DIRECTORATE GENERAL OF HUMAN RIGHTS AND LEGAL AFFAIRS

LEGAL AND HUMAN RIGHTS CAPACITY BUILDING DEPARTMENT

NATIONAL HUMAN RIGHTS STRUCTURES
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NATIONAL HUMAN RIGHTS STRUCTURES UNIT

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"Promoting independent national non-judicial mechanisms for the protection of human rights, especially for the prevention of torture"

("Peer-to-Peer II Project")

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

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Introduction

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

Each issue covers two weeks and is sent by the NHRS Unit to the Contact Persons a fortnight after the end of each observation period. This means that all information contained in any given issue is between two and four weeks old.

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

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

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

The preparation of the RSIF is funded under the so-called Peer-to-Peer II Project, a European Union – Council of Europe Joint Project entitled "Promoting independent national non-judicial mechanisms for the protection of human rights, especially the prevention of torture".

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

We invite you to read the INFORMATION NOTE No. 143 (provisional version) on the Court's case-law. This information note, compiled by the Registry's Case-Law Information and Publications Division, contains summaries of cases which the Jurisconsult, the Section Registrars and the Head of the aforementioned Division examined in July 2011 and sorted out as being of particular interest

A. Judgments

1. Judgments deemed of particular interest to NHRSs

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

Some judgments are only available in French.

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

Note on the Importance Level:

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

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

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

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

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

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

Korobov v. Ukraine (no. 39598/03) (Importance 3) – 21 July 2011 – Two violations of Article 3 (substantive and procedural) – (i) Acts of torture by domestic police against the applicant and (ii) domestic authorities' failure to investigate properly the applicant's complaints – Violation of Article 6 § 1 – Unfairness of proceedings

The case concerned the ill-treatment of the applicant after his arrest on April 2000 on suspicion of extorting money. The applicant submitted that the police beat and tortured him, giving him electric shocks on two occasions. The forensic report issued in May 2000 recorded numerous bruises on the applicant's chest, back and hips which could have been sustained on April either by blows from fists or feet, or by him falling down. The prosecutor refused to open criminal proceedings into his ill-treatment. That decision was followed by numerous decisions to resume the investigation, which were preceded by refusals to open criminal proceedings. In July 2005, the prosecutor finally brought criminal proceedings against the policemen who had arrested the applicant, only to have those proceedings terminated on three occasions for lack of evidence. Finally, without clarifying the many inconsistencies in the available evidence, the courts upheld in 2008 the last prosecution decision terminating the proceedings.

The applicant complained that he had been tortured in police custody and his related complaints had not been investigated effectively. He also complained under Article 6 that the proceedings against him had not been fair as neither he, nor his lawyer, had participated to the cassation hearing.

Article 3

The Court noted that the applicant had been seriously injured around 18 April 2000. The parties had provided different explanations about how and when exactly he had sustained his injuries. The police had not organised a medical examination immediately after the applicant's arrest, despite that being one of the fundamental safeguards against ill-treatment of detained people. The Ukrainian Government had not explained convincingly how exactly he had been arrested. On the basis of all the above, the Court concluded that the applicant had not sustained all of his injuries solely at the time of his arrest. **Given that the injuries had been serious, the Court held that the applicant had been tortured by the police**, in violation of Article 3.

The investigation had lasted for more than eight years and during that time the authorities had refused – on seven separate occasions – to open criminal proceedings. Even though the proceedings had finally been opened, and some investigative steps taken, when the courts had terminated them definitively in 2008, the inconsistencies in the testimonies and evidence had not been clarified. The Court found that the domestic authorities failed to question key witnesses at the earliest opportunity after the applicant lodged his complaint about its ill-treatment. The Court held that the Ukrainian authorities had not conducted an effective investigation, in violation of the procedural limb of Article 3.

Article 6

The Court reiterated that the proceedings concerning leave to appeal and proceedings solely involving questions of law, as opposed to questions of fact, may comply with the requirements of Article 6, even though the appellant was not given an opportunity of being heard in person, provided that a public hearing was held at first instance and that the higher courts did not have the task of establishing the facts of the case. However, given that the prosecutor had been heard by the Supreme Court judges, while neither the applicant nor his lawyer had been given the opportunity to address the panel, the Court held that the principle of equality of arms had been breached and, therefore, there had been a violation of Article 6§1.

Just satisfaction (Article 41)

The Court held that Ukraine was to pay the applicant EUR 20,000 in respect of non-pecuniary damage, and EUR 1,000 for costs and expenses.

Đurđević v. Croatia (no. 52442/09) (Importance 2) – 19 July 2011 – Violation of Article 3 – Domestic authorities' failure to investigate effectively a police assault complaint

The case concerned the ill-treatment of the applicants at the police station where the third applicant had been brought after a row erupted outside a restaurant. The applicants alleged that they had been ill-treated by two off-duty policemen upon leaving the police station where the third applicant had been taken and that the official investigation into that allegation had been inadequate.

Article 3

In the absence of a proper assessment by the national authorities as to what exactly had happened, the Court concluded that it was not possible to establish whether the police officers had beaten the applicants. There had, therefore, been no violation of Article 3 as regards the allegations of police assault.

On the other hand, despite the medical evidence raising at least a reasonable suspicion that one of the applicant's injuries might have been caused by the police, the only investigation into that applicant's allegations had been carried out by the very police authorities about whom she had complained. Thus, serious doubts had arisen about the police's ability to carry out an effective investigation. In addition, no independent steps had been undertaken by the prosecution either. Instead, the applicant's complaint had been dismissed solely on the basis of the police reports. Consequently, the Court concluded that the national authorities had failed to carry out an effective investigation into the complaint of police assault, in violation of Article 3.

Just satisfaction (Article 41)

The Court held that Croatia was to pay to the applicants EUR 6,000 in respect of non-pecuniary damage and EUR 1,000 in respect of costs and expenses.

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

Grimkovskaya v. Ukraine (no. 38182/03) (Importance 3) – 21 July 2011 – Violation of Article 8 – Domestic government's failure to carry out an environmental study before turning a street into a motorway – National government's failure to mitigate a motorway's harmful effects

The case concerned the consequences on the applicant's family life on account of the domestic authorities' decision to turn the street where the former lives into a motorway. The applicant claimed that the authorities' failure to monitor and manage properly the environment around the road breached her family rights as protected by Article 8.

The Court noted that the noise levels and their effects on the applicant's family life had never been measured. There had been no confirmation by an independent expert that the damage to the house had been caused by the vibrations provoked by the heavy traffic. While medical records had identified a number of illnesses from which the applicant's parents and young son suffered, it had not been possible to determine to what extent those illnesses had been caused or aggravated by the operation of the motorway. However, the Court found that the cumulative effect of the noise, vibration and air and soil pollution on K. Street had negatively affected the applicant's family life. **The Court then observed that handling infrastructural issues was a difficult task requiring considerable time and resources from States. It also noted that governments could not be held responsible for merely allowing heavy traffic to pass through populated residential town areas**.

Notwithstanding the above, **the Ukrainian government had not carried out an environmental feasibility study** before turning K. Street into a motorway, **nor had they made sufficient efforts to mitigate the motorway's harmful effects**. In addition, the applicant had not had any meaningful opportunity to challenge in court the State's policy concerning that motorway, as her civil claim had been dismissed with scant reasoning, the courts not having engaged with her arguments. Therefore, the Court concluded that there had been a violation of Article 8.

Just satisfaction (Article 41)

The Court held that Ukraine was to pay the applicant EUR 10,000 in respect of non-pecuniary damage.

- **Freedom of expression**

Uj v. Hungary (no. 23954/10) (Importance 2) – 19 July 2011 – Violation of Article 10 – Difference between damaging a person's reputation and a company's commercial reputation – Unjustified interference with the right to freedom of expression of a journalist

The applicant has been convicted for libel for harshly criticizing the quality of a well-known variety of Hungarian wine, produced by a State-owned company. The applicant complained about his conviction for libel.

The Court observed that the wine company had without question the right to defend itself against defamatory allegations and that there was a general interest in protecting the commercial success and viability of companies, not only for the benefit of shareholders and employees but also for the wider economic good. However, there was **a difference between damaging a person's reputation, with the repercussions that that could have on their dignity, and a company's commercial reputation, which has no moral dimension.**

Moreover, the applicant's article expressed a value judgment or opinion whose primary aim was to raise awareness about the disadvantages of State ownership rather than to denigrate the quality of the wine company's products.

Indeed, the applicant's opinion, dealing with government policies on the protection of national values and the role of private enterprise and foreign investment, was of public interest – on which he, as a journalist, had a duty to impart information and ideas, even if somewhat exaggerated or provocative. Given those considerations, the Court found that the necessity for interfering with the applicant's freedom of expression had not been convincingly justified, in violation of Article 10.

Just satisfaction (Article 41)

The Court held that Hungary was to pay the applicant EUR 3,580 in respect of costs and expenses. The applicant made no claim for damages.

Heinisch v. Germany (no. 28274/08) (Importance 2) – 21 July 2011 – Violation of Article 10 – Domestic courts' failure to strike a fair balance between an employer's reputation and an employee's freedom of expression

The applicant was employed as a geriatric nurse by a Berlin Land majority-owned company specializing in healthcare and assistance to the elderly. Her and her colleagues regularly indicated to the management that they were overburdened due to staff shortage and thus had difficulties carrying out their duties. The management having rejected those accusations, the applicant brought a criminal complaint against the company in December 2004 alleging aggravated fraud. According to the complaint, owing to the lack of staff and insufficient standards, the company knowingly failed to provide the high quality care promised in its advertisements. The applicant was dismissed in January 2005 on account of her repeated illness. She issued a leaflet which denounced the dismissal as a political measure and mentioned the criminal complaint brought by her against the company. The company subsequently dismissed her without notice. The applicant challenged her dismissal without notice, but the Labour Court of Appeal held that the dismissal had been lawful, as the applicant's criminal complaint had provided a "compelling reason" for the termination of the employment relationship without notice as provided by the Civil Code. That decision was upheld by the Federal Labour Court. The applicant complained that her dismissal and the court's refusal to order her reinstatement violated Article 10.

The Court shared the German Government's view that that interference had been "prescribed by law", as the German Civil Code allowed the termination of an employment contract with immediate effect by either party if a "compelling reason" rendered the continuation of the employment relationship unacceptable to the party giving notice. However, the Court noted that the information disclosed by the applicant about the alleged deficiencies in the care provided had undeniably been of public interest, in particular given that the patients concerned might not have been in a position to draw attention to those shortcomings on their own initiative. There was also no evidence to establish that the applicant had knowingly or frivolously reported incorrect information. The Court had further no reasons to doubt that the applicant acted in good faith. The applicant's allegations had certainly been prejudicial to the company's business reputation and commercial interests. **However, the Court found that the public interest in being informed about shortcomings in the provision of institutional care for the elderly by a State-owned company was so important in a democratic society that it outweighed the interest in protecting the company's business reputation and interests.** Finally, the heaviest sanction possible under labour law had been imposed on the applicant. The applicant's dismissal without notice had therefore been a disproportionately severe sanction. The domestic courts had thus failed to strike a fair balance between the need to protect the employer's reputation and the need to protect the applicant's right to freedom of expression. There had accordingly been a violation of Article 10.

Just satisfaction (Article 41)

Under Article 41, the Court held that Germany was to pay the applicant EUR 10,000 in respect of non-pecuniary damage and EUR 5,000 in respect of costs and expenses.

Sigma Radio Television Ltd. v. Cyprus (no. 32181/04) (Importance 2) – 21 July 2011 – No violation of Article 10 – Necessity and proportionality of a fine imposed on a TV Company for racist and discriminatory content of fictional series

The case concerned a number of decisions of the Cyprus Radio and Television Authority imposing fines on the applicant company for violations of legislation concerning radio and television programmes it had broadcast, and the alleged unfairness of the related domestic proceedings.

The Court noted that the interference with the company's right to freedom of expression had been prescribed by law and had pursued at least one of the legitimate aims set out in Article 10, namely, the protection of the rights of others. As regards the question whether the interference had been "necessary in a democratic society" for the purpose of Article 10, the Court took note of the Authority's concerns about the racist and discriminatory tone of the remarks and emphasized the vital importance of combating racial and gender discrimination in all its forms and manifestations. **Although the remarks had been made in the context of a fictional entertainment series, the Authority could not be said in the circumstances to have overstepped its margin of appreciation in view of its detailed analysis at national level.** Moreover, the fine of 2,000 Cypriot pounds (the equivalent of approximately EUR 3,450 at the time) had been proportionate to the aim pursued, bearing in mind that the Authority had taken into account the repeated violations by the company of the relevant provisions in other episodes of the same series. There had accordingly been no violation of Article 10.

- **Protection of property**

Fabris v. France (no. 16574/08) (Importance 3) – 21 July 2011 – No violation of Article 14 taken together with Article 1 of Protocol No. 1 – No discrimination resulting from a difference of treatment between illegitimate and legitimate children, the difference of treatment was proportionate to the aim in question

The case concerned the inheritance rights of the applicant, born from an adulterous relationship. In 1970 the applicant's mother and her husband distributed their property *inter vivos* between their two legitimate children whilst retaining a life interest for themselves until their death. Since donations made before 1972 cannot be challenged according to French domestic law and since the law adopted by France in 2001 to grant children born of an adulterous relationship identical inheritance rights to legitimate children was held inapplicable, the applicant complained of his inability to assert his inheritance rights.

The Court reiterated that the authorities enjoyed a wide discretion when examining the various competing rights and interests and that it was not, in theory, required to settle disputes of a purely private nature. That being said, in exercising the European supervision incumbent on it, it could not remain passive where a national court's interpretation of a legal act appeared unreasonable, arbitrary or discriminatory. With regard to the applicant's case, the Court noted, as the domestic courts had held, the inability to challenge *inter vivos* donations made before the Law of 1972 came into force was justified by the need to guarantee the principle of legal certainty in respect of such donations. The Court of Cassation also had regard to the fact that the distribution of the estate between the two legitimate children, on the mother's death, had been done before the Law of 2001 came into force and concluded that the provisions of that Law relating to new inheritance rights of illegitimate children were not applicable to the applicant. In the Court's view, that interpretation of the transitional provisions pursued **the legitimate aim of guaranteeing the principle of legal certainty**. **Unlike the case of *Mazurek v. France*, in which the estate had not yet been distributed, the Court found that the difference of treatment between the applicant and his mother's legitimate children was proportionate to the aim in question.** There had therefore been no violation of Article 14 of the Convention taken together with Article 1 of Protocol No. 1. Judges Spielmann and Costa expressed a separate opinion, which is annexed to the judgment.

- **Cases in Chechnya**

Khashuyeva v. Russia (no. 25553/07) (Importance 3) – 19 July 2011 – Violations of Article 2 (substantive and procedural) – (i) Death of the applicant's son and (ii) lack of an effective investigation – 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 19 Jul. 2011: here
- Press release by the Registrar concerning the Chamber judgments issued on 21 Jul. 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.

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

State	Date	Case Title and Importance of the case	Conclusion	Key Words	Link to the case
Bulgaria	19 Jul. 2011	Holevich (no. 25805/05) Imp. 3	Violation of Art. 6 § 1 (length) Violation of Art. 13	Excessive length of proceedings (ten years for three levels of jurisdiction) and lack of an effective remedy	Link
Bulgaria	19 Jul. 2011	Stoycheva (no. 43590/04) Imp. 3	Violation of Art. 1 Prot.1 Violation of Art. 13	Authorities' failure to enforce a final court judgment restoring to the applicant a plot of land he had been expropriated from during the communist regime Lack of an effective remedy	Link
Croatia	19 Jul. 2011	Majski (No.2) (no. 16924/08) Imp. 2	Violation of Art. 6 § 1	Domestic courts' refusal to examine on the merits of a case brought by the applicant to contest a decision appointing someone else to a post he was candidate to	Link
the Czech Republic	21 Jul. 2011	Breukhoven (no. 44438/06) Imp. 3	Violation of Art. 6 §§ 1 and 3d	Domestic Courts' failure to make the applicant able to cross-examine several witnesses in the ensuing criminal proceedings brought against him for trafficking in human beings and procuring prostitution	Link
Greece	19 Jul. 2011	Varfis (no. 40409/08) Imp. 2	Violation of Art. 1 Prot.1	Environmental restrictions placed on the applicant's property without any payment of compensation	Link
Latvia	19 Jul. 2011	L.M. (no. 26000/02) Imp. 3	Violation of Art. 5 § 1	Domestic Authorities' decision to commit the applicant to a psychiatric hospital for a month following her threatening to jump out of her fifth-floor flat	Link
Lithuania	19 Jul. 2011	Jelcovas (no. 16913/04) Imp. 3	Violation 6 § 1 Violation 6 §§ 1 and 3	Applicant not allowed to take part in a Supreme Court hearing in proceedings against him and not assisted by a lawyer to prepare his appeal on points of law	Link
the Netherlands	19 Jul. 2011	Van Velden (no. 30666/08) Imp. 2	Violation of Art. 5 § 4	Unlawful extension by the domestic courts of an order for the applicant's detention on remand	Link
Romania	19 Jul. 2011	C.B. (no. 21207/03) Imp. 3	Revision	Revision of the judgment of 20 July 2010	Link
Romania	19 Jul. 2011	Jarnea (no. 41838/05) Imp. 3	Violation of Art. 8	Domestic authorities hindered the applicant's right of access to personal files	Link
Romania	19 Jul. 2011	Rupa (no. 2) (no. 37971/02) Imp. 3	No violation of Art. 3 (substantive) Violation of Art. 3 (procedural) No violation of Art. 6 §§ 1 and 3 c Violation of Art. 13	Lack of evidence of the applicant's ill-treatment Lack of an effective investigation into the complaint of ill-treatment Lack of arbitrariness in the criminal proceedings against the applicant Lack of an effective remedy	Link
Russia	19 Jul. 2011	Buldakov (no. 23294/05) Imp. 2	No violation of Art. 6 § 1 Violation of Art. 34	Reasonable length of proceedings (three years, two months, for two levels of jurisdiction) Remand Center administration's failure to dispatch the applicant's application form with the attachments which he had tried to send to	Link

				the European Court in July 2005	
Russia	19 Jul. 2011	Gubiyev (no. 29309/03) Imp. 2	Violation of Art. 1 Prot 1	Applicant's property partly blew up and partly damaged by Russian servicemen while carrying out a special operation in Chechen-Aul in July 2000. Domestic Court's failure to award him with compensation	Link
Russia	19 Jul. 2011	Kondratishko and Others (no. 3937/03) Imp. 3	Violation of Art. 3 Violations of Art. 3 No violation of Art. 6	Poor conditions of detention from March 1999 to November 2002 concerning the first applicant Ill-treatment and lack of effective investigation concerning the third applicant Reasonable length of proceedings (Three years, four months, for pre-trial period and two levels of jurisdiction)	Link
the United Kingdom	19 Jul. 2011	Goggins and Others (nos. 30089/04, 14449/06 etc.) Imp. 2	Violation of Art. 8	Collection and retention of the applicants' DNA samples, fingerprints and associated data, despite either being acquitted of criminal charges brought against them or having criminal proceedings against them dropped	Link
Turkey	19 Jul. 2011	Parlak (no. 22459/04) Imp. 3	Violation of Art. 5 §§ 3 and 5	Domestic authorities' failure to bring the applicant promptly before a judge after his arrest ; lack of domestic law provisions to provide for an effective remedy by which the applicant could have obtained compensation for his unlawful deprivation of liberty	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**
Romania	19 Jul. 2011	Leca and Filipescou (nos. 27949/04 and 30324/04) link	Violation of Art. 6 § 1	Quashing of final court decisions in the applicants' favour
Russia	19 Jul. 2011	Belokopytova (no. 39178/04) link	Idem.	Quashing of final court decisions in the applicant's favour
"the former Yugoslav Republic of Macedonia"	19 Jul. 2011	Dreyer (no. 2040/04) link	Idem.	Idem.

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
Bulgaria	19 Jul. 2011	Dimova and Minkova (no. 30481/05)	Link
Germany	21 Jul. 2011	Bellut (no. 21965/09)	Link
Greece	19 Jul. 2011	Kaggos (no. 64867/09)	Link
Slovenia	21 Jul. 2011	Strehar (no. 34787/04)	Link

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

No decisions have been published by the Court during the period under observation.

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 25 July 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 25 July 2011 on the Court's Website and selected by the NHRS Unit

The batch of 25 July 2011 concerns the following States (some cases are however not selected in the table below): Azerbaijan, Croatia, France, Georgia, Greece, Hungary, Moldova, Montenegro, Poland, Romania, Russia, Slovenia, Spain, Switzerland, "the former Yugoslav Republic of Macedonia", Turkey and Ukraine.

State	Date of Decision to Communicate	Case Title	Key Words of questions submitted to the parties
Croatia	06 Jul. 2011	A.K. and L.K. no 37956/11	Alleged violation of Art. 8 – Alleged lack of legal representation of the applicant during the proceedings – Alleged violation of Art. 6 § 1 – Unfairness of proceedings – Alleged violation of Art. 14 in conjunction with Art. 8 – The applicants allegedly suffered discrimination in the enjoyment of their right to respect for their family life on the ground of the first applicant's physical illness and mental disability
Croatia	06 Jul. 2011	Rujak no 57942/10	Alleged violation of Art. 10 – Alleged interference with the applicant's freedom of expression on account of its conviction for tarnishing the reputation of the Republic of Croatia by saying in particular, while serving in the Croatian army, that he did not recognize the State of Croatia

Russia	05 Jul. 2011	Styazhkova no 14791/04	Alleged violations of Art. 2 (substantive and procedural) – (i) Applicant's son's death during military service and (ii) States' failure to conduct an effective investigation – Alleged violations of Art. 3 (substantive and procedural) – (i) Applicant's son subjected to ill-treatment and (ii) lack of an effective investigation – Alleged violation of Art. 6 § 1 – Unfairness of proceedings – Alleged violation of violation of Art. 13 – Lack of an effective remedy
Spain	05 Jul. 2011	Eusko Abertzale Ekintza – Accion Nacionalista Vasca (EAE-ANV) no 40959/09	Alleged violations of Articles 10 and 11 – Dissolution of the applicant's political party
Communicated cases concerning Chechnya (and Ingushetia)			
Russia	04 Jul. 2011	Abdurakhmanova and Others no 2593/08	Alleged violations of Art. 2 (substantive and procedural) – (i) Applicants' close relatives' death during a special military operation in their village and (ii) lack of an effective investigation in that respect – Alleged violation of Art. 3 – Applicants' mental suffering due to the special military operation – Alleged violation of Art. 8 and Art. 1 of Prot. 1 – Violation of the applicants' right to respect for their home – Alleged violation of violation of Art. 13 – Lack of an effective remedy – Alleged violation of Art. 14 – Discrimination on the ground of the applicants' Avarian ethnic origin
Russia	04 Jul. 2011	Dovletukayev no 7821/07 and 3 other applications	Alleged Violations of Art. 2 (substantive and procedural) – (i) Disappearance and presumed death of the applicants' close relative and (ii) lack of an effective investigation – Alleged violation of Art. 3 – Applicants' mental suffering due to special military operation – Alleged violation of Art. 5 – Unacknowledged detention of the applicants' close relative – Alleged violation of Art. 13 in conjunction with Art 2 – Lack of an effective remedy

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

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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

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

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)

New decisions on admissibility (11.07.2011)

The decision on admissibility in the case General Federation of employees of the national electric power corporation (GENOP-DEI) and Confederation of Greek Civil Servants' Trade Unions (ADEDY) against Greece, Complaint No. 65/2011, is public.

The decision on admissibility in the case General Federation of employees of the national electric power corporation (GENOP-DEI) and Confederation of Greek Civil Servants' Trade Unions (ADEDY) against Greece, Complaint No. 66/2011, is public (more information on complaints 65/2011 and 66/2011).

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

Council of Europe anti-torture committee published a report on Latvia (19.07.2011)

The CPT has published on 19 July the report on its most recent visit to Latvia, which took place from 3 to 8 December 2009, together with the response of the Latvian Government. Both documents have been made public at the request of the Latvian authorities. The main objective of the visit was to review progress made as regards the treatment and conditions of detention of prisoners, in the light of the recommendations made by the Committee after the 2007 visit to Latvia. To that end, the CPT's delegation re-visited Jēkabpils Prison and the units for life-sentenced prisoners at Daugavgrīvas and Jelgava Prisons. The delegation gained the impression that the situation concerning the treatment of prisoners by staff of Jēkabpils Prison had improved as compared with the 2007 visit. Nevertheless, some allegations of physical ill-treatment of prisoners by prison officers were received. Further, the level of inter-prisoner violence at Jēkabpils Prison remained a matter of serious concern; as was the case during the 2007 visit, the delegation heard numerous accounts of severe beatings, sexual assaults, threats and extortion by fellow inmates. Moreover, the visit revealed that there had been little improvement as regards conditions of detention in the prison; the vast majority of prisoners continued to be held under poor conditions. In relation to Daugavgrīvas Prison, the CPT welcomes the fact that life-sentenced prisoners at the medium regime level now benefit from an open-door regime for most of the day, with free access to an outdoor yard and to a common room. However, the Committee remains seriously concerned by the lack of progress in both Daugavgrīvas and Jelgava Prisons as regards the regime applied to life-sentenced prisoners who are at the lowest regime level (about 70 percent of all lifers); these prisoners continued to be locked up in their cells for up to 23 hours per day without being offered any purposeful activities. Further, the CPT has stressed once again that it can see no justification for the systematic handcuffing of almost all life-sentenced prisoners whenever they are escorted inside the prison or for keeping them apart from other prisoners. In their response, the Latvian authorities provide information on measures taken to address the recommendations made by the Committee on the issues described above.

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

Ireland: receipt of the third cycle State Report (19.07.2011)

Ireland submitted on 18 July 2011 its third state report in English, pursuant to Article 25, paragraph 2, of the Framework Convention for the Protection of National Minorities. It is now up to the Advisory Committee to consider it and adopt an opinion intended for the Committee of Ministers.

D. Group of States against Corruption (GRECO)

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

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

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Part IV: The inter-governmental work

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

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B. Recommendations and Resolutions adopted by the Committee of Ministers

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C. Others news of the Committee of Ministers

Statement by Kostyantyn Gryshchenko on attacks in Norway (22.07.2011)

The Ukrainian Chairmanship of the Committee of Ministers of the Council of Europe strongly condemned the terrorist attacks in Norway in which many innocent people lost their lives and were wounded. Such heinous attacks have no justification. These barbaric acts can not be regarded otherwise but as direct challenge to the Council of Europe family of nations because of their evident threat to the all-European democratic values.

Kostyantyn Gryshchenko: executions in Belarus cause of deep concern (22.07.2011)

The two reported executions in Belarus are a cause of deep concern to the Ukrainian Chairmanship of the Committee of Ministers of the Council of Europe, said Kostyantyn Gryshchenko, Chairman of the Committee of Ministers of the Council of Europe, and Minister of Foreign Affairs of Ukraine, in his statement on 22 July. The abolition of capital punishment remains one of the main priorities of the Council of Europe, which has been fighting for 30 years to banish the death penalty across Europe and to make abolition a universally accepted value. Ukraine has successfully abolished capital punishment. Therefore it offered its positive experience to Belarus, the only country in Europe which still uses capital punishment, to initiate practical steps to introduce a moratorium on the use of the death penalty with a view to its complete abolition.

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

* No new signatures, ratifications and recommendations during the period under observation.

Part V: The parliamentary work

A. Resolutions and Recommendations of the Parliamentary Assembly of the Council of Europe (PACE)

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

- *Countries*

PACE monitoring co-rapporteurs made fact-finding visit to Armenia (18.07.2011)

John Prescott (United Kingdom, SOC) and Axel Fischer (Germany, EPP/CD), co-rapporteurs for the monitoring of Armenia by the PACE, made a fact-finding visit to the country from 19 to 21 July. In Yerevan they discussed the latest developments regarding the normalisation of the political environment, as well as the reform programme started by the authorities, in particular election reform ahead of the 2012 parliamentary elections. They met the Speaker of Parliament, the President, representatives of the different political factions, the extra-parliamentary opposition and members of the diplomatic community.

- *Themes*

Winds of change in the Arab world offer 'huge opportunities' for a more peaceful neighbourhood (18.07.2011)

PACE President Mevlüt Çavusoglu has said that the "winds of change" sweeping the Arab world offer "huge opportunities" for the creation of a neighbourhood to Europe which is more peaceful, stable, democratic and prosperous. Addressing a round table at the Odessa National Academy of Law, Mr Çavusoglu listed the steps the Council of Europe – and particularly the Assembly – was taking to share its deep knowledge of democratic transformation, yet without "giving lessons or imposing models". Freedom, dignity and democracy should not remain "just slogans on the streets of Tunis, Cairo and elsewhere, or just topics of conversation on Facebook and Twitter," the President said. The challenge was to translate them into specific actions on the ground – and begin the "immense task" of changing minds, attitudes and practices.

'A good day for justice and for Serbia', says PACE President following Hadzic's arrest (20.07.2011)

Following the arrest on July 20th of Goran Hadzic, the President of the Council of Europe Parliamentary Assembly (PACE) Mevlüt Çavusoglu made the following statement:

"The arrest of Goran Hadzic is excellent news, and I congratulate the Serbian authorities on this important step – which our Assembly has long been calling for. Together with the arrest of Ratko Mladic less than two months ago, this sends a strong signal that Serbia is at last fulfilling its commitment to bring to justice those who committed awful crimes in the dark years of the war. As Hadzic is the last inductee sought by the Hague Tribunal, this completes a long process, allowing Serbia and other countries in the region to come to terms with the past, for justice is also part of reconciliation. It also gives a boost to Serbia's EU prospects. The 20 of July was a good day for justice and for Serbia. Many other crimes were committed by all sides during the war and its aftermath, however, and there is still work to be done. In many cases, it will be up to local authorities and courts to carry on this urgent task. I wish them well."

[*] No new resolutions and recommendations during the period under observation.

PACE rapporteur on Belarus reiterates condemnation of capital punishment (21.07.2011)

Following the recent executions of two men, Oleg Grishkovets and Andrei Burdyka, in Belarus, as reported on 20 july by the state-run Vecherny Grodno newspaper, Andres Herkel (Estonia, EPP/CD), the rapporteur on Belarus for the Parliamentary Assembly of the Council of Europe (PACE), has reiterated the Assembly's long-standing and categorical opposition to the death penalty in all circumstances. "It is with deep regret that I learnt of these executions in Belarus, a country which I cherish and which I would like to bring closer to the Council of Europe family," Mr Herkel said. "The Belarusian authorities must cease the application of the death penalty for all offences, and immediately institute a moratorium to spare the lives of those on death row. Furthermore, I find it unacceptable that, according to human rights organisations, neither the prisoners nor their relatives were informed of the date in advance." While aiming for the universal abolition of the death penalty, the Council of Europe seeks a moratorium in Belarus, whose "Special guest" status was suspended in 1997 and cannot be reinstated until the country enforces a moratorium on capital punishment and until there is substantial, tangible and verifiable progress in terms of respect for the democratic values and principles upheld by the Council of Europe.

PACE President shocked after Norway attacks (23.07.2011)

Following the massacre at Utoeya island youth camp and the bombing in Oslo, the President of the Council of Europe Parliamentary Assembly (PACE) Mevlüt Çavusoglu made the following statement:

"As every single European, I am deeply shocked by the massacre at Utoeya island youth camp and the bombing in Oslo, which caused the death of nearly one hundred people and wounded many others. On behalf of the 800 million Europeans which our Assembly represents, I extend my sincere condolences to the families of those dead as well as to the authorities of Norway. Terrorism remains the greatest threat to the universal values of human rights.

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

A. Country work

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B. Thematic work

Judgments issued by the European Court cannot be ignored (19.07.2011)

People turn to the European Court of Human Rights in Strasbourg because they feel unable to find justice at home. Though the majority of European states do comply with the Court's decisions, there are some which are strikingly slow to abide by their obligation to execute the judgments. This is serious - a prompt, full and effective execution of the Court's judgments is key for the effective implementation of the European Convention's standards in domestic law, said Thomas Hammarberg, Council of Europe Commissioner for Human Rights in his Human Rights Comment published on July 19th (more)

Penalising women who wear the burqa does not liberate them (20.07.2011)

Islamophobia and anti-Muslim prejudices continue to undermine tolerance in Europe. One symptom is the debate about banning the burqa and niqab in public places. In Belgium a law entered into force on Saturday 23 July, which besides a fine provides for up to seven days of imprisonment for women wearing such a dress, said Thomas Hammarberg, Council of Europe Commissioner for Human Rights in his latest Human Rights Comment published on July 20th. France became in April this year the first country in Europe to prohibit full face veils, exposing anyone who wears the niqab or burqa in public to fines of 150 Euros and/or "citizenship training". Some 30 women have been fined or prosecuted since the entry into force of the law. (more)

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

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)

A delegation from Armenia on study visit to Italy (11-15.07.2011)

Within the framework of the Joint Programme between the European Union and the Council of Europe entitled “Access to Justice in Armenia”, a study visit was held with the participation of 10 lawyers from the Chamber of Advocates of Armenia to the Naples Bar Association. After a visit to Hamburg (Germany), this is the second such additional visit for lawyers from Armenia at their request in the framework of the project to learn about general principles of organisation of the Bar Associations in Europe in order to develop the institutional and operational capacities of the Chamber of Advocates of Armenia. During the study visit, in addition to the Naples Bar Association, the participants also visited a law firm and they participated in a bilateral conference on best practices in applying the European Convention on Human Rights. The Chamber of Advocates of Armenia also signed the Statute of the Union of Lawyers’ Associations in the Mediterranean, with an observer status.