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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.

- **Right to life**

Predică v. Romania (no. 42344/07) (Importance 2) – 7 June 2011 – Two violations of Article 2 (substantive and procedural) – (i) Domestic authorities' failure to give a plausible explanation for the applicant's son's death in prison and (ii) lack of an effective investigation – Violation of Article 13 – Lack of an effective remedy

The case concerned the death of the applicant's 20-year old son, who, serving a prison sentence in Rahova High Security Penitentiary for theft, was taken to hospital on 1 October 2003 as he was found convulsing in his cell. He went into a coma and died four days later in hospital. The applicant was informed of his son's death on 6 October 2003. He stated that, when going to collect his son's body, the head was shorn and the face was so disfigured that neither he, his wife or other son could recognise it. The Government maintains that the injuries which led to Marian's death were caused by him having an epileptic fit and falling against a metal bed. The applicant claims that, neither prior to his son's incarceration in 2000 nor during it, had he had any history of epilepsy or indeed any treatment for that condition.

The applicant alleged in particular that the official explanation for the cause of his son's death was not plausible and that there was strong evidence that his son had been tortured. He also alleged that the ensuing investigation into his son's death was inadequate.

Article 2

The Court found the Government's hypothesis of epilepsy and falling against a metal bed improbable. The evidence in the case file did not support the Government's claim that the applicant's son was suffering from epilepsy. Notably, the medical records attest to Marian having been taken into custody in perfect health and that, from that point on, no epileptic fit had been recorded or treatment prescribed for such a condition. Moreover, the death certificate and autopsy recorded that he had died as the result of an aggression. Indeed, the injuries resulting in his death had been sustained before the date

of his being taken to hospital, therefore before the date of the alleged epileptic fit. Even the highest Romanian authority in the field of forensic medicine – in its report of 2010 – had ruled out the possibility that the injuries could have been caused by a fall during an epileptic fit. Nor had the Government provided any explanation for the many other injuries found on the body during the autopsy. In contrast, Amnesty International as well as one of Marian's co-detainees had provided an alternative explanation, which the domestic courts have even recently indicated as important evidence to be taken into consideration by the investigating authorities. Although the procedure before the domestic courts is not over yet, the Court highlighted the fact that the criminal investigation was launched more than seven years ago and it is still not clear how Marian died. Given the failure to provide any plausible or satisfactory explanation, the Court therefore held that the State authorities had been responsible for the death of the applicant's son, in violation of Article 2. The Court considered that there had been serious inconsistencies and deficiencies in the criminal investigation into the death of the applicant's son. The investigation is still pending after seven years, the national courts' precise instructions to the prosecuting authorities as to what evidence should be obtained and what circumstances clarified still not having been carried out. In spite of those instructions and the medical evidence in the file attesting to a violent death, no one has as yet been held accountable for Marian's death and the authorities have given no further clarification. The Court therefore held that the authorities had failed to carry out an effective investigation into the death of the applicant's son, in further violation of Article 2.

Article 13

As the investigation had been ineffective and no-one had been found responsible for the death of the applicant's son, the possibility for him to lodge a civil action seeking damages was purely theoretical. In any case, the Court has already qualified this option on a number of occasions as not providing adequate redress. The applicant had therefore been denied an effective remedy concerning the death of his son as well as access to any other available remedies, including a compensation claim, in violation of Article 13.

Article 41

Under Article 41 (just satisfaction), the Court held that Romania was to pay the applicant 35,000 euros (EUR) in respect of non-pecuniary damage and EUR 5,135 for costs and expenses.

Trévalec v. Belgium (no. 30812/07) (Importance 2) – 14 June 2011 – Violation of Article 2 – Domestic authorities' failure to ensure the applicant's safety in a context where his life was potentially in danger, had not been as vigilant as could reasonably be expected, exposing the applicant to a serious risk to life and limb – No violation of Article 2 – Effective investigation into the circumstances of the applicant's incident

The case concerned the wounding of a reporter by police officers, who shot him in the leg during an intervention that he was filming about the work of a special police unit, the anti-gang squad (*peloton anti banditisme*, "PAB"). The police had authorised the filming beforehand. The applicant alleged that the police officers who had injured him had used excessive firepower against him, putting his life at risk, and that the authorities had not taken appropriate steps to prevent the incident and had failed to carry out an adequate and effective investigation.

The threat to the applicant's life (Article 2)

The Court observed that the police officers who had fired the shots had been taking part in the arrest of apparently armed suspects, at night, in an area of warehouses with which they were not familiar. According to their statements, they had not known about the applicant's presence at the scene. It was in the heat of the action and a defence reflex that they had fired shots in his direction, mistaking the camera he was carrying at hip level for a weapon and feeling under threat. The Court noted that by accepting the presence of a reporter with a PAB team during an operation, the police had necessarily accepted responsibility for ensuring his safety. Unlike the domestic courts, the Court found decisive the question of whether the police officers who fired the shots had been aware that the police operation was being followed by a reporter. It could not be excluded that they might have acted differently and the tragic events that occurred might have been avoided if they had known that the PAB team involved in the operation was accompanied by a cameraman. The reason for their being unaware of this could be put down to shortcomings in the provision of information that was attributable to the authorities. Having regard to the shortcomings attributable to the authorities, it could not be asserted that the applicant's imprudent conduct had been the "decisive cause" of the accident of which he was the victim. The authorities, who had been responsible for the applicant's safety in a context where his life was potentially in danger, had not been as vigilant as could reasonably be expected. In the Court's view, that lack of vigilance had been the essential cause of the use, by mistake, of

potentially lethal force which had exposed the applicant to a serious risk to life and limb, causing the injuries sustained by him, in violation of Article 2.

Effectiveness of the investigation (Article 2)

The Court listed in detail the measures taken by the authorities in the minutes and hours following the incident. It noted that the authorities had reacted to the events promptly and seriously. Statements had then been taken from many individuals on the basis of a warrant issued by the investigating judge. Forensic examinations had been carried out. Audio and video recordings had been added to the file. Ultimately, numerous steps had been taken to establish the facts and responsibilities and the investigations had taken place under the supervision of an investigating judge, whose impartiality and independence had not been called into question. Moreover, the applicant had not argued that he had not had access to the file. He had been kept up to date with the progress of the investigation. The investigation had thus taken place in conditions that were appropriate for a conclusion to be reached as to whether the use of force had been justified or not and for those responsible to be identified. It would probably have been desirable for the investigation to be completed more quickly, but in view of the measures taken in that case that was not sufficient for its effectiveness to be called into question. There had therefore been no violation of Article 2 concerning the investigation. Judge Pinto de Albuquerque expressed a separate opinion.

Article 41

The applicant had requested significant amounts in respect of the damage he had sustained. The Court found that this question was not ready for decision and should be reserved at a later date in the light of further observations requested from the parties.

Ciechońska v. Poland (no. 19776/04) (Importance 2) – 14 June 2011 – Violation of Article 2 – Domestic authorities' failure to provide an adequate and timely response to an arguable case of negligence resulting in death

The case concerned the applicant's husband's death after being hit by a tree when walking along a pavement at a health resort in Kudowa Zdrój. The applicant alleged that the Kudowa municipal authorities were liable for her husband's death as they had failed to ensure proper maintenance of their trees. She also complained about the inadequacy of the investigation into her husband's death.

Article 2

The Court reiterated that States were required to adopt regulations for the protection of people's safety in public spaces and noted that there did indeed exist legal regulations in Poland on care and maintenance of greenery in towns, including trees on municipal ground. This legal obligation was, moreover, confirmed in 2009 in the domestic courts' final decision on the applicant's case. The Court noted a pattern of repeated discontinuations in the investigation as well as quashing of judicial decisions which proved that there were deficiencies both at the early stage of the proceedings as well as later during the judicial stage. Remittal of cases for re-examination usually being ordered as a result of errors committed by lower authorities, the repetition of such decisions within one set of proceedings pointed towards the fact that there had been serious deficiencies in the operation of the judicial system in the case at hand. Any prospect of establishing the facts and therefore responsibility for the incident had effectively been diminished by the shortcomings in the collection of evidence (the tree went missing, the poor quality of the photographs and the failure to resolve certain questions about the gas pipeline). These shortcomings were compounded by the overall inadequacy of the investigation, with the indictment only having been lodged one year after the incident, the first hearing only having been held more than three years later and the proceedings, having lasted in total ten years. Nor had the legal system given the applicant the possibility of obtaining civil redress, her claim never having been examined by the courts. This failing had been acknowledged by the Government but no explanation provided. In sum, neither the criminal proceedings nor the possibility to bring a civil claim had given the applicant the opportunity to effectively establish liability for her husband's death or to obtain appropriate compensation. The legal system in Poland as a whole had therefore failed to provide an adequate and timely response to an arguable case of negligence resulting in death. Accordingly, there had been a violation of Article 2.

Article 41 (just satisfaction)

The Court held that Poland was to pay the applicant 20,000 euros (EUR) in respect of non pecuniary damage and EUR 4,650 for costs and expenses.

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

R.U. v. Greece (no. 2237/08) (Importance 2) – 7 June 2011 – Violation of Article 3 (substantive) – Poor conditions of detention in Soufli and Petrou Ralli detention centres – Violation of Article 13 – Lack of an effective remedy – Violation of Article 13 taken in conjunction with Article 3 – Deficiencies in the asylum procedure and the risk of the applicant's deportation to Turkey without a proper examination of the merits of his asylum application and without access to an effective remedy – Violation of Article 5 § 1 – Unlawful detention with a view to deportation – Violation of Article 5 § 4 – Lack of an effective remedy to challenge the lawfulness of the detention

The applicant is of Kurdish origin and was arrested by the Turkish authorities several times on account of his political activities. He alleged that he had been sentenced to 15 years' imprisonment and tortured while in prison. The applicant complained about his conditions of his detention in the Soufli and Petrou Ralli detention centres and the risk he would incur if deported to Turkey – where had had been tortured – as a result of the deficiencies in the asylum procedure in Greece. He also complained of the unlawfulness of his detention and his inability to obtain a decision from a Greek court in that regard.

Conditions of detention in Soufli and Petrou Ralli (Articles 3 and 13)

The Court observed that there had been no domestic remedies available to the applicant in Greece which he should have used in order to complain about his conditions of detention before lodging this complaint with the Court. The only remedy available to the applicant was to apply to the hierarchical superior of the police, whose impartiality and objectivity in the matter were open to doubt. The courts did not have power to examine the living conditions in detention centres for clandestine foreigners. The Court was competent to examine this complaint on the merits. The applicant's complaint about his conditions of detention was the same and concerned the same period as the one examined by the Court in another case, in which the Court had held that there had been a violation of Article 3 on account of the general conditions of detention prevailing in the Soufli and Petrou Ralli detention centres. It came to the same conclusion in the present case: there had been a violation of Article 3. As there were no remedies in Greece enabling him to complain about his conditions of detention, there had also been a violation of Article 13.

Risk of deportation to Turkey as a result of deficiencies in the asylum procedure (Articles 3 and 13)

The Court recalled that extradition by a Contracting State could raise an issue under Article 3 where substantial grounds were made out for believing that the person concerned faced a real risk of being subjected to torture or to inhuman or degrading treatment or punishment in the country to which he or she was returned. The Court observed that in this area a remedy had to provide a rigorous examination of any complaint that there were reasons to believe that treatment contrary to Article 3 had been inflicted. The remedy also had to be of automatic suspensive effect. The Court pointed out that in a recent judgment, it had found that Greece's asylum legislation was not being applied in practice and that the asylum procedure was marked by such major structural deficiencies that asylum seekers had very little chance of having their applications and their complaints under the Convention seriously examined by the Greek authorities. The Court didn't agree with the Greek Government's view that the applicant could have avoided being deported to Turkey by lodging an application for judicial review of the deportation order with the administrative courts, and that he could have applied for a stay of execution of the deportation order and filed a request for an interim order, as neither an application for a stay of execution nor a request for an interim order were of automatic suspensive effect. The applicant had not had an effective remedy, either in the deportation or the asylum proceedings, by which to complain of his deportation to Turkey. The Court then noted that in its report of 19 September 2007 the Medical Rehabilitation Centre for Torture Victims had confirmed that the applicant had been tortured while serving his prison sentence in Turkey. The Court considered that the applicant had thus submitted probative evidence in support of his asylum application in Greece, based on the fact that, in the past, he had been subjected to acts that could be characterised as contrary to Article 3. As his asylum application was still pending, and given the situation of asylum seekers in Greece, the applicant had then been, and was still now, at risk of being sent back to Turkey without having the opportunity of his asylum application being properly examined, despite there being substantial grounds for believing that he would be subjected to treatment contrary to Article 3. The Court concluded that there had been a violation of Article 13 taken in conjunction with Article 3.

Lawfulness of the detention with a view to expulsion (Article 5 § 1 (f))

The Court reiterated that the conditions for deprivation of liberty must be clearly defined under domestic law and that the law itself must be foreseeable in its application. In order not to be arbitrary, the detention of a person with a view to deportation or extradition must be done in good faith. The applicant's deprivation of liberty was based on Law no. 3386/2005 and was intended to guarantee the

possibility of deporting him. The Court pointed out in that connection that Greek law only permitted detention with a view to deportation where that deportation could be executed. It also observed that, both under Greek law and international law, an asylum seeker could not be deported until his or her application had been definitively dealt with. That had been the situation of the applicant (asylum application pending) and when the domestic courts had decided to keep him in detention, he had been aware of the position because he had expressly referred to the asylum application. Accordingly, there had been a violation of Article 5 § 1 (f) from 15 May 2007.

Possibility of obtaining a decision from a Greek court on the lawfulness of the detention (Article 5 § 4)

The Court had recently had occasion to note the inadequacies of Greek law regarding the effectiveness of judicial review of detention with a view to expulsion and had concluded that they did not meet the requirements of Article 5 § 4. In any event, the judges who had dealt with the applicant's case had not examined the question of the lawfulness of the applicant's detention, in violation of Article 5 § 4.

Article 41 (just satisfaction)

The Court held that Greece was to pay the applicant 15,000 euros (EUR) in respect of non-pecuniary damage.

- **Right to liberty and security**

S.T.S. v. the Netherlands (no. 277/05) (Importance 2) – 7 June 2011 – Two violations of Article 5 § 4 – (i) Domestic authorities' failure to speedily examine the lawfulness of the applicant's detention (a minor) and (ii) the proceedings for deciding the lawfulness of the applicant's detention were not "effective"

The case concerned the failure to rule on the legality of the detention of the applicant, a minor, on the ground that the order authorising his detention had already expired – a decision which denied him access to compensation. The applicant complained that the judicial proceedings for reviewing the legality of his detention took so long that they ultimately served no purpose.

Given the need for the Court of Appeal to gather information from a variety of sources and allow a variety of parties to participate effectively in the proceedings, the Court did not consider that the time taken for the Netherlands appeal court to reach its decision (63 days), taken in isolation, raised an issue of speediness for the purposes of Article 5 § 4 in the circumstances of the case. However, the Supreme Court reached its decision 294 days after the applicant lodged his appeal on points of law. Such a lapse of time appeared in itself inordinate and the Netherlands Government made no attempt to explain it. Whatever the reasons for that delay, the Court reiterated that all States which had ratified the Convention were required to organise their legal systems so that national courts could comply with the requirements of the Convention. Judicial authorities needed to make the necessary administrative arrangements to ensure that urgent matters were dealt with speedily, particularly where an individual's personal liberty was at stake. There had therefore been a violation of Article 5 § 4, in that the lawfulness of the applicant's detention was not decided "speedily". The Court noted that the applicant's appeal on points of law was lodged with the Supreme Court just over three-and-a-half months before the expiry of the Court of Appeal's six-month authorisation for the applicant's custodial placement. No grounds had been given for why the Supreme Court could not reasonably have been expected to give a decision within that time. The Court therefore found that the lack of a final decision before the validity of the authorisation for the applicant's custodial placement expired was itself sufficient to deprive the applicant's appeal on points of law of its practical effectiveness as a preventive or even reparative remedy. Furthermore, in declaring the applicant's appeal on points of law inadmissible, as having become devoid of interest, the Supreme Court deprived it of whatever further effect it might have had. The Court noted that a former detainee might well have a legal interest in the determination of the lawfulness of his or her detention even after having been liberated, for example, in relation to her or his "enforceable right to compensation" guaranteed by Article 5 § 5, when it might be necessary to secure a judicial decision which would override any presumption under domestic law that a detention order given by a competent authority was per se lawful. There had therefore also been a violation of Article 5 § 4 in that the proceedings for deciding the lawfulness of the applicant's detention were not "effective". Under Article 41 (just satisfaction), the Court held that the Netherlands was to pay the applicant 2,000 euros (EUR) in respect of non pecuniary damage.

Hadzic and Suljic v. Bosnia and Herzegovina (nos. 39446/06 and 33849/08) (Importance 2) – 7 June 2011 – Violation of Article 5 § 1 – Detention of the applicants in an inadequate psychiatric institution for several years

The applicants were both sentenced to imprisonment for murders they had committed in 2002. Because of their diminished responsibility at the time of the killings, the court ordered their internment in hospital when it handed down the verdicts. As a result, they were detained in the Psychiatric Annex of Zenica Prison. Following a decision of the Tuzla Cantonal Court, both applicants were transferred in 2008 from the Psychiatric Annex to the general section of Zenica prison, as the judges found that their mental condition no longer required their confinement in that Annex.

The applicants complained that they had been detained in the Psychiatric Annex, which had been inappropriate for mental health patients.

The Court noted that the applicants' detention in the Psychiatric Annex of Zenica Prizon had been lawful under the applicable criminal legislation at the time, given that it had been imposed by a hospital order of the relevant criminal court. It then emphasised that detention of people as mental health patients could only be lawful under the Convention if it was effected in a hospital, clinic or other appropriate institution. The Court then observed that both the European Committee for the Prevention of Torture and the Constitutional Court of Bosnia and Herzegovina had established that the Psychiatric Annex of Zenica Prizon was not an appropriate institution for the detention of mental health patients and that it had been used as an interim solution which had become a permanent one for want of resources. While both applicants had been transferred away from that Annex in 2008, they had been detained in an inappropriate institution for several years: in the case of the first applicant – for almost three further years after the settlement of his first case before the Court, and in the case of the second applicant, for more than five years in all. Consequently, there had been a violation of Article 5 § 1. Under Article 41, the Court held that Bosnia and Herzegovina was to pay to the first applicant 15,000 euros (EUR) and to the second applicant - EUR 25,000 in respect of non-pecuniary damage.

Mirosław Garlicki v. Poland (no. 36921/07) (Importance 2) – 14 June 2011 – Violation of Article 5 § 3 – Lack of independence of the assessor who remanded the applicant, a well-known cardiac surgeon, on bribery charges

The case concerned the spectacular arrest and detention on remand of a well-known cardiac surgeon on charges of a number of offences, including homicide of a patient and taking bribes from patients. The homicide charges were subsequently dropped. The criminal proceedings on the remaining charges are still pending. The applicant complained in particular that during his arrest he had been subjected to degrading treatment, that his detention on remand had not been imposed by an independent judicial officer and that his right to be presumed innocent had been violated. The Helsinki Foundation for Human Rights in Warsaw, which was granted leave to intervene as a third party, made written submissions.

With a view to the applicant's complaint that his detention on remand had been ordered by an assessor, who did not enjoy the same guarantees of independence as a judge, the Court recalled that it had already dealt with the institution of Polish assessors in another case. It had found, in accordance with a leading judgment of the Polish Constitutional Court of October 2007, that assessors did not enjoy the necessary guarantees of independence vis-à-vis the Minister of Justice, which had, in the circumstances of that case, given rise to a violation of Article 6 § 1. The Court considered that that finding could also be applied to the applicant's case, where the assessor in question had detained him on remand. She had not offered the guarantees of independence required of an "officer" by Article 5 § 3, as she could have been removed by the Minister of Justice at any time during her term of office and there had been no adequate guarantees protecting her against the arbitrary exercise of that power by the Minister. Furthermore, the specific circumstances in the applicant's case gave rise to an assumption that the Minister of Justice – Prosecutor General might have taken an interest in the proceedings against him. The Court noted from the transcript of the press conference that the Minister personally supervised the investigation against the applicant. This situation, together with the spectacular manner of his arrest and the authorities' apparent aim to attract as much media attention as possible could be considered capable of undermining further the independence of the assessor. That failing had not been rectified on appeal, as the rationale of a judicial review of a deprivation of liberty under Article 5 § 3 required that it was the judicial officer himself who had to offer the guarantees of independence from the executive and the parties. Decisions on detention made by the "judge or other officer" under Article 5 § 3 were normally enforced instantly, so that deficiencies could not be effectively rectified on appeal. The applicant had further raised the issue of the status of the assessor in his appeal against the detention order; however the Regional Court had not addressed it. There had accordingly been a violation of Article 5 § 3. Under Article 41 (just satisfaction), the Court held that Poland was to pay the applicant 6,000 euros (EUR) in respect of non-pecuniary damage and EUR 2,000 in respect of costs and expenses.

Schmitz v. Germany (no. 30493/04) and Mork v. Germany (nos. 31047/04 and 43386/08) (Importance 3) – 9 June 2011 – No violation of Article 5 § 1 – Lawfulness of the applicants' preventive detention that had been ordered and executed on the basis of a previous version of the Criminal Code Court

After a history of previous convictions, the applicants both served prison sentences of several years for serious offences and are currently in Aachen Prison in preventive detention, which was ordered by the sentencing courts under Article 66 § 1 of the German Criminal Code together with their respective convictions. Both applicants complained about their preventive detention beyond serving their sentences.

The Court saw no reason to depart from its findings in the case of *M. v. Germany*, in which it had held that the applicant's preventive detention, having been ordered by the sentencing court together with the prison sentence, had been covered by the Convention in so far as it had not been extended beyond the maximum duration of ten years permitted at the time of his offence and conviction. Thus it considered that both the applicants' preventive detention had been detention "after conviction" for the purposes of Article 5 § 1 (a). Unlike the applicant in *M. v. Germany*, they had not been in preventive detention beyond the ten-year maximum period allowed at the time of their offence. There remained a sufficient causal connection between the applicants' conviction and their deprivation of liberty. The respective orders for their preventive detention and the decisions of the courts responsible for the execution of sentences not to release them were based on the same grounds, namely to prevent them from committing further serious offences on release. Their preventive detention was also lawful in that it was based on a foreseeable application of the Criminal Code. In this connection, the Court took note of the German Federal Constitutional Court's leading judgment of 4 May 2011 in which it had held that all provisions of the Criminal Code on the retrospective extension of preventive detention and on the retrospective order of such detention were incompatible with the German Basic Law as they failed to comply with the constitutional protection of legitimate expectations guaranteed in a State governed by the rule of law, read in conjunction with the constitutional right to liberty. The Court welcomed that the German Constitutional Court had taken the approach of interpreting the provisions of the Basic Law also in the light of the Convention and its case-law, which demonstrated that court's continuing commitment to the protection of fundamental rights not only at national, but also at European level. The Court further observed the German Federal Constitutional Court's finding in its recent judgment that the current provisions on the imposition and duration of preventive detention were incompatible with the fundamental right to liberty to the extent that they did not satisfy the constitutional requirement of establishing a difference between preventive detention and a prison sentence. However, that court's judgment had not declared void the relevant provisions with retrospective effect, and the applicants' preventive detention had in any event been ordered and executed on the basis of a previous version of the Criminal Code. The lawfulness of their preventive detention was therefore not called into question. There had accordingly been no violation of Article 5 § 1.

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

Borisov v. Lithuania (no. 9958/04) (Importance 2) – 14 June 2011 – Struck out of the list as the matter had been resolved at the domestic level – The applicant had not been deported, nor had he suffered restrictions to his family and private life

The case concerned the complaint of a Russian-born businessman, living in Lithuania and having financed the election campaign of former Lithuanian President Rolandas Paksas, that he had lived in uncertainty, and that his private and family life had suffered as a result of an order to deport him and the related judicial proceedings which had lasted several years. The applicant complained that he had to endure long-lasting uncertainty regarding his situation, as a result of protracted judicial proceedings influenced by political pressure.

The Court found that it was no longer justified to examine the merits of the case for the reasons set out below. According to Article 37 § 1 (b), it was possible to strike out a case off the list of cases pending before the Court if the matter had been resolved. The Court therefore examined whether the risk of the applicant's deportation still persisted and whether the measures taken by the Lithuanian authorities constituted adequate redress in respect of his complaint. It noted that his deportation had been prevented with a final court decision and that a permanent residence permit had been granted to the applicant in 2010. Thus, the facts of which he complained had ceased to exist. The Court then observed that the applicant had been under threat of deportation and thus had experienced insecurity and legal uncertainty in Lithuania for six years and seven months. When the deportation order was issued in 2004, he had already lived for 42 years in Lithuania, married, fathered three children, founded and run a company, and paid taxes. Therefore, he had established personal, economic and social ties in that country. While noting with deep concern that the decision-making in the applicant's case had been politicised, the Court nonetheless observed that while his administrative proceedings

had been pending, the applicant had been able to stay in Lithuania as temporary residence permits had been issued to him. Consequently, the applicant had not been deported, nor had he suffered restrictions to his family and private life. As a result, the Court found that the complaint had been resolved.

Osman v. Denmark (no. 38058/09) (Importance 2) – 14 June 2011 – Violation of Article 8 – Domestic authorities' failure to take into account a minor's interests and to strike a fair balance between the applicant's interest in having her residence permit renewed and the State's interest in controlling immigration

The case concerned the refusal to renew the Danish residence permit of a Somali girl, who had grown up with her family in Denmark, after she spent more than two years, allegedly against her will, living in Kenya. The right to family reunification for young people of her age (15-17) was abolished while she was away. The applicant complained about the refusal to reinstate her residence permit.

The Court noted that the refusal to renew the applicant's residence permit interfered with both her private and family life. She was still a minor when she applied to be reunited with her family in Denmark and, for young adults who had not yet founded a family of their own, their relationship with their parents and other close family members constituted "family life". In addition, all the social ties between settled migrants and the community in which they were living constituted "private life" and the expulsion of a settled migrant constituted an interference with his or her right to respect for private life. The measure in question had a basis in domestic law and pursued the legitimate aim of immigration control. The Court had to determine whether the Danish authorities were under a duty to renew the applicant's residence permit after she had been in Kenya for more than two years. It observed that the applicant had spent her formative years in Denmark, that she spoke Danish, went to school in Denmark and that her close family lived in Denmark. She therefore had social, cultural and family ties in Denmark as well as in Kenya and Somalia. The applicant maintained that the Danish authorities had a duty to protect her interests and that it was obvious that her father's decision to send her to Kenya was not in her best interests. The Court reiterated that, for a settled migrant, like the applicant, who had lawfully spent all or the major part of his or her childhood and youth in a host country, very serious reasons were required to justify expulsion. The applicant was not expelled for having committed a crime, but because her residence permit had expired. The Court also noted that, although the law in question was designed to discourage parents from sending their children to their countries of origin to be "re-educated" in a manner their parents considered more consistent with their ethnic origins, the children's right to respect for private and family life could not be ignored. The applicant maintained that she had been obliged to leave Denmark to take care of her grandmother for more than two years; that her stay there was involuntary; that she had no means to leave the camp. Those arguments were disregarded by the authorities with reference to the fact that her parents had custody of her at the relevant time. The Court considered that in respecting parental rights, the authorities could not ignore the child's interests. In 2003, when the applicant was 15 and sent to Kenya, even if section 17 of the Aliens Act set out that her residence permit might lapse after 12 consecutive months abroad, she could still apply for a residence permit in Denmark. That law was amended, however, when she was still in Kenya, limiting the right to family reunification to children under 15 instead of those under 18. The Court noted that the applicant and her parents could not have foreseen that amendment when she was sent to Kenya or at the time when the 12 month lime-limit expired. The Court found that there had been a violation of Article 8, because the applicant's interests had not been taken into account in the authorities' refusal to renew her Danish residence permit and a fair balance had not been struck between her interests and the State's interest in controlling immigration. Under Article 41 (just satisfaction), the Court held that Denmark was to pay the applicant 15,000 euros (EUR) in respect of non pecuniary damage and EUR 6,000 in respect of costs and expenses.

Pascaud v. France (no. 19535/08) (Importance 2) – 16 June 2011 – Violation of Article 8 – Domestic authorities' failure to strike a fair balance between the applicant's right to know his parentage and to have his true father's identity established and the general interest in protecting legal certainty

The case concerned the applicant's inability to secure judicial recognition of his true relationship with his biological father, who died in 2002 and was the owner of a winegrowing estate that was ultimately left to the municipality of Saint-Emilion. The applicant complained that he had been unable to secure judicial recognition of his true relationship towards his biological father.

The Court noted that although genetic tests had proved that there was 99.999% likelihood that W.A. was his father, the applicant had been unable either to challenge C.P.'s status as his father or to establish his biological relationship with W.A. This had undoubtedly constituted interference with the applicant's right to respect for his private life. To determine whether the interference had been in

accordance with Article 8, the Court had to examine whether a fair balance had been struck between, on the one hand, the applicant's right to know his parentage and, on the other hand, the right of others not to undergo DNA tests and the general interest in protecting legal certainty. The Court observed that in refusing to recognise the applicant's true biological father, the Court of Appeal had had regard to W.A.'s personal rights and interests, in particular his lack of express consent to genetic testing. However, at no time had it taken into consideration the applicant's right to know his parentage and to have his father's true identity established, a right which did not recede with age – quite the reverse. The protection of the putative father's interests could not suffice in itself as a ground for depriving the applicant of his rights under Article 8. The Court further noted that the judicial protection under which W.A. had been placed had not deprived him of the right to consent to giving a DNA sample, and, precisely, that W.A. had informed the authorities of his intention to recognise the applicant. Moreover, neither the conduct nor the reliability of the genetic tests which had concluded that there was 99.999% likelihood that W.A. was the applicant's father had ever been challenged in the domestic courts. Lastly, the Court observed that after declaring the genetic tests null and void, the Court of Appeal had held that the identity of the applicant's biological father could not be established. Domestic law, moreover, did not afford him the possibility of requesting further DNA tests on the putative father's remains (since in the Court of Appeal's view the deceased had not expressly given his consent while alive). In those circumstances, a fair balance had not been struck between the competing interests, in violation of Article 8.

The applicant sought more than EUR 2,000,000 by way of just satisfaction in respect of pecuniary damage (amounting to half the assets of W.A.'s estate, to which he would have been entitled had he been recognised as his son). The Court held that this question was not ready for decision and reserved it at a later date in the light of further observations by the parties. The Court awarded the applicant EUR 10,000 in respect of non-pecuniary damage and EUR 10,000 for costs and expenses.

- **Freedom of expression**

Aquilina and Others v. Malta (no. 28040/08) (Importance 2) – 14 June 2011 – Violation of Article 10 – The interference with the applicants' right to freedom of expression had not been "necessary in a democratic society"

The applicants, Victor Aquilina, Sharon Spiteri and Austin Bencini, are three Maltese nationals, who were at the relevant time the editor, court reporter and printer for the national newspaper, the *Times of Malta*. The case concerned defamation proceedings brought by a lawyer following a report in the *Times of Malta* newspaper that he had been found guilty of contempt of court at the final stages of a bigamy case. The applicants complained about the domestic courts' decisions in which they had been found guilty of defamation.

The Court found that the domestic court judgments had amounted to an interference with the applicants' freedom of expression. That interference had been "prescribed by law", namely the Press Act, and had pursued the legitimate aim of protecting the reputation of others. What was relevant in the applicants' case was whether Ms Spiteri had had the means to verify the facts and whether she had respected her duty of responsible reporting. On the first point, the Court observed that records of proceedings were usually brief minutes which did not contain everything that had taken place in detail and therefore they could not be considered the sole source of truth for the purposes of court reporting. Indeed, all the evidence – apart from the minutes of the hearing - suggested that Dr. A. had been found to be in contempt of court. Even the prosecutor himself had corroborated what Ms Spiteri had heard. The Court was struck by the fact that little or no attention had been paid during the defamation proceedings to this confirmation, made on oath by a prosecutor, and that no explanation was given for this omission. Moreover, the Court saw no reason to doubt that Ms Spiteri had, in line with best journalistic practice, attempted to verify what had taken place in the court room. She could not reasonably have been expected to do more, given that delaying the publication of news, a perishable commodity, would most likely have deprived it of all value and interest. Also bearing in mind that an apology had been issued, the Court found that Ms Spiteri had at all times acted in good faith and in accordance with her duty of responsible reporting. In consequence, the interference with the applicants' right to freedom of expression had not been necessary in a democratic society for the protection of the reputation of others and there had therefore been a violation of Article 10.The Court held that Malta was to pay the applicants, jointly, EUR 4,000 in respect of non-pecuniary damage and EUR 4,000 for costs and expenses.

- **Protection of property**

Minasyan and Semerjyan v. Armenia (no. 27651/05) (Importance 3) – 7 June 2011 – Just satisfaction in respect of the judgment of 23 September 2009 – Armenia is to pay damages for breach of property rights concerning flat destroyed for State construction projects

The case concerned the demolition of the applicants' flat for State construction projects following a final decision by the domestic courts in 2005. This is a lead case. There are around 15 similar cases pending before the Court.

Damages

Making an estimate, based on all the materials at its disposal, of the probable value of the flat at the material time converted to current value to offset the effects of inflation, the Court decided that Armenia was to pay EUR 8,000 to the applicants jointly in respect of pecuniary damage. It further decided that Armenia was to pay EUR 2,000 to each of them in respect of non-pecuniary damage.

Costs and expenses

The Court awarded EUR 2,500 to the applicants jointly in respect of costs and expenses.

- **Disappearances cases in Chechnya**

Movsayevy v. Russia (no. 20303/07) (Importance 3) – 14 June 2011 – No violation of Article 2 (substantive) – Lack sufficient evidence to conclude "beyond reasonable doubt" that State agents were implicated in the abduction and subsequent killing of the applicants' close relative – Violation of Article 2 (procedural) – Lack of an effective investigation

Gerasiyev and Others v. Russia (no. 28566/07) (Importance 3) – 7 June 2011 – Violations of Article 2 (substantive and procedural) – (i) Disappearance and presumed death of the applicants' close relative; and (ii) lack of an effective investigation – Violation of Article 3 – The applicants' mental suffering – Violation of Article 5 – Unacknowledged detention of the applicants' close relative – Violation of Article 13 in conjunction with Article 2 – Lack of an effective remedy

Kosumova and Others v. Russia (no. 27441/07) (Importance 3) – 7 June 2011 – Violations of Article 2 (substantive and procedural) – (i) Disappearance and presumed death of the applicants' close relative; and (ii) lack of an effective investigation – Violation of Article 3 – The applicants' mental suffering – Violation of Article 5 – Unacknowledged detention of the applicants' close relative – Violation of Article 13 in conjunction with Article 2 – Lack of an effective remedy

Vitayeva and Others v. Russia (no. 27459/07) (Importance 3) – 7 June 2011 – Violations of Article 2 (substantive and procedural) – (i) Disappearance and presumed death of the applicants' close relative; and (ii) lack of an effective investigation – Violation of Article 3 – The applicants' mental suffering – Violation of Article 5 – Unacknowledged detention of the applicants' close relative – Violation of Article 13 in conjunction with Article 2 – Lack of an effective remedy

2. 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 links:

- Press release by the Registrar concerning the Chamber judgments issued on 07 Jun. 2011: here
- Press release by the Registrar concerning the Chamber judgments issued on 09 Jun. 2011: here
- Press release by the Registrar concerning the Chamber judgments issued on 14 Jun. 2011: 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
Bulgaria	07 Jun. 2011	Mecheva (no. 323/04) Imp. 3	No violation of Art. 2	The investigation into the circumstances of the applicant's son's death was effective and adequate	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

Bulgaria	07 Jun. 2011	Prescher (no. 6767/04) Imp. 3	Violation of Art. 6 § 1 (length) Violation of Art. 2 of Prot. No. 4	Excessive length of criminal proceedings (nine years and seven months) Unjustified ban on the applicant's leaving Bulgaria during the criminal proceedings	Link
Bulgaria	07 Jun. 2011	Svetlozar Petrov (no. 23236/04) Imp. 3	Violation of Art. 6 § 1 (length)	Excessive length of proceedings (eight years, four months and twenty-eight days for three levels of jurisdiction)	Link
Bulgaria	14 Jun. 2011	Ivanov and Petrova (no. 15001/04) Imp. 2	No violation of Art. 6	Fairness of proceedings	Link
Hungary	14 Jun. 2011	Zoltán Németh (no. 29436/05) Imp. 2	Violation of Art. 8	Interference with the applicant's right to respect for his family life on account of the domestic authorities' failure to enforce the applicant's right of access to his son	Link
Italy	07 Jun. 2011	Agrati and Others (nos. 43549/08, 6107/09 and 5087/09) Imp. 2	Violation of Art. 6 § 1 (fairness) Violation of Art. 1 of Prot. No. 1	Unlawful retrospective application of a new law to ongoing judicial proceedings, on the calculation of the applicants' length of service as civil servants	Link
Latvia	14 Jun. 2011	Leja (no. 71072/01) Imp. 2	Violation of Art. 34	Domestic authorities' failure to despatch the applicant's letter to the Court	Link
Malta	14 Jun. 2011	Gatt (no. 28221/08) Imp. 3	Just satisfaction	Judgment on just satisfaction in respect of the judgment of 27 October 2010	Link
Malta	14 Jun. 2011	Mercieca and Others (no. 21974/07) Imp. 2	Violation of Art. 6 § 1	Domestic courts' restrictive interpretation of the relevant procedural rules denied the applicants the right to lodge an appeal permitted by law	Link
Poland	14 Jun. 2011	Mościcki (no. 52443/07) Imp. 3	Violation of Art. 6 § 1 in conjunction with Art. 6 § 3	Unfairness of lustration proceedings	Link
Romania	07 Jun. 2011	Baldovin (no. 11385/05) Imp. 3	Violation of Art. 2 (procedural)	Lack of an effective investigation into the death of the applicant's daughter a day after her birth	Link
Russia	07 Jun. 2011	Gusak (no. 28956/05) Imp. 2	Violation of Art. 6 § 1 (fairness)	Lack of a fair hearing	Link
Russia	07 Jun. 2011	Ryabikina (no. 44150/04) Imp. 3	Violation of Art. 6 § 1 (fairness)	The Russian courts had refused to examine the merits of the applicant's claim on the grounds that the legislature had not yet determined jurisdiction over such claims; this limitation on the right to court excluded any possibility of having such a claim examined and, accordingly, undermined the essence of the applicant's right of access to court	Link
Russia	14 Jun. 2011	Denisova and Moiseyeva (no. 16903/03) Imp. 3	Just satisfaction	Judgment on just satisfaction in respect of the judgment of 4 October 2010	Link
Russia	14 Jun. 2011	Khanamirova (no. 21353/10) Imp. 3	Violation of Art. 8	Domestic authorities' failure authorities failed to take, without delay, all the measures that they could reasonably have been expected to take to enforce the judgment concerning the applicant's custody of her son	Link
Russia	14 Jun. 2011	Petr Sevastyanov (no. 75911/01)	Violation of Art. 6 § 1	The Nikulinskiy District Court, which heard the charges against the applicant and which convicted him	Link

		Imp. 3		could not be regarded as "a tribunal established by law"	
Serbia	07 Jun. 2011	Juhas Đurić (no. 48155/06) Imp. 2	No violation of Art. 6 § 1 No violation of Art. 34	The applicant has not been denied access to a court in the determination of his civil rights and obligations Insufficient factual basis for it to conclude that the authorities of the respondent State have interfered in any way with the applicant's exercise of his right of individual petition	Link
the Czech Republic	09 Jun. 2011	Tesař and Others (no. 37400/06) Imp.3	Violation of Art. 6 § 1 (length) No violation of Art. 1 of Prot. No. 1	Excessive length of proceedings (fourteen years for three levels of jurisdiction) Proportionate interference with the applicants' right to respect for property	Link
Turkey	14 Jun. 2011	Aygün (no. 35658/06) Imp. 3	Violation of Art. 1 of Prot. No. 1	Lack of adequate compensation following expropriation	Link
Turkey	14 Jun. 2011	Şat (no. 34993/05) Imp. 3	Violation of Art. 6 § 1	Delayed non-enforcement of a judgment in the applicant's favour	Link
Ukraine	09 Jun. 2011	Luchaninova v. (no. 16347/02) Imp. 3	Violation of Art. 6 § 1 Violation of Art. 6 § 1 taken together with Art. 6 § 3 (b) and (c)) No violation of Art. 2 of Prot. No. 7	Lack of a public hearing The applicant was not given the opportunity to organise her defence and effectively benefit from the assistance of a lawyer The offence of which the applicant was convicted concerned a petty theft and was not punishable by imprisonment, therefore falling within the exceptions permitted by the second paragraph of this provision	Link
Ukraine	09 Jun. 2011	Zheltyakov (no. 4994/04) Imp. 3	Two violations of Art. 6 § 1 and Art. 1 of Prot. No. 1 Violation of Art. 6 § 1	Quashing and delayed partial non-enforcement of a judgment in the applicant's favour Excessive length of proceedings (twelve years and eight months at two levels of jurisdiction)	Link

3. Repetitive cases

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

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

State	Date	Case Title	Conclusion	Key words
Italy	14 Jun. 2011	Casolaro Cammilletti (no. 37178/02) link de Stefano and Others (no. 72795/01) link Iandoli (no. 67992/01) link Rivera and di	Violation of Art. 1 of Prot. No. 1 – all cases	The authorities had unlawfully occupied the applicants' land without formal expropriation or compensation

		Bonaventura (no. 63869/00) link		
Poland	14 Jun. 2011	Skurat v. (no. 26451/07) link	Violation of Art. 6 § 1 (length)	Excessive length of proceedings (six years at one level of jurisdiction)
Turkey	07 Jun. 2011	Güler and Kekeç (nos. 33994/06 and 36271/06) link	Violation of Art. 6 § 1 (fairness) Violation of Art. 1 of Prot. No. 1	Non-enforcement of final judgments in which the applicants had been awarded severance benefits and unpaid wages
Turkey	07 Jun. 2011	Sürmeli and Others (nos. 16128/04, 21182/04 and 23014/04) link	Violation of Art. 1 of Prot. No. 1	The transfer of ownership of the applicants' land to the State Treasury without compensation

4. Length of proceedings cases

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

The role of the NHRSs may be of particular relevance in that respect as well, as these judgments often reveal systemic defects, which the NHRSs may be able to fix with the competent national authorities.
With respect to the length of non criminal proceedings cases, the reasonableness of the length of proceedings is assessed in the light of the circumstances of the case and with reference to the following criteria: the complexity of the case, the conduct of the applicant and the relevant authorities and what was at stake for the applicant in the dispute (See for instance Cocchiarella v. Italy [GC], no. 64886/01, § 68, published in ECHR 2006, and Frydlender v. France [GC], no. 30979/96, § 43, ECHR 2000-VII).

State	**Date**	**Case Title**	**Link to the judgment**
Greece	07 Jun. 2011	Barits (no. 365/09)	Link
Greece	07 Jun. 2011	Naka (no. 5134/09)	Link
Hungary	14 Jun. 2011	Bodor (no. 31181/07)	Link
Hungary	14 Jun. 2011	Hegyi (no. 9254/07)	Link
Hungary	14 Jun. 2011	Kelemen (no. 16033/06)	Link
Turkey	07 Jun. 2011	Akat and Kaynar (nos. 34740/04 and 2399/06)	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 30 May to 12 June 2011**.

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***
France	07 Jun. 2011	Bouhajla (no 19899/08) link	Alleged violation of Art. 6 § 3 c) (the applicant had no opportunity to question witnesses)	Inadmissible (for non-exhaustion of domestic remedies)
Italy	07 Jun. 2011	Celano and Others (no 14830/07) link	Alleged violation of Art. 14 in conjunction with Art. 1 of Prot. 1 (the applicants were denied their right to the adjustment of their 'salary' scales and their social security cover as provided by law for a number of years and this was discriminatory)	Inadmissible (for non-exhaustion of domestic remedies)
Poland	07 Jun. 2011	Stolz (no 3669/10) link	Alleged violation of Art. 5 § 3 (excessive length of pre-trial detention which began on 27 April 2007 and ended on 24 June 2010)	Struck out of the list (friendly settlement reached)
Poland	07 Jun.	Jacek Duda (no 33286/06)	Alleged violation of Art. 3 (poor conditions of the applicant's	Idem.

	2011	link	detention in Kamińsk, Barczewo and Kwidzyń Prisons)	
Poland	07 Jun. 2011	Zając (no 35328/06) link	Alleged violation of Art. 3 (conditions of detention in Sosnowiec Remand Centre), Art. 5 §§ 1 and 3 (unlawfulness and length of the applicant's detention on remand), Art. 6 § 1 (unreasonable length of criminal proceedings)	Partly struck out of list (unilateral declaration of Government concerning claims under Art. 3 and Art. 6 § 1), partly inadmissible (for non-respect of the six-month requirement concerning the remainder of the application)
Poland	07 Jun. 2011	Sozański (no 52581/09) link	Alleged violation of Articles 6 § 1 (excessive length of civil proceedings)	Struck out of the list (the applicant no longer wished to pursue his application)
Russia	07 Jun. 2011	Lakatosh and Others (no 32002/10) link	Alleged violations of Articles 3, 5 §§ 1 (f) and 4 and 13 (detention pending administrative removal from Russia)	Struck out of the list (friendly settlement reached)
Slovakia	07 Jun. 2011	Krahulec (no 19294/07) link	Alleged violation of Art. 1 of Prot. 1 (concerning the restrictions which the rent-control scheme has imposed on the applicant's right to peacefully enjoyment of his possessions), Art. 13 (lack of an effective remedy)	Partly admissible (concerning claim under Art. 1 of Prot. 1) and partly inadmissible as manifestly ill-founded (concerning the remainder of the application)
Slovakia	07 Jun. 2011	Maričák (no 26621/10) link	Alleged violation of Art. 3 (the sentence imposed on the applicant was particularly severe in the circumstances), Art. 6 § 3 d) (the court of appeal did not grant his request for an expert opinion to be obtained)	Partly inadmissible for non-exhaustion of domestic remedies (concerning claims under Art. 6§ 3 d)), partly inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention concerning the remainder of the application)
Slovakia	07 Jun. 2011	Šimko (no 33078/06) link	Alleged violation of Art. 1 of Prot. 1, Art. 13 and 14 (the legislative measures and their implementation concerning the bar to enforcement against the hospital and the ownership and administrative restructuring of the hospital had resulted in an arbitrary and discriminatory deprivation of any possibility of seeking the enforcement of the applicant's adjudicated claims against the hospital and, thereby, effectively of his possessions)	Partly inadmissible for non-exhaustion of domestic remedies (concerning claims under Article 1 of Prot. 1 and Art. 14), parly inadmissible as manifestly ill-founded (concerning the remainder of the application)
Slovenia	07 Jun. 2011	Kondić and Others (no 8035/06; 8037/06 etc.) link	Alleged violation of Articles 6 § 1 and 13 (excessive length of civil proceedings and lack of an effective remedy)	Struck out of the list (the matter had been resolved at the domestic level and the applicants no longer wished to pursue their application)
Slovenia	07 Jun. 2011	Reš and Others (no 24615/06; 26716/06 etc.) link	Idem.	Idem.
the Netherlands	07 Jun. 2011	Mulder-Van Schalkwijk (no 26814/09) link	Alleged violation of Art. 2 (use of excessive force by State agents), Art. 3 (ill-treatment in the hands of the police and lack of an effective investigation), Art. 5 (unlawful detention), Art. 8 (the applicant subjected to telephone tapping)	Partly inadmissible for non-exhaustion of domestic remedies (concerning claims under Articles 3 and 8), partly inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention concerning the remainder of the application)
the United Kingdom	07 Jun. 2011	Anam (no 21783/08) link	Alleged violation of Articles 2 and 3 (risk of being killed or subjected to ill-treatment if expelled to Bangladesh), Art. 8 (infringement of the right to respect for family life if expelled)	Inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention)

Turkey	07 Jun. 2011	Bostancıoğlu (no 36927/04) link	Alleged violation of Art. 3 (ill-treatment by police officers), Art. 5 (unlawful detention) and Art. 6 (unfairness of proceedings)	Partly inadmissible for non-respect of the six-month requirement (concerning claims under Art. 5), partly inadmissible as manifestly ill-founded (concerning the remainder of the application)
Turkey	07 Jun. 2011	Çevik and Others (no 19676/10) link	Alleged violations of Art. 2 (the applicants' close relative's death and lack of an effective investigation), Art. 13 (lack of an effective remedy)	Inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention)

C. The communicated cases

The European Court of Human Rights publishes on a weekly basis a list of the communicated cases on its Website. These are cases concerning individual applications which are pending before the Court. They are communicated by the Court to the respondent State's Government with a statement of facts, the applicant's complaints and the questions put by the Court to the Government concerned. The decision to communicate a case lies with one of the Court's Chamber which is in charge of the case.

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 14 June 2011: link
- on 20 June 2011: 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 14 June 2011 on the Court's Website and selected by the NHRS Unit

The batch of 14 June 2011 concerns the following States (some cases are however not selected in the table below): Andorra, Austria, Belgium, Bulgaria, France, Georgia, Greece, Italy, Moldova, Poland, Romania, Russia, Slovakia, the United Kingdom, Turkey and Ukraine.

State	Date of Decision to Communicate	Case Title	Key Words of questions submitted to the parties
France	25 May 2011	E.B.S. no 32202/11	Alleged violation of Art. 3 – Risk of being subjected to ill-treatment if expelled to Dagestan
France	23 May 2011	I.Q. no 30906/11	Alleged violation of Art. 3 – Risk of being subjected to ill-treatment if expelled to Kosovo*
France	23 May 2011	M.S.K. no 31540/11	Alleged violation of Art. 3 – Risk of being subjected to ill-treatment if expelled to Bangladesh
France	25 May 2011	S.R. no 31283/11	Idem.
Georgia	27 May 2011	Lagvilava no 65879/10	Alleged violation of Art. 3 (positive obligation and substantive) – Alleged infection with hepatitis C virus in prison – Lack of adequate medical treatment in prison –

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

			Lack of an adequate compensation
Italy	23 May 2011	Rumor no 72964/10	Alleged violation of Art. 3 – The applicant complained of alleged ill-treatment and the lack of an effective investigation into that regard – Alleged violation of Art. 14 – Discrimination on grounds of sex
Moldova	26 May 2011	Povestca no 54791/10	Alleged violations of Art. 3 – (i) Ill-treatment by police officers; and (ii) lack of an effective investigation

Communicated cases published on 20 June 2011 on the Court's Website and selected by the NHRS Unit

The batch of 20 June 2011 concerns the following States (some cases are however not selected in the table below): Bulgaria, France, Hungary, Poland, Russia, Spain, the United Kingdom and Turkey.

State	**Date of Decision to Communicate**	**Case Title**	**Key Words of questions submitted to the parties**
France	01 Jun. 2011	A.B. no 33848/11	Alleged violation of Art. 3 – Risk of being subjected to ill-treatment if expelled to country of origin
France	30 May. 2011	Mo P. no 55787/09	Alleged violation of Art. 3 – Risk of being subjected to ill-treatment if expelled to Sri Lanka
France	01 Jun. 2011	R.M. and M.M. no 33201/11	Alleged violation of Art. 2 – Risk of being killed if expelled to their country of origin – Alleged violation of Art. 3 – Alleged ill-treatment of the applicants' son on account of his placement in administrative detention at 7 months old – Alleged violation of Art. 5 § 1 f) – Unlawful detention of the applicants' son – Alleged violation of Art. 5 § 4 – Lack of an effective remedy to challenge the family's detention

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

Relinquishment of jurisdiction to the Grand Chamber (14.06.2011)

The Chamber to which the application *Idalov v. Russia* was allocated has relinquished jurisdiction in favour of the Grand Chamber. The case concerns in particular the length of the applicant's pre-trial detention.

Part II: The execution of the judgments of the Court

A. New information

The Council of Europe's Committee of Ministers will hold its next "human rights" meeting from 13 to 14 September 2011 (the 1120DH 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 2010 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/Source/Publications/CM_annreport2010_en.pdf

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/dghl/monitoring/execution/Documents/Doc_ref_en.asp

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

A. European Social Charter (ESC)

International Colloquy on Human Rights in San Sebastian (09.06.2011)

An International Colloquy entitled "Human Rights as a hallmark of European policies" was held in San Sebastián (Spain) from 8 to 10 June 2011. This colloquy, organised by "Globernance" (Institute for Democratic Governance), was attended by Polonca Konçar, former President of the European Committee of Social Rights, Luis Jimena Quesada, currently President of the Committee, and Jean-Michel Belorgey, General Rapporteur. Programme (English, Spanish, Basque)

Academic Seminar on the 50th anniversary of the European Social Charter in La Rochelle (09.06.2011)

http://www.coe.int/t/dghl/monitoring/socialcharter/Images/LaRochelleJune2011_2.JPGThis event was organised within the framework of the activities being held on the occasion of the 50th anniversary of the Social Charter and took place at the Law University in La Rochelle on 10 June 2011. It brought together a number of university professors to speak about the impact of the Charter, its efficiency and its case-law. Régis Brillat, Head of the Department of the Charter, participated in this seminar. Programme

Recent complaint against France (30.06.2011)

In a recent complaint, *European Council of Police Trade Unions v. France* (Complaint No. 68/2011), the complainant organisation alleges that French regulation does not allow police officers to receive payment for overtime worked or compensatory time off. (more information); Complaint No.68/2011 (French only)

A joint colloquy Council of Europe / UNHCR concerning forcibly displaced persons is being held in Strasbourg (15.06.2011)

This colloquy, held from 15 - 16 July 2011, was the first of its kind in bringing together judges and other interlocutors of the three regional human rights instruments, commissions and courts. It will provide a unique forum for discussions on these important instruments for the protection of forcibly displaced persons and the role these courts and commissions play in interpreting and enforcing legal protection norms and standards. Luis Jimena Quesada, President of the European Committee of Social Rights and Régis Brillat, Head of the Department of the ESC attended this event. Programme; More information

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

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

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

Council of Europe anti-torture Committee visits Moldova (15.06.2011)

A delegation of the CPT carried out a periodic visit to Moldova from 1 to 10 June 2011. It was the Committee's fifth periodic visit to this country. The CPT's delegation assessed progress made since previous visits and the extent to which the Committee's recommendations have been implemented in the areas of police custody, imprisonment and involuntary placement in psychiatric hospitals. Further, it visited for the first time a temporary placement centre for foreigners and a psychoneurological home for minors. In the course of the visit, the delegation met Oleg EFRIM, Minister of Justice, Iurie

CHEPTĂNARU, Deputy Minister of Internal Affairs, Gheorghe ȚURCANU, Deputy Minister of Health and Vadim PISTRINCIUC, Deputy Minister of Labour, Social Protection and Family, as well as other senior officials from these ministries, including Vadim COJOCARU, Head of the Directorate of Penitentiary Institutions. The delegation also held in-depth discussions with Andrei PÂNTEA, First Deputy Prosecutor General, and Ion CARACUIAN, Head of the Anti-Torture Division of the Prosecution Service, as well as with prosecutors handling cases involving allegations of ill-treatment. Further, it held consultations with Anatolie MUNTEANU, Parliamentary Advocate, Head of the Human Rights Centre and the Consultative Council for the Prevention of Torture. Meetings were also held with United Nations representatives as well as with members of non-governmental organisations active in areas of concern to the CPT. At the end of the visit, the delegation presented its preliminary observations to the Moldovan authorities.

Council of Europe anti-torture Committee publishes the Georgian Government's response to the report on the February 2010 visit (16.06.2011)

The CPT has published on 16 June the response of the Government of Georgia to the report on the CPT's most recent visit to that country, in February 2010. The response has been made public at the request of the Georgian authorities. In its response, the Georgian Government describes the measures being taken to improve the situation in the light of the recommendations made by the CPT. For example, the Georgian authorities state that a Medical Department has been set up at the Ministry of Corrections and Legal Assistance with a view to preparing the transfer of responsibility for prison health-care to the Ministry of Labour, Health and Social Affairs by 2013. The Georgian authorities also indicate in their response that the Asatiani Psychiatric Institute will be closed down by 1 July 2011, and patients allocated to various other psychiatric institutions offering satisfactory living conditions.

Council of Europe anti-torture Committee visits Spain (17.06.2011)

A delegation of the CPT recently carried out a two-week visit to Spain. The visit, which began on 31 May 2011, was the CPT's sixth periodic visit to that country. During the visit, the CPT's delegation reviewed the treatment of persons detained by various police services (including the Policía Nacional, the Guardia Civil, the Ertzaintza and the Mossos d'Esquadra). Particular attention was given to the application in practice of safeguards against ill-treatment and the situation of persons held in "incommunicado" detention. The delegation also visited a number of prisons, focusing on various categories of prisoners, notably those in disciplinary segregation and in special departments. Further, the use of mechanical restraints in prisons was reassessed. The treatment of persons held in foreigner detention centres was also examined. In the course of the visit, the CPT's delegation held consultations, at the central level, with members of the Secretary of State for Security, Audiencia Nacional, the Prosecutor-General, the Director General of the National Police and Guardia Civil Francisco, and the Director General of Penitentiary Institutions. It also met with representatives of the General Council of the Judiciary of Spain. In Catalonia, the delegation met with representatives of the Generalitat de Catalunya, the Consellera of Justice, the Director General of Prisons, the Director General of Community Sanctions and Juvenile Justice, the Director General of the Mossos-d'Esquadra and the Secretary General of the Department of Interior. The delegation also met with the Catalan Ombudsman, Mr Rafael RIBO I MASSO, as well as with representatives of the Spanish and Basque Ombudsmen. Further, it held discussions with representatives of non-governmental organisations active in areas of concern to the CPT. At the end of the visit, the delegation presented its preliminary observations to the Spanish authorities.

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

Germany and Portugal: adoption of Committee of Ministers' Resolutions (16.06.2011)

Resolution CM/ResCMN(2011)10 on the implementation of the Framework Convention for the Protection of National Minorities by Germany; Resolution CM/ResCMN(2011)11 on the implementation of the Framework Convention for the Protection of National Minorities by Portugal

Bosnia and Herzegovina (16-17.06.2011)

Follow-up Seminar; Programme

E. Group of States against Corruption (GRECO)

Group of States Against Corruption publishes report on Andorra (15.06.2011)

GRECO published on 15 June its Third Round Evaluation Report on Andorra, in which it finds that further amendments to the Criminal Code are necessary to comply with Council of Europe standards. GRECO also calls for considerable changes to the legislation on political financing. (more...); Link to Theme I on Incriminations; Link to Theme II on Party Funding

51st Plenary Meeting: Link to Decisions

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

MONEYVAL report on the 4th assessment visit of the Czech Republic public

The mutual evaluation report on the 4th assessment visit of the Czech Republic, as adopted at MONEYVAL's 35th plenary meeting, is now available for consultation. Links to: Press release; Executive Summary ; http://www.coe.int/t/dghl/monitoring/moneyval/Evaluations/round4/HUN-MERMONEYVAL(2010)26_en.pdfReport ; Annexes

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

GRETA - 10th meeting (21-24.2011)

GRETA held its 10th meeting on 21-24 June 2011 at the Council of Europe in Strasbourg. GRETA adopted its final evaluation reports on Austria, Cyprus and the Slovak Republic as amended in the light of the comments received from the respective authorities. These three reports will now be transmitted to the national authorities concerned, which will be asked to submit their final comments within one month. At the expiry of this time-limit GRETA's reports, together with eventual comments received from the authorities, will be made public. GRETA also examined the draft reports on Albania, Bulgaria, Croatia and Denmark. GRETA decided to transmit these reports to the national authorities concerned and to ask them to submit their comments within one month. The comments will be taken into account when GRETA draws up its final evaluation reports. GRETA's draft reports remain confidential until their final adoption. Further, GRETA adopted the 1st General Report on its activities, covering the period from February 2009 to June 2011. The report will be submitted to the Committee of the Parties and the Committee of Ministers and will also be published on the Anti-Trafficking website. In addition, GRETA appointed rapporteurs for the country visits to the second group of 10 parties to the Convention. These visits will take place after GRETA has received the replies to its questionnaire from the countries concerned, the deadline being 1 September 2011. List of decisions

Next GRETA meeting: 11th meeting on 20-23 September 2011

Part IV: The inter-governmental work

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

10 June 2011

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

9 June 2011

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

Entry into force of the European Convention on Consular Functions (ETS No. 061).

6 June 2011

Tajikistan signed the Convention on the Recognition of Qualifications concerning Higher Education in the European Region (ETS No. 165).

B. Recommendations and Resolutions adopted by the Committee of Ministers

CM/ResCMN(2011)11E / 15 June 2011: Resolution on the implementation of the Framework Convention for the Protection of National Minorities by Portugal (Adopted by the Committee of Ministers on 15 June 2011 at the 1116th meeting of the Ministers' Deputies)

CM/ResCMN(2011)10E / 15 June 2011: Resolution on the implementation of the Framework Convention for the Protection of National Minorities by Germany (Adopted by the Committee of Ministers on 15 June 2011 at the 1116th meeting of the Ministers' Deputies)

CM/ResChS(2011)7E / 15 June 2011: Resolution - Collective Complaint No. 53/2008 by the European Federation of National Organisations working with the homeless (FEANTSA) against Slovenia (Adopted by the Committee of Ministers on 15 June 2011 at the 1116th meeting of the Ministers' Deputies)

C. Other news of the Committee of Ministers

Committee of Ministers: decisions on execution of European Court of Human Rights judgments (10.06.2011)

The Committee of Ministers of the Council of Europe published on 10 June the decisions and resolutions adopted at its second special human rights meeting for 2011. More information on the execution process and on the state of execution in cases pending for supervision as well as important reference texts (including the new working methods) can be found on the website of the Committee of Ministers, on the special website of the Department for the execution of the judgments of the European Court of Human Rights, and in the Committee of Ministers' Annual Reports on its execution supervision.

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*

Elections were competitive, transparent and well-administered, international observers in Skopje say (06.06.2011)

The 6 June early parliamentary elections were competitive, transparent and well-administered throughout the country, but certain aspects such as the blurring of the line between state and party require further attention, the international observers concluded in Skopje.. “These elections have laid a cornerstone for a stable, democratic future,” said Roberto Battelli, Special Co-ordinator to lead the short-term OSCE observer mission. “The reality of election day has proven many of the pre-election allegations wrong and put the country on track to have a climate free of paranoia that undermines voters’ faith in the electoral process.” “The PACE delegation congratulates the citizens of this country on expressing their will through free elections. While welcoming the diversity of opinions and media freedom, the delegation believes the media environment should be more dispassionate, tolerant and neutral and that the media should avoid becoming a propaganda tool serving the interests of the business world, the political parties or the government,” said Jean-Charles Gardetto, Head of the delegation of PACE.

Montenegro needs to address ‘serious remaining issues’ to meet its Council of Europe commitments and obligations (09.06.2011)

“While we congratulate Montenegro for undertaking many essential reforms and understand that the country is eager to open the negotiations to join the EU, we consider that serious issues still need to be addressed by the authorities if Montenegro is to honour its commitments and obligations to the Council of Europe,” declared Jean-Charles Gardetto (Monaco, EPP/CD) and Serhiy Holovaty (Ukraine, ALDE), co-rapporteurs for PACE, following a fact-finding visit to Podgorica from 31 May to 2 June 2011."We regret that the parliament failed to adopt the amendments to the electoral law by 31 May 2011 and hence align its legislation to the Montenegrin Constitution and European standards.” They welcomed the current drafting of constitutional amendments and changes to laws on the judicial system. During their visit, the co-rapporteurs met the Speaker of Parliament, the Deputy Prime Minister and Minister of Justice, the Ministers of the Interior and Public Administration, Human and Minorities Rights, Education and Culture, the State Secretary for Political Affairs, the Montenegrin parliamentary delegation to PACE, representatives of political parties, the judicial authorities, **the Ombudsman**, representatives of state agencies and the Roma community as well as representatives of international organisations, the diplomatic community, NGOs and the media.

PACE rapporteur welcomes acquittal of Oleg Orlov, human rights defender in Russia (15.06.2011)

Mailis Reps (Estonia, ALDE), the rapporteur of PACE on the situation of human rights defenders, has expressed satisfaction following the acquittal of prominent human rights lawyer Oleg Orlov, the head of the Human Rights Centre “Memorial” in the Russian Federation.

- *Themes*

'Violent pornography threatens women’s dignity as well as their physical integrity' (08.06.2011)

“Pornography is an industry seeking profits and needing to expand by launching new products. Violent and extreme pornography is clearly dangerous. It threatens not only women’s dignity and their status

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

in society, as ‘traditional’ pornography does, but also their actual physical integrity. Several studies show that pornography in general affects the viewer’s perception of women and attitudes towards them. As for violent pornography in particular, while it cannot by itself lead people to commit violent crimes, it can probably encourage those who have violent fantasies to act them out,” Michal Stuligrosz (Poland, EPP/CD), PACE rapporteur on violent pornography, said at a hearing organised in Paris today by the PACE Equal Opportunities Committee. According to Markko Künnapu, representing the Estonian Ministry of Justice and Chairperson of the Council of Europe Cybercrime Convention Committee, if pornography is to be made a criminal offence, the legislation in our member States must be broadly similar to make European co-operation easier.

Statement on election of judges to the Strasbourg Court following EU accession to the ECHR (15.06.2011)

A statement issued on 15 June by the co-chairs of a PACE-European Parliament joint informal body says there is agreement that, following the accession of the EU to the European Convention on Human Rights, the European Parliament will be entitled to participate in the sittings of PACE and its relevant bodies when the latter exercises its functions related to the election of judges to the European Court of Human Rights. The arrangements must now be approved by both the Assembly and the European Parliament. (more...)

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

A. Country work

Slovenia –"Further efforts to improve the human rights of Roma and 'erased' persons needed" (07.06.2011)

"I welcome the positive measures aimed at improving the human rights of Roma and their access to housing, education and employment." On 7 June the Council of Europe Commissioner for Human Rights, Thomas Hammarberg, has released a letter to the Prime Minister of the Republic of Slovenia, Borut Pahor, following a visit on 7-8 April 2011. He praised efforts made to promote the inclusion of Roma in society. Despite this progress, the Commissioner pointed out that some serious problems remained and that he was very concerned about reports on the housing situation of some Roma communities in Slovenia. Read the letter to the Prime Minister of the Republic of Slovenia and the reply of the Prime Minister

Malta is urged to ensure effective protection of migrants (09.06.2011)

"Many migrants in Malta face inadequate living conditions and have little chance of integrating durably in society" said the Council of Europe Commissioner for Human Rights, Thomas Hammarberg, releasing on 9 June his report on the visit to Malta he carried out from 23-25 March 2011. According to the Commissioner, Malta should establish a human-rights compliant system of reception and integration of migrants. "This is even more urgent today, as Malta has seen new arrivals of migrants from Libya since the end of March". Read the report

B. Thematic work

African migrants are drowning in the Mediterranean (08.06.2011)

Another boat carrying migrants from Libya capsized in the beginning of June. At least 150 persons drowned, while others were saved by the Tunisian coast guard and fishing boats. In a similar tragedy in May, about 600 persons lost their lives. There are other reports about missing vessels with migrants on board and it is likely that the death toll for this year has now reached 1 400, or perhaps even more, says Commissioner Hammarberg in his Human Rights Comment published on 8 June. Read the Comment

Austerity budgets tend to victimise the most vulnerable (14.06.2011)

Radical austerity measures have been introduced in several European countries. Although governments have stated they will try to minimise the negative social impacts, it is already clear that there have been - and will be further – serious consequences for the most vulnerable groups: the very poor, persons with disabilities, the elderly and others in need of constant care, says the Council of Europe Commissioner for Human Rights, Thomas Hammarberg, in his Human Rights Comment published on 14 June. Read the Comment

Serbia has a key role to play in ensuring transitional justice and social cohesion in Western Balkans (16.06.2011)

"Serbia is going through a transitional period, striving to overcome the legacy of the violent past, and to enhance social cohesion. More sustained and concerted efforts are necessary to redress the gross human rights violations of the war, eliminate discrimination and enhance media freedom" said the Council of Europe Commissioner for Human Rights, Thomas Hammarberg concluding his four-day visit to the country. The Commissioner noted that ethnic depolarisation and reconciliation in the region cannot be achieved without justice for all war victims with no distinctions between them. He emphasised the need to resolve the pending cases of missing persons and to effectively prosecute all war-related crimes. (more)

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

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

Enhancing judicial reform in the Eastern Partnership countries Project: Working Group on Independent Judicial Systems, Strasbourg, 9-10 June 2011

The first working session within the framework of the Joint Project entitled "Enhancing judicial reform in the Eastern Partnership countries" took place on 9 and 10 June 2011 in Strasbourg. The session was devoted to the examination of the notion of independence of the judiciary, correlations between judicial independence and responsibility and the role functions of self-governing judicial bodies with regards to a dialogue between the executive and the judiciary. 14 delegates representing the Ministries of Justice and judicial institutions of Armenia, Azerbaijan, Georgia, Moldova and Ukraine took part in this activity. The participants discussed laws and practices of the beneficiary countries and European standards in the field of concern.

Introduction to the European NPM Project's Independent Medical Advisory Panel, 14 June 2011

On 14 June 2011, an introductory half-day seminar hosted by the Estonian Chancellor of Justice (the NPM of Estonia), was held in Tallinn on "Introduction to the European NPM Project's Independent Medical Advisory Panel (IMAP)". Three members of the IMAP presented the medical panel to specialised staff from 17 NPMs of the presently 21 operating NPMs of the European NPM Network as well as to SPT, CPT and APT experts and discussed how to make best use of the IMAP. As a result, Operational Guidelines for the inter-relations between NPMs and the IMAP were agreed upon. They outline the purpose, function and mode of communication between the NPMs and the European NPM Project IMAP members on medical queries on issues of a systemic nature that NPMs may wish to receive advice on. A Debriefing Paper of this meeting is currently under preparation by the European NPM Project team.

5th NPM Thematic Workshop, Tallinn, Estonia, 15-16 June 2011

The fifth Thematic Workshop, on "Collecting and checking information during an NPM visit", was held on the subsequent two days (15-16 June 2011), in the same venue, with the same hosts and basically the same attendance. Methods for collecting and checking information before and during an NPM visit were discussed, including the collection of information from registers, staff, files, through detainee interviews and through observation. Emphasis was placed on police settings and pre-trial settings and the workshop included exercises to map out the stages in checking information during a mock visit to a remand prison, on corroboration of alleged incidences of physical ill-treatment by police prior to entry to the prison and on constructing a picture of risk patterns and drawing conclusions. For the first time a member of a Russian Public Monitoring Commission for places of detention (PMC), from the Kaliningrad Region and representatives of the Civil Chamber of the Russian Federation and of the Russian specialist NGO "Moscow Centre for Prison Reform" attended the workshop as observers and shared their insight and experience with the European NPM Network.

Joint Council of Europe / UNHCR Colloquium on the Role of Regional Human Rights Courts in Interpreting and Enforcing Legal Standards for the Protection of Forcibly Displaced Persons Strasbourg, 15-16 June 2011

Forcibly displaced persons is a term which covers a wide range of situations in which people have been forced to abandon their home areas for reasons which vary from civil war to regions made unsafe because of criminal activities related to drug trade. The term has been taken into use relatively recently. To allow a thorough discussion on this important topic of how to best protect and ensure respect of the human rights of forcibly displaced persons, the Directorate General of Human Rights and Legal Affairs organised this Colloquium, which brought together for the first time three regional supranational human rights courts and/or commissions: The European Court of Human Rights, the Inter-American Court and Commission of Human Rights and the African Commission of Human and Peoples' Rights. http://www.coe.int/lportal/web/coe-portal/unhcr-dghl-colloquium; Concept Paper and Programme; List of Participants