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Joint European Union – Council of Europe Programme

*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.

- **Grand Chamber Judgments**

Lautsi and Others v. Italy (link to the judgment in French) (no. 30814/06) (Importance 1) – 18 March 2011 – No violation of Article 2 of Protocol No. 1 – In deciding to keep crucifixes in the classrooms of the State school attended by the first applicant's children, the authorities had acted within the limits of the margin of appreciation given to Italy in the context of its obligation to respect, in the exercise of the functions it assumed in relation to education and teaching, the right of parents to ensure such education and teaching was in conformity with their own religious and philosophical convictions

The case concerned the presence of crucifixes in State-school classrooms in Italy, which the first applicant' children attended and which, according to the applicants, was incompatible with the obligation on the State, in the exercise of the functions which it assumed in relation to education and to teaching, to respect the right of parents to ensure such education and teaching in accordance with their own religious and philosophical convictions. The applicants complained of the presence of crucifixes in the classrooms of the State school formerly attended by the first applicant's children. They also submitted that all three of them, not being Catholics, had suffered a discriminatory difference in treatment in relation to Catholic parents and their children.

In its Chamber judgment of 3 November 2009 the Court held that there had been a violation of Article 2 of Protocol No. 1 taken together with Article 9. In January 2010 the Italian Government requested that the case be referred to the Grand Chamber. It could be seen from the Court's case-law that the obligation on the member States of the Council of Europe to respect the religious and philosophical convictions of parents did not apply only to the content of teaching and the way it was provided; it bound them "in the exercise" of all the "functions" which they assumed in relation to education and teaching. That included the organisation of the school environment where domestic law attributed that function to the public authorities. The decision whether crucifixes should be present in State-school

classrooms formed part of the functions assumed by the Italian State and, accordingly, fell within the scope of Article 2 of Protocol No. 1. That provision conferred on the State the obligation, in the exercise of the functions they assumed in relation to education and teaching, to respect the right of parents to ensure the education and teaching of their children in conformity with their own religious and philosophical convictions. The Court found that, while the crucifix was above all a religious symbol, there was no evidence before the Court that the display of such a symbol on classroom walls might have an influence on pupils. The Court took the view that, while the decision whether or not to perpetuate a tradition fell in principle within the margin of appreciation of the member States of the Council of Europe, the reference to a tradition could not relieve them of their obligation to respect the rights and freedoms enshrined in the Convention and its Protocols. The fact remained that the States enjoyed a margin of appreciation in their efforts to reconcile the exercise of the functions they assumed in relation to education and teaching with respect for the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions. The Court therefore had a duty in principle to respect the States' decisions in those matters, including the place they accorded to religion, provided that those decisions did not lead to a form of indoctrination. Accordingly, the decision whether crucifixes should be present in classrooms was, in principle, a matter falling within the margin of appreciation of the State, particularly where there was no European consensus. The Court referred to its earlier case-law in which it had held that having regard to the preponderance of one religion throughout the history of a country the fact that the school curriculum gave it greater prominence than other religions could not in itself be viewed as a process of indoctrination. It observed that a crucifix on a wall was an essentially passive symbol whose influence on pupils was not comparable to that of didactic speech or participation in religious activities. The Court also considered that the effects of the greater visibility which the presence of the crucifix gave to Christianity in schools needed to be further placed in perspective by consideration of the following points: the presence of crucifixes was not associated with compulsory teaching about Christianity; according to the Government, Italy opened up the school environment to other religions (pupils were authorised to wear symbols or apparel having a religious connotation; non-majority religious practices were taken into account; optional religious education could be organised in schools for all recognised religious creeds; the end of Ramadan was often celebrated in schools, and so on). There was nothing to suggest that the authorities were intolerant of pupils who believed in other religions, were non-believers or who held non-religious philosophical convictions. The Court concluded that, in deciding to keep crucifixes in the classrooms of the State school attended by Ms Lautsi's children, the authorities had acted within the limits of the margin of appreciation left to Italy in the context of its obligation to respect, in the exercise of the functions it assumed in relation to education and teaching, the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions. Accordingly, there had been no violation of Article 2 of Protocol No. 1. Judges Bonello, Power and Rozakis each expressed a concurring opinion. Judge Malinverni expressed a dissenting opinion, joined by Judge Kalaydjieva.

Giuliani and Gaggio v. Italy (link to the judgment in French) (no. 23458/02) – 24 March 2011 – No violations of Article 2 (substantive and procedural) – (i) The use of force by the carabiniere concerned had been absolutely necessary – The Italian authorities had not failed in their obligation to do all that could reasonably be expected of them to provide the level of safeguards required during operations potentially involving the use of lethal force – (ii) Effective investigation carried out in respect of the alleged events – No violation of Article 13 – The applicants had an effective remedy at their disposal – No violation of Article 38 – The nature of information provided by the Italian authorities had not prevented the Court from examining the case

The applicants are the parents and sister of Carlo Giuliani. On 20 July 2001, during the G8 summit held in Genoa, during an authorised demonstration, extremely violent clashes broke out between anti-globalisation activists and the law-enforcement agencies. Carlo Giuliani, who was wearing a balaclava and was playing an active part in the attack, was fatally wounded by a bullet to the face.

The applicants alleged that Carlo Giuliani's death had been caused by excessive use of force, that there had been shortcomings in the domestic legislative framework, that the organisation of the operations to maintain and restore public order had been defective and, finally, that there had been no effective investigation into Carlo Giuliani's death. They further argued that the failure to render immediate assistance to Carlo Giuliani after he had fallen down, and the fact that a jeep had driven over his body, had contributed to his death and amounted to inhuman treatment. They also complained that the investigation had been ineffective. Lastly, they alleged that the Italian Government had acted in breach of Article 38 by failing to provide information to the Court or submitting inaccurate information.

In its Chamber judgment of 25 August 2009 the Court held unanimously that there had been no violation of Article 2 regarding the allegedly excessive use of force; that there had been no violation of Article 2 regarding the State's positive obligation to protect life; that there had been a violation of Article 2 regarding the procedural obligations arising from that Article; and, unanimously, that there had been no violation of Article 38.

Article 2

The Court noted that the officer who had fired the shots had been confronted with a group of demonstrators conducting an unlawful and very violent attack on the vehicle in which he was stranded. In the Court's view, he had acted in the honest belief that his own life and physical integrity and those of his colleagues were in danger from the attack to which they were being subjected. It was clear that the carabiniere had given a warning while holding his weapon in a clearly visible manner, and that he had fired the shots only when the attack had not ceased. The use of a potentially lethal means of defence such as the firing of shots had been justified and that the use of force by the carabiniere concerned had been absolutely necessary within the meaning of the Convention and that there had been no violation of Article 2. Concerning the question whether Italy had taken the necessary measures to reduce as far as possible the adverse consequences of the use of force, the Court concluded that there was no basis in the Convention for concluding that law-enforcement officers should not be entitled to have lethal weapons at their disposal to counter such attacks. The Court noted that some carabinieri had used non-regulation weapons (metal batons) against the rioters, but saw no connection with the death of Carlo Giuliani. Accordingly, there had been no violation of Article 2. Concerning the organisation of the public-order operations, the Court observed that the attack on the jeep had taken place at a time of relative calm following a long day of clashes, when the detachment of carabinieri had withdrawn in order to rest: it could not have been predicted that an attack of such violence would take place in that precise location and in those circumstances. The Government had deployed 18,000 officers, who either belonged to specialised units or had received special training. There was no evidence that the assistance rendered to Carlo Giuliani had been inadequate or delayed or that the jeep had driven over his body intentionally; in any event, as was clear from the autopsy report, the damage to the brain had been so severe that it resulted in death within a few minutes. Accordingly, the Italian authorities had not failed in their obligation to do all that could reasonably be expected of them to provide the level of safeguards required during operations potentially involving the use of lethal force. The Court found that there had been no violation of Article 2 in this respect. Further, the information obtained by the domestic investigation had provided the Court with sufficient evidence to satisfy it that Italy's responsibility could not be engaged in any respect in connection with the death of Carlo Giuliani. The investigation had therefore been sufficiently effective to enable it to be determined whether the use of lethal force had been justified and whether the organisation and planning of the policing operations had been compatible with the obligation to protect life. The Court concluded that there had likewise been no violation of Article 2 with regard to the investigation.

Articles 6 and 13

The applicants argued that, in view of the inconsistent and incomplete findings of the investigation, the case had required more detailed examination within a framework of genuine adversarial proceedings. The Court pointed to its finding that an effective domestic investigation compatible with Article 2 had been conducted into the circumstances of Carlo Giuliani's death. That investigation had been capable of leading to the identification and punishment of those responsible. Although the applicants had not been able to apply to join the proceedings as civil parties, they had nevertheless been able to exercise the powers afforded to injured parties under Italian law and it had been open to them to bring a civil action for compensation. The applicants had therefore had effective remedies available to them in respect of their complaint under Article 2. Accordingly, there had been no violation of Article 13.

Article 38 (adversarial examination of the case)

The Court took the view that, even though the information provided to it by the Italian authorities was not exhaustive on some points, the incomplete nature of that information had not prevented it from examining the case. There had therefore been no violation of Article 38. Three joint partly dissenting opinions are annexed to the judgment (joint partly dissenting opinion of Judges Rozakis, Tulkens, Zupančič, Gyulumyan, Ziemele, Kalaydjieva and Karakaş; joint partly dissenting opinion of Judges Tulkens, Zupančič, Gyulumyan and Karakaş; and joint partly dissenting opinion of Judges Tulkens, Zupančič, Ziemele and Kalaydjieva).

- **Right to life**

Tsechoyev v. Russia (no. 39358/05) (Importance 2) – 15 March 2011 – No violation of Article 2 (positive obligation) – The chain of events leading to the applicant's brother's death could have

been foreseeable to the Nalchik detention centre's officers when they transferred him into the custody of the suspected police officers – Violation of Article 2 (procedural) – Lack of an effective investigation into the abduction and killing of a detainee

The case concerned the killing of the applicant's brother after being abducted from a pre-trial detention centre in Kabardino-Balkaria (Russia) by unknown men in police uniforms. An investigation into his murder was opened. He was charged with aiding the murder and kidnapping of the applicant's brother, but the charges were subsequently dropped for lack of evidence. In particular, it was established that at the time of the murder he had left the prosecutor's service and had been in Moscow. Efforts to identify the men who had taken the applicant's brother were unsuccessful. The investigation into his murder was suspended for failure to identify the suspects and reopened on a number of occasions.

The applicant alleged that his brother was killed by State officers, that the authorities failed to carry out an effective investigation of the matter, and that he did not have effective remedies in respect of those alleged violations.

Article 2 (right to life: obligation to protect)

The Court observed that the parties disagreed as to whether the four men who had abducted the applicant's brother were representatives of the State. The domestic investigation had so far produced no conclusive results on the matter besides having established that the men were not officers of the Malgobek police department, as they had claimed. The Court found that the evidence submitted by the parties was not sufficient to establish beyond reasonable doubt that the men who had killed the applicant's brother were indeed State agents. The Court further had to consider whether the authorities could have foreseen that, by handing the applicant's brother over to the men who had presented themselves as police officers, his life would be at real and immediate risk. The Court did not find that the chain of events leading to the applicant's brother's death could have been foreseeable to the Nalchik detention centre's officers when they transferred him into the custody of the supposed police officers. Therefore, no obligation to take operational measures to prevent a risk to life had arisen and there had accordingly been no violation of the positive obligation to protect the applicant's brother's right to life under Article 2.

Article 2 (right to life: obligation to conduct an effective investigation)

As regards the investigation into the applicant's brother's death, the Court noted that not all documents from the investigation file had been disclosed by the Government. Drawing inferences from that conduct, the Court assumed that the materials made available had been selected so as to demonstrate to the maximum extent possible the effectiveness of the investigation in question. The merits of the complaint had therefore to be assessed on the basis of the existing elements in the file. The Court observed that the criminal investigation had been instituted immediately after the discovery of the body, with a number of important steps taken to establish the circumstances of the events including the questioning of the applicant's brother's family. The Court found it difficult to ignore the fact that the investigation had failed to elucidate the possible complicity of the law-enforcement staff of the Malgobek district in the applicant's brother's abduction. Having heard the testimony of the Malgobek district prosecutor that he had authorised the applicant's brother's transfer back to the detention centre in Ingushetia several weeks prior to the abduction, but that for unclear reasons it had not taken place, the investigators had not taken any steps to clarify who had been aware of that decision, whether the corresponding documents had been issued at the Malgobek prosecutor's office and whether those documents could have been used to forge the papers presented at the Nalchik pre-trial detention centre on the day of the abduction. That led the Court to conclude that the investigation had ultimately been ineffective in that it had failed to follow an obvious line of inquiry to an extent which undermined its ability to establish the circumstances of the case and the person or persons responsible. The authorities had thus failed to carry out a thorough, objective and impartial analysis of all relevant elements, in violation of Article 2. Under Article 41 (just satisfaction) of the Convention, the Court held that Russia was to pay the applicant 15,000 euros (EUR) in respect of non-pecuniary damage and EUR 2,500 in respect of costs and expenses.

- **Ill-treatment**

Bocharov v. Ukraine (no. 21037/05) (Importance 3) – 17 March 2011 – Violations of Article 3 (substantive and procedural) – (i) Ill-treatment of a suspect in weapons trading in police custody – (ii) Lack of an effective investigation

The case concerned the applicant's allegation that he was arrested in suspicious circumstances and severely beaten by the police in order to make him confess to storing and trading in weapons.

The applicant alleged that he had been severely beaten by the police and that no effective investigation had been carried out into his allegation.

The Court noted that within hours of his release from the police station the applicant was taken to hospital in a state of health that was such that he had to stay there for more than 20 days. The injuries initially diagnosed in hospital were further corroborated by the applicant's consistent account of the suspicious circumstances of his arrest and detention as well as ill-treatment. As a detainee, the applicant was under the control of the State and it was therefore responsible for finding and prosecuting those who had caused him such harm. Having failed to do so, the Court considered that the applicant had sustained his injuries as a result of inhuman and degrading treatment for which the Ukrainian Government was responsible, in violation of Article 3. What is more, there were delays in: securing medical evidence – for example failure to order an expert medical report while the applicant was still in hospital – despite the fact that he had told staff there that he had been ill-treated and that he had lodged a formal complaint while still hospitalised; and, furthering the investigation – notably, the accused police officers had only been questioned nine months after the alleged beating and the confrontation between them and the applicant more than a year later. Indeed, the investigation had even been directed at first – until December 2002 – against the wrong police department. Given those serious shortcomings, the Court considered that the domestic authorities had not adequately investigated the applicant's allegations of ill-treatment, in further violation of Article 3. The Court held that Ukraine was to pay the applicant 10,000 Euros (EUR) in respect of non-pecuniary damage and EUR 5,000 for costs and expenses.

Iljina and Sarulienė v. Lithuania (no. 32293/05) (Importance 2) – 15 March 2011 – Violations of Article 3 (substantive and procedural) – (i) Ill-treatment of a family by police officers during a search in their block of flats – (ii) Lack of an effective investigation

The case concerned a mother and daughter's allegation that they and their family were the victims of police brutality in the staircase of their block of flats in August 2003 when a police officer came to the two women's' block of flats to carry out a search for stolen goods at their neighbours' flat and that the incident was not adequately investigated.

The applicants complained that they and their family had been subjected to police brutality at their apartment block, and that the authorities had failed to carry out an effective investigation into the incident so as to identify and punish those officers responsible.

The Court noted that both parties agreed that the two women's' injuries – corroborated by medical reports – had occurred during the altercation with the police. The Court found that their injuries were consistent with their version of events, notably being pulled by the arms off a police car (the first applicant) and having a foot shut in a door (the second applicant). It also considered that those injuries, together with the fact that the women had witnessed police violence, showed that they had been subjected to degrading treatment. The Court did not consider, however, that that use of force could be justified by the two women obstructing the police or by members of their family resisting arrest. Indeed, doubt was cast over any necessity to use force by the fact that the charges against the members of the applicants' family had been dropped in December 2004. The Court was particularly concerned by the fact that, those charges having been dismissed, neither the prosecution nor the domestic courts considered it important or reasonable to reopen the pre-trial investigation and carry out further more transparent questioning, without the psychological pressure which witnesses and victims would naturally have felt at the police station. Lastly, at no stage was it ever established clearly to what extent each police officer had contributed to the injuries sustained by the two women or the members of their family. The Court therefore concluded that Lithuania was responsible for the physical and mental violence to which the two women had been subjected as well as the inadequacy of the ensuing investigation into the incident, in violation of Article 3. The Court held that Lithuania was to pay to the applicants 9,000 euros (EUR), each, in respect of non-pecuniary damage and EUR 1,050, jointly, for costs and expenses.

Serdar Güzel v. Turkey (no. 39414/06) (Importance 2) – 15 March 2011 – Violations of Article 3 (substantive and procedural) – (i) Torture in police custody – (ii) Lack of an effective investigation – Violation of Article 13 in conjunction with Article 3 – Lack of an effective remedy – Violation of Article 5 § 3 – Excessive length of detention – Violation of Article 6 § 1 – Excessive length of proceedings

The applicant was arrested on 20 February 1999 on suspicion of being a member of the Marxist-Leninist Communist party, an illegal organisation. According to the arrest report, he tried to escape

and the police officers used force to apprehend him. A doctor who examined him the same day reported that the applicant was in pain and suffering from restricted movement in his shoulders. The applicant was then placed in the Istanbul Police Headquarters and he complained that he was ill-treated there, in particular, that he was hanged, his testicles were squeezed and he was forced to lie over ice covered with a wet blanket. On 27 February 1999, a further medical examination reported that there were numerous bruises and scab wounds all over his body, including the face and testicles. On the same day, he complained before a prosecutor and a judge that he was tortured by the police. In April 1999, he brought a criminal complaint in that connection. Following an initial decision by the prosecution not to prosecute four police officers were charged with ill-treatment. The case was transferred between courts and hearings were postponed as some of the accused police officers could not be summoned, until, in December 2006, the case was discontinued as being time-barred. According to the information in the case file, the applicant was released from pre-trial detention in January 2011, while the case against him on suspicion of belonging to an illegal organisation was still pending.

The applicant complained that he had been tortured by the police and that he did not have an effective remedy to complain about it, that he had been detained for too long pending trial and that the criminal proceedings against him had been too long.

Article 3

The Court noted that the parties did not dispute the findings of the medical report of 27 February 1999. However, the applicant claimed that they were the result of his ill-treatment in custody, while the Turkish Government argued that he had sustained them when he had tried to escape during the arrest. The Court considered that, if the injuries had been the result of force used during the arrest, then they should have appeared in the first medical report after the arrest, and they did not. In addition, those injuries were consistent with the type of ill-treatment alleged by the applicant. As he had been in detention, hence in a vulnerable situation, the authorities had had a duty to protect him. Given that no convincing explanation had been provided by the Government in respect of his injuries, the Court concluded that the Government was responsible for his ill-treatment. It further drew inferences from the lack of tangible explanation about the injuries and held that, as the applicant had been ill-treated in order to obtain his confession about his belonging to an illegal organisation, he had suffered profoundly. The Court concluded that he had been tortured, in violation of Article 3. The Court emphasised that, when someone working for the State was accused of crimes involving torture or other types of ill-treatment, the time-barring of the criminal proceedings and sentencing against them should not be possible. In addition, it was of the utmost importance that those people had to be suspended from duty during the investigation and trial and dismissed if convicted. There had been no indication that the police officers charged with ill-treating the applicant had been suspended from duty. Also, because of a number of substantial delays, the criminal proceedings against the police officers had not produced any result and had been terminated in accordance with statutory limitations. Consequently, the Government had not shown sufficient diligence or promptness in the investigation which had created impunity for the perpetrators. There had therefore been a violation of Article 3 as the criminal proceedings against the police officers had been inadequate.

Article 13

The Court concluded that, because only civil remedies had been available to the applicant, those had been insufficient, in violation of Article 13 in conjunction with Article 3.

Article 5 § 3

The Court held that that, as the applicant had been detained for over 11 years pending trial, that had been too long and in violation of Article 5 § 3.

Article 6 § 1

The Court held that there had been a violation of Article 6 § 1 because the criminal proceedings against the applicant, which had taken approximately 12 years for one level of jurisdiction, had lasted too long. Under Article 41, the Court held that Turkey was to pay the applicant 45,000 euros (EUR) in respect of non-pecuniary damage and EUR 3,500 for costs and expenses.

- **Freedom of expression**

Otegi Mondragon v. Spain (no. 2034/07) (Importance 1) – 15 March 2011 – Violation of Article 10 – An elected representative's disproportionate criminal conviction and sentence for causing serious insult to the King of Spain

The case concerned the criminal conviction of the spokesperson for a left-wing Basque separatist parliamentary group for causing serious insult to the King of Spain, following comments made to the press during an official visit by the King to the province of Biscay. The applicant stated in reply to a journalist's question that the inauguration, with Juan Carlos of Bourbon, was a "genuine political disgrace". He said that the King, as "supreme head of the Guardia Civil (police) and of the Spanish armed forces" was the person in command of those who had tortured those detained in the police operation against the Egunkaria newspaper. He called the King "he who protects torture and imposes his monarchical regime on our people through torture and violence". In April 2003 the public prosecutor lodged a criminal complaint against the applicant for "serious insult against the King". On 3 July 2006 the Constitutional Court declared inadmissible the amparo appeal lodged by the applicant for a manifest absence of constitutional content. It held that it was difficult to deny the ignominious, vexatious and dishonouring nature of the impugned comments, even when made with regard to a public figure. The court concluded that the applicant's remarks expressed a manifest contempt for the King and for the institution he represented, affecting the inner core of his dignity, and that they could clearly not be protected by the exercise of the right to freedom of expression. The sentence imposed on the applicant was suspended for three years and remitted in July 2009.

The applicant complained that he had been convicted in criminal proceedings for causing serious insult to the King.

The Court noted that the interference by the public authorities in the applicant's right to freedom of expression, namely his conviction, had had a legal basis in the Criminal Code, which made it a punishable offence to insult the King. It pursued the legitimate aim of protecting the reputation of the King of Spain. The applicant's remarks, made in his capacity as elected member of and spokesperson for a parliamentary group, concerned a matter of public interest in the Basque Country, namely the welcome to be given by the head of the Basque Government to the King of Spain, who was on an official visit, in the context of the recent closure of the Egunkaria newspaper and the complaint alleging ill-treatment which had been lodged by its editors and made public by them. The latitude enjoyed by the authorities in restricting the applicant's freedom of expression was limited in the area of political discussion or debate, as that freedom was especially important for an elected representative of the people who defended the interests of his or her electors. In addition, the applicant's comments could be understood as contributing to a wider public debate on the possible responsibility of the State security forces in cases of ill-treatment. While certain of the terms used by the applicant painted a negative and hostile picture of the king as an institution, that was not an incitement to violence or hate speech, which, in the Court's opinion, was the essential element. Moreover, neither the courts nor the Government had justified the applicant's conviction on such grounds. In addition, these oral statements, made in the course of a press conference, could not be either rephrased or withdrawn. The Court considered that the principles laid down in its case-law on the issue of over-protection of Heads of State were valid for a monarchical system such as Spain's, where the sovereign held a unique institutional position. While the King of Spain remained neutral in political debate, he was the symbol of the State, and his position as arbitrator could not shield him from legitimate criticism of that State's constitutional structures. The phrases used by the applicant concerned solely the King's institutional responsibility as Head and symbol of the State apparatus and of the forces which, according to the applicant, had tortured the editors of the Egunkaria newspaper. The Court further noted the particular severity of the sentence – one year's imprisonment and suspension of the right to vote during that period. A prison sentence imposed for an offence committed in the area of political discussion was compatible with freedom of expression only in extreme cases, such as hate speech or incitement to violence. Nothing in the applicant's case justified such a sentence, which inevitably had a dissuasive effect. The suspension of the applicant's sentence, while it might have eased his situation, had nonetheless not expunged his conviction or the long-term consequences of a criminal record. Thus, the reasons relied upon by the Spanish courts were not sufficient to demonstrate that the interference complained of had been "necessary in a democratic society". The applicant's conviction and sentence were thus disproportionate to the aim pursued, in violation of Article 10.

Under Article 41 (just satisfaction), the Court held that Spain was to pay the applicant 20,000 euros (EUR) in respect of non-pecuniary damage and EUR 3,000 for costs and expenses.

- **Judgment on just satisfaction**

G.N. and Others v. Italy (no. 43134/05) (Importance 1) – 15 March 2011 – The judgment follows the principal judgment delivered by the Court on 1 March 2010, in which the applicants complained that they or their relatives, who suffered from thalassaemia, had been contaminated by the human immunodeficiency virus ("HIV") or hepatitis C following blood transfusions and the administration of blood products carried out by the State health service

The first six applicants are the relatives of people who died after contracting HIV or hepatitis C in the 1980s following blood transfusions carried out by the State health service. The same thing happened to the seventh applicant, Mrs D.C., who is the only surviving member of the infected group. The victims had thalassaemia, a hereditary disorder whose sufferers need to be given blood and blood products in order to survive.

The applicants complained about court decisions to the effect that, prior to the discovery of hepatitis C and HIV by the global scientific community, there was no causal link between the conduct of the Ministry of Health and the damage sustained. They also complained about the authorities' refusal to reach friendly settlements with them, as had been done in the case of haemophiliacs who had been contaminated in the same manner, a possibility that was not open to the applicants as thalassaemia sufferers. In its Judgment of 1 March 2010, the Court concluded that there had been no violation of Article 2 concerning the obligation to protect the life of the applicants/the applicants' relatives, a violation of Article 2 with regard to the conduct of the civil proceedings and a violation of Article 14 in conjunction with Article 2. With regard to just satisfaction, the Court held that Italy was to pay, in respect of non-pecuniary damage, 39,000 euros (EUR) each to: Mrs D.C.; Mr D.C. and Mrs G.D.M. jointly; Mr G.N. and Mrs G.S. jointly; Mrs E.S. and Mr S.C. jointly, and EUR 8,000 to the applicants jointly for costs and expenses. The Court found that the question of application of Article 41 was not ready for decision and reserved it for later consideration. The Court stated that it had been notified of a friendly settlement reached between the Italian Government and the applicants, in respect of the latter's claims under Article 41. As that agreement was equitable within the meaning of Rule 75 § 4 of the Rules of Court and was based on respect for human rights, the Court took formal note of it and concluded that it was appropriate to strike the remainder of the case out of the list. It took note of the parties' undertaking not to request a referral of the case to the Grand Chamber. Under the friendly settlement reached by the parties, Italy is to pay a total of EUR 2,324,056.05 to the applicants, broken down as follows: EUR 464,811.21 to Mrs D.C.; EUR 619,748.28 to Mr G.N. and Mrs G.S. jointly; EUR 619,748.28 to Mr D.C. and Mrs G.D.M. jointly; EUR 619,748.28 to Mr S.C. and Mrs E.S. jointly.

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 15 Mar. 2011: here
- Press release by the Registrar concerning the Chamber judgments issued on 17 Mar. 2011: here
- Press release by the Registrar concerning the Chamber judgments issued on 22 Mar. 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
Albania	15 Mar. 2011	Caush Driza (no. 10810/05) Imp. 3	Violation of Art. 6 § 1 (fairness) and Art. 1 of Prot. 1 Violation of Art. 13	Non-enforcement of the Court of Appeal's judgment in the applicant's favour Lack of an effective remedy	Link
Armenia	22 Feb. 2011	Boyajyan (no. 38003/04) Imp. 2	No violation of Art. 6 § 1	Proportionate limitation on the applicant's access to court	Link
Bulgaria	15 Mar. 2011	Marinov (no. 36103/04) Imp. 3	Violation of Art. 1 of Prot. 1 Violation of Art. 13	Disproportionate interference with the applicant's rights of property on account of the mayor's order authorising the registration of only part of the applicant's property, contrary to the orders for the revocation of the expropriation, by virtue of which the ownership of the whole surface of the property had been restored to the applicant Lack of an effective remedy	Link
Romania	22 Feb.	Granitul S.A. (no. 22022/03)	Violation of Art. 1 of Prot. 1	Deprivation of property and lack of adequate compensation	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

	2011	Imp. 3			
Romania	15 Mar. 2011	Begu (no. 20448/02) Imp. 3	Violation of Art. 5 § 3 Violation of Art. 1 of Prot. 1	Excessive length of pre-trial detention (more than eleven months) Domestic authorities' failure to return to the applicant the items placed under seal by the authorities during a search of the applicant's home	Link
Russia	15 Mar. 2011	Shandrov (no. 15093/05) Imp. 3	Violation of Art. 6 § 1 (fairness)	Domestic authorities' failure to notify the applicant in due time of the appeal hearing	Link
Ukraine	17 Mar. 2011	Burov (no. 14704/03) Imp. 3	Violation of Art. 5 § 3 Violation of Art. 6 § 1	Excessive length of pre-trial detention (two years and eight months) Excessive length of criminal proceedings (ten years and almost three months for three 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**
Russia	15 Mar. 2011	Sizov (no. 33123/08) link	Violation of Art. 5 § 3 (Mr Sizov and 1st, 2nd, 3rd, 4th, 6th and 8th applicants in Yoldaş and Others)	Excessive length of detention
Turkey		Yoldaş and Others (nos. 23706/07, 37912/07, 43801/07, 54514/07, 56503/07, 1033/08, 1522/08 and 2635/08) link	Violation of Art. 6 § 1 (1st, 2nd, 5th, 6th, 7th and 8th applicants in Yoldaş and Others)	Excessive length of proceedings

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**
Hungary	15 Mar. 2011	Gávris (no. 33723/06)	Link

Hungary	15 Mar. 2011	Köteles (no. 9271/07)	Link
Hungary	15 Mar. 2011	László Molnár (no. 41063/07)	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 7 to 20 March 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***
Bulgaria	15 Mar. 2011	Yavashev and Others (no 41661/05) link	In particular alleged violation of Art. 1 of Prot. 1 and Art. 8 (unlawful deprivation of real estate), Articles 6 § 1 and 13 (domestic court allegedly erroneously imposed on the applicants the payment of court costs), Art. 6 § 1 (lack of opportunity to participate in the proceedings before the administrative courts)	Partly adjourned (concerning claims under Art. 1 of Prot. 1), partly inadmissible for non-respect of the six-month requirement (concerning the alleged deprivation of the main building), partly inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention concerning the remainder of the application)
France	08 Mar. 2011	Oury (no 50037/08) link	Alleged violation of Art. 4 of Prot. 1 (infringement of the principle of non bis in idem), Art. 6 § 2 (infringement of the applicant's right to being presumed innocent), Articles 6 and 13 (excessive length of criminal proceedings and lack of an effective remedy)	Struck out of the list (friendly settlement reached)
Georgia	08 Mar. 2011	Nizharadze (no 34361/10) link	Alleged violation of Articles 3 and 13 (lack of adequate treatment for the applicant's viral hepatitis C and lack of an effective remedy)	Struck out of the list (the applicant no longer wished to pursue his application)
Georgia	08 Mar. 2011	Eduard Kakabadze (no 7791/08) link	Alleged violation of Art. 3 (poor conditions of detention and lack of adequate medical treatment) and Art. 6 § 1 (lack of sufficient reasoning in the Supreme Court's decision upholding, at cassation, the applicant's criminal conviction)	Idem.
Hungary	15 Mar. 2011	Palásthy (no 39508/10) link	Alleged violation of Art. 6 § 1 (excessive length of civil proceedings)	Struck out of the list (friendly settlement reached)
Hungary	15 Mar. 2011	Brezovszki (no 46959/08) link	Alleged violation of Art. 6 § 1 (excessive length of criminal proceedings)	Idem.
Hungary	15 Mar. 2011	Farkasné Furulyás (no 24767/08) link	Idem.	Idem.
Hungary	15 Mar. 2011	Rosta (no 19049/08) link	Idem.	Idem.
Hungary	15 Mar. 2011	Kocsis (no 12926/08) link	Alleged violation of Art. 6 § 1 (excessive length of civil proceedings)	Idem.
Hungary	15 Mar. 2011	Ledniczky (no 11124/08) link	Alleged violation of Art. 6 § 1 (excessive length of criminal proceedings)	Idem.
Hungary	15 Mar. 2011	Kiraly (no 53402/07) link	Alleged violation of Art. 6 § 1 (excessive length of enforcement proceedings)	Idem.
Moldova	08 Mar. 2011	Tisar Invest SRL (no 31526/07)	Alleged violation of Art. 6 § 1 (quashing of a final judgment in the applicant's favour)	Idem.

		link		
Moldova	15 Mar. 2011	Conovali (no 39503/06) link	Alleged violation of Art. 6 § 1 (failure to enforce the final judgment in the applicant's favour), Articles 8 and 14 and Art. 1 of Prot. 1 (by failing to enforce the final judgment in her favour the Moldovan authorities had allegedly infringed the applicant's right to respect for her private life and that she had also been a victim of discriminatory treatment and had allegedly violated her right to protection of property)	Inadmissible (non-respect of the six-month requirement)
Poland	08 Mar. 2011	Płatek (no 46609/06) link	Alleged violation of Art. 3 (conditions of detention)	Struck out of the list (friendly settlement reached)
Poland	08 Mar. 2011	Kuźlak (no 6484/08) link	Idem.	Idem.
Poland	08 Mar. 2011	Bąk (no 40258/06) link	Idem.	Idem.
Poland	08 Mar. 2011	Demianiuk (no 45200/06) link	Idem.	Idem.
Poland	08 Mar. 2011	Zawal (no 1854/05) link	Idem.	Idem.
Poland	08 Mar. 2011	Wiśniewski (no 15152/10) link	Alleged violation of Art. 6 § 1 (excessive length of criminal proceedings)	Idem.
Poland	08 Mar. 2011	Wodecki (no 50941/09) link	Idem.	Idem.
Poland	08 Mar. 2011	Gąsior (no 47057/09) link	Idem.	Idem.
Poland	08 Mar. 2011	Szczepański (no 17182/10) link	Idem.	Idem.
Poland	08 Mar. 2011	Sarwa (no 17170/10) link	Idem.	Idem.
Poland	08 Mar. 2011	Garbacz (no 15081/06) link	Alleged violation of Art. 3 (poor conditions of detention)	Idem.
Poland	08 Mar. 2011	Wojteczek (no 22510/06) link	Alleged violation of Art. 1 of Prot. 1 (the applicant complained about various aspects of the continued restrictions on property rights imposed by the Polish housing legislation, in particular the State control over increases in rent, the limitations on the termination of leases and eviction that reduced their ability to use their property and derive a profit from it)	Having regard to the decision to apply the pilot-judgment procedure and to adjourn its consideration of applications deriving from the same systemic problem identified in the case of *Hutten-Czapska v. Poland* (no. 35014/97): Struck out of the list (see *The Association of Real Property Owners in Łódź v. Poland*)
Poland	08 Mar. 2011	Grabowski (no 1236/06) link	Idem.	Idem.
Poland	08 Mar. 2011	Czarcińska (no 24459/05) link	Idem.	Idem.
Poland	08 Mar. 2011	Pietrusinski and Bardska (no 17906/05) link	Idem.	Idem.
Poland	08 Mar. 2011	Schlesinger (no 10736/05) link	Idem.	Idem.
Poland	08	Exim (no	Idem.	Idem.

	Mar. 2011	10032/05) link		
Poland	08 Mar. 2011	DPL (no 7626/05) link	Idem.	Idem.
Poland	08 Mar. 2011	Seifert (no 23457/04) link	Idem.	Idem.
Poland	08 Mar. 2011	Malicki (no 14440/03) link	Idem.	Idem.
Poland	08 Mar. 2011	Owca (no 28945/02) link	Idem.	Idem.
Poland	08 Mar. 2011	Bohrer (no 23781/02) link	Idem.	Idem.
Poland	08 Mar. 2011	Truszkowski (no 16663/02) link	Idem.	Idem.
Poland	08 Mar. 2011	Lysko (no 16500/02) link	Idem.	Idem.
Poland	08 Mar. 2011	Ostrowska (no 12178/02) link	Idem.	Idem.
Poland	08 Mar. 2011	Ostrowski (no 73989/01) link	Idem.	Idem.
Poland	08 Mar. 2011	Borowik (no 66695/01) link	Idem.	Idem.
Poland	08 Mar. 2011	Alaszkiewicz (no 65181/01) link	Idem.	Idem.
Poland	08 Mar. 2011	Koral (no 51794/99) link	Idem.	Idem.
Poland	08 Mar. 2011	Eder (no 51775/99) link	Idem.	Idem.
Poland	08 Mar. 2011	Pawlus (no 48821/99) link	Idem.	Idem.
Poland	08 Mar. 2011	Kocyba (no 39512/98) link	Idem.	Idem.
Poland	08 Mar. 2011	Chyłkowski (no 22776/06) link	Idem.	Idem.
Poland	08 Mar. 2011	Kowolik (no 38966/08) link	Idem.	Idem.
Poland	08 Mar. 2011	Kozłowski (no 8995/08) link	Idem.	Idem.
Poland	08 Mar. 2011	Association of Real Property Owners in Łódź and 24 other applications (no 3485/02) link	The applicants in essence complained about various aspects of the continued restrictions on their property rights imposed by the Polish housing legislation, in particular the State control over increases in rent, the limitations on the termination of leases and eviction that reduced their ability to use their property and derive a profit from it in a manner contrary to Art. 1 of Prot. 1	In view in particular of its assessment of the global solutions adopted by the Polish State and the redress scheme available at domestic level, the Court held that the matter giving rise to the present application and the remaining "rent-control" applications against Poland "has been resolved" for the purposes of Article 37 § 1(b) of the Convention and that it is no longer justified to continue the examination of these cases. Struck out of the list (24 remaining

				similar adjourned applications listed in annex no. 2 to the decision) The Court decides to close the pilot-judgment procedure applied in the case of *Hutten-Czapska v. Poland* (no. 35014/97)
Romania	08 Mar. 2011	Buturca (no 13611/05) link	Alleged violation of Articles 6 § 1 and 14 and Art. 1 of Prot. 1 (the court of appeal, which allegedly refused to recognise the applicant as politically persecuted on account of his religion, adopted opposite decisions in identical cases in respect of other Jehovah's Witnesses)	Struck out of the list (the applicant no longer wished to pursue his application)
Romania	08 Mar. 2011	Cocoara (no 14017/05) link	Idem.	Idem.
Romania	08 Mar. 2011	Cojenel (no 48364/06) link	Alleged violation of Art. 6 § 1 (excessive length of criminal proceedings)	Struck out of the list (unilateral declaration of the Government)
Romania	08 Mar. 2011	Halkabda (no 2744/03) link	Alleged violation of Articles 3, 6 and 8 (poor condition of detention and the applicant's inability to recover his passport seized by the police)	Struck out of the list (the applicant no longer wished to pursue his application)
Romania	08 Mar. 2011	Drăgoi (no 19263/02) link	Alleged violation of Art. 6 (the applicant alleged a lack of sufficient time and facilities to prepare his defence)	Idem.
Romania	08 Mar. 2011	Balan (no 22224/04) link	Alleged violation of Ar. 6 § 1 and Art. 1 of Prot. 1 (non-enforcement of a decision in the applicant's favour)	Idem.
Russia	08 Mar. 2011	Rudnitskiy and Others (no 37865/04; 40573/04) link	The application concerned the delayed enforcement of judgments in the applicants' favour and, in certain cases, of assorted faults that allegedly accompanied the judicial or enforcement proceedings	Having examined the terms of the Government's declarations, the Court understands them as intending to give the applicants redress in line with the pilot judgment (*see Burdov (no. 2)*). Partly struck out of the list (unilateral declaration of Government concerning 52 applicants in so far as the complaints about delayed enforcement of the judgments in the applicants' favour are concerned), partly inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention concerning the remainder of the application)
Russia	15 Mar. 2011	Potseluyev (no 39675/08) link	The application concerned the quashing of a binding judgment in the applicant's favour	Struck out of the list (the applicant no longer wished to pursue his application)
Russia	15 Mar. 2011	Rzhavin (no 33177/07) link	Alleged violation of Art. 3 (ill-treatment by police officers), Art. 5 (unlawful detention) and Art. 13 (lack of an effective remedy)	Struck out of the list (friendly settlement reached)
Serbia	08 Mar. 2011	Milosavljević (no 21482/07; 21484/07 etc.) link	Alleged violation of Art. 6 § 1 (excessive length of civil proceedings), Art. 13 (lack of an effective remedy) and Art. 1 of Prot. 1 (violation of property rights)	Idem.
Serbia	08 Mar. 2011	Anastasov (no 53337/07) link	Alleged violation of Art. 6 § 1 (excessive length of civil proceedings)	Idem.
Serbia	08 Mar. 2011	Đurica (no 31402/08) link	Alleged violation of Art. 6 § 1 (excessive length of civil proceedings), Art. 13 (lack of an effective remedy)	Idem.

Serbia	08 Mar. 2011	Katić (no 24832/08) link	Alleged violation of Art. 6 § 1 (excessive length of civil proceedings)	Idem.
Serbia	08 Mar. 2011	Spasović (no 24305/08) link	Idem.	Idem.
Serbia	08 Mar. 2011	Bodić (no 8136/07) link	Idem.	Struck out of the list (it is no longer justified to continue the examination of the application)
Serbia	08 Mar. 2011	Aleksandrić (no 1339/08) link	Idem.	Struck out of the list (friendly settlement reached)
Serbia	08 Mar. 2011	Kodžo (no 24262/08) link	Idem.	Idem.
Serbia	15 Mar. 2011	Manola and Others (no 50480/07) link	Idem.	Idem.
Serbia	15 Mar. 2011	Mladenović (no 30016/06) link	Alleged violation of Art; 1 of Prot. 1 (domestic authorities' failure to enforce a final administrative order)	Idem.
Slovakia	08 Mar. 2011	Kolesárová and Others (no 10482/09) link	Alleged violation of Art. 6 § 1 (excessive length of civil proceedings)	Idem.
the Czech Republic	15 Mar. 2011	Malířová (no 40858/06) link	Alleged violation of Articles 1, 14 and 17 and Art. 1 of Prot. 1 (inadequate protection of the applicant's right to respect for property)	Struck out of the list (the applicant no longer wished to pursue her application)
the Czech Republic	15 Mar. 2011	Obrátilovi (no 33307/06) link	Alleged violation of Ar. 6 § 1 and Art. 1 of Prot. 1 (deprivation of property without adequate compensation)	Struck out of the list (friendly settlement reached)
"the former Yugoslav Republic of Macedonia"	15 Mar. 2011	Vasilev (no 6235/08) link	Alleged violation of Art. 6 § 1 (excessive length of criminal proceedings)	Idem.
"the former Yugoslav Republic of Macedonia"	15 Mar. 2011	Ribarski and Others (no 25175/07) link	Alleged violation of Art. 6 § 1 (excessive length of civil proceedings)	Idem.
"the former Yugoslav Republic of Macedonia"	15 Mar. 2011	Stojanov and Others (no 25677/07) link	Idem.	Idem.
"the former Yugoslav Republic of Macedonia"	15 Mar. 2011	Janakiev (no 24379/07) link	Idem.	Idem.
"the former Yugoslav Republic of Macedonia"	15 Mar. 2011	Mitevski (no 53445/07) link	Idem.	Idem.
"the former Yugoslav Republic of Macedonia"	15 Mar. 2011	Gadzov and Gicev (no 25190/07) link	Idem.	Idem.
the United Kingdom	15 Mar. 2011	F.I. (no 8655/10) link	Alleged violation of Art. 8 (alleged interference with the applicants' right to respect for family and private life if the first applicant were deported), Art. 6 (outcome of childcare proceedings)	Struck out of the list (it is no longer justified to continue the examination of the application as the first applicant now benefits from the Government's undertaking not to remove him to Jamaica pending the conclusion of the care proceedings)
Turkey	08 Mar. 2011	Öztürk Türker and Others (no 61621/08) link	Alleged violation of Art. 6 § 1 (excessive length of criminal proceedings), Art. 13 (lack of an effective remedy)	Struck out of the list (friendly settlement reached)

Turkey	08 Mar. 2011	Sakmak (no 17280/05) link	Alleged violation of Art. 6 § 1 (excessive length of civil proceedings)	Idem.
Turkey	08 Mar. 2011	Algül (no 1934/05) link	Idem.	Idem.
Turkey	08 Mar. 2011	Özbingöllü (no 38353/06) link	Idem.	Idem.
Turkey	08 Mar. 2011	Bilgen (no 17362/07) link	Idem.	Idem.
Turkey	08 Mar. 2011	Tuğal (no 5438/09) link	Alleged violation of Art. 6 § 1 (excessive length of criminal proceedings)	Idem.
Turkey	08 Mar. 2011	Bünül (no 27816/09) link	Idem.	Idem.
Turkey	08 Mar. 2011	Yanmis and Zorlu (no 36683/09) link	Idem.	Idem.
Turkey	08 Mar. 2011	Tezel (no 40507/09) link	Idem.	Idem.
Turkey	15 Mar. 2011	Dal and Others (no 19608/10) link	Alleged violations of Articles 3 and 13 (ill-treatment in Kirikkale prison, lack of an effective investigation in that respect and lack of an effective remedy)	Inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention)
Ukraine	08 Mar. 2011	Trotsko (no 40294/04) link	Alleged violation of Art. 6 § 1 and Art. 1 of Prot. 1 (domestic authorities' failure to comply with a judicial decision ordering return of the applicant's property earlier withheld upon his arrest)	Struck out of the list (the applicant's widow no longer wished to pursue the application following the applicant's death)
Ukraine	08 Mar. 2011	Izbyanskyy (no 55804/07) link	Alleged violation of Art. 1 of Prot. 1 (domestic authorities' refusal to grant the applicant compensation for the property left behind by his family in Poland in 1945)	Incompatible *ratione materiae*

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 21 March 2011: link
- on 28 March 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 21 March 2011 on the Court's Website and selected by the NHRS Unit

The batch of 21 March 2011 concerns Ukraine (some cases are however not selected in the table below).

State	Date of Decision to Communicate	Case Title	Key Words of questions submitted to the parties
Ukraine	02 Mar. 2011	Instytut Ekonomichnykh Reform, TOV no 61561/08	Alleged violation of Art. 10 – Alleged violation of the applicant company's right to freedom of expression on account of the domestic courts' order to retract a statement and pay compensation for non-pecuniary for an alleged value judgment in an article published by the applicant company

Communicated cases published on 28 March 2011 on the Court's Website and selected by the NHRS Unit

The batch of 28 March 2011 concerns the following States (some cases are however not selected in the table below): Azerbaijan, Belgium, Bulgaria, Croatia, France, Georgia, Hungary, Italy, Latvia, Lithuania, Russia, Sweden, the Czech Republic, the United Kingdom and Turkey.

State	Date of Decision to Communicate	Case Title	Key Words of questions submitted to the parties
Georgia	08 Mar. 2011	Barbakadze no 13008/11	Alleged violation of Art. 3 (positive obligation) – The applicant's infection with viral hepatitis C in prison – Lack of adequate medical care – Alleged violation of Art. 13 – Lack of an effective remedy
Russia	11 Mar. 2011	Kazantsev and Others no 61978/08	Alleged violation of Art. 3 (substantive and procedural) – (i) Alleged ill-treatment by the police after a manifestation – (ii) Lack of an effective investigation – Alleged violation of Art. 11 – Interference with the applicants' freedom of peaceful assembly on account of the excessive use of police force for the dispersal of a demonstration
Russia	11 Mar. 2011	Zhdanov and Rainbow House no 12200/08	Alleged violation of Art. 11 – Interference with the applicants' freedom of peaceful assembly on account of domestic authorities' refusals to register the second applicant, a regional public association for the protection of the rights of gays, lesbians, bisexuals and transsexuals – Alleged violation of Art. 14 – Alleged discrimination on account of sexual orientation
Sweden	07 Mar. 2011	Haris Dihrab Al-Kamisi no 49341/10	Alleged violation of Art. 3 – Risk of being subjected to ill-treatment if expelled to Iraq
the United Kingdom	07 Mar. 2011	M.J.H. no 70073/10	Alleged violation of Art. 3 – Risk of being subjected to ill-treatment if expelled to Afghanistan
Turkey	11 Mar. 2011	Ipek no 47532/09	Alleged violations of Articles 2 and 3 (substantive and procedural) – (i) Alleged disproportionate use of gun fire by police officers – (ii) Lack of an effective investigation – Alleged violation of Art. 13 – Lack of an effective remedy – Has there been a violation of Articles 13, 14, and 17?

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

Referrals to the Grand Chamber (15.03.2011)

Two cases have been referred to the Grand Chamber, *Kurić and Others v. Slovenia*, which concerns the rights of the so-called "erased" people, who failed to acquire or maintain citizenship of the newly-established Slovenian State in 1991 and *Konstantin Markin v. Russia*, which concerns the refusal to grant parental leave to a Russian serviceman. Press release

Pilot-judgment procedure (24.03.2011)

A new rule codifies the Court's "pilot-judgment procedure", developed over the past few years to cater for the massive influx of applications concerning similar issues, also known as "systemic issues" – i.e. those that arise from non-conformity of domestic law with the Convention. Press Release, Article 61 of Rules of Court

Part II: The execution of the judgments of the Court

A. New information

The Council of Europe's Committee of Ministers will hold its next "human rights" meeting from 7 to 9 June 2011 (the 1115DH meeting of the Ministers' deputies).

B. General and consolidated information

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

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

For more information on the specific question of the execution of judgments including the Committee of Ministers' annual report for 2008 on its supervision of judgments, please refer to the Council of Europe's web site dedicated to the execution of judgments of the European Court of Human Rights: http://www.coe.int/t/dghl/monitoring/execution/default_en.asp

The simplified global database with all pending cases for execution control (Excel document containing all the basic information on all the cases currently pending before the Committee of Ministers) can be consulted at the following address:

http://www.coe.int/t/dghl/monitoring/execution/Documents/Doc_ref_en.asp

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

A. European Social Charter (ESC)

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)

Azeri law professor to lead European anti-torture watchdog (14.03.2011)

The CPT has elected Lətif Hüseynov from Azerbaijan as its new President. Mr Hüseynov is Professor of Public International Law at Baku State University. Vladimir Ortakov from "the former Yugoslav Republic of Macedonia" has been elected as the CPT's 1st Vice-President. He is a Psychiatric Consultant at the Clinical Hospital Sistina, Skopje. Haritini Dipla, from Greece and Professor of International Law at the University of Athens, has been re-elected as the CPT's 2nd Vice-President. These three members of the CPT constitute the Committee's Bureau.

Greece: Council of Europe anti-torture Committee makes a public statement (15.03.2011)

The CPT issued on 15 March a public statement concerning Greece. The CPT's public statement is made under Article 10, paragraph 2, of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. This is the sixth time the CPT has made a public statement since it was set up in 1989.

Council of Europe's anti-torture Committee publishes report on its 2007 periodic visit to Spain (25.03.2011)

The CPT has published the report on its fifth periodic visit to Spain, which took place in September-October 2007, together with the response of the Spanish authorities. In the course of the visit, the CPT's delegation examined the treatment of persons detained by various national and (autonomous) regional law enforcement agencies. The Committee's report refers to several allegations received of ill-treatment during the incommunicado detention of persons suspected of acts of terrorism, and makes specific recommendations aimed at preventing such ill-treatment. The report is especially critical of the resort to the use of mechanical restraints in prisons, notably in Catalonia. The authorities' response states that both the central and Catalan prison administrations have adopted new instructions on the use of restraints; those from Catalonia expressly prohibit the use of the so-called "superman" restraint position referred to in the CPT's report. The report also makes a number of recommendations aimed at improving the conditions of detention at Barajas International Airport for persons not admitted to Spanish territory, and also addresses the treatment of foreign unaccompanied minors at a facility in the Canary Islands.

C. European Commission against Racism and Intolerance (ECRI)

Council of Europe Anti-Racism Commission to prepare report on Luxembourg (18.03.2011)

A delegation of ECRI visited Luxembourg from 7 to 11 March 2011 as the first step in the preparation of a monitoring report. During its visit, ECRI's delegation gathered information on the implementation of the recommendations it made to the authorities in its previous report in 2006 and discussed new issues that had emerged since. The delegation held meetings with representatives of all relevant ministries and other competent authorities, national human rights structures and NGOs. Following this visit, ECRI will adopt a report in which it will make a fresh set of recommendations on measures to be taken by the authorities to address racism, racial discrimination (i.e. discrimination on grounds of "race", colour, citizenship, national/ethnic origin, religion and language), xenophobia, antisemitism and

intolerance in the country. Among these, three will be revisited two years after the publication of the report as part of an interim follow-up procedure. In its 2006 report, ECRI recommended to the authorities to include in the criminal code a provision enabling judges to consider the racist motivation of any offence as an aggravating factor, to provide the National Council for Foreigners with sufficient resources to perform its tasks and to find a solution that would allow Muslims to practice their faith under the same conditions as other religious communities.

Joint statement on International Day for the Elimination of Racial Discrimination (21.03.2011)

In a joint statement on the International Day for the Elimination of Racial Discrimination, Nils Muiznieks, Chair of the Council of Europe's ECRI; Morten Kjaerum, Director of the European Union Agency for Fundamental Rights (FRA); and Janez Lenarčič, Director of the OSCE Office for Democratic Institutions and Human Rights (ODIHR), strongly condemned manifestations of racism and related intolerance.[more]

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

Austria: visit of the Advisory Committee on the Framework Convention for the Protection of National Minorities (14.03.2011)

A delegation of the Advisory Committee on the Framework Convention for the Protection of National Minorities visited Klagenfurt, Burgenland and Vienna from 14 - 18 March 2011 in the context of the monitoring of the implementation of this convention in Austria. This was the third visit of the Advisory Committee to Austria. The Delegation will have meetings with the representatives of all relevant ministries, public officials, NGOs, as well as national minority organisations. The Delegation included Ms Edita ZIOBIENE (member of the Advisory Committee elected in respect of Lithuania), Mr Gjergj SINANI (member of the Advisory Committee elected in respect of Albania), Ms. Marieke SANDERS-TEN HOLTE (member of the Advisory Committee elected in respect of the Netherlands), and Ms Charlotte ALTENHOENER-DION of the Secretariat of the Framework Convention for the Protection of National Minorities.

Note: Austria submitted its third State Report under the Framework Convention in August 2010. Following its visit, the Advisory Committee will adopt its own report (called Opinion), which will be sent to the Government for comments. The Committee of Ministers of the Council of Europe will then adopt conclusions and recommendations in respect of Austria.

Denmark: Election of an expert to the list of experts eligible to serve on the Advisory Committee (16.03.2011)

Resolution CM/ResCMN(2011)5: adopted by the Committee of Ministers "Declare elected to the list of experts eligible to serve on the Advisory Committee on the Framework Convention for the Protection of National Minorities on 16 March 2011: Dr Tove H. Malloy, in respect of Denmark."

E. Group of States against Corruption (GRECO)

Group of States against Corruption publishes report on Romania (15.03.2011)

GRECO published on 15 March its Third Round Evaluation Report on Romania, in which it stresses the need to achieve improvements in the area of party financing and the legal framework for corruption offences. (more...) Link to Theme I on Incriminations; Link to Theme II on Party Funding

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

On-site evaluation of the Principality of Andorra (20-26 March 2011)

A MONEYVAL team of evaluators visited Andorra from 20 to 26 of March 2011 under the fourth evaluation round. The visit was coordinated by the Andorran Financial Intelligence Unit (Unitat d'Intel·ligència Financera - UIF). The team met with Mr. Jaume Bartumeu Cassany, Head of Government, Mr Xavier Espot Miro, Minister of Foreign Affairs, as well as representatives from 25 organisations and agencies including law enforcement agencies, government departments, financial services supervisors, associations and the private sector. A key findings document was discussed with the Andorran authorities and left with them at the conclusion of the mission. The draft report will now be prepared for review and adoption by MONEYVAL at its 38th Plenary meeting (March 2012). MONEYVAL`s fourth round evaluations are more focussed and primarily follow up the recommendations made in the 3rd round. Evaluation teams in the fourth round examine key, core and other important Financial Action Task Force (FATF) Recommendations, as well as Recommendations which were previously rated "non compliant" or "partially compliant". Evaluations are complemented by issues linked to the Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing in accordance with MONEYVAL's terms of reference.

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

GRETA - 9th meeting (15-18 March 2011)

GRETA held its 9th meeting on 15-18 March 2011 at the Council of Europe in Strasbourg. The meeting was chaired by GRETA's new President, Mr Nicolas Le Coz. GRETA finalised the examination of the draft report on Cyprus and examined the draft reports on Austria and the Slovak Republic. GRETA decided to transmit these three draft reports to the national authorities concerned and to ask them to submit their comments within one month. The comments will be taken into account by GRETA when establishing its final report. GRETA recalled that its draft reports remain confidential until their final adoption. In addition, GRETA considered the feedback from its country visits to Albania, Bulgaria, Croatia and Denmark which had taken place since its last meeting. Since 1 March 2011, the Convention has entered into force in respect of Italy, San Marino and Ukraine. GRETA decided that these three new Parties to the Convention, together with any other countries which accede to it in the future, will form a fourth group of countries to be evaluated in accordance with GRETA's timetable for the first evaluation round. List of decisions [PDF]

Andorra ratifies the Council of Europe Convention on Action against Trafficking in Human Beings (23.03.2011)

The Council of Europe Convention on Action against Trafficking in Human Beings entered into force on 1 February 2008. The Convention was ratified by Andorra on 23 March 2011 and will enter into force in this state on 1 July 2011.

GRETA's next meeting will take place from 21-24 June 2011.

Part IV: The inter-governmental work

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

16 March 2011

Estonia accepted the European Convention on the Abolition of Legalisation of Documents executed by Diplomatic Agents or Consular Officers (ETS No. 63).

21 March 2011

Hungary ratified the Council of Europe Convention on the Prevention of Terrorism (CETS No. 196).

23 March 2011

Andorra signed the European Landscape Convention (ETS No. 176), and ratified the European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children (ETS No. 105), the European Charter of Local Self-Government (ETS No. 122), and the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197).

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

B. Recommendations and Resolutions adopted by the Committee of Ministers

CM/ResCMN(2011)5E / 16 March 2011 :Framework Convention for the Protection of National Minorities – Election of an expert to the list of experts eligible to serve on the Advisory Committee in respect of Denmark (Adopted by the Committee of Ministers on 16 March 2011 at the 1109th meeting of the Ministers' Deputies)

CM/Del/Dec(2011)1108volresE / 15 March 2011 :1108th meeting (DH), 8-10 March 2011 - Resolutions adopted

C. Other news of the Committee of Ministers

Antalya, Council of Europe seminar on improving detention conditions (15.03.2011)

In the context of the Turkish chairmanship of the Committee of Ministers the Council of Europe held a seminar on “improving detention conditions through effective monitoring and standard-setting” in Antalya (Turkey) on 17 and 18 March. The seminar considered the scope and content of the Council of Europe’s activities in the penitentiary field, with special focus on the role of the CPT. Four workshops discussed detention conditions, the provision of healthcare in prisons, prisoners’ rights and safeguards and the treatment of particular groups of prisoners. Summing up of the seminar; Closing remarks by Mr Mauro Palma, then President of the CPT; Concept paper

International Day for Elimination of Racial Discrimination (21.03.2011)

Now more than ever, Europe must fight racism and xenophobia, says Ahmet Davutoglu. "In today’s increasingly diverse Europe, we must never forget the fundamental principle that all human beings are born free and equal in dignity and rights", declared on 21 March Ahmet Davutoglu, Minister for Foreign Affairs of Turkey, Chairman of the Committee of Ministers of the Council of Europe.

Istanbul hosts Forum on NGOs role in new multicultural challenges (22.03.2011)

The Conference of INGOs held a forum 'New multicultural challenges: how can NGOs play their part?', in Istanbul on 24 and 25 March. The forum included workshops on three themes: freedom of expression and freedom of thought, conscience and religion; the role of intercultural education; and social integration of young people from immigrant backgrounds.

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*

Public statement by the CPT concerning Greece: PACE rapporteur sounds the alarm (16.03.2011)

Jean-Charles Gardetto (Monaco, EPP/CD), PACE Rapporteur on the CPT, has **urged the Greek authorities to comply with European minimal requirements concerning the holding of illegal migrants and persons held in prisons. "The CPT so rarely makes a public statement that it is a sign that there is a serious problem**. Yesterday's statement is the sixth in twenty years and the first concerning an EU member country. Back in 1997 the CPT criticised the poor conditions in which migrants were held in Greece. The CPT's recommendations, based on findings in Greek detention centres in 2005, 2006, 2007 and 2009, have not been implemented." "The committee also pointed to the dramatic situation of the Greek prison system, which it considers unable to provide safe and secure custody for inmates. It is high time that European public opinion responded to this situation. Greece is required to co-operate fully with the CPT to protect the human dignity of all persons deprived of their liberty. This is an absolute obligation, vis-à-vis both the CPT and its European partners, who must not leave Greece to deal with the crisis caused by the massive arrival of refugees and migrants at its borders." Jean-Charles Gardetto will present his report on strengthening torture prevention mechanisms in Europe at the April session of the Parliamentary Assembly. The draft resolution adopted by the Committee on Legal Affairs and Human Rights on 8 March proposes that more action be taken in response to the Public Statements issued by the CPT. Draft resolution and recommendation

PACE President welcomes Monaco's contribution to the Council of Europe (18.03.2011)

Monaco has been a "good partner" of the Council of Europe and has demonstrated its commitment to the Organisation's standards as well as the political will to carry out further reforms, the President of PACE Mevlüt Cavusoglu has said towards the end of a three-day official visit to the Principality (17-19 March). The President said Monaco had made "substantial progress" in a number of areas such as the fight against money laundering, terrorist financing and corruption, as well as exchanging information on tax matters. The reform of the judiciary and advances in the revision of the Criminal Code were also important achievements. However some issues still remain unresolved, the President pointed out, including further reform of Monaco's institutions, and additional steps to tackle European integration.

PACE rapporteurs for Armenia welcome progress, but stress that announced reforms should now translate into concrete action (23.03.2011)

At the end of a two-day visit to Yerevan, the monitoring co-rapporteurs for Armenia of PACE, John Prescott (United Kingdom, SOC) and Axel Fischer (Germany, EPP/CD) have welcomed the significant number of reforms with regard to the police, judiciary and election framework that were initiated by the authorities to address the recommendations made in the wake of the March 2008 events by, among others, PACE and the National Assembly of Armenia. At the same time they stressed that the many concepts developed should now be translated into draft legislation and concrete policies in order the implement the reforms needed for the country. "The successful completion of a number of reforms, especially electoral reform, is essential to ensure genuinely democratic parliamentary elections in 2012," said the rapporteurs, highlighting the importance of these elections for the democratic development of the country. While welcoming the progress made by the authorities since their last

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

visit, the rapporteurs also noted that there are still a number of outstanding issues related to the March 2008 events that need to be addressed. “The ongoing detention of persons for their role in the March 2008 events, as well as the lack of a proper inquiry into the causes of the 10 casualties that occurred during these events continue to poison the political environment in Armenia,” they said.

Moldova on the right track, but key reforms still need to be adopted and implemented (25.03.2011)

“We urge all political parties in Moldova to find a consensus and put an end to the political deadlock which has lasted now for almost two years,” declared PACE co-rapporteurs Lise Christoffersen (Norway, SOC) and Piotr Wach (Poland, EPP/CD), speaking at the end of their first fact-finding visit to Moldova from 21-24 March 2011. “The election of a President will contribute to political stability, give an impetus for the necessary reforms and improve citizens’ fundamental rights," they added. "While Moldova is on the right track and determined to make progress, many reforms still need to be adopted and implemented in key areas such as justice, the media, local self-government, fighting corruption and promoting human rights. In this respect we welcome the preparation of a draft comprehensive Anti-Discrimination Law. We encourage the Moldovan parliament to adopt a law in line with European and international standards in order to prevent and combat discrimination on any ground." The co-rapporteurs also addressed the settlement of the Transnistrian conflict, the preparation of the forthcoming local elections, and the progress made in the implementation of the decentralisation strategy. They also sought clarification of the competences of the Autonomous Territorial Unit of Gagauzia, which they also visited. The co-rapporteurs noted the political will expressed by the authorities to promote European integration, implement an Action Plan for the period 2011-2014 and prepare systematic, updated information on the fulfillment of Moldova's obligations and commitments towards the Council of Europe at the initiative of Speaker and acting President Marian Lupu.

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Georgia: PACE committee welcomes progress but proposes to continue the monitoring procedure (25.03.2011)

Adopting a draft resolution on the honouring of obligations and commitments by Georgia, the Monitoring Committee of PACE welcomed “the significant efforts” made by the authorities in honouring their remaining obligations and the “considerable progress” achieved since the last monitoring report adopted in 2008, but decided to ask the Assembly to continue its monitoring procedure “pending further progress” on key issues. While welcoming the initiatives taken by the authorities to overcome the polarisation and to strengthen the position and role of the opposition, the text underlines that the upcoming presidential and parliamentary elections will be “the litmus test for the consolidation of a mature, more inclusive and robust democratic system”. In that perspective, it strongly recommends the adoption of an entirely new election code. Following the proposals by the rapporteurs Kastriot Islami (Albania, SOC) and Michael Aastrup Jensen (Denmark, ALDE), the parliamentarians welcomed the adoption of constitutional amendments which better guarantee the independence of the judiciary and “substantially strengthen the role and powers of the parliament”. However, they said, a number of provisions should still be further clarified, notably the procedure for adopting a motion of no-confidence in the government and the role of the President in negotiating international treaties. . See Full report

Hungary: PACE’s Monitoring Committee appoints Kerstin Lundgren and Jana Fiszcherová co-rapporteurs for opinion (25.03.2011)

PACE’s Monitoring Committee appointed Kerstin Lundgren (Sweden, ALDE) and Jana Fiszcherová (Czech Republic, EDG) as co-rapporteurs to prepare an opinion on the motion “Serious setbacks in the fields of the rule of law and human rights in Hungary” to be submitted to the Bureau of the Assembly. The Monitoring Committee is responsible for verifying the fulfilment of obligations assumed by member states under the terms of the Statute of the Council of Europe, the European Convention on Human Rights and all other Council of Europe conventions to which they are parties, as well as the honouring of commitments entered into by the authorities of member States upon accession to the Council of Europe.

PACE President in Bosnia: ‘A whole country cannot be held hostage by politicians who cannot agree’ (25.03.2011)

Mevlüt Çavusoglu, President of PACE, has expressed serious concern that, almost six months after the 2010 general elections in Bosnia and Herzegovina, authorities have not been established at every

level, stalling urgently-needed reforms. The President called on all political stakeholders to engage in meaningful negotiations and, if necessary, make concessions in order to come to a compromise. “The current institutional model is not perfect, and its limitations are well known. But as long as it exists, everybody has to play by the rules.” Citizens of Bosnia and Herzegovina, whatever their ethnic origin or affiliation or place of residence, were suffering as a result of the deadlock: “A whole country cannot be held hostage by politicians who cannot agree.” Mr Çavusoglu also called for the urgent appointment of the country’s new delegation to the Assembly, as well as its representatives in other key Council of Europe bodies. “I am not in favour of sanctions,” the President said, “but Bosnia and Herzegovina is isolating itself without members in key Council of Europe bodies, including the Assembly. This is worse than sanctions.” He again urged the key political stakeholders to establish “a serious domestic institutionalised process” to draft constitutional amendments in order to execute the binding judgment of the European Court of Human Rights in the *Sejdic and Finci* case, and improve the functioning of Bosnia’s institutions at every level. During his visit, the President met the members of the Presidency and Parliamentary Assembly of Bosnia and Herzegovina, as well as leaders of key political parties.

- *Themes*

Expansion of democracy by lowering the voting age to 16 (16.03.2011)

In a report on the expansion of democracy by lowering the voting age to 16, member States are invited to create the necessary preconditions for the participation of young people in civic life through education as well as the promotion of community involvement and to investigate the possibility of lowering the voting age to 16 years in all countries and for all kinds of elections. They should also examine the possibility of lowering the minimum ages to stand for different kinds of elections (parliament, senate, presidency, local and regional bodies) whenever advisable. The report by Miloš Aligrudic (Serbia, EPP/CD) was adopted by the PACE Political Affairs Committee at its meeting in Paris on 9 March.

Rapporteur: child migrants must be treated primarily as children (16.03.2011)

“Migrant children are children first and their migrant status is secondary,” declared PACE rapporteur Pedro Agramunt (Spain, EPP/CD), speaking at the opening of a Brussels hearing on undocumented migrant children. “The best interests of the child should remain primordial.” Participants at the hearing heard from a range of experts how different countries treated undocumented migrant children in the fields of healthcare, education and housing, including examples of current practice in Belgium, the Netherlands and Sweden. Schools in some countries will register such children without papers, parliamentarians were told, and doctors will treat them without requiring information on their immigration status.

EU states ‘failing the test of solidarity’ over asylum and irregular migration, hearing is told (17.03.2011)

EU member States have so far “failed the test of solidarity” when it comes to helping fellow member States facing huge numbers of irregular migrants and asylum seekers. “If we are serious about building a common EU asylum system by the end of 2012, there needs to be solidarity to help member States who are under pressure – to live up to standards consistently and properly implement regulations,” said Cecilia Wikström, the European Parliament’s rapporteur on the Dublin Regulations, pointing to the challenges currently being faced by Greece, Italy and Malta.

PACE committee calls for strategies to better protect children from child pornography (22.03.2011)

In the past, producers and consumers of child abuse images constituted a very small and marginal group. However, the ability to interconnect people and share images and videos through the Internet has resulted in an explosion in the number of worldwide paedophiles, participants said at a hearing on "combating child pornography as part of the campaign to stop sexual violence against children" organised by the Social Affairs Committee in Paris on 22 March. The rapporteur on this topic, Agustín Conde Bajén (Spain, EPP/CD) stressed that it was important to decide whether or not to include website blocking as a concrete and compulsory measure in the fight against online child abuse material.

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

A. Country work

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B. Thematic work

Overuse of the European Arrest Warrant – a threat to human rights (15.03.2011)

The request made by Sweden to the United Kingdom for the surrender of the founder of Wikileaks, Julian Assange, put the European Arrest Warrant (EAW) in the headlines, says the Council of Europe Commissioner for Human Rights, Thomas Hammarberg, in his Human Rights Comment published on 15 March. The EAW was created in 2002 as a response to the risk of further terrorist actions after the September 2001 attacks in the United States. This "fast-track extradition scheme" aims to facilitate the surrender of a person from one member state of the European Union to another to face trial or serve a prison sentence. Read the Comment

Effective national agencies are needed to prevent discrimination (21.03.2011)

"Discrimination is a major problem in Europe today. Eradicating it would make our continent a much better place to live. National structures for promoting equality are key actors in this endeavour. They should be supported by political leaders," said the Council of Europe Commissioner for Human Rights, Thomas Hammarberg, in releasing an Opinion on such institutions. "These structures contribute to effectively protecting people against discrimination both in the job market and in the public sphere. They also promote a culture of rights within society and concretely address issues of discrimination and inequality." Read the Opinion

Persons with disabilities must not be denied the right to vote (22.03.2011)

People with disabilities do not generally ask for charity; they demand equal human rights, says the Council of Europe Commissioner for Human Rights, Thomas Hammarberg, in his Human Rights Comment published on 22 March. Their message was heard when the United Nations adopted a Convention on the Rights of Persons with Disabilities in 2006. This treaty has now been ratified by 27 member States of the Council of Europe and signed by another 18. Read the Comment

* 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)

European NPM Project's 5th NPM Thematic Workshop on "security and dignity in places of deprivation of liberty", Paris (14-15 March 2011)

Specialised staff from 17 of the 21 currently operating National Preventive Mechanisms against torture (NPMs) in the Council of Europe region discussed with the Chairman and one member of the United Nations Sub-Committee for the Prevention of Torture (SPT), a member of the CPT and experts from civil society the balance between safeguarding detainees' dignity, including the prevention of ill-treatment and torture, and maintaining security in a detention institution. This two-day meeting was hosted by the NPM of France (Contrôleur général des lieux de privation de liberté) who co-organised this key thematic workshop along with the European NPM Project Team of the Council of Europe.

Russian and Council of Europe project teams meet to prepare co-operation project to support effective public monitoring of places of detention in the Russian Federation (PMC Pre-Project), Strasbourg (16.03.2011)

Project teams from Russian Federal Ombudsman Vladimir Lukin's Office and from the National Human Rights Structures Unit of the Council of Europe will meet at the Organisation's headquarters to prepare the so-called "Russian PMC Pre-Project" aimed at designing a robust, multi-annual co-operation project to support effective public monitoring of places of detention in the Russian Federation. The Pre-Project is bound to start in May 2011. In addition to the Russian Public Monitoring Committees of places of detention (PMCs), it will also involve several major Russian NGOs specialised in detention issues, the Co-ordinator of the Russian Regional Ombudsmen, the Civic Chamber of the Russian Federation and the Presidential Human Rights Council. A call for voluntary contributions from member states to fund the Pre-Project will be made shortly. The Russian Federation itself will bear part of the costs of the Pre-Project.