment in *Hirst v. the United Kingdom No. 2* (no. 74025/01), delivered on 6 October 2005, in which it had also found a violation of Article 3 of Protocol No. 1. Applying its pilot judgment procedure, the Court has given the United Kingdom Government six months from the date when *Greens and M.T.* becomes final to introduce legislative proposals to bring the disputed law/s in line with the Convention. The Government is further required to enact the relevant legislation within any time frame decided by the Committee of Ministers, the executive arm of the Council of Europe, which supervises the execution of the Court's judgments. The Court has also decided that it will not examine any comparable cases pending new legislation and proposes to strike out all such registered cases once legislation has been introduced.

The applicants are two British nationals, Robert Greens and M.T., who were both serving a prison sentence at HM Prison Peterhead at the relevant time. Mr Greens was eligible for release on parole from May 2010, but it is not known whether he has been released. M.T. is scheduled to be released in November 2010. In June 2008 the applicants posted voter registration forms to the Electoral Registration Officer ("ERO") for Grampian, using HM Prison Peterhead as their address. They argued that, following the *Hirst v. the United Kingdom (no. 2)* judgment (among other things), the ERO was

obliged to add their names to the electoral register. In August 2008, the ERO refused the applicants' registration applications on the basis of their status as convicted prisoners in detention. Their appeals were unsuccessful. Section 3 of the Representation of the People Act 1983 imposes a blanket restriction on all convicted prisoners in detention irrespective of the length of their sentence and irrespective of the nature or gravity of their offence and their individual circumstances. The legislation has not been amended since *Hirst.* As a result, the applicants were ineligible to vote in the United Kingdom General Election on 6 May 2010. The blanket restriction introduced by section 3 of the 1983 Act was extended to elections to the European Parliament. The applicants were therefore also ineligible to vote in the elections to the European Parliament on 4 June 2009.

The applicants complained that the refusal to enrol them on the electoral register for domestic and European elections was in violation of Article 3 of Protocol No. 1. They also complained that they would potentially be banned from voting in the elections to the Scottish Parliament in May 2011.

Article 3 of Protocol No. 1 (right to vote)

The Court noted that Section 3 of the 1983 Act had not been amended since *Hirst*. As a result, the applicants were ineligible to vote in the May 2010 general election. As a result of section 8 of the 2002 Act, the applicants were also ineligible to vote in the June 2009 European elections. The Court therefore concluded that there had been a violation of Article 3 of Protocol No. 1 for both applicants.

Article 13 (effective remedy)

The Court recalled that Article 13 did not guarantee a remedy allowing the national laws of a State which had ratified the Convention to be challenged before a national authority on the ground of being contrary to the Convention or to equivalent domestic legal norms. There had therefore been no violation of Article 13.

Article 41 (just satisfaction)

The Court found that "it was a cause for regret and concern" that, in the five years which had passed since the *Hirst* judgment, no amending measures had been brought forward by the Government. However, the Court did not consider that aggravated or punitive damages were appropriate in the applicants' cases. The Court noted the recent decision of the Committee of Ministers, which made reference to the fact that the new UK Government was "actively considering the best way of implementing the judgment" in *Hirst*. While the Court accepted that the continuing prohibition on voting might be frustrating for prisoners who could reasonably expect potentially to benefit from a change in the law, it nonetheless concluded that the finding of a violation, taken together with the Court's directions under Article 46, constituted sufficient just satisfaction in the applicants' cases. The Court held that the United Kingdom was to pay the applicants 5,000 euros (EUR) in respect of costs and expenses. The award was limited to the proceedings before the Court and reflected the fact that extensive written submissions were lodged. In any future cases the Court noted that it would be likely to consider that legal costs were not reasonably and necessarily incurred and, therefore, make no award for costs under Article 41.

Article 46 (pilot judgment procedure)

The Court decided to apply its pilot judgment procedure to the case, under Article 46, given the United Kingdom's lengthy delay in implementing the decision in *Hirst* and the significant number of repetitive applications received by the Court shortly before, and in the six month's following, the May 2010 general election.

Specific measures

The Court emphasised that the finding of a violation of Article 3 of Protocol No. 1 in the applicants' cases was the direct result of the failure to comply with the *Hirst* judgment. One of the fundamental implications of the pilot judgment procedure was that the Court's assessment of the situation complained of in a "pilot" case necessarily extended beyond the sole interests of the individual applicant/s and required it to examine that case from the perspective of general measures that needed to be taken in the interest of other people who might be affected. As the Court had already indicated, the prevailing situation had given rise to the lodging of numerous subsequent well-founded applications. The Court had received approximately 2,500 applications in which a similar complaint had been made, around 1,500 of which had been registered and were awaiting a decision. The number continued to grow, and with each relevant election which passed without amended legislation, there was the potential for numerous new cases to be lodged. **According to the United Kingdom Equality and Human Rights Commission, there were approximately 70,000 serving prisoners in the United Kingdom at any one time, all of whom were potential applicants. The failure of the United Kingdom to introduce the legislative proposals in question was not only an aggravating factor as regards the State's responsibility under the Convention for an existing or past state of affairs, but also represented a threat to the future effectiveness of the Convention system.**

The Court recalled that, in *Hirst*, the Grand Chamber left to the discretion of the United Kingdom the decision as to how precisely to secure the right to vote guaranteed by the Convention. *Hirst* was currently under the supervision of the Committee of Ministers. It was not disputed by the Government that general measures at national level were needed to ensure the proper execution of the *Hirst* judgment. It was also clear that legislative change was required to bring United Kingdom electoral law in line with the Convention. Given the lengthy delay which had already occurred and the results of that delay, the Court, like the Committee of Ministers, was anxious to encourage the quickest and most effective solution to the problem, in compliance with the Convention. The Court considered that a wide range of policy alternatives were available to the United Kingdom Government which, following appropriate consultation, should, in the first instance, decide how to achieve compliance with Article 3 of Protocol No. 1 when introducing legislative proposals. Such proposals would then be examined by the Committee of Ministers. However, while the Court did not consider it appropriate to specify the content of future legislative proposals, the lengthy delay to date had demonstrated the need for a timetable. Accordingly, the Court concluded that the United Kingdom had to introduce legislative proposals to amend section 3 of the 1983 Act and, if appropriate, section 8 of the 2002 Act, within six months of today's judgment becoming final, with a view to the enactment of an electoral law to achieve compliance with the Court's judgment in *Hirst* according to any time-scale determined by the Committee of Ministers.

Comparable cases

Given the findings in this judgment, and in *Hirst*, the Court regretted that the Government had not acted more quickly to rectify the situation before the European elections in 2009 and the general election in 2010. It was far from apparent that an appropriate solution would be in place prior to the Scottish elections, scheduled for May 2011; and the likely consequence of that failure would be a wave of new applications to the Court. **The Court noted that no individual examination of comparable cases was required in order to assess appropriate redress and no financial compensation was payable. The only relevant remedy was a change in the law, which, while no doubt satisfying all those who had been or might be affected by the current blanket ban, could not undo past violations of the Convention concerning particular individuals**. **The Court considered it appropriate to discontinue its examination of all registered applications raising similar complaints pending compliance by the United Kingdom with the instruction to introduce legislative proposals. In the event of such compliance, the Court proposed to strike out all such registered cases, without prejudice to its power to restore them to the list should the United Kingdom fail to comply. The Court also considered it appropriate to suspend the treatment of such applications which had not yet been registered, as well as future applications, without prejudice to any decision to recommence treatment of those cases if necessary.**

- ## Right to life

Lyubov Efimenko v. Ukraine (no. 75726/01) (Importance 2) – 2 December 2010 – Violation of Article 2 (procedural) – Lack of an effective investigation into the applicant's son's death

The applicant's son, E., died in June 1993 after having been injured in a bar. Following a forensic examination of his body, which found that he had died from a number of serious head injuries, a criminal investigation into his death was started two days after the incident. Additional criminal proceedings into allegations of theft of jewellery from him were subsequently opened. At the end of July, the investigator indicted two men, D. and S., for inflicting bodily injuries leading to death, and issued a nationwide search warrant for them as they had absconded. In view of their absence, the investigation was suspended in August 1993. S. was arrested in Russia in early 1997, but released a month later, as the Ukrainian authorities had failed to ask for his extradition in time. In March 2000, the other suspect, D., was arrested in Russia and extradited to Ukraine in July of the same year. He was indicted for inflicting serious bodily injuries on E. After questioning D., who contested his guilt, stating that he had seen E. being beaten by someone else, and after questioning some of the witnesses who had been in the bar during the night of E.'s death, the police in early August closed the criminal proceedings for lack of evidence. In November 2000, the supervising prosecutor annulled the decision, finding that not all relevant evidence had been taken into account and that there were inconsistencies between the witness statements. In the same month, a preliminary investigation in respect of the suspect S. was reopened, and in May 2001 he was extradited to Ukraine. After he and further witnesses had been questioned, the investigators concluded that a third person, V.B., who had died in the meantime, had inflicted the lethal injuries on E. In June and July 2001, the criminal proceedings against S. and D. were closed. In September 2001 the Crimea Prosecutor's Office remitted the case to the district prosecutor for additional investigation, referring to procedural

deficiencies and pointing out that there had been no investigation of the robbery against E. The proceedings were subsequently closed and reopened on a number of occasions between 2002 and 2004, during which the Crimea Prosecutor's Office and the courts pointed to deficiencies in the investigation, in particular the fact that contradictory statements of the suspects had never been verified, that they had not been confronted with the witnesses and that certain witnesses had not been questioned on issues such as the identification of people who had been in the bar at the relevant time. The applicant complained to the authorities a number of times about the failure to investigate the circumstances of her son's death. The investigation is formally still pending.

The applicant complained that the authorities failed to conduct a proper investigation into the circumstances of her son's death and that no effective remedies were available to her.

Article 2

The Court observed that an expeditious and adequate investigation into the death of the applicant's son had been undermined from the beginning, as it had been interrupted on numerous occasions. A series of delays had diminished the prospect of its success, had led to the loss of existing evidence and had created substantial obstacles to the completion of the investigation, at least as regards the proper establishment of the facts of the case. The criminal proceedings had been referred back for additional investigation on account of a number of deficiencies found by the prosecution and the domestic courts, as the investigators had not complied with their instructions. The investigators had questioned witnesses and suspects insufficiently and had therefore been required to repeat their interviews concerning the same factual details. That had been pointed out by the authorities supervising the investigation on various occasions. Certain witnesses who could have shed light on the events were not questioned at all as they could not be found, no serious attempts having been made by the authorities to identify their whereabouts. While the domestic courts had found that the investigation into E.'s death was carried out superficially, no disciplinary or other measures had been undertaken in respect of the officials concerned. The hierarchically superior investigative authorities had constantly remitted the case to the same investigator. The investigator's failure to act promptly after the resumption of the proceedings resulted in the eventual devaluation of the evidence initially obtained, which had been considered sufficient to indict D. and S. for inflicting serious bodily injuries leading to E.'s death and to conduct a search for them, but could later not be verified. For reasons that remained unexplained, the investigation had further disregarded the forensic medical examination reports of June 1993, from which it ensued that the applicant's son had been beaten. For these reasons, the Court concluded that the authorities had failed to conduct an effective investigation into the death of the applicant's son, in violation of Article 2.

Article 41 (just satisfaction)

The Court held that Ukraine was to pay the applicant 12,000 Euros in respect of non pecuniary damage.

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

Őner v. Turkey (no. 2) (no. 2858/07) (Importance 2) – 23 November 2010 – Two violations of Article 3 (substantive and procedural) – (i) ill-treatment of a 12-year-old boy by police officers – (ii) Lack of an effective investigation – Violation of Article 6 § 1 – Excessive length of criminal proceedings

In October 2001, when the applicant was 12 years old, he was taken into police custody by the police in Narlıdere (İzmir). A medical report was drawn up three days later by the Forensic Institute of İzmir, at the request of the public prosecutor of İzmir. It indicated that the applicant had a light-green bruise on the outer side of the right thigh and a hyperemia next to his right eye. The doctor issued him with a certificate of unfitness for work for one day. The applicant's mother lodged a complaint against the police custody officers on her son's behalf, alleging ill-treatment. A number of investigations were carried out and several police officers were interviewed. The applicant identified two police officers who had respectively given and carried out an order to hit him before he had been released. In May 2002, at Ciğerhun Öner's request, the General Medical Council drew up a report confirming the allegation that he had been ill-treated while in police custody. The Police Disciplinary Board carried out an administrative inquiry in respect of the police officers in question and concluded on 11 September 2002 that no administrative penalties were necessary. In parallel proceedings, the applicant's mother had filed a claim with the governor of İzmir for damages for ill-treatment of her son. Her claim was dismissed, following which she applied to the administrative courts. She unsuccessfully applied for legal aid. Her application was dismissed in 2003 on the ground that she had failed to pay the legal costs due. She lodged an application to have the proceedings for damages reopened. The Court does not have any information regarding the outcome.

The applicant complained that he had suffered ill-treatment while in police custody and that there had been no effective investigation into his allegations. He further alleged that the length of the criminal proceedings against the police officers had been excessive.

Article 3 (ill-treatment)

Having regard to the fact that the applicant was 12 years old when he was placed in police custody and to the injuries recorded in the medical certificate three days after his release, the Court found that the treatment in question had attained the minimum level of severity to fall within the scope of Article 3. The Court found it regrettable that the applicant (arrested merely for an identity check) had been held in police custody without it being registered in the custody log of the police station concerned and observed that he had not been seen by a doctor at the beginning and end of his period in police custody. Having regard to those factors and to the lack of any explanation from the Government concerning the shortcomings of the national authorities regarding the manner in which the applicant had been taken into police custody, the Court found it established that the injuries observed on the applicant's body had been caused by the police while the applicant was in their custody). The treatment in question had been deliberate and had gone beyond a mere police check. The physical and mental duress suffered by the applicant had been such as to arouse feelings of fear, anguish and inferiority capable of humiliating and debasing him. The injuries in question had also caused him physical pain and mental suffering. The applicant had therefore been subjected to inhuman and degrading treatment, in violation of Article 3.

Article 3 (investigation)

The Court reiterated that where an individual raised an arguable claim that he had been seriously ill-treated by the police unlawfully and in breach of Article 3, that provision required that there should be an effective official investigation. It noted at the outset that, following the complaint brought by the applicant, criminal proceedings had been instituted against the police officers and had been pending before the national courts for over eight years. Having regard to the slow progress in those proceedings, the Court stressed that in such cases the authorities should in principle act quickly so that the perpetrators of ill-treatment did not in effect enjoy virtual impunity. The Court reiterated that a lack of rigour in applying the criminal and disciplinary system – as in the applicant's case – would not discourage the security forces from committing illegal acts such as those complained of by the applicant. There had not therefore been an effective investigation in respect of the ill-treatment inflicted on the applicant, which amounted to a further violation of Article 3.

Article 6 § 1 (length of proceedings)

The Court noted that, as far as the applicant was concerned, the criminal proceedings against the police officers had started on 26 June 2003, when he had applied to join them as an "intervening party". More than seven years later the proceedings were still going on. The Court found that the length was excessive and in breach of Article 6 § 1.

Article 41 (just satisfaction)

The Court held that Turkey was to pay the applicant 30,000 Euros (EUR) in respect of non-pecuniary damage and EUR 2,900 in respect of costs and expenses.

I. D. v. Moldova (no. 47203/06) (Importance 3) – 30 November 2010 – Two violations of Article 3 (substantive and procedural) – (i) Ill-treatment by police officers in detention – (ii) Conditions of detention in Prison no. 13 – Violation of Article 13 – Lack of an effective remedy

Arrested on theft charges in October 2003, the applicant was allegedly ill-treated by police officers during his detention. In particular, according to his submissions, he was beaten with rubber batons, given electric shocks and raped with a bottle while being photographed. After ten days, he was taken before a judge for the extension of his detention and, on the order of the judge, examined by a doctor, who found numerous bruises on his body and concluded that they could have been caused by the treatment that the applicant described. Between his arrest and October 2006, the applicant was detained in four different detention facilities. According to his submissions, he was held in very poor conditions in all of them. In particular, during his detention in Prison no. 13 in Chişinău between February and October 2006 he was placed in a cell which was not appropriately equipped for his state of health. Suffering from hemorrhoids and a urinary tract disorder and having undergone surgery to his anus, he had to climb to the upper berth several times a day, which contributed to post-surgery complications. He was not provided with an enema, the toilet in the cell lacked a rim and he was unable to take care of his personal hygiene. The applicant's complaint about his ill-treatment by the police was dismissed by the prosecutor general's office in May 2006 and his appeal was dismissed in February 2007.

The applicant complained of his ill-treatment by the police and of his detention conditions, and alleged that he had no effective remedies with regard to the detention conditions.

Article 3 (ill-treatment by the police)

The Moldovan Government declared that they were unable to provide a plausible explanation for the injuries sustained by the applicant in custody and that they were ready to concede that there had been a breach of his rights under Article 3. In another case against Moldova, the Court had in similar circumstances found breaches of that Article. In the light of that and in view of the Government's clear acknowledgement of a breach, the Court concluded that there had been a violation of Article 3.

Article 3 (detention conditions)

The Court declared admissible only the complaints concerning the conditions of the applicant's detention in Prison no. 13 in in Chişinău between February and October 2006, as the complaints about the conditions in the other facilities had been lodged more than six months after the alleged violation and thus did not meet the formal requirements. As regards the detention in Prison no. 13, the Court had in another case3 found a violation of Article 3 in respect of the applicant's poor conditions of detention in the same facility. The Court therefore considered that the hardship endured by the applicant during his detention had gone beyond the unavoidable level inherent in detention and had reached a threshold of severity contrary to Article 3. Accordingly, there had been a violation of that Article.

Article 13

The Court observed that the Government had failed to submit evidence as to the existence of any effective domestic remedies in respect of the applicant's complaint. There had thus been a breach of Article 13 of the Convention in respect of the conditions of his detention in Prison no. 13.

Article 41 (just satisfaction)

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

Ivan Kuzmin v. Russia (no. 30271/03) (Importance 3) – 25 November 2010 – Two violations of Article 3 (substantive and procedural) – (i) Ill-treatment in police custody – (ii) Lack of an effective investigation – Violation of Article 5 § 1 – Unlawful detention – Violation of Article 6 § 1 – Excessive length of proceedings (over six years)

At the material time the applicant was a physical education teacher in School no. 15 in Stavropol. On 5 June 2001 two police officers went to the applicant's school and asked him to accompany them to the local police station for questioning following a complaint by the parent of a pupil that his son had been hit. On arrival at the police station the applicant alleges that he was pushed and slapped in the face. On requesting to call the school to explain that he would be late, the police officers started to beat him. He tried to fight back but was handcuffed and kicked in the left shoulder. He was then placed in a cell in order to make him confess to hitting the pupil. In the evening he was allowed to call the school; the headmaster and two teachers came to collect him and took him to hospital where he remained until 28 June 2001. The applicant lodged a criminal complaint alleging unlawful detention and ill-treatment in police custody. The next day the investigator in charge of the case ordered a medical examination, which recorded multiple injuries to the applicant's body. The prosecution authorities have, to date, issued five decisions refusing to bring criminal proceedings into the incident, all of which were quashed before the domestic courts with an order to resume the inquiry. The proceedings are currently still pending. In the meantime criminal proceedings for assaulting a policeman were brought against the applicant and lasted over five years and seven months during which time the applicant had to stand trial three times. He was convicted on two occasions and both convictions were quashed on appeal owing to the trial court's failure to give a well-reasoned verdict and to determine the admissibility of evidence. He was ultimately acquitted in 2007.

The applicant complained that he had been beaten up while in police custody, that his custody had been unlawful and that the criminal proceedings against him had been excessively long.

Article 3

The Court noted that although the authorities had taken certain steps at the initial stage of the investigation, the inquiry into the applicant's accusations has still not been completed to date. The Court found it striking that the case had been pending before the investigating authorities for over nine years without them having elucidated the circumstances of the case or having delivered a reasoned decision. In view of that length and the seriousness of the issues at stake, the Court considered that the applicant should not have to wait for completion of the investigation before making his application

to this Court, as the conclusion of those proceedings would not remedy their overall delay in any way. The Court therefore held that the authorities had failed to carry out an effective criminal investigation into the applicant's allegations of ill-treatment, in violation of Article 3. The Court held that it had been established "beyond reasonable doubt" that the applicant had been ill-treated in police custody, the Government having failed to disprove that they had been responsible for the applicant's injuries. They had not disputed the applicant's allegation that he had sustained numerous injuries while in police custody. Nor indeed had they provided any explanation as to the origin of those injuries, arguing that it would be premature since the domestic inquiry into the matter was still pending. Furthermore, the extent and location of the applicant's injuries and the duration of his subsequent medical treatment in hospital indicated that the beatings had been sufficiently serious to fall within the scope of Article 3. There had therefore been a violation of Article 3 concerning the ill-treatment to which the applicant had been subjected.

Article 5

The Government did not dispute that the applicant had been taken to the police station and held there for several hours. Nor did they deny that there was no record of his arrest or detention. It has been the Court's constant view that unrecorded detention, in total disregard of the guarantees under Article 5, was in itself a most serious failing. There had therefore been a particularly serious violation of the applicant's right to liberty and security.

Article 6 § 1

The Court considered that it had been the repeated referrals of the case to the trial court for fresh examination that had seriously delayed the proceedings, which had not been particularly complex, having been limited to one charge (assault of a police officer) and one suspect. The fact that the domestic courts had heard the case several times could not relieve them from their duty to comply with the reasonable time requirement under Article 6. Indeed, repetition of remittals within one set of proceedings could well disclose a serious deficiency in the judicial system. The Court therefore held that the length – six years and five months – of the proceedings against the applicant had been excessive, in violation of Article 6 § 1.

Article 41

The Court held that Russia was to pay the applicant 27,000 Euros (EUR) in respect of non pecuniary damage and EUR 900 for costs and expenses.

- **Right to liberty and security**

Moulin v. France (no. 37104/06) (Importance 1) – 23 November 2010 – Violation of Article 5 § 3 – Unlawful police custody on account of the fact that the Toulouse deputy public prosecutor, a representative of the prosecuting authority, did not offer the guarantees of independence required by this Article in order to be described as a "judge or other officer authorised by law to exercise judicial power"

The applicant is a lawyer in Toulouse. She was arrested in Orléans on 13 April 2005 on the basis of instructions issued in connection with a prosecution for drug trafficking, and was placed in police custody on suspicion of breaching the confidentiality of the investigation. The following day she was taken to Toulouse, where her office was searched in the presence of two investigating judges from Orléans. The same day, her police custody was extended by an investigating judge of the *Toulouse tribunal de grande instance*, who did not hear evidence from her in person. On 15 April 2005 the two Orléans investigating judges went to the police station to check that their instructions had been carried out and examine the conditions of the applicant's custody. They did not meet the applicant. The applicant's police custody ended on 15 April 2005 when she was brought before the Toulouse deputy public prosecutor, who ordered that she be transferred to prison with a view to being brought subsequently before the investigating judges in Orléans. On 18 April 2005 she made a "first appearance" for questioning before the latter, who placed her under investigation. The applicant was remanded in custody by the liberties and detention judge. Her application to have the proceedings declared null and void for failure to appoint a lawyer of her choosing during her police custody was rejected by the Orléans Court of Appeal. She lodged an appeal on points of law, which was dismissed by the Court of Cassation.

The applicant complained that she had not been "brought promptly" before "a judge or other officer authorised by law to exercise judicial power".

Article 5 § 3

The Court had already held that a period of police custody of over four days and six hours without judicial control was in breach of Article 5 § 3. From the time she was taken into police custody on 13

April 2005 until she was brought before the Orléans investigating judges on 18 April 2005 for a "first appearance", no evidence was heard from the applicant in person by investigating judges with a view to considering the merits of her detention. Furthermore, the five days which elapsed between 13 and 18 April could not be treated as several separate periods as the Government suggested, since they fell within the period immediately following the applicant's arrest. The Court next observed that in France, different rules applied to judges and public prosecutors. The latter were managed and supervised by their hierarchical superiors within the prosecution service, under the authority of the Minister of Justice, *garde des sceaux*, and hence of the executive. Unlike judges, they were not irremovable and the Minister had disciplinary authority over them. They were required to make written submissions on the basis of the instructions issued to them in accordance with the Code of Criminal Procedure, although they were free to make such oral observations as they felt appropriate in the interests of justice. It was not for the Court to take a stance in the debate concerning the ties of dependency between the Minister of Justice and the prosecuting authorities in France, which was a matter for the domestic authorities. The Court took the view that, owing to their status, public prosecutors in France did not satisfy the requirement of independence from the executive; independence, like impartiality, was one of the guarantees inherent in the autonomous notion of "officer authorised by law to exercise judicial power" within the meaning of Article 5 § 3. The Court further reiterated that the characteristics that a judge or other officer must possess in order to satisfy the requirements of Article 5 precluded him or her, among other things, from intervening subsequently against the applicant in the criminal proceedings, as the prosecution did. Accordingly, the Toulouse deputy public prosecutor, a representative of the prosecuting authority, did not offer the guarantees of independence required by Article 5 § 3 in order to be described as a "judge or other officer authorised by law to exercise judicial power" within the meaning of that provision. The applicant's police custody had failed to satisfy the requirements of Article 5 § 3.

Article 41

By way of just satisfaction, the Court held that France was to pay the applicant 5,000 euros (EUR) in respect of non-pecuniary damage and EUR 7,500 for costs and expenses.

- **Right to a fair trial / Excessive length of proceedings**

Henryk Urban and Ryszard Urban v. Poland (no. 23614/08) (Importance 2) – Violation of Article 6 § 1 – Lack of independence of a trial court composed of an assessor rather than a judge ("asesor sądowy")

The case concerned the applicants' conviction of in October 2007 by the Lesko District Court for refusing to disclose their identity to the police. They appealed, objecting to the fact that their case had been decided by an "assessor" ("asesor sądowy", a junior judge), and not by a judge. Assessors are candidates for the office of district court judge who, under the Law of 27 July 2001 (the "2001 Act") on the Organisation of Courts, have to work for a minimum of three years as an assessor in a district court on completion of their training and examinations. In their objection, the applicants referred in particular to the Constitutional Court's leading judgment of October 2007 on the status of assessors. It held that the 2001 Act was not constitutional mainly because assessors did not enjoy the necessary guarantees of independence vis-à-vis the Minister of Justice. Notably assessors could be appointed and removed by the Minister. The Constitutional Court ordered that the provision at issue should be repealed 18 months after delivery of its judgment. The Krosno Regional Court rejected the applicants' appeal, considering their objections to the composition of the first-instance court unfounded. The office of assessor has since been abolished altogether and, in January 2009, Parliament enacted a new law for the establishment of a comprehensive and centralised institution for training judges and prosecutors.

The applicants complained about the lack of independence of the trial court, composed of an assessor rather than a judge.

The Court underlined that the Constitutional Court had set aside the regulatory framework governing the institution of assessors as laid down in the 2001 Act. In its judgment, however, the Constitutional Court had not excluded the possibility that assessors or similar officers could exercise judicial powers provided they had the requisite guarantees of independence. Referring to international standards, it had pointed to the variety of possible solutions for allowing adjudication by persons other than judges. Indeed, the Court noted that its task in this particular case was not to rule on the compatibility with the Convention of the institution of assessors or other similar officers which exist in certain member States of the Council of Europe, but to examine the manner in which Poland regulated the status of assessors. Like the Constitutional Court, the Court considered that the assessor in the applicants' case had lacked independence, as she could have been removed by the Minister of Justice at any time during her term of office and that there had been no adequate guarantees protecting her against

the arbitrary exercise of that power by the Minister. Nor had that failing been rectified on appeal by the Regional Court. Although composed of a professional judge with tenure and thus "an independent tribunal" as required under Article 6 § 1, the Regional Court had not had the power to quash the judgment against the applicants since the assessors, in accordance with the 2001 Act, had been authorised to hear cases in first instance courts. In any event, the issue of the lack of independence of the assessor had been raised by the applicants in their appeal, which the Regional Court had dismissed as unfounded. Moreover, any appeal based on the unconstitutional status of assessors had been bound to fail as the provisions at issue of the 2001 Act had remained legally binding for a period of 18 months following the Constitutional Court's delivery of its leading judgment. The Court therefore held that the Lesko District Court had not been independent, in violation of Article 6 § 1.

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

P.V. v. Spain (no. 35159/09) (Importance 2) – 30 November 2010 – No violation of Article 8 taken in conjunction with Article 14 – Restriction of contact arrangements between a transsexual and her six-year-old son was in the child's best interests

The applicant is a male-to-female transsexual who, prior to her gender reassignment, had a son with P.Q.F. in 1998. When they separated in 2002 the judge approved the amicable agreement they had concluded, by which custody of the child was awarded to the mother and parental responsibility to both parents jointly. The agreement also laid down contact arrangements for the applicant, who was to spend every other weekend and half of the school holidays with the child. In May 2004 P.Q.F. applied to have the applicant deprived of parental responsibility and to have the contact arrangements and any communication between the father and the child suspended, arguing that the father had shown a lack of interest in the child and adding that the applicant was undergoing hormone treatment with a view to gender reassignment and usually wore make-up and dressed like a woman. P.Q.F.'s application was dismissed in respect of the first point. As regards the contact arrangements, the judge decided to restrict them rather than suspend them entirely. Since ordinary contact arrangements could not be made on account of the applicant's lack of emotional stability, a gradual arrangement was put in place, initially involving a three-hour meeting every other Saturday "until the applicant undergoes surgery and fully recovers her physical and psychological capacities". The judge pointed out that the applicant had begun the gender-reassignment process only a few months earlier and that it entailed far-reaching changes to all aspects of her life and her personality and hence emotional instability, a characteristic noted by the psychologist in her report. That decision was upheld by the *Audiencia Provincial*, which reiterated that ordinary contact arrangements could undermine the child's emotional stability. The child would have to come to terms gradually with his father's decision, which he was in the process of doing since they enjoyed a good emotional relationship. As regards the applicant's objection to the psychologist who had drawn up the report, the *Audiencia Provincial* held that it had not been raised in time. The contact arrangements were extended in February 2006 to five hours every other Sunday and subsequently, in November 2006, to every other Saturday and every other Sunday, for approximately eight hours each time. In December 2008 an *amparo* appeal by the applicant was dismissed. The Constitutional Court held that the ground for restricting the contact arrangements had not been the applicant's being transsexual but her lack of emotional stability, which had entailed a real and significant risk of disturbing her son's emotional well-being and the development of his personality, in view of his age – he had been six years old at the time of the expert report – and the stage of his development at that time. The court held that in reaching that decision, the judicial authorities had taken into account the child's best interests, weighed against those of the parents, and not the applicant's status as a transsexual.

The applicant complained about the restrictions ordered by a judge on the arrangements for contact with her son, on the ground that her lack of emotional stability following her gender reassignment was liable to upset the child, who had been six years old at the time.

The Court agreed that once they had learned of the applicant's gender emotional instability, the Spanish courts had adopted contact arrangements that were less favourable to her than those laid down in the separation agreement. The Court emphasised that, although no issue of sexual orientation arose in the applicant's case, being transsexual was a notion covered by Article 14, which contained a non-exhaustive list of prohibited grounds for discrimination. While emotional disturbance had not been considered a sufficient reason for restricting contact, the decisive ground for the restriction had been the risk of jeopardising the child's psychological well-being and the development of his personality. In addition, the applicant's lack of emotional stability had been noted in a psychological expert report which she had had the opportunity to challenge. Rather than suspending contact entirely, the judge had made a gradual arrangement, whereby he would review the situation on the basis of a report submitted every two months. From a three-hour meeting every two weeks under professional supervision, the contact arrangements were eventually extended to eight hours

every other Saturday and every other Sunday. The overriding factor in that decision had been the child's best interests and not the applicant's being transsexual, the aim being that the child would gradually become accustomed to his father's gender reassignment. The Court further noted that the contact arrangements had been extended although there had been no change in the applicant's gender status during that period. The Court therefore considered that the restriction of the contact arrangements had not resulted from discrimination on the ground of the applicant's being transsexual and concluded that there had been no violation of Article 8 taken in conjunction with Article 14.

Hajduová v. Slovakia (no. 2660/03) (Importance 2) – 30 November 2010 – Violation of Article 8 – Domestic authorities' failure to take appropriate measures to secure respect for the applicant's private life from her former husband's abusive and threatening behaviour

Criminal proceedings were brought against A., the applicant's (now former) husband, in August 2001 and he was remanded in custody after he attacked her, both verbally and physically, in public and uttered death threats. Suffering a minor injury and fearing for her life and safety, the applicant and her children moved into the premises of a non-governmental organisation in Košice. A.'s indictment stated that he had been convicted four times in the past, including of two offences in the last ten years involving breaches of court or administrative orders. Rather than imposing a prison sentence, the court ordered, as recommended by experts, that A. be detained for psychiatric treatment as he was suffering from a serious personality disorder. A. was then transported to a hospital in Košice. That hospital did not carry out the treatment which he required, nor did the District Court order it to carry out such treatment. On being released, A. renewed his threats against the applicant and her lawyer, who filed new criminal complaints and informed the District Court accordingly. Following A.'s visit to the applicant's lawyer and his threats against her and her employee, he was arrested by the police and charged with a criminal offence. The District Court arranged for psychiatric treatment of A. who was consequently transported to the hospital. The complaint filed by the applicant with the Constitutional Court – that the District Court had failed to ensure that her husband be placed in a hospital for the purpose of psychiatric treatment immediately after his conviction – was rejected.

The applicant complained that the domestic authorities had failed to comply with their statutory obligation to order that her former husband be detained in an institution for psychiatric treatment, following his criminal conviction for having abused and threatened her.

Article 8

The Court recalled that States had a duty under Article 8 to protect the physical and psychological integrity of an individual from others, in particular in the case of vulnerable victims of domestic violence, as emphasized in a number of international instruments. The Court noted that the reason why the District Court had held that, instead of being sentenced to imprisonment, A. should be sent to a hospital, had been the domestic court's reliance on expert opinions according to which he was suffering from a serious personality disorder and should be treated as an in-patient in a psychiatric facility. However, due to the District Court's failure to discharge its statutory obligation to order the hospital to detain him, A. had quickly been released from that hospital, an omission following which Mrs Hajduová and her lawyer had been subjected to renewed threats from him. Although, unlike other cases brought before the Court, A.'s threats had not actually materialised into concrete physical violence, the applicant's fear that they might be carried out had been well-founded, given A.'s history of physical abuse and menacing behaviour. While the Court appreciated the police intervention, it noted that it had happened only after Mrs Hajduová and her lawyer had filed fresh criminal complaints. Moreover, the Court could not overlook the fact that A. had been able to continue to threaten them because of the domestic authorities' inactivity and failure to ensure his detention for psychiatric treatment. Finally, the Court noted that the domestic authorities had had sufficient indications of the danger of future violence and threats against the applicant and should have consequently exercised a greater degree of vigilance. The Court therefore concluded that the lack of sufficient measures in reaction to A.'s behaviour, notably the District Court's failure to comply with its statutory obligation to order his detention for psychiatric treatment, had amounted to a breach of the State's obligation to secure respect for the applicant's private life, in violation of Article 8.

Article 41 (just satisfaction)

The Court held that Slovakia was to pay the applicant 4,000 euros (EUR) in respect of non pecuniary damage and EUR 1,000 in respect of costs and expenses.

Mileva and Others v. Bulgaria (nos. 43449/02 and 21475) (Importance 2) – 25 November 2010 – Violation of Article 8 – Domestic authorities' failure to take adequate measures to protect the applicants' right to respect for their homes and their private and family lives against the serious noise and nuisance from a computer in their building

The applicants owned and lived in flats situated on the first floor of the same residential building in Sofia. In May 2000, a company rented a flat situated on the ground floor of the building and started using it as a computer club 24 hours a day, seven days a week. The club's clients often gathered in front of the building, shouted, drank alcohol and sometimes broke the building's front door and continued creating havoc in the lobby. The applicants complained numerous times to the police and the municipal authorities about the noise and disturbance which the clients of the computer club were causing them. In July 2002, the Sofia Regional Building Control Directorate prohibited the use of the flat hosting that club. However, that decision was not enforced. The computer club continued to operate until November 2004 when the flat's owner transformed it into an electronic games club. The Milevi sisters complained, unsuccessfully, to the building control authorities and the police about the noise produced by the works to convert the flat into an electronic games club. Apparently, the office continued operating undisturbed throughout the period.

All applicants complained about the authorities' failure to do everything possible to stop the noise and nuisance caused by the computer club. The applicants complained in addition about the authorities' passiveness in respect of the noise produced by the electronic games club and the office.

The Court found the evidence produced in respect of the computer club had shown that it had operated around the clock, seven days a week, for almost four years, and that its clients had continuously made a lot of noise and disturbance, both outside and inside the building. That had affected the applicants' homes and their private and family lives. Despite having received many complaints and having established that the club had been operating without the necessary license, the police and the municipal authorities had failed to act in order to protect the well-being of the applicants in their homes. In particular, although the building control authorities had prohibited, in July 2002, the use of the flat as a computer club, their decision had never been enforced. In addition, it had not been until November 2003, that was some two and a half years after the club had started functioning, that the municipality had imposed a condition to the club's managers requiring them to have clients enter the club through a back door different to the one used by the building's residents. That condition had been completely disregarded by the club and the applicants submitted that it could not have even been met given the building's layout. Consequently, the applicants' right to respect for their homes and their private and family lives had been breached, in violation of Article 8.

Under Article 41 (just satisfaction) of the Convention, the Court held that Bulgaria was to pay 7,000 euros (EUR) to the Milevi sisters each in respect of non-pecuniary damage, and EUR 6,000 jointly to the Evtimovi applicants in their capacity as heirs to Mr Hristo Evtimov, EUR 6,000 to the Evtimovi mother, EUR 8,000 to the Evtimovi daughter, and, jointly to all applicants, EUR 4,000 for costs and expenses.

- **Protection of property**

Anonymos Touristiki Etairia Xenodocheia Kritis v. Greece (no. 35332/05) (Importance 2) and Theodoraki and Others v. Greece (no. 9368/06) (Importance 3) – Just satisfaction – Greece ordered to pay 4.2 million euros for infringement of property rights

In the **first case** the applicant is a company based in Agios Nikolaos (Crete). In the early 1970s it purchased a plot of land with a view to building a hotel complex. In 1984 the Ministry of Culture classified the region in question as "zone A – full protection" – that is, as an area in which construction was completely prohibited, although when the land had been purchased, the relevant legislation had not prohibited the construction of a hotel complex. After various unsuccessful applications to the relevant authorities for renewal of the initial planning permission, the applicant company applied to the Ministry of Culture, seeking to have the property expropriated. A subsequent application by the company for judicial review of the authorities' refusal to expropriate the land was dismissed by the Supreme Administrative Court in 2005. In the **second case** the applicants are the owners of a total of 307,000 sq. m of land that has belonged to their family for many years on the island of Zante. From 1984 onwards their land, on which construction had previously been permitted, was gradually subjected to restrictions and prohibitions on building, for environmental protection purposes. Work was halted on the fourth applicant's building of a 102-room hotel complex. The applicants applied for judicial review of the relevant administrative decisions but were unsuccessful. In 2005 the Supreme Administrative Court acknowledged that the applicants were entitled to seek compensation from the administrative authorities, but no action was taken when they applied for compensation on that account. In Chamber judgments of 21 February 2008 (*Anonymos Touristiki Etairia Xenodocheia Kritis v. Greece*) and 11 December 2008 (*Theodoraki and Others v. Greece*) the Court held that there had been a violation of Article 1 of Protocol No. 1 and Article 6 § 1. In *Theodoraki and Others* it also found a violation of Article 13. The Court reiterated that its findings of violations in the judgments on the merits concerned the applicants' inability to develop their property and their lack of compensation on that account. It therefore considered that a pecuniary award would be liable to compensate for the

damage they had sustained. However, the circumstances of the case did not lend themselves to a precise assessment of pecuniary damage, since the facts concerned a very lengthy period (from 1985 – when Greece had recognised the right of individual application to the Court – to the present) and there were substantial divergences between the claims and calculation methods submitted by the parties to the proceedings. Making its assessment on an equitable basis, the Court considered it reasonable to award EUR 500,000 to the Anonymos Touristiki Etairia Xenodocheia Kritis company (in the first case) and EUR 3,600 000 jointly to Georgia Theodoraki, Olga Kladi and Anastasios Kladis and EUR 120,000 to Limni Makri SA (in the second case) in respect of pecuniary damage.

- **Cases concerning Chechnya**

Abuyeva and Others v. Russia (no. 27065/05) (Importance 2) – 2 December 2010 – Violation of Article 2 (substantive and procedural) in respect of the applicants and their 24 relatives who were killed or wounded during the attack on the village of Katyr-Yurt that took place between 4 and 7 February 2000 – Lack of an effective investigation – Violation of Article 13 in conjunction with Article 2 – Lack of an effective remedy – Application of Article 46 – The Court finds that in the context of the present case it falls to the Committee of Ministers, acting under Article 46, to address the issue of what – in practical terms – may be required of the respondent Government by way of compliance. However, it considers it inevitable that a new, independent, investigation should take place. Within these proceedings, the specific measures required of the Russian Federation in order to discharge its obligations under Article 46 of the Convention must be determined in the light of the terms of the Court's judgment in this case, and with due regard to the above conclusions in respect of the failures of the investigation carried out to date

Amuyeva and Others v. Russia (no. 17321/06) (Importance 3) – 25 November 2010 – Violation of Article 2 (substantive and procedural) – (i) Killing of the applicants' four relatives by State servicemen during a security operation – (ii) Lack of an effective investigation – Violation of Article 13 in respect of the violations of Article 2 – Lack of an effective remedy

Dzhabirailova and Dzhabrailova v. Russia (no. 15563/06) (Importance 3) – 2 December 2010 – Violation of Article 2 (substantive and procedural) – (i) Disappearance and presumed death of the applicants' close relative – (ii) Lack of an effective investigation – Three violations of Article 3 – (i) Ill-treatment of the second applicant – (ii) Lack of an effective investigation – (iii) Mental suffering of the applicants – Violation of Article 5 – Unacknowledged detention – Violation of Article 13 in conjunction with Article 2 – Lack of an effective remedy

2. Other judgments issued in the period under observation

You will find in the column "Key Words" of the table below a short description of the topics dealt with in the judgment[*]. For more detailed information, please refer to the following link:

- Press release by the Registrar concerning the Chamber judgments issued on 23 Nov. 2010: here
- Press release by the Registrar concerning the Chamber judgments issued on 25 Nov. 2010: here
- Press release by the Registrar concerning the Chamber judgments issued on 30 Nov. 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
Azerbaijan	25 Nov. 2010	Faber Firm and Jafarov (no. 3365/08) Imp. 3	Violation of Art. 6 § 1 Violation of Art. 1 of Prot. 1	Non-enforcement of a final judgment ordering the restoration of the applicant company's right of use over a plot of land	Link
Bulgaria	25 Nov. 2010	Ivanov (no. 27776/04) Imp. 3	Violation of Art. 6 § 1	Excessive length of the proceedings (more than six years)	Link
France	25 Nov.	Lilly France (No. 2) (no.	Violation of Art. 6 § 1	Infringement of the principle of equality of arms on account of the	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

	2010	20429/07) Imp. 2		adoption of a law on social security on 18 December 2003 for 2004	
Hungary	30 Nov. 2010	Goldmann and Szénászky (no. 17604/05) Imp. 3	Violation of Art. 6 § 1 in conjunction with Art. 6 § 3 (c) (fairness)	Lack of a public hearing	Link
Poland	30 Nov. 2010	Jończyk (no. 19789/08) Imp. 3	No violation of Art. 5 § 1	A reasonable balance was struck and the delay in the admission of the applicant to a psychiatric hospital was not excessive	Link
Russia	25 Nov. 2010	Matveyev v. (no. 10418/04) Imp. 3	Violation of Art. 6 § 1 (length) Violation of Art. 6 § 1 (fairness)	Excessive length (more than five years and eight months) and failure to enforce a final judgment in the applicant's favour	Link
Russia	25 Nov. 2010	Polovinkin (no. 4320/05) Imp. 3	Violation of Art. 5 §§ 1 and 3 Violation of Art. 6 § 1	Unlawfulness and excessive length of detention on remand (more than three years and ten months) Excessive length of the proceedings (six years and six months)	Link
Russia	25 Nov. 2010	Roman Karasev (no. 30251/03) Imp. 3	Violation of Art. 3 Violation of Art. 13 in conjunction with Art. 3 Violation of Art. 6 § 1	Poor conditions of detention in Kaliningrad remand centre no. 39/1 Lack of an effective remedy Unfairness of civil proceedings	Link
Slovakia	23 Nov. 2010	Štetiar and Šutek (nos. 20271/06 and 17517/07) Imp. 3	Violation of Art. 5 § 4	Lack of a speedy examination of the lawfulness of the applicants' remand in custody	Link
Slovakia	30 Nov. 2010	Gál v. (no. 45426/06) Imp. 3	Idem.	Idem.	Link
Slovenia	30 Nov. 2010	Oklešen and Pokopališko Pogrebne Storitve Leopold Oklešen S.P. (no. 35264/04) Imp. 2	No violation of Art. 1 of Prot. 1	The 2000 Decree and the acts, which prevented the applicant from continuing to provide the funeral services after the full nationalisation or municipalisation of funeral services, cannot be considered an interference with the applicant's "possession" within the meaning of Article 1 of Protocol No. 1 as the applicant's hope of being able to continue to provide funeral services in question did not constitute a claim of a kind that was sufficiently established to constitute a legitimate expectation	Link
Slovenia	30 Nov. 2010	Z. (no. 43155/05) Imp. 2	No violation of Art. 8	Domestic authorities' decisions concerning child custody and contact arrangements provided the applicants with the requisite protection of their interest and were based on relevant reasons and supported by experts' opinions taking into account the best interest of the child	Link
Turkey	23 Nov. 2010	Akalın (no. 23480/06) Imp. 3	Violation of Art. 5 §§ 3 and 4 Violation of Art. 6 § 1 (length)	Excessive length of pre-trial detention (over eleven years), lack of an effective remedy to challenge the lawfulness of the detention Excessive length of criminal proceedings (over thirteen years and seven months)	Link
Turkey	30 Nov. 2010	Karabulut (no. 39783/06) Imp. 3	Violation of Art. 6 § 1	Excessive length of the proceedings (eleven years and eight months)	Link
Turkey	30 Nov. 2010	S.S. Balıklıçeşme Beldesi Tarım Kalkınma Kooperatifi and	Violation of Art. 6 § 1 No violation of Art. 6 § 1	Failure to provide the applicants with the written opinion of the *Conseil d'Etat* Prosecutor Domestic authorities' constant case-law concerning the rules governing	Link

		Others (nos. 3573/05, 3617/05, etc.) Imp. 2		the delays for introducing a complaint did not infringe the applicants' right of access to a court	
Turkey	30 Nov. 2010	Turan Biçer (no. 3224/03) Imp. 2	Violation of Art. 11	Unjustified imprisonment for participating in unauthorised peaceful demonstrations	Link
Ukraine	25 Nov. 2010	Rudenko (no. 5797/05) Imp. 3	Violation of Art. 5 §§ 1 and 3 Two violations of Art. 5 § 4 No violation of Art. 5 § 4 (concerning the second period of detention) Violation of Art. 6 § 1 (length) Violation of Art. 13 in conjunction with Art. 6 § 1 (length)	Unlawfulness and excessive length of detention (more than three years and three months) Lack of an effective remedy to challenge the lawfulness of two periods of detention The applicant had at his disposal a remedy to challenge the lawfulness of his detention during the judicial proceedings Excessive length of proceedings (over seven years and eight months) Lack of an effective remedy	Link

3. Repetitive cases

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

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

State	**Date**	**Case Title**	**Conclusion**	**Key words**
Russia	25 Nov. 2010	Davydov (no. 16621/05) link	Violation of Art. 6 § 1 (length)	Excessive length of criminal proceedings (more than six years)
Romania	30 Nov. 2010	Cernescu and Manolache (no. 28607/04) link	Revision	Revision due to the fact that the Government informed the Court that the flat sold by the State to a third party, in good faith and without compensation, of which the applicants were the recognised owners, had actually been returned to the applicants in 2008
Turkey	30 Nov. 2010	Ergin and Others v. (no. 4266/02) link	Violation of Art. 6 § 1 (fairness) Violation of Art. 1 of Prot. 1	The excessive delay of proceedings concerning compensation amounted to inadequate compensation for expropriation and to the inadequacy of the statutory default interest rate

4. Length of proceedings cases

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

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

With respect to the length of non criminal proceedings cases, the reasonableness of the length of proceedings is assessed in the light of the circumstances of the case and with reference to the following criteria: the complexity of the case, the conduct of the applicant and the relevant authorities and what was at stake for the applicant in the dispute (See for instance Cocchiarella v. Italy [GC], no. 64886/01, § 68, published in ECHR 2006, and Frydlender v. France [GC], no. 30979/96, § 43, ECHR 2000-VII).

State	Date	Case Title	Link to the judgment
Greece	25 Nov. 2010	Sakkatos and Others (no. 51408/07)	Link
Greece	25 Nov. 2010	Yilmaz (no. 13902/08)	Link
Hungary	25 Nov. 2010	Hatala (no. 35569/05)	Link
Hungary	30 Nov. 2010	Hesz (no. 39382/06)	Link
Italy	30 Nov. 2010	Vicario and Suma (nos. 29430/03 and 37928/03)	Link
Poland	30 Nov. 2010	Cichocki (no. 40748/09)	Link
Slovakia	30 Nov. 2010	Kaščák (no. 280/06)	Link
Slovakia	30 Nov. 2010	Vrabec (no. 1941/06)	Link
Slovakia	23 Nov. 2010	Brunová (no. 9401/07)	Link
Slovakia	23 Nov. 2010	J.V. and Others (no. 41523/07)	Link
Slovakia	23 Nov. 2010	Majan (no. 8799/04)	Link
Slovakia	23 Nov. 2010	Zarembová (no. 7908/07)	Link
the Czech Republic	25 Nov. 2010	Antoni (no. 18010/06)	Link
Turkey	23 Nov. 2010	Hakan Uslu (no. 21175/06)	Link
Turkey	23 Nov. 2010	Sadık Bilgin (no. 4038/06)	Link
Turkey	30 Nov. 2010	Karanfıllı (no. 29064/06)	Link
Turkey	30 Nov. 2010	Nusret Erdem (no. 34490/03)	Link
Ukraine	25 Nov. 2010	Olkhovikova (no. 36002/08)	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 15 to 28 November 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.

State	*Date*	*Case Title*	*Alleged violations (Key Words)*	*Decision*
Bosnia and Herzegovina	16 Nov. 2010	Zadrić (no 18804/04) link	Alleged violation of Art. 1 of Prot. 1 (**systemic situation concerning the compliance of the domestic legislation on "old" foreign-currency savings with the conditions laid down in this Article**)	Struck out of the list (The Court recalled that having regard to the purpose of the pilot-judgment procedure explained in Suljagić (no. 27912/02), **its role after the delivery of the pilot judgment and after the State has implemented the general measures in conformity with the Convention, cannot be converted into providing individualised financial relief in repetitive cases arising from the same systemic situation**. The Court found that its further examination of the present application was no longer justified; in accordance with Article 37 § 1 *in fine*, the Court found no special circumstances that required the continued examination of the case. As regards the hundreds of similar pending applications, the Court may strike them out of its list of cases in the single-judge procedure in accordance with Article 27; The Court decided to close the pilot-judgment procedure applied in respect of the applications concerning the "old" foreign-currency savings in the case of *Suljagić v. Bosnia and*

				Herzegovina)
Bulgaria	23 Nov. 2010	Daskalov and Others (no 27915/06) link	Alleged violation of Art. 3 (the applicants' close relative was forced to undergo painful treatment which she had refused), Articles 2 and 13 (inadequate medical treatment for the applicants' relative and the health authorities had not secured the availability of essential medicines, lack of an effective remedy), Art. 6 (the applicants' inability to take an active part in the criminal proceedings instituted at their request) and Articles 3, 8, 13 and 14	Partly adjourned (concerning the fact that the applicants' close relative was subjected to treatment with a Blakemore tube against her will and that the authorities failed to react to this allegedly unlawful conduct), partly inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention concerning the remainder of the application)
Croatia	18 Nov. 2010	Jakušić (no 17487/08) link	Alleged violation of Art. 1 of Prot. 1 (the applicants' prolonged inability to obtain possession and effectively use her property)	Inadmissible as manifestly ill-founded (the alleged inability did not follow from an interference with the applicant's right of ownership perpetrated by other co-owners as private individuals but from the nature of every co-ownership where the rights of a single co-owner over the property in question are inherently restricted by the rights of the other co-owners)
Georgia	16 Nov. 2010	Samiev (no 9934/10) link	Alleged violation of Art. 3 (risk of being submitted to treatment contrary to this Article if expelled to Uzbekistan)	Inadmissible as manifestly ill-founded (the matter has been resolved at the domestic level)
Georgia	16 Nov. 2010	Baghaturia (no 46365/06) link	Alleged violation of Articles 6 § 1 and 13 and Art. 1 of Prot. 1 (non-enforcement of a binding judgment in the applicant's favour) and Art. 8 (the applicant's lasting inability to enter the disputed flat)	Partly inadmissible for non-exhaustion of domestic remedies (concerning claims under Art. 6 § 1), partly inadmissible as manifestly ill-founded (the applicant has never lived in the disputed flat which, consequently, cannot constitute his "home" within the meaning of Art. 8 § 1)
Germany	23 Nov. 2010	Dudek (no 12977/09; 15856/09 etc.) link	Alleged violation of Articles 6 and 13 (excessive length of proceedings before the social courts: seven years, one month and 28 days for three levels of jurisdiction)	Inadmissible (abuse of the right of individual application)
Italy	16 Nov. 2010	Romano (no 38965/08) link	Alleged violation of Art. 5 (alleged unlawful placement in a psychiatric hospital and lack of adequate compensation in that respect)	Inadmissible for non-respect of the six-month requirement
Romania	16 Nov. 2010	Tomuleţ (no 1558/05) link	Alleged violation of Art. 5 § 1 a) (unlawful detention), Art. 5 § 4 (lack of an effective remedy to challenge the lawfulness of the detention), Art. 5 § 5 (lack of adequate compensation in respect of the unlawful detention). The applicant also complained of the poor conditions of detention and of the monitoring of his correspondence while in detention	Partly inadmissible for non-exhaustion of domestic remedies (concerning claims under Art. 5 §§ 1 a) 4 and 5) and partly inadmissible for non-respect of the six-month requirement (concerning the remainder of the application)
Romania	16 Nov. 2010	Simu-Golban (no 45266/05) link	The applicant complained about his conviction for an article published in the press	Struck out of the list (the applicant no longer wished to pursue his application)
Romania	16 Nov. 2010	Moisă (no 30608/02) link	Alleged violation of Art. 6 § 1 (excessive length of proceedings and inconsistent case-law of the Supreme Court of Justice) and Art. 14 (different treatment in the compensation proceedings)	Struck out of the list (it is no longer justified to continue the examination of the application following the applicant's death)
Serbia	23 Nov.	Tatalović and Đekić (no	Alleged violation of Art. 6 § 1 (lack of access to the Supreme Court,	Partly adjourned (concerning the access to the Supreme Court),

	2010	15433/07) link	excessive length of proceedings), Art. 1 of Prot. 1 (outcome of civil proceedings)	partly inadmissible (concerning the remainder of the application), partly inadmissible as manifestly ill-founded (no substantial periods of inactivity on the side of the domestic courts concerning the length of proceedings), and partly incompatible *ratione materiae* (concerning the remainder of the application)
"the Former Yugoslav Republic of Macedonia"	16 Nov. 2010	Krstev (no 30278/06; 38130/06; 41358/06 etc.) link	In particular, alleged violation of Article 6 (the domestic courts had applied different case-law to the same issues of fact and law)	Inadmissible as manifestly ill-founded (the Supreme Court, after it had become involved in this category of cases, developed a practice which has been consistently applied since then; the Court reiterates that **the requirement of judicial certainty and the protection of legitimate expectations do not involve the right to an established jurisprudence**
the United Kingdom	23 Nov. 2010	P.F. and E.F. (no 28326/09) link	Alleged violation of Articles 3 and 8 (police authorities' failure to take all steps reasonably available to them to prevent or mitigate the ill-treatment that was suffered), Art. 13 (lack of an effective remedy), Art. 14 (alleged religious hatred)	Partly inadmissible as manifestly ill-founded (the applicants have not demonstrated that the authorities failed do all that could be reasonably expected of them to protect them from ill-treatment, and there was absolutely no evidence to suggest that they would have behaved any differently had the applicants been loyalists and the protesters nationalists concerning claims under Articles 3, 8 and 14), and partly inadmissible for lack of an arguable claims (concerning claims under Art. 13)

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 29 November 2010 : link
- on 6 December 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 29 November 2010 on the Court's Website and selected by the NHRS Unit

The batch of 29 November 2010 concerns the following States (some cases are however not selected in the table below): Austria, Azerbaijan, Croatia, France, Italy, Latvia, Moldova, Romania, Russia, Serbia, Slovakia, Sweden, Turkey and Ukraine.

State	Date of Decision to Communicate	Case Title	Key Words of questions submitted to the parties
France	10 Nov. 2010	A.I. no 33931/10	Alleged violation of Art. 3 – Risk of being subjected to ill-treatment if deported to the Russian Federation – Alleged violation of Art. 8 – Interference with the applicant's right to respect for family life if deported
France	08 Nov. 2010	Ha.T. no 56664/09	Alleged violation of Art. 3 – Risk of being subjected to ill-treatment if deported to Afghanistan – Alleged violation of Art. 13 – Lack of an effective remedy – Alleged violation of Art. 4 of Prot. 4 – The applicant was allegedly subjected to a collective expulsion of aliens
Romania	09 Nov. 2010	Cotoi no 18987/05	Alleged violation of Art. 14 in conjunction with Art. 1 of Prot. 1 – Alleged discrimination on grounds of sex concerning the difference in the amount of retirement pensions between men and women
Romania	09 Nov. 2010	Drăguşanul no 10769/04	Alleged violation of Art. 10 – The applicant's criminal conviction for defamation for publishing an article concerning a school professor
Russia	10 Nov. 2010	Tikhonova no 13596/05	Alleged violations of Art. 2 (substantive and procedural) – (i) Death of the applicant's son during his military service – (ii) Lack of an effective and prompt investigation into his death – Alleged violation of Art. 13 – Lack of an effective remedy
Slovakia	09 Nov. 2010	N.B. no 29518/10	Alleged violations of Art. 3 (substantive and procedural) – (i) Ill-treatment on account of the applicant's sterilisation without her full and informed consent – (ii) Lack of an effective investigation in that respect – Alleged violation of Art. 8 – The applicant's private and family life was violated as a result of her sterilisation- Alleged violation of Art. 12 – The applicant's right to found a family was breached on account of her sterilization – Alleged violation of art. 14 – Discrimination on grounds of race/ethnic origin and sex – Alleged violation of Art. 13 – Lack of an effective remedy in respect of the alleged articles – Has the applicant exhausted all effective domestic remedies, as required by Article 35 § 1 of the Convention, as regards the complaint under Article 14 of the Convention, read in conjunction with Articles 3, 8 and 12, of her and other Romani women's segregation during her stay at the gynaecological and obstetrics department of the Gelnica Hospital? – In view of the civil courts' judgments and the sum awarded to the applicant in compensation, can the applicant still claim to be a victim, within the meaning of Article 34 of the Convention, of the alleged breach of her Convention rights resulting from her sterilisation in a public hospital?
Sweden	09 Nov. 2010	A.A. no 56424/10 D.N.W. no 29946/10	Alleged violation of Art. 3 – Risk of deported to Somalia and being subjected to ill-treatment if transferred to Italy (first case) – Risk of being subjected to ill-treatment if deported to Ethiopia (second case)

Communicated cases published on 6 December 2010 on the Court's Website and selected by the NHRS Unit

The batch of 6 December 2010 concerns the following States (some cases are however not selected in the table below): Azerbaijan, Georgia, Greece, Hungary, Italy, Luxembourg, Moldova, Poland, Russia, Slovenia, Switzerland, the Czech Republic, "the Former Yugoslav Republic of Macedonia", the United Kingdom and Ukraine.

State	Date of Decision to Communicate	Case Title	Key Words of questions submitted to the parties
Azerbaijan	18 Nov. 2010	Yoltagil no 16017/07	Alleged violation of Art. 1 § 2 of Prot. 7 – Alleged unlawful expulsion from Azerbaijan despite having a residence permit – Alleged violation of Art. 13 – Lack of an effective remedy
Luxembourg	17 Nov. 2010	Diallo no 55642/10	Alleged violation of Articles 2 and 3 – Risk of being subjected to treatment contrary to Article 3 and risk of death (contrary to Article 2) if expelled to Guinea on account of the applicant's serious health problems and lack of adequate

			health care in Guinea
Slovenia	17 Nov. 2010	Hvalica no 25256/05	Alleged violation of Art. 10 – A former parliamentarian's conviction for his statements made during a parliamentary session concerning the President of the National Council at the time and candidate for Slovenian judge at the European Court of Human Rights
Switzerland	17 Nov. 2010	Cicad no 17676/09	Alleged violation of Art. 10 – The applicant association's conviction for publishing an article accusing a professor of anti-Semitism
the United Kingdom	16 Nov. 2010	H.A.L. no 61533/10	Alleged violation of Art. 3 – Risk of being subjected to ill-treatment if deported to Sri Lanka

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

Referrals before Grand Chamber (30.11.2010)

The panel of the Grand Chamber rejected the referral request relating to the case of *Schalk and Kopf v. Austria*. The Court's Chamber judgment has thereby become final. Press Release, Chamber judgment

Part II: The execution of the judgments of the Court

A. New information

The Council of Europe's Committee of Ministers held its last "human rights" meeting from 30 November to 2 December 2010 (the 1100th meeting of the Ministers' deputies).

Please find below the documents adopted during the meeting

Decisions

- CM/Del/Dec(2010)1100immediatE / 06 December 2010
  1100th (DH) meeting, 30 November, 1-2 December 2010 - Decisions adopted at the meeting

Resolutions

- CM/ResDH(2010)225E / 06 December 2010
  Interim Resolution CM/ResDH(2010)225 on the judgments of the Court of Human Rights in 78 cases against the Slovak Republic concerning excessive length of civil proceedings (Jakub group) - adopted by the Committee of Ministers on 2 December 2010, at the 1100th meeting of the Ministers' Deputies
- CM/ResDH(2010)224E / 06 December 2010

  Interim Resolution CM/ResDH(2010)224 - Execution of the judgments of the European Court of Human Rights concerning the excessive length of judicial proceedings in Italy and 24 cases concerning bankruptcy proceedings (Ceteroni and Luordo groups) - Adopted by the Committee of Ministers on 2 December 2010 at the 1100th meeting of the Ministers' Deputies

- CM/ResDH(2010)223E / 06 December 2010

  Interim Resolution CM/ResDH(2010)223 - Execution of the judgments of the European Court of Human Rights concerning the excessive length of judicial proceedings in 84 cases against Bulgaria (Kitov and Djangozov groups) - Adopted by the Committee of Ministers on 2 December 2010, at the 1100th meeting of the Ministers' Deputies

- CM/ResDH(2010)222E / 06 December 2010

  Interim Resolution CM/ResDH(2010)222 - Execution of the pilot judgment of the European Court of Human Rights in the case Yuriy Nikolayevich Ivanov against Ukraine and of 386 cases against Ukraine (Zhovner group) - Adopted by the Committee of Ministers on 30 November 2010 at the 1100th meeting of the Ministers' Deputies

B. General and consolidated information

Please note that useful and updated information (including developments occurred between the various Human Rights meetings) on the state of execution of the cases classified by country is provided:

http://www.coe.int/t/e/human%5Frights/execution/03%5FCases/

For more information on the specific question of the execution of judgments including the Committee of Ministers' annual report for 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 Centre on Housing Rights and Evictions (COHRE) lodges a complaint against France (23.11.2010)

The Centre on Housing Rights and Evictions (COHRE) has lodged a complaint against France, which was registered on 15 November 2010 as Complaint No. 63/2010. It concerns the eviction and expulsion of Roma from their homes and from France during the summer of 2010. COHRE alleges that such evictions and expulsions amount to violations of Article 31 (right to housing) and Article 19§8 (guarantees concerning expulsion) of the Revised European Social Charter. The complainant organisation also argues that the facts at stake constitute discrimination (Article E) in the enjoyment of the above mentioned rights. Complaint No. 63/2010

Workshop on recent developments in the collective complaints procedure in Strasbourg (30.11.2010)

This workshop provided an opportunity to bring together members of the European Committee of Social Rights, government authorities of the 14 countries bound by the Additional Protocol providing for a system of Collective Complaints and the representatives of a selection of INGOs in order to exchange views and information on the collective complaint mechanism. It was held in honour of Mrs Polonca Koncar, President of the Committee, whose mandate ends at the end of this year. Programme

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)

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C. European Commission against Racism and Intolerance (ECRI)

Council of Europe Anti-Racism Commission to prepare report on Lithuania (30.11.2010)

A delegation of ECRI visited Lithuania from 22 to 26 November 2010 as the first step in the preparation of a monitoring report. During its visit, ECRI´s delegation gathered information on the implementation of the recommendations it made to the authorities in its previous report of 2006 and discussed new issues that had emerged since. The delegation held meetings in Vilnius with representatives of all relevant ministries, public officials, human-rights NGOs and minority groups. It visited a Roma settlement and a neighbouring school. Following this visit, ECRI will adopt a report in which it will make a fresh set of recommendations on measures to be taken by the authorities to address racism, racial discrimination, xenophobia, anti-Semitism and intolerance in the country.

Council of Europe Anti-Racism Commission to prepare report on Italy (30.11.2010)

A delegation of ECRI visited Italy from 21 to 26 November 2010 as the first step in the preparation of a monitoring report. During its visit, ECRI's delegation gathered information on the implementation of the recommendations it made to the authorities in its previous report of 2006 and discussed new issues that had emerged since. Following this visit, ECRI will adopt a report in which it will make a fresh set of

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

recommendations on measures to be taken by the authorities to address racism, racial discrimination, xenophobia, anti-Semitism and intolerance in the country.

Fight against Discrimination Based on Racial, Ethnic, Religious or Other Bias ECRI's Seminar in Turkey (03.12.2010)

ECRI and the Ministry of Foreign Affairs of the Republic of Turkey, in the framework of the Turkish Chairmanship of the Committee of Ministers will organise in January 2011 a seminar that will bring together national and international experts to discuss implementation of ECRI's recommendations to combat discrimination. It is also intended as a discussion-oriented forum for exchanging information, experiences and ideas on ECRI's mandate, and to explore ways to increase synergy between ECRI and its international partners. The seminar will examine these issues in four main sessions: 1) ECRI and its International Partners 2) Freedom of speech and the fight against racism and racial discrimination 3) Specialised bodies and the fight against racism and racial discrimination 4) New challenges in combating discrimination. The meeting will be opened by Turkish officials and the Chair of ECRI, Mr Nils Muiznieks. The event will bring together representatives of Council of Europe member States and States with observer status, representatives of international organisations, as well as ECRI members. Link to the Programme

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

"the former Yugoslav Republic of Macedonia": visit of the Advisory Committee on the Framework Convention for the Protection of National Minorities (29.11.2010)

A delegation of the Advisory Committee on the FCNM visited Skopje and Tetovo from 29 November - 2 December 2010 in the context of the monitoring of the implementation of this convention in "the former Yugoslav Republic of Macedonia". This was the third visit of the Advisory Committee. The Delegation had meetings with the representatives of all relevant ministries, the Ombudsman, public officials, NGOs, as well as national minority organisations. (*Note: "the former Yugoslav Republic of Macedonia" submitted its third State Report under the Framework Convention in March 2010. Following its visit, the Advisory Committee will adopt its own report (called Opinion), which will be sent to the Government for comments. The Committee of Ministers of the Council of Europe will then adopt conclusions and recommendations*).

Moldova: Follow-up Seminar on the implementation of the Framework Convention (29.11.2010)

The Moldovan authorities and the Council of Europe oranised a follow-up seminar on 29 November to discuss how the findings of the monitoring bodies of the Framework Convention were being implemented in Moldova.

E. Group of States against Corruption (GRECO)

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

34th Plenary meeting, 7-10 December 2010 (03.12.2010)

Agenda highlights: consideration of the first 3rd round progress reports of Serbia, Bosnia and Herzegovina as well as of the second 3rd round progress reports of Malta, Liechtenstein, Moldova and Andorra. The FATF President, Mr Luis Urrutia Corral, addressed the Committee members on 7 December 2010.

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

Three new states ratify the Council of Europe Convention on Action against Trafficking in Human Beings (29.11.2010)

The Council of Europe Convention on Action against Trafficking in Human Beings entered into force on 1 February 2008. The Convention was ratified by Italy, San Marino and Ukraine on 29 November 2010 and will enter into force in these states on 1 March 2011.

[*] 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

25 November 2010

Montenegro ratified the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201).

29 November 2010

Ukraine ratified the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197).

San Marino ratified the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197).

Italy ratified the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197).

Hungary signed the European Convention on the Exercise of Children's Rights (ETS No. 160), 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).

Finland accepted the European Convention on the Exercise of Children's Rights (ETS No. 160).

1 December 2010

Montenegro signed the European Convention on the Non-Applicability of Statutory Limitation to Crimes against Humanity and War Crimes (ETS No. 082).

2 December 2010

Serbia signed and ratified the European Convention for the Protection of Vertebrate Animals used for Experimental and other Scientific Purposes (ETS No. 123), and the European Convention for the Protection of Pet Animals (ETS No. 125).

Lithuania signed the Additional Protocol to the Criminal Law Convention on Corruption (ETS No. 191).

B. Recommendations and Resolutions adopted by the Committee of Ministers (adopted by the Committee of Ministers on 23 November 2010 at the 1099th meeting of the Ministers' Deputies)

CM/Res(2010)51E / 23 November 2010 : Resolution on the remuneration of specially appointed officials

CM/Res(2010)50E / 23 November 2010: Resolution on the revision of the tables appended to the Regulations governing staff salaries and allowances

CM/Res(2010)49E / 23 November 2010 : Resolution on the Enlarged Partial Agreement on the European Centre for Modern Languages (Graz) - 2011 Budget (

CM/Res(2010)48E / 23 November 2010: Resolution on the adjustment of the scale of contributions to the budget of the Enlarged Partial Agreement on the European Centre for Modern Languages (Graz) with effect from 1 January 2011

CM/Res(2010)47E / 23 November 2010 : Resolution on the Partial Agreement on Youth Mobility through the Youth Card - 2011 Budget

CM/Res(2010)46E / 23 November 2010: Resolution on the adjustment of the scale of contributions to the budget of the Partial Agreement on Youth Mobility through the Youth Card with effect from 1 January 2011

CM/Res(2010)45E / 23 November 2010: Resolution on the Enlarged Agreement on the European Commission for Democracy through Law (Venice Commission) - 2011 Budget

CM/Res(2010)44E / 23 November 2010: Resolution on the adjustment of the scale of contributions to the budget of the Enlarged Agreement on the European Commission for Democracy through Law (Venice Commission) with effect from 1 January 2011

CM/Res(2010)43E / 23 November 2010: Resolution on the Partial Agreement on the European Support Fund for the co-production and distribution of creative cinematographic and audio-visual works "Eurimages" - 2011 Budget

CM/Res(2010)42E / 23 November 2010: Resolution on the Partial Agreement on the Co-operation Group for the prevention of, protection against, and organisation of relief in major natural and technological disasters (EUR-OPA) - 2011 Budget

CM/Res(2010)41E / 23 November 2010: Resolution on the adjustment of the scale of contributions to the budget of the Partial Agreement on the Co-operation Group for the prevention of, protection against, and organisation of relief in major natural and technological disasters (EUR-OPA) with effect from 1 January 2011

CM/Res(2010)40E / 23 November 2010: Resolution on the Partial Agreement on the Co-operation Group to combat drug abuse and illicit trafficking in drugs (Pompidou Group) - 2011 Budget

CM/Res(2010)39E / 23 November 2010: Resolution on the adjustment of the scale of contributions to the budget of the Partial Agreement on the Co-operation Group to combat drug abuse and illicit trafficking in drugs (Pompidou Group) with effect from 1 January 2011

CM/Res(2010)38E / 23 November 2010: Resolution on the Partial Agreement on the Council of Europe Development Bank - 2011 Budget

CM/Res(2010)37E / 23 November 2010: Resolution on the adjustment of the scale of contributions to the budget of the Partial Agreement on the Council of Europe Development Bank with effect from 1 January 2011

CM/Res(2010)36E / 23 November 2010: Resolution on the European Pharmacopeia - 2011 Budget

CM/Res(2010)35E / 23 November 2010 : Resolution on the adjustment of the scale of contributions to the budget of the European Pharmacopoeia with effect from 1 January 2011

CM/Res(2010)34E / 23 November 2010: Resolution concerning the Budget of the European Youth Foundation - 2011 Budget

CM/Res(2010)33E / 23 November 2010: Resolution concerning the Pension Reserve Fund - 2011 Budget

CM/Res(2010)32E / 23 November 2010 : Resolution on the adjustment of the scale of contributions to the Pension Reserve Fund with effect from 1 January 2011

CM/Res(2010)31E / 23 November 2010: Resolution concerning the Pensions Budget - 2011 Budget

CM/Res(2010)30E / 23 November 2010: Resolution on the Extraordinary Budget relating to buildings expenditure - 2011 Budget

CM/Res(2010)29E / 23 November 2010: Resolution on the adjustment of the scale of contributions to the Extraordinary Budget with effect from 1 January 2011

CM/Res(2010)28E / 23 November 2010: Resolution concerning the Programme and Ordinary Budget for 2011

CM/Res(2010)27E / 23 November 2010: Resolution on the adjustment of the scale of contributions to the Council of Europe Ordinary Budget and Budget of the European Youth Foundation with effect from 1 January 2011

CM/Rec(2010)13E / 23 November 2010 :Recommendation of the Committee of Ministers to member States on the protection of individuals with regard to automatic processing of personal data in the context of profiling

C. Other news of the Committee of Ministers

International day for the elimination of violence against women - Ahmet Davutoglu: violence against women must stop (24.11.2010)

In his statement on 24 November, Ahmet Davutoglu, Minister for Foreign Affairs of Turkey and Chairman of the Committee of Ministers, calls for action in order to stop violence against women. He also stresses that the future Council of Europe convention will fill a significant gap in human rights protection. File

Council of Europe 2011 programme and budget adopted (24.11.2010)

The Committee of Ministers has adopted on 24 November the organisation's programme and budget for 2011. The programme and budget for 2011 reflects the need to control expenditure, reduce operating costs and redeploy resources to priority sectors.

Council of Europe adopts recommendation on profiling and data protection (25.11.2010)

The recommendation is the first text to lay down internationally-agreed minimum privacy standards to be implemented through national legislation and self-regulation. Profiling allows observing, collecting and matching people's personal data online, from which can benefit both individuals, and the economy and society. However their use without precautions and specific safeguards could severely damage human dignity.

Intercultural dialogue and fight against discrimination: media encounter in Istanbul (29.11.2010)

A meeting of media professionals on intercultural dialogue and fight against discrimination is organised in Istanbul from 29 November to 3 December. This media encounter took place in the framework of the Turkish chairmanship of the Committee of Ministers and is part of the Council's campaign "Speak out against discrimination".

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 monitoring co-rapporteurs welcome release of bloggers in Azerbaijan (22.11.2010)

The Parliamentary Assembly's two co-rapporteurs for the monitoring of Azerbaijan, Pedro Agramunt (Spain, EPP/CD) and Joseph Debono Grech (Malta, SOC), have welcomed the release by the Azerbaijani authorities of the two bloggers Adnan Hajizade and Emin Milli. "This is an important step forward and a clear sign that the Azerbaijani authorities are willing to resolve the issues that have hindered their co-operation with the Council of Europe. We hope that we can soon welcome further progress on other outstanding issues," they said. The co-rapporteurs intend to make their next visit in the framework of the Assembly's monitoring procedure in the first half of February 2011.

PACE President discusses Council of Europe priorities with Finnish leaders (25.11.2010)

PACE President Mevlüt Çavusoglu has discussed a range of Council of Europe priorities and initiatives with Finnish leaders during an official visit to the country, including plans for reform of the Organisation and the forthcoming accession of the EU to the European Convention on Human Rights. The situations in Bosnia and Herzegovina, in Belarus and in Cyprus were also discussed, as well as the Council of Europe's efforts to improve the situation of Roma and to fight intolerance and discrimination. PACE President praises Finland for its leading role in promoting Council of Europe core values; PACE President makes official visit to Finland

Moldovan parliamentary elections met most international standards (29.11.2010)

The 28 November early parliamentary elections in Moldova met most OSCE and Council of Europe commitments, the international observers concluded in a statement issued on 29 November. The observers noted that the elections were administered in a transparent and impartial manner and a diverse field of candidates provided voters with a genuine choice. Election day was assessed positively although some procedural errors were observed. Civil and political rights were respected during the election campaign. A lively and diverse media covered the campaign actively and provided voters with varied information. A number of amendments to the electoral code improved the electoral framework overall. However, the introduction of a new mandate allocation system – shortly before the elections and without public consultations – was problematic. The quality of voter lists remained a weak point and led to diminished public confidence. Further efforts are needed to remedy remaining deficiencies and strengthen public confidence. "I am pleased that we can issue an overall positive assessment. These elections have strengthened democracy in Moldova. But a number of deficiencies remain to be tackled. Every effort should be made to build broad-based support among political parties for the outstanding reforms of the electoral framework," said Peter Eicher, head of the election observation mission of the OSCE Office for Democratic Institutions and Human Rights (ODIHR).

Disregard by Albania of binding interim measures ordered by the Strasbourg Court 'unacceptable' (30.11.2010)

The Rapporteur of PACE, David Darchiashvili (Georgia, EPP/CD), has expressed his deep concern at the decision taken by the Albanian authorities to extradite Almir Rrapo to the United States on 24 November 2010, ignoring a binding interim measure ordered by the Court that this applicant should not be extradited to the USA. Mr Darchiashvili is the Rapporteur on Rule 39 indications by the

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

European Court of Human Rights. “The growing number of member States that have recently ignored interim measures ordered by the Court under Rule 39 is a major concern of the Assembly," he said. "Member States ought to fully comply with the letter and spirit of the binding measures indicated under Rule 39. Such practices are irresponsible and undermine the authority of the Court." "The Parliamentary Assembly will debate this issue at its January session and will certainly take a clear stand strongly condemning the unacceptable disregard of European Convention on Human Rights requirements," he added. His report will be discussed jointly with another report by the Committee on Legal Affairs and Human Rights on the implementation of the Court’s judgments. Assembly report on Rule 39 indications by the European Court of Human Rights (PDF)

- *Themes*

Women victims of domestic violence: ‘a civil war is going on in our backyards’ (25.11.2010)

José Mendes Bota (Portugal, EPP/CD), Chair of the Committee on Equal Opportunities for Women and Men, made the following statement on the occasion of the International Day for the Elimination of Violence Against Women: “I have some colleagues and friends who don’t understand why I ‘waste’ so much time fighting for women’s rights and against the violence they face. Perhaps I should be talking about the budget deficit, taxes or construction instead? And yet it is a fact that tens of thousands of women around the world are murdered every year by their husbands, partners or ex-partners simply because they are women, let alone those who are specifically targeted in warfare and other extreme situations. In terms of numbers of victims alone, this is the equivalent, every month, of more than the number who died in the 9/11 attacks in New York! There is a civil war going on in our backyards. And if that isn’t worth talking about, I don’t know what matters anymore.”

‘Transparency the best way to tackle problem of child sex abuse’ (29.11.2010)

PACE Vice-President and former Irish childrens’ minister Frank Fahey (Ireland, ALDE) has recalled how transparent inquiries enabled Ireland to face up to the “painful experience” of dealing with child sexual abuse and urged other countries to do the same. Speaking at the launch in Rome of the Council of Europe’s new “one in five” campaign to stop sexual violence against children, Senator Fahey said the abuse of children was a “shameful mark” on modern society. Highly-visible inquiries in Ireland had “allowed a great number of victims to speak up, to accuse perpetrators who were then judged, and to receive compensation”, he said. He invited all countries to face the issue “in the same courageous and transparent manner”. A 14-member PACE delegation took part in the launch to draw attention to ambitious plans for the parliamentary dimension of the campaign. These included the creation of a network of “contact parliamentarians” – one from each of the 47 national parliaments – to press for stronger laws against child abuse, and the publication of a handbook comparing national laws and highlighting best practice. Speaking notes for Mr Fahey; Parliamentarians 'ambitious plans' for campaign; Website of the campaign's parliamentary dimension

PACE Chair lists the laws needed to protect children from sexual abuse (30.11.2010)

Carina Ohlsson (Sweden, SOC), Chair of PACE’s Sub-committee on Children, has spelled out the legal changes that are needed across Europe to protect children against sexual abuse. Speaking at a panel session during the launch, Mrs Ohlsson said strong laws, properly enforced, were vital for success. Among other things, these should lay down that child abuse can be prosecuted even when victims do not bring charges, abusers face justice even if the offences took place a long time ago, and staff working with children are properly vetted by police. She also stressed the need for methods and procedures that focus on the child, highlighting in particular the example of Childrens’ Advocacy Centres – sometimes called “childrens’ houses” – set up in Sweden and elsewhere. These bring all the agencies involved – police, social services, health and legal professionals – together under one roof, ensuring that child victims are not ‘handed over’ from one office to the next, having to tell their story many times over. Speaking later on the same day, PACE’s rapporteur on child abuse in institutions Marlene Rupprecht (Germany, SOC) made an appeal for anybody in contact with a child who feels that sexual abuse may be a problem to speak up for the child immediately. Speaking during a panel discussion, Mrs Rupprecht – who is also the “contact parliamentarian” for Germany – said speaking up for children at risk of sexual abuse should be one of the main messages of the campaign. She quoted the slogan of a current German campaign on the same topic: “Breaking the silence means breaking the power of offenders”. Presentation by Mrs Ohlsson (PDF); Parliamentarians 'ambitious plans' for campaign; Website of the campaign's parliamentary dimension

PACE President expresses concern at Swiss public support for automatic deportation of foreigners convicted of serious crimes (29.11.2010)

"Yesterday's public support in Switzerland for an initiative of the Swiss People's Party to automatically deport foreigners convicted of serious crimes is a matter of concern to PACE and the values it stands for," PACE President Mevlüt Cavusoglu stressed on 29 November. "The fact that the expulsion would be both automatic and not subject to any appeal procedure makes it highly likely that such a measure would not be in conformity with the European Convention on Human Rights. Furthermore, such automatic expulsion includes the risk of sending people to countries where they might be at risk of torture or other forms of persecution. Any expulsion must respect the provisions of the Convention, in particular the prohibition of torture, but also the right to respect for private and family life and the right to an effective remedy", he said. "Every day, somewhere in Europe, the principles of the European Convention on Human Rights are being put to the test. We need to send a message from Strasbourg that we will stand up for the full respect of human rights even more strongly when times are difficult, and when resentment stirred by economic decline and social crisis is being exploited by populist discourse. Anti-immigrant trends can currently be observed in many Council of Europe member States. It is our role, as a human rights watchdog, to be vigilant and to make it very clear that no transgression of the rights enshrined in the European Convention on Human Rights will be tolerated," he concluded.

PACE President makes a plea for international parliamentary scrutiny (01.12.2010)

In his speech at the Assembly of WEU, European Security and Defence Assembly in Paris on 1 December, PACE President Mevlüt Çavusoglu stressed that international parliamentary scrutiny was just as essential for democratic stability as the control that was exercised by national parliaments. New powers are emerging in a global world and the balance of power is shifting - yet the political models of these new global players are not necessarily the same as ours and nor are their values. Europe has therefore to reassert itself in this new environment, without making concessions on the democratic acquis that it has granted to the European citizens over the years," he stressed. "To preserve our democratic stability, Europe has to accept the diversity of its cultures, languages and political practices not as a handicap, but as a great opportunity. Parliaments and international parliamentary assemblies, as the emanation of the people, should continue to play a leading role in this process," he concluded. Speech by Mevlüt Çavusoglu

Measures to improve the situation of rural women (02.12.2010)

The PACE Committee on Equal Opportunities asked European governments on 2 December for specific legal, economic and social measures to improve the situation of rural women. The committee members stressed that unemployment, poverty and low quality or absence of basic services particularly affected rural women, as did stereotyped roles and subordinate status, the outcome of traditional attitudes. In accordance with the proposals of the rapporteur (Carmen Quintanilla, Spain, EPP/CD), the committee called for measures aimed specifically at improving their situation and fostering equal opportunities. They stressed the need to involve women in the framing and implementation of the policies and decisions concerning them, and to promote their greater participation in decision making. Where improving their economic situation was concerned, it was to be ensured that women "are not discriminated against in having access to property and inheritance rights" and that wage discrimination be ended. Provision of microcredits should be facilitated, as should loans for women wishing to set up a firm whether individually or in a co-operative. Regarding social rights, the committee called in particular for a comprehensive legislative framework on the status of helping spouses, enhancement of essential services to allow the reconciliation of private and working life, and the availability of medical care facilities and services linked with sexual and reproductive health. The European Parliament and the European Commission should, in the parliamentarians' opinion, guarantee gender mainstreaming in all its policies and measures, whether under the Common Agricultural Policy or the Structural Funds. Adopted text (provisional version)

Human trafficking: EU accession to the CoE Convention would ensure a uniform implementation in Europe (03.12.2010)

The accession by the European Union to the Council of Europe Convention on Action against Trafficking in Human Beings would ensure that "the Convention's high standards and human rights approach are uniformly applied throughout Europe", said the participants in the Conference 'Parliaments united against trafficking in human beings', organised in Paris on 3 December by the PACE Committee on Equal Opportunities. To that purpose, the participants decided "to take up this issue further in their relations with EU institutions, in particular the European Parliament". The final

declaration also underlines that “the effective implementation of the Convention provisions by the state parties is the main challenge ahead”, and stresses the conviction that “national parliaments should play an active role” in monitoring the effective implementation of the Convention. "Trafficking in human beings affects us all as members of parliament. Victims of trafficking are powerless. We have the power to change their situation. We have the power to give them a voice", said José Mendes Bota (Portugal, EPP/CD), Chairman of the PACE's Committee on Equal Opportunities. "Each of us has an individual political responsibility: let us not tolerate slavery. Let us not be powerless witnesses but fight against it", he added. In the light of good practices identified during the conference, the participants recommended that the Council of Europe member States and national parliaments take a number of measures to promote the Convention. Final declaration; Human trafficking: "Let's not be powerless witnesses but fight against it"; Speech by Jose Mendes Bota; Speech by Maud de Boer-Buquicchio; Announcement of the conference

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

A. Country work

Czech Republic: "Equal education for Roma children should be guaranteed", says Commissioner Hammarberg (22.11.2010)

"There has been virtually no change on the ground in the Czech Republic since the European Court of Human Rights found three years ago that the country had discriminated against Roma children by educating them in schools for children with mental disabilities." This was concluded by the Council of Europe Commissioner for Human Rights Thomas Hammarberg after a three-day visit to the Czech Republic. (More info)

Bosnia and Herzegovina: "High time to overcome ethnic divisions and establish equality", says Commissioner Hammarberg (01.12.2010)

"Authorities in Bosnia and Herzegovina should end discrimination towards members of national minorities by bringing law and practice fully into line with human rights standards including the case-law of the European Court of Human Rights. The right to equality should be ensured for members of all ethnic groups", said the Council of Europe Commissioner for Human Rights, Thomas Hammarberg, concluding his three-day visit to the country. (More info)

B. Thematic work

Europe should accept more refugees in need of safe resettlement (23.11.2010)

"European countries are closing their borders to migrants, arguing that they have room only for "genuine" refugees, who cannot return to their home countries without risking their lives or freedom", says the Council of Europe Commissioner for Human Rights, Thomas Hammarberg, in Human Rights Comment published on 23 November. Read the Comment

Desecrations of cemeteries are hate crimes that exacerbate intolerance (30.11.2010)

Every second day a cemetery is desecrated in France. Acts of profanation, such as the destructions of tombs and sprayed hate messages on religious and other symbolic places, are on the rise in Europe. This is not just an issue of serious concern for the respect of religious freedom – these are unacceptable hate crimes that increase intolerance and suspicion. In recent months, desecrations of Muslim, Jewish, Christian Orthodox and Catholic cemeteries have occurred in a number of European countries, including the Czech Republic, France, Greece, Poland, Russia and Turkey. Read the 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)

European NPM Project: 2nd Annual Meeting of the European NPM Network of the Heads and Contact Persons of the National Preventive Mechanisms against torture (NPMs), the SPT, the CPT and the European NPM Project team, in the Palais de l'Europe, Council of Europe, Strasbourg (01.12.2010)

This second Annual Meeting was organised by the National Human Rights Structures Unit of the Directorate General of Human Rights and Legal Affairs, Council of Europe as part of the so-called "European NPM Project" and funded by a joint European Commission – Council of Europe project: "the Peer-to-Peer II Project" and by the Human Rights Trust Fund.

The overall aim of the meeting was to provide a forum to discuss, assess and improve the European NPM Project; and to foster peer exchange of experiences and cooperation between members of the NPMs, and delegations from the United Nations Sub-Committee on Prevention Against Torture (SPT), and the European Committee for the Prevention of Torture (CPT) in order to strengthen and enhance capacity to carry out detention monitoring for the prevention of torture. The specific themes discussed were: the Council of Europe's "European NPM Project": Reflecting on the first year of operations; implementation of the NPM mandate: management, organisation and strategic implications; On-site Exchanges of Experiences between the NPMs and experts from the SPT, CPT and APT: Reflections after four exercises; the SPT's and the CPT's participation in the European NPM Project; and the European NPM Project in 2011-2012.

The Heads, or proxies, of the NPMs and Contact Persons from all of the 21 currently operating NPMs of the Council of Europe region, delegations from the SPT and CPT, as well as experts from the Association for the Prevention of Torture (APT, Geneva – the Council of Europe's implementing partner for the Project) and the Council of Europe's NPM Project team and Project Adviser all participated in this meeting.

Overall, the participants underlined the importance, the value and benefits of the Project in their work for the prevention of torture. The NPMs welcomed the idea of continued cooperation during thematic workshops and NPM On-site exchanges of experiences. Discussions focused on the different possibilities of cooperation, for example, regional exchanges, smaller workshops, or exchanges between NPMs with similar structures or problems. The CPT and the SPT expressed their support and wish to continue being involved in the Project.

For the upcoming year the number and scope of the activities will be the same as for 2010-2011 concerning NPM On-site exchanges and NPM thematic workshops.

A debriefing paper is currently being drafted for the benefit of all participants to summarise the key outputs of the meeting, including a list of all the Project activities along with their themes and dates.

European NPM Project: 2nd Meeting of the Contact Persons of the European NPM Network, in the Agora Building, Council of Europe, Strasbourg (02.12.2010)

This meeting was organised by the Council of Europe's NHRS Unit as part of the so-called "European NPM Project" and funded by a joint European Commission – Council of Europe project: "the Peer-to-Peer II Project" and by the Human Rights Trust Fund.

The overall aim of the meeting was to discuss, and reflect, in more detail certain issues pertaining to the implementation of the European NPM Project and to continue building on the discussions initiated on 1 December with the Heads of the European National Preventive Mechanisms against torture (NPMs).

The NPM Contact Persons from all of the 21 currently operating NPMs of the Council of Europe region participated in this meeting.

The idea of a new form of cooperation concerning bilateral or regional exchanges was discussed, with the participation of members of the Project team and experts from the CPT and the SPT. The Contact Persons also had lively discussions around the idea of a Medical Advisory Panel and the usefulness of

having medical experts on-board during monitoring visits. The participants highlighted the importance and usefulness of the European NPM Newsletter, suggesting it be a forum for more discussions, more general information about each NPM, as well as a useful tool for the exchange of information concerning similar problems encountered by NPMs in their work. A typology of Article 3 cases to be drafted by the NHRS Unit was also discussed and explored, and support from the European NPM Network was underlined for such a study.

The European NPM Project activities for 2011 were discussed including the two-day NPM Thematic Workshops with specialised staff from the NPMs and SPT, CPT and APT members as well as individual experts. These will be co-hosted in 2011 by the NPMs of France, Estonia and Azerbaijan, with the possibility of an additional workshop concerning medical issues later in the year or early in 2012.

On-site Exchanges of Experiences exercises will continue throughout 2011, the next host of an NPM Onsite Exchange of experiences will be the NPM of Albania.

A debriefing paper is currently being drafted for the benefit of all participants to summarise the key outputs of the meeting, including a list of the Project activities for 2011 along with their themes and dates.

Annual Meeting of the Contact Persons of the European Peer-to-Peer Network of the National Human Rights Structures (03.12.2010)

Within the framework of the Peer-to-Peer II Project, financed jointly by the Council of Europe and the European Union, the Directorate General of Human Rights and Legal Affairs of the Council of Europe organized the 4th Annual Meeting of the Contact Persons of the European Peer-to-Peer Network of the National Human Rights Structures (NHRSs) on 3 December 2010, in the Council of Europe Headquarters in Strasbourg.

The following topics were discussed at the meeting: Successfully completed activities in 2010; Plan and schedules for 2011; Forthcoming workshops, including thematic preferences; Reflections on the format and content and usefulness of the Regular Selective Information Flow (RSIF). The participants highlighted the usefulness of the RSIF in their work at the national level.

Furthermore, the Contact Persons discussed the increase of the number of cases before the European Court of Human Rights (EctHR) and how the NHRSs Contact Persons could assist in providing impartial information to potential applicants to the EctHR. One outcome discussed was that the NHRSs could play a more active role with respect to the recently adopted Recommendation CM/Rec(2010)7 of the Committee of Ministers to member States on the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education.

As a follow-up activity, the possibility of organising a one-day meeting was suggested, during which the above-mentioned topics would be elaborated.