

DIRECTORATE GENERAL OF HUMAN RIGHTS AND LEGAL AFFAIRS  
LEGAL AND HUMAN RIGHTS CAPACITY BUILDING DEPARTMENT  
NATIONAL HUMAN RIGHTS STRUCTURES  
PRISONS AND POLICE DIVISION



**NATIONAL HUMAN RIGHTS STRUCTURES UNIT**

Strasbourg, 16 May 2011

**Regular Selective Information Flow  
(RSIF)  
for the attention of the National Human Rights Structures (NHRs)  
Issue n°63  
covering the period from 11 to 24 April 2011**

Council of Europe  European Union  
Conseil de l'Europe  Union européenne

“Promoting independent national non-judicial mechanisms for the protection of human rights,  
especially for the prevention of torture”  
(“Peer-to-Peer II Project”)

**Joint European Union – Council of Europe Programme**

*The **selection** of the information contained in this Issue and deemed relevant to NHRs  
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 NHRSSs 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 NHRSSs. 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 NHRs

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 NHRs. 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 NHR Unit, is based on the [press releases of the Registry of the Court](#).

Some judgments are only available in French.

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

#### **Note on the Importance Level:**

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

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

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

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

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

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

**[Nechiporuk and Yonkalo v. Ukraine](#) (no. 42310/04) (Importance 1) – 21 April 2011 – Violations of Article 3 (substantive and procedural) – (i) Torture in police custody – (ii) Lack of an effective investigation – Violations of Article 5 §§ 1, 2, 3, 4 and 5 – (i) Violations of the first applicant’s right to liberty and security in respect of his detention during five separate periods between 2004 and 2007 – (ii) Violation of the first applicant’s right to be promptly informed of the charges against him – (iii) Violation of the first applicant’s right to “be brought promptly before a judge” (ii) – Excessive length of pre-trial detention – (iii) Lack of a speedy review of the lawfulness of the detention – (iv) Lack of an enforceable right to compensation – Violations of Article 6 §§ 1 and 3 (c) – Unfairness of proceedings, in particular violation of the applicant’s right not to incriminate himself – Lack of legal assistance on account of the authorities’ placing the applicant in administrative detention, but in fact treating him as a criminal suspect**

The applicants are two Ukrainian nationals, a prisoner currently serving a 15-year prison sentence in Kolomyia Prison, and his wife. The first applicant was apprehended by the police on 20 May 2004 and placed in “**administrative detention**” in a police station on suspicion of illegal drug possession. During the night of his arrest, the first applicant, according to his submissions, was urged to confess to the murder of a woman. When he refused to confess, he was tortured by the police (handcuffed, suspended from a metal bar and given electric shocks to his ankles and coccyx and beaten) and further police officers threatened to give his eight-month pregnant wife, who was also in custody to be questioned, the same treatment.

The first applicant complained that he had been tortured while in police custody and that the domestic authorities had failed to investigate the complaint. He made a number of complaints about the unlawfulness of his detention. He further complained about the unfairness of the proceedings against him.

### Article 3

The Court found it established to the standard of proof required in Convention proceedings that the injuries recorded in the medical reports had been the result of the treatment of which he complained and for which the Government bore responsibility. Having regard to the fact that he confessed to the murder for the first time while being formally under arrest for an unrelated offence and noting the allegations of his beatings by the police prior to his renewed confessions, the Court considered it probable that the police had intentionally ill-treated him with the aim of extracting confessions. Given that he and his pregnant wife were questioned by the police at the same time, his allegation of having been threatened with her torture was plausible. The Court found that the first applicant was a victim of very serious and cruel suffering that may be characterised as torture, in violation of Article 3. Although it had never been disputed that the first applicant had sustained injuries in police custody, the authorities had consistently confined their reasoning to finding implausible the allegation that he had been tortured with electric shocks. His attempts to challenge the refusal to prosecute the police officers had been dismissed. The Court found it striking that the domestic trial court ignored altogether the findings of the experts of the private medical centre supporting the first applicant's allegation. In its subsequent examination of the case, the Supreme Court had confined its efforts to analysing the video-recording of the investigative activities in which no injuries were visible, which had been sufficient for it to find that the complaint was unsubstantiated. The Court concluded that the first applicant had been denied an effective investigation, in violation of Article 3.

### Article 5

The Court found that there had been violations of the first applicant's right to liberty and security under Article 5 § 1 in respect of his detention during five separate periods between 2004 and 2007. While his initial three-day detention in May 2004 had been documented by the police as based on an administrative offence suspicion, he had been treated as a suspect in a criminal case. His subsequent detention for another three days had been in breach of the safeguards of national legislation, which allowed detention without a reasoned court decision only for a maximum of three days as a response to an urgent need to prevent a crime. The same objection applied to his detention without a reasoned court decision in November 2006. His subsequent custody on remand by court order had been based on reasons which did not appear valid, as neither the gravity of the charges had changed significantly nor had the risk of absconding increased. As regards his detention on the basis of court rulings during two periods in 2004-2005 and in 2007, the courts had not given specific reasons nor had they fixed any time-limits. That had been in accordance with the domestic legislation in force at the time, which was a structural problem. **A further structural problem was reflected in the fact that his detention for about one, after the pre-trial investigation had been completed, had not been covered by any decision, as domestic law did not set clear rules governing that situation.** The Court further found a violation of the first applicant's right to be promptly informed of the charges against him under Article 5 § 2. His initial detention for six days had also been in violation of his right to "be brought promptly before a judge" under Article 5 § 3, and the overall length of his pre-trial detention, lasting in total for one year and eight months, had been in breach of his right to "trial within a reasonable time or to release pending trial" under the same article. There had been a violation of Article 5 § 4 on account of his inability to obtain speedy judicial review of the lawfulness of his detention during the judicial proceedings. Finally, there had been a violation of the first applicant's right to compensation under Article 5 § 5 for having been detained in breach of his Convention rights, as domestic law did not provide for an enforceable right to compensation.

### Article 6

The first applicant's initial confessions, which had been extracted from him by ill-treatment amounting to torture within the meaning of Article 3, had been admitted as evidence in his trial by the domestic courts. The Court considered that that extinguished the very essence of his privilege against self-incrimination, irrespective of the weight of the confessions in the evidential basis for his conviction and regardless of the fact that he had confessed again several times during the investigation. There had accordingly been a violation of his right not to incriminate himself under Article 6 § 1. It was undisputed by the parties that the first applicant had not become legally represented until having spent three days in detention. By having formally placed him in administrative detention but in fact treating him as a criminal suspect, the police had deprived him of access to a lawyer, which would have been obligatory under the domestic legislation had he been charged with the offence in respect of which he was in fact being questioned. The Court concluded that that there had been a violation of his right to defence under Article 6 § 3 (c). The Court further found the responses of the domestic courts to the first applicant's arguments against the testimony of the key witness to be strikingly inadequate. In particular they had failed to comment on the undisputed fact that the witness had been in administrative detention and ignored the existence of the audiotape documenting a conversation in which the witness had allegedly admitted to having slandered the first applicant under police pressure.

By ignoring these arguments, the domestic courts had fallen short of their obligations under Article 6 § 1. There had accordingly been a violation of this article on account of the domestic courts' reasoning.

#### Article 41

Under Article 41 (just satisfaction), the Court held that Ukraine was to pay the applicant 35,000 euros (EUR) in respect of non-pecuniary damage and EUR 13,594 in respect of costs and expenses.

- **Right to liberty and security**

**Jendrowiak v. Germany (no. 30060/04) (Importance 2) – 14 April 2011 – Violation of Article 5 § 1 – Lack of sufficient causal connection between the applicant's conviction by the sentencing court and his continued deprivation of liberty beyond the period of ten years in preventive detention authorised at the time of his offence – Violation of Article 7 § 1 – The extension of the applicant's detention constituted a heavier penalty which had been imposed on him retrospectively**

After a history of several previous convictions of rape and attempted rape, the Heilbronn Regional Court convicted the applicant of attempted sexual coercion and sentenced him to three years' imprisonment in May 1990. At the same time, the court ordered his placement in preventive detention, holding that the applicant had a tendency to commit serious sexual offences and was thus likely to reoffend. After having served his full prison sentence, the applicant was placed in preventive detention, the continuation of which was ordered at regular intervals. In October 2002, he had served ten years in preventive detention, which had been the maximum period for a first period of preventive detention under the law in force at the time of his offence and conviction. The Karlsruhe Regional Court ordered the applicant's preventive detention to continue. Relying on a psychiatric expert opinion, it found that the applicant, whose situation and attitude had not changed and who refused therapy, was likely to reoffend if released. The decision was upheld by the court of appeal. In 2004, the Federal Constitutional Court declined to consider the applicant's constitutional complaint. It referred to its leading judgment of February 2004 in another case (see *M. v. Germany*), in which it had held that Article 67d § 3 of the Criminal Code was constitutional and that the prohibition of retrospective punishment under the German Basic Law did not extend to measures such as preventive detention. In August 2009, the applicant, who had been diagnosed with cancer, was released, his preventive detention having been suspended on probation by the Karlsruhe Regional Court.

The applicant complained of the retrospective extension of his preventive detention until his release beyond the maximum period of ten years authorised at the time of his offence.

#### Article 5 § 1

In terms of the temporal course of events, the applicant's case was a follow-up case to the application *M. v. Germany*, in which the Court found that the retroactive extension of a prisoners' preventive detention had not been justified. The Court considered that there had been no sufficient causal connection between the applicant's conviction by the sentencing court and his continued deprivation of liberty beyond the period of ten years in preventive detention. When the sentencing court ordered his preventive detention in 1990, that decision meant that he could be kept in that form of detention for a clearly defined maximum period. Without the amendment of the Criminal Code in 1998 the court responsible for the execution of sentences would not have had jurisdiction to extend the duration of the detention. The Court was aware of the fact that the domestic courts acted in order to protect potential victims from harm amounting to inhuman or degrading treatment under Article 3. While the Convention indeed obliged States to take reasonable steps within the scope of their powers to prevent ill-treatment of which they had or ought to have had knowledge, it did not permit a State to protect individuals from criminal acts of a person by measures which were itself in breach of that person's Convention rights. The scope of any obligation to take preventive measures thus had to ensure that the authorities exercised their powers to prevent crime in a manner which fully respected, in particular, the guarantees contained in Article 5. The State authorities had not, in the applicant's case, been in a position to rely on their positive obligations under the Convention in order to justify his deprivation of liberty, in violation of Article 5 § 1.

#### Article 7 § 1

As regards the complaint under Article 7 § 1, the Court equally referred to its findings in *M. v. Germany*, where it had concluded that preventive detention was to be qualified as a penalty for the purpose of Article 7 § 1. Like a prison sentence, preventive detention entailed a deprivation of liberty. Following the amendment of the German Criminal Code in 1998, preventive detention no longer had a maximum duration. Given that at the time of his offence the applicant could have been kept in preventive detention only for a maximum of ten years, the extension constituted a heavier penalty which had been imposed on him retrospectively. As regards the State's positive obligation to protect

potential victims from inhuman or degrading treatment which might be caused by the applicant, the Court's findings under Article 5 applied with even stronger reason to the prohibition of retrospective penalties under Article 7 § 1, from which no derogation was allowed even in time of public emergency. There had accordingly been a violation of Article 7 § 1.

#### Article 41

Under Article 41 (just satisfaction) of the Convention, the Court held that Germany was to pay the applicant 27,467 euros (EUR) in respect of non-pecuniary damage and EUR 4,000 in respect of costs and expenses.

#### **Patoux v. France (no. 35079/06) (Importance 3) – 14 April 2011 – Violation of Article 5 § 4 – Domestic authorities' failure to "speedily" decide on the second applicant's immediate release**

In March 2006 the mayor of Villers-Saint-Paul had the second applicant compulsorily admitted to hospital under the Public Health Code after she had assaulted and harassed a doctor. The Public Health Code provided for compulsory admission of a person suffering from a manifest mental disorder requiring treatment and compromising the safety of others or seriously threatening public order. The prefect of the Oise department adopted a similar measure the following day, mainly on the basis of medical certificates. The second applicant challenged her compulsory admission to hospital a number of times in the administrative courts (urgent procedure), which dismissed her applications on the ground that she had not established that the measure had been manifestly unlawful. At the same time the first applicant (as a person empowered to act on behalf of his wife) applied to the liberties and detention judge on 3 April 2006 for his wife's immediate release. The judge made an order on 19 May 2006 dismissing the application for release on the basis of the expert report, which concluded that the second applicant was suffering from persecution mania and was not in a position to give her informed consent to being admitted to hospital, thus rendering necessary her continuing treatment and constant monitoring in a hospital environment, under a compulsory admission order. An appeal by the applicants to the Court of Cassation was declared inadmissible on 8 January 2007, on procedural grounds. By an order of 30 January 2007, the prefect of the Oise lifted the compulsory admission order in respect of the second applicant.

The applicants complained in particular that the courts had not given a decision "speedily" regarding the application for the second applicant's immediate release.

The Court reiterated that Article 5 § 4 guaranteed those arrested or detained a right to obtain a speedy judicial decision concerning the lawfulness of their detention and ordering its termination if it proved unlawful, thus requiring that justice be administered promptly. In the case of the second applicant, it observed that it was more than 20 days after the application for her immediate release had been lodged that the liberties and detention judge heard representations from her at a hearing and ordered a psychiatric report. After the expert report had been obtained, the judge made an order on 19 May 2006, which was 46 days after the application for immediate release had been filed. The Court also noted that the Court of Appeal gave its ruling one month after the appeal against the order of the liberties and detention judge had been lodged. In those circumstances the Court considered that the relevant authorities, in a particular set of proceedings whose purpose was to obtain a ruling without delay on an application for immediate release, had failed to decide the case "speedily" and that that had resulted in a violation of Article 5 § 4. The Court held that France was to pay the second applicant 5,000 euros (EUR) in respect of non-pecuniary damage and EUR 2,500 in respect of costs and expenses.

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

#### **Gluhaković v. Croatia (no. 21188/09) (Importance 2) – 12 April 2011 – Violation of Article 8 – Domestic authorities' failure to ensure the applicant's effective contact with his daughter – Article 46 – The Court decided to issue the direction that Croatia had to ensure effective contact between the applicant and his daughter at a time compatible with his work schedule and on suitable premises**

The case concerned the applicant's complaint that the Croatian authorities have not ensured adequate contact with his daughter. **This is the first time that the Court has issued such directions, under Article 46 (binding force and execution of judgments), in relation to the right to respect for family life.** In July 1999 the applicant's wife left him; she gave birth in December 1999 to their daughter. In a number of proceedings the applicant was granted the right to contact with his daughter, who continued to live with her mother. During these proceedings, the applicant repeatedly requested that the meetings with his daughter take place every fourth or eighth day, as he worked in Vicenza, Italy, and his work schedule was such that he had every fourth day off. It was therefore very difficult for



him to travel to Rijeka on a fixed day of the week; he had to drive at night and was obliged to ask colleagues to replace him, causing him significant difficulties. The national courts made no comment concerning his work schedule and repeatedly ordered that he see his daughter on a fixed day. In March 2010 the courts ordered that contact could take place once per week for three hours at a time when the applicant's work schedule allowed and at a place to be arranged between the parties themselves. However, that judgment has not been enforced as his ex-wife refuses to let him meet his daughter in his flat and no other suitable solution has been found.

The applicant complained that the Croatian authorities have not ensured regular contact with his daughter on adequate premises since 2000 and that he has not seen his daughter at all since July 2007.

#### Article 8 (right to respect for private and family life)

Unlike the national courts, the Court accepted that travelling from Vicenza to Rijeka on a fixed day created difficulties for the applicant's right of contact with his daughter. The courts gave no explanation why it had not been possible to accommodate his alternative proposals for contact. Indeed, his arguments had been constantly ignored at every judicial level. Nor did the courts take into account any objections as to the place of the meetings. They ignored both the Counselling Centre's reports as well as that of the Social Welfare Centre's. The courts even ordered the meetings to take place at the Social Welfare Centre without assessing its suitability. This resulted in the applicant first having to go to significant lengths to organise his replacement at work and meet his daughter in such places as a kitchen and offices of the Counselling Centre and then not see her at all as the only place in the Welfare Centre would have been in a corridor. Bearing in mind that the applicant has had no contact with his daughter since July 2007, the Court held that the Croatian authorities had failed to ensure his right to effective contact with his daughter, in violation of Article 8.

#### Article 41 (just satisfaction)

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

#### Article 46 (binding force and execution of judgments)

Exceptionally, and given the urgent need to put an end to the violation of the applicant's right to respect for his family life, the Court also decided to issue the direction that Croatia had to ensure effective contact between the applicant and his daughter at a time compatible with his work schedule and on suitable premises.

- **Freedom of expression**

#### **Kasabova v. Bulgaria (no. 22385/03) (Importance 2) and Bozhkov v. Bulgaria (no. 3316/04) (Importance 2) – 19 April 2011 – Violation of Article 10 – Journalists reporting on irregularities in the admission procedure for Bulgarian elite schools were wrongfully sanctioned**

The cases concerned the complaints of two journalists that they were found guilty of defamation and were made to pay huge sums in compensation for their statements made in articles published in the Bulgarian press and concerning irregularities in the admission procedure to specialised secondary schools.

The applicants complained about their conviction and punishment about writing the articles in question.

The Court recalled that the Convention did not guarantee absolutely unrestricted freedom of expression even if the press reported on questions of serious public concern and relating to politicians or public officials. The freedom to express oneself carried duties and responsibilities which also applied to the media and media professionals such as journalists, especially in cases where the reputation and rights of others were attacked or risked being undermined. However, the nature of the allegations in the articles of the applicants, namely that some children had been admitted to elite schools as the result of bribes, had been difficult, if not impossible to prove. In both cases, the articles had referred to a possible dismissal of the four experts, which had been an uncertain event, as it was in the future and was not confirmed officially at the time, because the relevant Ministry had not released any information on the results of the internal inspection it had carried out into the allegations. While the applicant in the second case could have used a more careful language making clear that the actual disciplinary punishments to be imposed on the experts and the exact reasons for that were uncertain, and the applicant in first case could have researched better in support of her hard-hitting allegations, the Court found that the applicant in second case had acted as a responsible journalist and did not consider necessary to take a decision on that question in respect of the applicant in first case. Instead, the Court emphasised that if the national courts applied an overly rigorous approach

when examining the professional conduct of journalists, they could be unduly deterred from discharging their function of keeping the public informed. The courts had, therefore, to take into account the likely impact of their rulings not only on the individual cases before them but also on the media in general. Having considered the circumstances of each case, the Court concluded that the sanctions imposed on the applicants had been excessive, disproportionate when compared to the damage caused by the articles to the reputation of the four experts, and had had a huge potential chilling effect on the applicants and other journalists alike. Accordingly, there had been a violation of Article 10 in both cases.

Under Article 41, the Court held that Bulgaria was to pay to the applicants respectively 2,800 and 9,851 Bulgarian leva (BGN) as regards pecuniary damage, 2,000 euros (EUR) and EUR 5,000 in respect of non-pecuniary damage, and BGN 5,000 and EUR 3,500 for costs and expenses.

**Conceição Letria v. Portugal (no. 4049/08) (Importance 3) – 12 April 2011 – Violation of Article 10 – Domestic authorities’ failure to struck a fair balance between the need to safeguard the applicant’s right of freedom of expression and the need to protect the rights and reputation of a politician**

The case concerned the conviction of Joaquim Letria, a well-known Portuguese journalist, for defamation of a local politician in connection with the collapse of a bridge at Castelo de Paiva in 2001 which resulted in the death of 59 people.

The applicant complained that his conviction for defamation had violated his right to freedom of expression.

The Court noted that there was no doubt that the applicant’s conviction had had a legal basis in Portuguese law and had pursued the legitimate aim of protecting the reputation or rights of others. However, the Court had to determine whether the conviction was also “necessary in a democratic society”. The Court noted firstly that the Portuguese courts had criticised the applicant principally for having used the term *aldrabão* (shady character) in the article at issue to describe Mr Gaspar, the former mayor of Castelo de Paiva and governor of Aveiro at the relevant time. However, the Court reiterated its case-law to the effect that the limits of acceptable criticism were wider with regard to politicians acting in their public capacity than in relation to private individuals. Even when not acting in his private capacity, a politician was entitled to have his reputation protected, but the requirements of that protection had to be weighed against the interests of open discussion of political issues, since exceptions to freedom of expression had to be interpreted narrowly. In the case of the applicant, the use of the term *aldrabão* had not constituted a gratuitous personal attack. Since it was clearly a value judgment, the truth of the expression at issue could not be proven. However, the applicant’s opinion had not been excessive, in that it had been based on reports revealing contradictions and thus constituting a sufficient factual basis. Admittedly, the article at issue was highly critical of Mr Gaspar, but as a politician, the latter was expected to display a greater degree of tolerance in order to contribute to open discussion of a matter of public interest without which there could be no democratic society. Lastly, the Court held that the weight of the penalties imposed on the applicant as a result of his conviction could dissuade journalists from encouraging public discussion of such issues. They were therefore liable to hamper the press in performing its task as purveyor of information and public watchdog. The Court concluded that a fair balance had not been struck between the need to safeguard the applicant’s right of freedom of expression and the need to protect the rights and reputation of Mr Gaspar. The restriction placed on the applicant’s freedom of expression had not been proportionate to the legitimate aim pursued. Accordingly, there had been a violation of Article 10. The Court held that Portugal was to pay the applicant 5,000 euros (EUR) in respect of non-pecuniary damage. It held that there was no need to award him any amount in respect of pecuniary damage or costs and expenses.

- **Freedom of assembly and association**

**Republican Party of Russia v. Russia (no. 12976/07) (Importance 1) – 12 April 2011 - Violation of Article 11 – The registration authority’s refusal to amend the State register in this case had lacked a sufficiently clear legal basis – Disproportionate dissolution of Russian opposition party**

The applicant is the Republican Party of Russia. In August 2002, it was registered as a party by the Ministry of Justice of the Russian Federation. In December 2005, an extraordinary general conference of the party decided to change its address and to create several regional branches. The party requested the Ministry of Justice to amend the corresponding information in the State register of legal entities, which it refused arguing that the party had not shown that the general conference had been

held in accordance with the law and with its articles of association. The applicant party challenged the refusal before a court, claiming that the refusal to amend the register violated its freedom of association and hindered its activities. The Ministry's decision not to register the amendments was upheld by the district court and by the Moscow City Court. In a separate set of proceedings, the Ministry of Justice conducted an inspection of the applicant party's activities and asked the Supreme Court of the Russian Federation to dissolve the party, claiming that it had fewer than 50,000 members and fewer than 45 regional branches with more than 500 members, in breach of the Political Parties Act. The Supreme Court ordered the party's dissolution in March 2007. The applicant party appealed. On 31 May 2007, the Appellate Collegium of the Supreme Court upheld the first-instance judgment.

The applicant party complained of the refusal to amend the information about it contained in the State register, which allegedly disrupted its activities, and of its dissolution.

The Court observed that domestic law was not precise as to the procedure to be followed where amendments were to be made to the State register. The Court was further struck by the fact that, to justify the requirement to submit the same set of documents as for the registration of a newly established political party, and the powers of the registration authority to refuse registration if those documents were incomplete or flawed, the domestic courts had only relied on a provision of the Non-Profit Organisation Act which only entered into force after the Ministry's refusal to amend the register. The Court thus considered that the measures taken by the registration authority in this case had lacked a sufficiently clear legal basis. The Court further pointed out that it could not agree with the Government's argument that the interference with the applicant's freedom of association had been "necessary in a democratic society". States might be justified in interfering with an association's internal organisation in cases of, in particular, serious and prolonged internal conflict. However, in the absence of any complaints from the applicant party's members concerning the organisation of its conferences, the irregularities in the election of its delegates had not justified the State's severe interference with its internal functioning. There had accordingly been a violation of Article 11 as regards the refusal to amend the State register.

Noting the Government's argument that after having been dissolved, the applicant party would have had the opportunity to reorganise itself into a public association, the Court underlined that in other cases it had already found it unacceptable that an association should be forced to take a legal shape its founders and members did not seek and which would moreover have deprived the applicant party of an opportunity to stand for election. While a number of member States of the Council of Europe had minimum membership requirements for political parties, the minimum requirements applied in Russia were the highest in Europe. The Court was not convinced by the argument that limiting the number of political parties was necessary to avoid disproportionate expenditure from the public budget, noting that under domestic law only those parties that had taken part in the elections and obtained more than 3% of the votes cast were entitled to public financing. As regards the requirement for a political party to have a sufficient number of regional branches with more than 500 members, the Russian Government had argued that its rationale was to prevent the establishment and participation in elections of regional parties, which were a threat to the territorial integrity of the country. While the Court accepted that there had likely been a special interest upon the collapse of the Soviet Union and at the onset of democratic reform to take measures to secure stability, the Government had not provided an explanation of why concerns had recently emerged regarding regional political parties. The Court noted that the applicant party had existed and participated in elections since 1990. It had never advocated regional interests or separatist views, indeed one of its aims had been promotion of the country's unity. In this light, the applicant party's dissolution had been disproportionate to the aims pursued, in violation of Article 11.

The Court held that Russia was to pay the applicant party 6,950 euros in respect of costs and expenses. Judge Kovler expressed a partly dissenting opinion.

- **Disappearance cases in Chechnya**

Matayeva and Dadayeva v. Russia (no. 49076/06) (Importance 3) – 10 February 2011 – Two violations of Article 2 (substantive and procedural) – (i) Disappearance and presumed death of the applicants' close relative – (ii) Lack of an effective investigation – Violation of Article 3 – The applicants' prolonged mental suffering – Violation of Article 5 – Unacknowledged detention of the applicants' close relative – Violation of Article 13 in conjunction with Article 2– Lack of an effective remedy

## 2. Other judgments issued in the period under observation

You will find in the column “Key Words” of the table below a short description of the topics dealt with in the judgment\*. For more detailed information, please refer to the following links:

- Press release by the Registrar concerning the Chamber judgments issued on 12 Apr. 2011: [here](#)
- Press release by the Registrar concerning the Chamber judgments issued on 14 Apr. 2011: [here](#)
- Press release by the Registrar concerning the Chamber judgments issued on 19 Apr. 2011: [here](#)
- Press release by the Registrar concerning the Chamber judgments issued on 21 Apr. 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.

<b>State</b>	<b>Date</b>	<b>Case Title and Importance of the case</b>	<b>Conclusion</b>	<b>Key Words</b>	<b>Link to the case</b>
Austria	12 Apr. 2011	Meidl (no. 33951/05) Imp. 3	Violation of Article 6 § 1	Excessive length of criminal proceedings for tax fraud (nine years and eight months for two levels of jurisdiction)	<a href="#">Link</a>
Latvia	19 Apr. 2011	Gasiņš (no. 69458/01) Imp. 2	Violation of Article 5 § 1 (detention from 1 to 25 March 2001) No violation of Article 5 § 1  No violation of Article 5 § 2 and 6 § 3 a)  Violation of Article 5 §§ 3 and 4  No violation of Article 6 § 1	Unlawful detention for one period of detention  Lawfulness of the applicant's detention for two periods of detention The applicant had been promptly informed about the reasons of his detention and had sufficient time to prepare his defence Excessive length of detention, lack of an effective remedy to challenge the lawfulness of the detention Reasonable length of proceedings as a whole	<a href="#">Link</a>
Poland	19 Apr. 2011	Elcomp sp. z o.o. (no. 37492/05) Imp. 3	No violation of Article 6 § 1	The amount of fees required from the applicant company to pursue its appeal could not be considered as disproportionate and therefore the applicant company's right of access to a court was not impaired	<a href="#">Link</a>
Poland	19 Apr. 2011	Moczulski (no. 49974/08) Imp. 3  Tomasz Kwiatkowski (no. 24254/05) Imp. 3	Violation of Article 6 § 1 in conjunction with Article 6 § 3	The lustration proceedings against the applicants had been unfair due to document confidentiality and limitations on access to their case files	<a href="#">Link</a>  <a href="#">Link</a>
Romania	19 Apr. 2011	Pastor and Țiclete (nos. 30911/06 and 40967/06) Imp. 3	Violation of Article 2	Lack of an effective investigation in respect of the death of the applicants' relative's death or their serious personal injury during the dispersal of the December 1989 anti-communist demonstration Cluj-Napoca	<a href="#">Link</a>
Romania	12 Apr. 2011	Constantin (no. 21175/03) Imp. 2	Violation of Article 6 §§ 1 and 3 (a) and (b) (fairness)	Domestic authorities' failure to inform the applicant of the reasons for his arrest; lack of sufficient time and facilities to prepare for his defence	<a href="#">Link</a>
Romania	12 Apr. 2011	Flamînzeanu (no. 56664/08) Imp. 2	Violation of Article 3	Poor conditions of detention in Rahova, Giurgiu and Jilava Prisons (See CPT's reports to the Government of Romania <a href="#">2003</a> and <a href="#">2008</a> )	<a href="#">Link</a>
Russia	19	Baturlova (no.	Two violations of	Lack of impartiality of the courts;	<a href="#">Link</a>

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

	Apr. 2011	33188/08) Imp. 3 Khrykin (no. 33186/08) Imp. 2	Article 6 § 1 Violation of Article 1 of Protocol No. 1	hindrance to the applicant's right of access to a court Quashing of final judgments in the applicants' favour – uprating their retirement pensions – on the ground of newly discovered circumstances	<a href="#">Link</a>
Serbia	19 Apr. 2011	Veljkov (no. 23087/07) Imp. 2	Violation of Article 6 § 1 (length)	Excessive length of child custody/maintenance proceedings (five years and two months at one level of jurisdiction)	<a href="#">Link</a>
"the former Yugoslav Republic of Macedonia"	19 Apr. 2011	Atanasov (No. 2) (no. 41188/06) Imp. 3	Violation of Article 6 §§ 1 and 3 (d) (fairness)	The applicant had not been allowed to examine the only witness against him, on the basis of whose statement he had been convicted	<a href="#">Link</a>
Turkey	19 Apr. 2011	Erkol (no. 50172/06) Imp. 3	Violation of Article 6 § 2	Infringement of the applicant's right to being presumed innocent	<a href="#">Link</a>
Turkey	12 Apr. 2011	Bölükbaş and Others (no. 29799/02) Imp. 2	Just satisfaction	Judgment on just satisfaction due to the <a href="#">judgment</a> of 9 May 2010	<a href="#">Link</a>
Turkey	12 Apr. 2011	Çelik (Bozkurt) (no. 34388/05) Imp. 2	Violation of Article 6 § 2	Infringement of the applicant's right to being presumed innocent	<a href="#">Link</a>
Turkey	12 Apr. 2011	Peker (No. 2) (no. 42136/06) Imp. 2	Violation of Article 2 (procedural)	Lack of an effective investigation concerning circumstances surrounding the applicant's shooting and the identity of the perpetrator while in prison	<a href="#">Link</a>
Ukraine	12 Apr. 2011	Karavansky (no. 13375/06) Imp. 3	Violation of Article 6 § 1	Excessive length of criminal proceedings for tax evasion and forgery (six years and nine months)	<a href="#">Link</a>

### 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 NHRs 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.

<u>State</u>	<u>Date</u>	<u>Case Title</u>	<u>Conclusion</u>	<u>Key words</u>
Italy	12 Apr. 2011	Dedda and Fragassi (no. 19403/03) <a href="#">link</a> Notarnicola (no. 64264/01) <a href="#">link</a>	Just satisfaction	Judgments on just satisfaction due to the judgments of <a href="#">21 December 2006</a> and <a href="#">5 January 2007</a>
Poland	12 Apr. 2011	Slowik (no. 31477/05) <a href="#">link</a>	No violation of Article 6	The applicant was not put in a position in which he was left without adequate legal representation such as to impair his effective access to a court
Portugal	19 Apr. 2011	Monteiro de Barros de Mattos e Silva Adegas Coelho and Others (no. 25038/06) <a href="#">link</a>	Just satisfaction	Judgment on just satisfaction due to the <a href="#">judgment</a> of 13 October 2010
Portugal	12 Apr.	Passanha Braamcamp	Violation of Article 1 of Protocol No. 1	Inadequate amount of compensation awarded to the applicants following

	2011	Sobral (no. 10145/07) <a href="#">link</a>		expropriation and the excessive delays in calculating and paying it
Russia	12 Apr. 2011	Zolotareva and Others (nos. 14667/05, 8046/05, etc.) <a href="#">link</a>	Violation of Article 6 § 1 (fairness) – all applicants (except two applicants in application no. 42952/06) Violation of Article 1 of Protocol No. 1 – all applicants (except two applicants in application no. 42952/06)	Delayed non-enforcement of final judgments in the applicants' favour ordering that they be allocated subsidised accommodation
Russia	19 Apr. 2011	Rykachev and Others (no. 52283/07, 27824/09, etc.) <a href="#">link</a>	Violation of Article 6 § 1 (fairness) Violation of Article 1 of Protocol No. 1	Delayed non-enforcement of judgments awarding the applicants housing benefit
Turkey	19 Apr. 2011	Veli Yalçın (no. 29459/05) <a href="#">link</a>	Revision	Judgment of revision of the <a href="#">judgment</a> of 2 June 2010 following the applicant's request
Germany  Ukraine	21 Apr. 2011	Kuppinger (no. 41599/09) <a href="#">link</a>  Asmolov (no. 15045/05) <a href="#">link</a>  Vikulova (no. 12355/06) <a href="#">link</a>  Zheleznova (no. 6713/07) <a href="#">link</a>  Zheleznova (no. 6717/07) <a href="#">link</a>	Violation of Article 6 § 1 – all cases Violation of Article 13 – first, fifth and sixth cases	Excessive length of non-criminal 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 NHRs may be of particular relevance in that respect as well, as these judgments often reveal systemic defects, which the NHRs 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).

<u>State</u>	<u>Date</u>	<u>Case Title</u>	<u>Link to the judgment</u>
Greece	19 Apr. 2011	Chrysanthopoulos and Chrysanthopoulou (no. 6530/09)	<a href="#">Link</a>
Greece	19 Apr. 2011	Patrikis (no. 5856/09)	<a href="#">Link</a>
Greece	19 Apr. 2011	Kon/nos Chitzos Solinourgia Abee (no. 56814/08)	<a href="#">Link</a>
Portugal	12 Apr. 2011	Domingues Loureiro and Others (no. 57290/08)	<a href="#">Link</a>
Russia	19 Apr. 2011	Volodina (no. 24411/05)	<a href="#">Link</a>

#### 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 4 to 17 April 2011**.

They are aimed at providing the NHRs with potentially useful information on the reasons of the inadmissibility of certain applications addressed to the Court and/or on the friendly settlements reached.

<b><u>State</u></b>	<b><u>Date</u></b>	<b><u>Case Title</u></b>	<b><u>Alleged violations (Key Words)</u></b>	<b><u>Decision</u></b>
France	05 Apr. 2011	J.A. (no 5180/10) <a href="#">link</a>	Alleged violation of Art. 3 (risk of being subjected to ill-treatment if expelled to Sri Lanka)	Struck out of the list (the applicant no longer wished to pursue his application)
France	05 Apr. 2011	Z.SA. (no 33384/10) <a href="#">link</a>	Alleged violation of Art. 3 (risk of being subjected to ill-treatment if expelled to Russia)	Struck out of the list (the applicant no longer wished to pursue his application as he had been granted refugee status)
France	12 Apr. 2011	Juge and Ducamp (no 66170/09) <a href="#">link</a>	Alleged violation of Art. 6 §§ 1 et 3 a), b), and c) (unfairness of proceedings, in particular lack of legal assistance during police custody)	Inadmissible for non-exhaustion of domestic remedies
Germany	12 Apr. 2011	Stephan and Röhrig (no 3237/06) <a href="#">link</a>	Alleged violation of Art. 6 (excessive length of proceedings before the Federal Constitutional Court)	Inadmissible as manifestly ill-founded (reasonable length of proceedings)
Germany	12 Apr. 2011	Sakewitz (no 21369/07) <a href="#">link</a>	Alleged violation of Articles 6, 8, 14 and Art. 5 Prot. 7 (excessive length of proceedings)	Struck out of the list (friendly settlement reached)
Greece	12 Apr. 2011	Kavvadias (no 20309/09) <a href="#">link</a>	Alleged violation of Art. 6 (excessive length of proceedings and alleged infringement of the right to a fair trial)	Inadmissible as manifestly ill-founded (reasonable length of proceedings and lack of arbitrariness of the proceedings)
Greece	12 Apr. 2011	Lambrakou (no 58546/09) <a href="#">link</a>	Alleged violation of Art. 6 and Art. 1 of Prot. 1 (alleged wrongful interpretation of domestic law and unfairness of civil proceedings)	Inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention)
Greece	12 Apr. 2011	Examiliotis (no 40151/09) <a href="#">link</a>	Alleged violation of Art. 6 (excessive length of proceedings)	Struck out of the list (friendly settlement reached)
Hungary	05 Apr. 2011	Törköly (no 4413/06) <a href="#">link</a>	Alleged violation of Art. 6 (in particular alleged wrongful conviction and alleged inhuman treatment on account of the applicant's conviction to life sentence)	Partly inadmissible for non-respect of the six-month requirement (concerning the applicant's conviction), partly inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention concerning the remainder of the application)
Poland	05 Apr. 2011	Kozdój (no 45769/08) <a href="#">link</a>	Alleged violation of Art. 6 (excessive length of criminal proceedings)	Struck out of the list (friendly settlement reached)
Poland	05 Apr. 2011	Stachowska (no 49545/07) <a href="#">link</a>	Alleged violation of Articles 2 and 3 (the applicant's son's death six days after his formal release from detention)	Idem.
Poland	05 Apr. 2011	Bury (no 38171/05) <a href="#">link</a>	No information available	Struck out of the list (the applicant no longer wished to pursue his application)
Poland	12 Apr. 2011	Jękot (no 5904/06) <a href="#">link</a>	Alleged violation of Art. 3 (poor conditions of detention in Wołów Prison), Art. 8 (domestic authorities' refusal to grant the applicant compassionate leave to attend his father's funeral), Art. 1 of Prot. 1 (the prison guards had destroyed or taken away parts of the applicant's draft book)	Partly struck out of the list (friendly settlement reached concerning the conditions of detention), partly inadmissible for non-respect of the six-month requirement (concerning claims under Art. 8), partly inadmissible as manifestly ill-founded (failure to substantiate complaints under Art. 1 of Prot. 1))
Russia	12 Apr. 2011	Bogatova (no 32312/08) <a href="#">link</a>	Alleged violation of Art. 6 § 1 and Art. 1 of Prot. 1 (quashing of a binding judgment in the applicant's	Struck out of the list (unilateral declaration of the Government)

the Czech Republic	05 Apr. 2011	Slunský (no 31225/06) <a href="#">link</a>	favour) Alleged violation of Art. 2 of Prot. 4 (disproportionate restriction on the applicant's freedom of movement during criminal proceedings against him)	Inadmissible for non-exhaustion of domestic remedies
the Czech Republic	12 Apr. 2011	Sedlákoví (no 12356/06) <a href="#">link</a>	Alleged violation of Art. 1 of Prot. 1 (lack of compensation following the transformation of the agricultural cooperative O.)	Struck out of the list (no heir wished to continue the application before the Court following the applicant's death)
the United Kingdom	12 Apr. 2011	Hoare (no 16261/08) <a href="#">link</a>	Alleged violation of Art. 6 § 1 and Art. 1 of Prot. 1 (costs order imposed on the applicant as a result of the outcome of the proceedings in the House of Lords) and Art. 4 of Prot. 7	Partly inadmissible as manifestly ill-founded (concerning claims under Art. 6 § 1 and Art. 1 of Prot. 1), partly incompatible <i>ratione personae</i> (concerning the remainder of the application)
Turkey	05 Apr. 2011	Kirkit (no 32297/07; 15631/08; 30847/08; 5004/10) <a href="#">link</a>	Alleged violation of Articles 5 and 6 (sanctions consisting of deprivation of liberty imposed on the applicants by their military superiors and not by an independent court)	Inadmissible (for non-respect of the six-month requirement)
Turkey	05 Apr. 2011	Başar (no 17880/07) <a href="#">link</a>	Alleged violation of Art. 6 §§ 1 and 3 (unfairness of proceedings), Art. 6 § 2 (infringement of the principle of presumption of innocence) and Art. 8 (interference with the applicant's right to respect for private life on account of press presenting the applicant as a "deviant")	Partly inadmissible for non-respect of the six-month requirement (concerning claims under Art. 8), partly inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention concerning the remainder of the application)
Ukraine	05 Apr. 2011	Golota (no 738/05) <a href="#">link</a>	Alleged violation of Art. 3 (ill-treatments), Art. 5 (unlawful detention), Art. 6 (unfairness of proceedings), Articles 13, 17 and 34, Art. 2 of Prot. 7 and Art. 1 of Prot.12	Inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention)
Ukraine	05 Apr. 2011	Kocherga (no 26017/07) <a href="#">link</a>	Alleged violation of Art. 6 and Art. 1 of Prot. 1 (unfairness of proceedings)	Idem.
Ukraine	12 Apr. 2011	Shoman (no 26080/07) <a href="#">link</a>	The applicant complained about non-enforcement of a court judgment in her favour	Struck out of the list (the applicant no longer wished to pursue her application)
Ukraine	12 Apr. 2011	Gaymurenko (no 2375/08) <a href="#">link</a>	The applicant complained in particular about the excessive length of proceedings	Struck out of the list (friendly settlement reached)
Ukraine	12 Apr. 2011	Stanchev (no 35131/08) <a href="#">link</a>	The applicant complained about the length of the criminal proceedings in which he participated as a civil party	Idem.
Ukraine	12 Apr. 2011	Shevchuk (no 4984/09) <a href="#">link</a>	The applicant complained about the length of proceedings in his case	Idem.
Ukraine	12 Apr. 2011	Dmytryk (no 12252/09) <a href="#">link</a>	The applicant complained about the non-enforcement of a judgment in his favour	Struck out of the list (the applicant no longer wished to pursue his application)
Ukraine	12 Apr. 2011	Lugspetsvugle postavka (no 18257/09) <a href="#">link</a>	The applicant company complained about the non-enforcement of court judgments in its favour	Struck out of the list (the applicant company no longer wished to pursue its application)
Ukraine	05 Apr. 2011	Chernega and Others (no 74768/10) <a href="#">link</a>	Alleged violations of Art. 3 (the applicants were allegedly subjected to ill-treatment by the loggers and the black-clothed men wearing Municipal Guard badges and that the police failed to protect them), Art. 6 § 1 (unfairness of proceedings), Art. 13 (lack of an effective remedy), Art. 11 (the applicants prosecuted for their participation in the protests), Articles 7 and 18	Partly adjourned (concerning the ill-treatment, the unfairness of proceedings, the applicants' prosecutions for their participation in the protests), partly inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention concerning the remainder of the application)



### 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 18 April 2011: [link](#)
- on 26 April 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](mailto:dhogan@ihrc.ie)).

#### Communicated cases published on 18 April 2011 on the Court's Website and selected by the NHRS Unit

*The batch of 18 April 2011 concerns the following States (some cases are however not selected in the table below): Albania, Bosnia and Herzegovina, Bulgaria, Estonia, Finland, Georgia, Greece, Latvia, Lithuania, Moldova, Poland, Romania, Russia, Slovakia, Turkey and Ukraine.*

<u>State</u>	<u>Date of Decision to Communicate</u>	<u>Case Title</u>	<u>Key Words of questions submitted to the parties</u>
Finland	28 Mar. 2011	Ristamäki and Korvola no 66456/09	Alleged violation of Art. 10 – Alleged interference with the applicants' right to freedom of expression, in particular their right to impart information, on account of the restriction imposed by domestic courts on a broadcasting company for having criticised the lack of co-operation between the authorities concerning the investigation of economic crime
Greece	30 Mar. 2011	C.D. and 9 Others no 33441/10  B.R. no 33468/10  A.M. no 33476/10	Alleged violation of Art. 3 – Conditions of detention – Alleged violation of Art. 5 § 1 – Unlawful detention – Alleged violation of Art. 5 § 4 – Lack of an effective remedy to challenge the detention in view of expulsion – Alleged violation of Art. 9 – Lack of a special diet in view of the applicant's Muslim religion in prison the in detention centre
Poland	28 Mar. 2011	Ziemiński no 46712/06	Alleged violation of Art. 10 – Alleged interference with the applicants' right to freedom of expression on account of the applicant's conviction for publishing an article concerning a public figure
Romania	28 Mar. 2011	Andrei no 33228/05	Alleged violation of Art. 3 – Conditions of detention – Alleged violation if Art. 9 – The applicant's inability to exercise his religion while in detention

#### Communicated cases published on 26 April 2011 on the Court's Website and selected by the NHRS Unit

The batch of 26 April 2011 concerns the following States (some cases are however not selected in the table below): Andorra, Azerbaijan, Bulgaria, France, Georgia, Greece, Ireland, Italy, Romania, Russia, Slovenia, the United Kingdom and Ukraine.

<u>State</u>	<u>Date of Decision to Communicate</u>	<u>Case Title</u>	<u>Key Words of questions submitted to the parties</u>
Bulgaria	04 Apr. 2011	Gutsanov and Others no 34529/10	Alleged violation of Art. 3 – Alleged ill-treatment by police officers – Alleged violation of Art. 5 § 1 – Unlawfulness of detention – Alleged violation of Art. 5 § 3 – Failure to bring the applicant promptly before a judge – Excessive length of detention – Alleged violation of Art. 5 § 4 – Lack of an effective remedy to challenge the lawfulness of the detention – Alleged violation of Art. 5 § 5 – Lack of adequate compensation in respect of the unlawful detention – Alleged violation of Art. 6 § 2 – Infringement of the principle of presumption of innocence on account of incriminating statements by several authorities – Alleged violation of Art. 8 – Infringement of the applicants' rights to respect for home and correspondence – Alleged violation of Art. 13 – Lack of an effective remedy
France	06Apr. 2011	Lucas, Hallier and V. no 46386/10	Alleged violation of Art. 14 in conjunction with Art. 8 – Domestic authorities' refusal to grant the second applicant paternity leave after the birth of her partner's son – Discrimination on grounds of sex – What are the implications in this matter of the existence in French law of an adoption leave?
Russia	06 Apr. 2011	'Orlovskaya Iskra' Gazeta no 42911/08	Alleged violation of Art. 10 – An administrative fine imposed on the applicant company for having published an with a critical article against one of the candidates during an election campaign
the United Kingdom	08 Apr. 2011	The Church Of Jesus Christ Of Latter-Day Saints no 7552/09	Alleged violation of Art. 9 in conjunction with Article 14 – The applicant complained that the Temple did not fall within the statutory exemption because of the applicant's religious beliefs and was discriminatory as it did not allow access to the general public, whereas those that did, were granted the exemption

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

##### **Referrals to the Grand Chamber (13.04.2011)**

The panel of the Grand Chamber rejected the referral request relating to the case of *Greens and M.T. v. the United Kingdom*. The Court's judgment concerning the blanket ban on prisoner voting in the United Kingdom becomes final. [Press release](#)

##### **Cassin advocacy competition 2011 (19.04.2011)**

Students from the College of Europe (Bruges) were declared the winners of the 2011 edition of the René Cassin competition for law students. [Press release](#), [Photo gallery](#)

##### **Elections of new Judges (12.04.2011)**

The Parliamentary Assembly of the Council of Europe has elected Helen Keller as judge to the Court with respect to Switzerland and Erik Møse as judge to the Court with respect to Norway. [Press release](#)

## 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](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](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)

#### The Committee of Ministers adopts two resolutions (12.04.2011)

The Committee of Ministers adopted two resolutions with regard to the cases *Confédération générale du Travail (CGT) v. France* (Complaint No. 55/2009) and *Confédération française de l'encadrement (CFE-CGC) v. France* (Complaint No. 56/2009). [Resolution Res/CM/ChS\(2011\)4](#); [Resolution Res/CM/ChS\(2011\)5](#)

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

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

#### Council of Europe anti-torture Committee visits [Bosnia and Herzegovina](#) (15.04.2011)

A delegation of the CPT recently completed a ten-day visit to Bosnia and Herzegovina. The visit, which began on 5 April 2011, was the CPT's fifth visit to this country. The visit provided an opportunity to assess the progress made since the periodic visit in March 2007 and the ad hoc visit in May 2009. The CPT's delegation paid particular attention to the treatment of persons deprived of their liberty by law enforcement officials and to the operation in practice of the legal safeguards in place. It examined various issues related to prisons, notably as regards inmates on remand, prisoners placed in high security units and disciplinary procedures. The delegation also looked into the treatment of patients at a psychiatric hospital, and of residents at a social care home. In the course of the visit, the CPT's delegation held consultations with Bariša ČOLAK, State Minister of Justice, and Stanislav ČAĐO and Džerard SELMAN, the Ministers of Interior and Justice of the Republika Srpska, as well as with senior officials from relevant State and Entity Ministries. It also met the State Ombudsman and the Chief Prosecutor of the Republika Srpska, and held discussions with members of non-governmental and international organisations active in areas of concern to the CPT. At the end of the visit, the delegation presented its preliminary observations to the authorities of Bosnia and Herzegovina.

#### Council of Europe anti-torture Committee publishes report on [Estonia](#) (19.04.2011)

The CPT has published on 19 April the [report](#) on its third periodic visit to Estonia in May 2007, together with the [response](#) of the Estonian Government. These documents have been made public at the request of the Estonian authorities. In the course of the 2007 visit, the CPT's delegation reviewed the measures taken by the Estonian authorities to implement recommendations made by the Committee after its previous visits. Particular attention was paid to the treatment of persons detained by the police (including during the disturbances that took place in Tallinn at the end of April 2007), as well as to the conditions of detention in police arrest houses and prisons. The delegation also examined the treatment and living conditions of psychiatric patients and social care home residents. In their response to the various recommendations made in the CPT's visit report, the Estonian authorities provide information on the measures taken to address the concerns raised by the Committee.

### C. European Commission against Racism and Intolerance (ECRI)

#### Combating racist violence and discrimination in France: Round Table of the European Commission against Racism and Intolerance (ECRI) in Paris (12.04.2011)

The Round table was organised by ECRI, jointly with the Human Rights Consultative National Commission (*Commission nationale consultative des droits de l'homme*, CNCDH) and the High Authority against Discrimination and for Equality (*Haute autorité de lutte contre les discriminations et*

*pour l'égalité de chances HALDE*). The participants discussed the follow-up given to the recommendations contained in ECRI's 2010 report on France concerning a number of themes divided into four sessions: racism and xenophobia in public discourse ; the fight against racist expression propagated via the Internet; the fight against racism and discrimination against Muslims; monitoring racism and racial discrimination; the fight against racism and discrimination against Roma and Travellers; the legislative and institutional framework of the fight against racial discrimination in France. ([read more](#))

#### **Council of Europe Anti-Racism Commission to prepare reports on Iceland, Latvia and Ukraine (12.04.2011)**

Delegations of ECRI visited [Iceland](#), [Latvia](#) and [Ukraine](#) between 4 and 8 April 2011 as the first step in the preparation of monitoring reports. During their visits, the delegations gathered information on the implementation of the recommendations made to the authorities in ECRI's previous reports and discussed new issues that had emerged since.

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

#### **Czech Republic: visit of the Advisory Committee on the Framework Convention for the Protection of National Minorities (11.04.2011)**

A delegation of the Advisory Committee on the FCNM visited Prague and the Moravian-Silesian Region from 11-15 April 2011 in the context of the monitoring of the implementation of this convention in the Czech Republic. This was the third visit of the Advisory Committee to the Czech Republic. The Delegation held meetings with the representatives of all relevant ministries, public officials, NGOs, as well as national minority organisations.

#### **Protection of national minorities: Council of Europe monitoring body publishes report on Finland (13.04.2011)**

The Council of Europe Advisory Committee on the FCNM published its [Third Opinion on Finland](#), and the [government's Comments](#). The Opinion highlights several legislative as well as institutional reform initiatives by the Finnish authorities in order to foster protection against discrimination. The set-up of an "Equality Committee" to review the effectiveness of Finland's equality legislation and a proposal for a National Policy on Roma are amongst the most relevant initiatives. The Opinion also notes concerted efforts by the Finnish authorities to revitalise the Sami language and the fact that a Sami Cultural Centre is to be opened in 2012 in the Northern city of Inari. The Advisory Committee expresses deep concern with the fact that negotiations surrounding the Sami people land rights appear blocked and underlines that the availability of minority language media is still insufficient. Furthermore, the implementation of the Language Act and the Sami Language Act is considered inadequate. Incidents of racism and xenophobia, particularly on the Internet, continue to be reported. Among a number of other recommendations for action to be taken in various areas such as education, media, the use of language in public spaces and administrative reform, the Advisory Committee recommends in particular to: 1) take rapid measures to unblock the current stalemate and re-establish a constructive dialogue with the Sami Parliament to bring a solution to the legal uncertainty over land rights in the Sami Homeland; 2) take appropriate measures, in consultation with the Sami Parliament, to prevent the further disappearance of the Sami languages from public life through adequate funding and the effective implementation of the Sami revitalisation programme, and invest in relevant educational measures in order to ensure that the Sami have improved access to public services in the Sami languages; 3) take appropriate measures to ensure that the various consultation structures and mechanisms for persons belonging to national minorities are complemented and reorganised to provide clear communication channels and improve possibilities for representatives, including those of numerically-smaller minorities, to have a real impact on the decision-making process.

### **E. Group of States against Corruption (GRECO)**

#### **GRECO publishes report on Armenia (11.04.2011)**

GRECO published its Third Round Evaluation Report on Armenia in which it finds that further amendments to the Criminal Code are necessary to comply with Council of Europe standards. GRECO also calls for a strengthening of the supervision over the funding of political parties and election campaigns. ([more](#)) Link to the report: [Theme I on incriminations](#); [Theme II on Transparency of Party Funding](#)

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

### **"MONEYVAL makes a real difference in the daily lives of our citizens" (13.04.2011)**

Speaking on 13 April at MONEYVAL's 35th Plenary meeting, Thorbjørn Jagland, Secretary General of the Council of Europe, highlighted the importance of the committee's work. "MONEYVAL makes a real difference to the daily lives of our citizens," he said. "It is effective, delivers results and appears on international agendas. "Its action has produced significant improvements to anti- money laundering and countering the financing of terrorism systems in many of our member States." The Secretary General confirmed that this was the reason why the Committee of Ministers had taken the rare step of upgrading MONEYVAL within the Council of Europe structure to be a permanent monitoring mechanism, reporting directly to the Committee of Ministers. [Speech](#)

### **Outcome of the 35th Plenary Meeting 10-14 April 2011 (18.04.2011)**

MONEYVAL, at its 35th plenary meeting, achieved several significant results: - discussed and adopted the mutual evaluation reports on the 4th assessment visits of Albania (prepared by IMF) and of the Czech Republic; - re-examined and adopted the first progress report submitted by Bosnia and Herzegovina and the second progress report submitted by Moldova; - examined and adopted the second progress reports submitted by Bulgaria and Croatia ([report/ annexes](#)); - examined the state of compliance on all non compliant and partially compliant ratings in the 3rd round in respect of 1 country; - examined the reports on action being taken by Albania and BIH currently under step (I) of the Compliance Enhancing Procedures to address the issues of concerns raised by MONEYVAL and maintained step (i) of the CEPS in both cases; - examined the report on action taken by Moldova under step (IV) of the Compliance Enhancing Procedures to address the issues of concerns raised by MONEYVAL and decided to continue monitoring the situation under step (I) of the CEPS. The publication of these reports will take place shortly. The next plenary meeting is scheduled from 26 to 30 September 2011.

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

### **1st Evaluation Round: GRETA visits Georgia (18.04.2011)**

A delegation of GRETA carried out a visit to Georgia from 11 to 14 April 2011 in order to prepare its first monitoring report on the fight against human trafficking in this country. This was the eighth country visit carried out in the context of the first round of evaluation of the implementation of the *Council of Europe Convention on Action against Trafficking in Human Beings*. This round was launched in February 2010 when GRETA addressed a [questionnaire](#) to the first 10 Parties to the Convention: Albania, Austria, Bulgaria, Croatia, Cyprus, Denmark, Georgia, Moldova, Romania and the Slovak Republic. During the visit, the GRETA delegation held meetings with Zurab ADEISHVILI, Minister of Justice and Chairman of the Interagency Co-ordination Council on Measures against Trafficking in Persons; Irakli GIORGOBIANI, First Deputy Minister of Labour, Health and Social Affairs; Tamar MARTIASHVILI, First Deputy Minister of Internally Displaced Persons from Occupied Territories; Ekaterine ZGULADZE, First Deputy Minister of Internal Affairs; Sergi KAPANADZE, Deputy Minister of Foreign Affairs; Irine KURDADZE, Deputy Minister of Education and Science, Giorgi VASHADZE, Deputy Minister of Justice, and with other senior officials from relevant ministries and public bodies. The GRETA delegation also met Rusudan KERVALISHVILI, Deputy Chairwoman of the Parliament of Georgia, as well as other Members of Parliament. **The GRETA delegation also met the Public Defender, Giorgi TUGUSHI and members of his office.** Further, discussions were held with representatives of the International Organisation for Migration, the International Labour Organisation and members of non-governmental organisations active in combating trafficking in human beings and protecting human rights. In addition, the GRETA delegation visited accommodation facilities for victims of trafficking.

On the basis of the information gathered during the visit and [the Georgian authorities' reply to the questionnaire](#), GRETA will prepare a draft report containing its analysis of the implementation of the Convention by Georgia, as well as suggestions for possible improvement and further action.

## Part IV: The inter-governmental work

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

19 April 2011

Italy ratified the European Convention for the Protection of Pet Animals ([ETS No. 125](#)).

20 April 2011

Estonia ratified the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority ([CETS No. 207](#)).

### B. Recommendations and Resolutions adopted by the Committee of Ministers

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### C. Other news of the Committee of Ministers

**Ahmet Davutoglu: Council of Europe values more central than ever to people's expectations (12.04.2011)**

Addressing the Assembly, the Chairman of the Committee of Ministers and Minister of Foreign Affairs of Turkey, Ahmet Davutoglu, stressed that the recent important events in the southern shores of the Mediterranean served as a strong reminder of the relevance of the Council of Europe's values. He also underlined that in today's increasingly globalised world, the Council of Europe 'cannot simply be indifferent to the regions around it'.

**Turkey makes contribution to activities of Council of Europe (13.04.2011)**

Within the framework of the Turkish Chairmanship of the Committee of Ministers, Turkey has contributed a total of €605,000 for a number of activities, including an awareness-raising seminar on the CPT, Human Rights awareness-raising, the campaign "Speak out against discrimination", and a conference on the role of civil society in promoting intercultural dialogue.

**Istanbul International Film Festival: Council of Europe Film Award (FACE) (14.04.2011)**

Ambassador Daryal Batýbay, Chair of the Ministers' Deputies, will present the Council of Europe Film Award, FACE, at the closing ceremony of the 30th International Film Festival in Istanbul on 16 April. The award is presented each year to the director of a film that raises public awareness of human rights issues and fosters a better understanding of their importance. [File](#)

**Annual Report 2010: execution of judgments of the European Court of Human Rights (19.04.2011)**

The Committee of Ministers issued on 19 April its fourth annual report on the supervision of the execution of judgments of the European Court of Human Rights. The report includes detailed statistics highlighting the main tendencies of the evolution of the execution process in 2010 and a thematic overview of the most important developments in the execution of the cases pending before the Committee of Ministers.

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\* No work deemed relevant for the NHRSS for the period under observation

## Part V: The parliamentary work

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

Recommendation 1961: [Over-indebtedness of states: a danger for democracy and human rights](#)

Recommendation 1963: [Combating poverty](#)

Resolution 1800: [Combating poverty](#)

Recommendation 1962: [The religious dimension of intercultural dialogue](#)

Recommendation 1966: [Safeguarding children and young people from obesity and type 2 diabetes](#)

Recommendation 1965: [Education against violence at school](#)

Resolution 1803: [Education against violence at school](#)

Resolution 1804: [Safeguarding children and young people from obesity and type 2 diabetes](#)

Resolution 1802: [The need to assess progress in the implementation of the Bern Convention](#)

Recommendation 1964: [The need to assess progress in the implementation of the Bern Convention](#)

Resolution 1801: [The honouring of obligations and commitments by Georgia](#)

Resolution 1808: [Strengthening torture prevention mechanisms in Europe](#)

Recommendation 1968: [Strengthening torture prevention mechanisms in Europe](#)

Resolution 1807: [The death penalty in Council of Europe member and observer States: a violation of human rights](#)

Resolution 1806: [Rural women in Europe](#)

Resolution 1805: [The large-scale arrival of irregular migrants, asylum seekers and refugees on Europe's southern shores](#)

Recommendation 1967: [The large-scale arrival of irregular migrants, asylum seekers and refugees on Europe's southern shores](#)

Recommendation 1969: [Unaccompanied children in Europe: issues of arrival, stay and return](#)

Recommendation 1970: [Protecting migrant women in the labour market](#)

Resolution 1810: [Unaccompanied children in Europe: issues of arrival, stay and return](#)

Resolution 1811: [Protecting migrant women in the labour market](#)

Resolution 1809: [Water – a source of conflict](#)

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

#### ➤ *Countries*

#### **Honouring of obligations and commitments by Azerbaijan (12.04.2011)**

In an information note on their visit to Baku from 1 to 3 February 2011, Pedro Agramunt Font de Mora (Spain, EPP/CD) and Joseph Debono Grech (Malta, SOC), co-rapporteurs of the Monitoring Committee on Azerbaijan, said that they particularly valued the openness of the Azerbaijani authorities to political dialogue with the PACE, as well as their clearly demonstrated political will and their readiness to continue fulfilling their commitments. They also took note of the significant progress made by the country along the path of democratisation, and of the impressive legislative work done by the Azerbaijani authorities in order to bring their laws into line with Council of Europe standards. They



considered that serious causes for concern remained, and needed to be dealt with forthwith, particularly in respect of the implementation of various laws, including those on freedom of association and freedom of expression. "We stand ready to discuss possible measures to be taken with the Azerbaijani authorities during our next visit," declared the co-rapporteurs. "We are confident that the report which we are going to submit to the committee before the end of this year will contribute to advancing the democratisation process in Azerbaijan," they concluded. [Information note by the co-rapporteurs on their fact-finding visit to Baku \(1-3 February 2011\)](#)

#### **'Bosnia and Herzegovina isolates itself from Europe,' say PACE co-rapporteurs (12.04.2011)**

Karin Woldseth (Norway, EDG) and Jean-Claude Mignon (France, EPP/CD), co-rapporteurs of PACE for the monitoring of Bosnia and Herzegovina, made the following statement on 12 April: "We deeply regret that more than six months after the general elections of 3 October 2010, the Parliamentary Assembly of Bosnia and Herzegovina has been unable to appoint a new delegation to the PACE. This means that Bosnia and Herzegovina will be unable to participate in the work of the PACE and that it will not be represented in the Monitoring Committee which supervises the fulfillment of Bosnia's obligations and commitments since its accession to the Council of Europe in 2002. We strongly urge the three remaining cantons in the Federation to immediately appoint their delegates in the Federation House of Peoples. This is a pre-condition for the valid constitution of the state-level House of Peoples, one of the two chambers of the BiH Parliamentary Assembly. We also urge all political stakeholders in the country to finally act responsibly and not to delay any further government formation at state level. Failing to do this will result in further international isolation of Bosnia and Herzegovina, as was shown recently with FIFA's and UEFA's decision to suspend BiH from international football competitions. The citizens of this country do not deserve to be held hostage by narrow political interests and ethnic bickering over posts and positions," the co-rapporteurs said.

#### **Post-monitoring dialogue with Monaco (13.04.2011)**

In an information note published on 13 April, the rapporteur for post-monitoring dialogue with Monaco, Anne Brasseur (Luxembourg, ALDE), underlined that many reforms remain to be devised and implemented so as to meet the requests formulated by PACE in 2009. Following her visit to the country on 21 and 22 February 2011, she urged the government and the National Council to demonstrate a strong political will and considerable openness to draw on the experience of other European countries so as to overcome the difficulties and rapidly implement reforms affecting key fields such as justice, democratic institutions and dialogue between the social partners. "I am convinced that the adoption of a law on the functioning of the National Council and of its rules of procedure will constitute a first step towards reinforcing parliament's capacity to propose legislation and supervise the work of the executive, thereby contributing to the good functioning of the democratic process in Monaco," she stressed. [Information note by the rapporteur on her fact-finding visit to Monaco \(21-22 February 2011\)](#)

#### **Honouring of obligations and commitments by the Russian Federation (13.04.2011)**

In an information note on their fact-finding visit to Moscow and Kazan from 18 to 21 January 2011, the co-rapporteurs for the monitoring of Russia, György Frunda (Romania, EPP/CD) and Andreas Gross (Switzerland, SOC), stated their intention of presenting a full monitoring report by the end of the year. They emphasise that Russia has, since its accession, worked impressively hard to bring its legislation into line with Council of Europe standards. They mention inter alia the 2009 amendments to the Law on defence relating to the sending abroad of Russian troops, which raise questions concerning conformity with international law, and the extent to which the executive's decision-making powers are consistent with the need for democratic control over the armed forces. The information note also considers the 2010 Law on security services, which, according to the opposition, may be used as an instrument to threaten anyone who is in opposition or simply criticises the authorities, as well as journalists investigating sensitive stories; the Law on police, which has been criticised for non-compliance with European standards; the Law on fighting extremist activity; and the question of the electoral threshold, which, in the view of PACE, should not be higher than 5 per cent. Where pluralist democracy, the rule of law, human rights and basic freedoms are concerned, they draw attention inter alia to the problems associated with the freedom of expression of journalists, human rights defenders, lawyers and civil society activists, with freedom of assembly, with the independence of the judiciary and with the deficiencies of the judicial system. Lastly, the co-rapporteurs express satisfaction about visible progress in the execution of European Court judgments, particularly the adoption of the law on compensation for victims of excessive length of procedures, which addresses a long-standing

concern. [Information note by the co-rapporteurs on their fact-finding visit to Moscow and Kazan \(18-21 January 2011\)](#)

### **'Turkey needs Europe, Europe needs Turkey' (13.04.2011)**

61 years after Turkey ratified the statute of the Council of Europe, the Prime Minister of Turkey, Recep Tayyip Erdogan, in his address to the Assembly, paid tribute to the organisation's work against all forms of discrimination and in pursuit of respect for human dignity. Recalling the historical meeting of the Christian and Muslim worlds, Erdogan indicated that a future based on peace could only be built on an understanding of history as cultural interaction and convergence, rather than as war, conflict and polarisation. He regretted the rise of racism, discrimination and intolerance in Europe and said that the universal values of democracy, human rights and the rule of law were as important as ever – even beyond Europe's borders in the Middle East and North Africa. The Prime Minister described Turkey's role and aims in the region, Turkey's importance for Europe, and the reforms that Turkey has undertaken at home. Prime Minister Erdogan concluded by inviting the Secretary General of the Council of Europe to send his personal envoy to Turkey to look into the media situation there. [Address by Recep Tayyip Erdogan](#)

### **Georgia: PACE welcomes progress but decides to continue the monitoring procedure (13.04.2011)**

Adopting a resolution on the honouring of obligations and commitments by Georgia, 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 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". 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". 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. The entry into force of the new Code of Criminal Procedure and the law on the Prosecution Service are welcomed, but there is concern about the problems of the administration of justice that "could endanger the principles of equal application of the law and the right to a fair trial". The adopted text reiterates its condemnation of the continuing human rights violations as a result of the 2008 war, including the grave violations of the principle of freedom of movement and right to return of IDPs as a result of the occupation of the two breakaway regions.

### **Moldova: co-rapporteurs urge agreement over election of the President (14.04.2011)**

The PACE co-rapporteurs for the monitoring of Moldova, Piotr Wach (Poland, EPP/CD) and Lise Christoffersen (Norway, SOC), have encouraged all political parties in the country – including within the ruling coalition – to reach an agreement to ensure a swift election of the President of the Republic. In an information note on their first visit to the country (21-24 March), the co-rapporteurs said this would contribute to the stability needed to secure the process of democratisation. They also welcomed the commitment of the Moldovan authorities to launching fundamental reforms and speeding up the democratisation process as "a positive move" and noted that such reforms would take time. The two co-rapporteurs said they intended to return to Moldova for a second fact-finding visit by the end of 2011 to raise issues such as the police, conditions of detention and the fight against trafficking. [Information note by the co-rapporteurs on their fact-finding visit to Chisinau and Comrat \(21-24 March 2011\)](#)

### **Armenia: Monitoring Committee co-rapporteurs call for reform projects to be implemented (14.04.2011)**

While welcoming the authorities' many initiatives for electoral reform and reform of the judiciary and the police, the co-rapporteurs of the Monitoring Committee of PACE on the honouring of obligations and commitments by Armenia (John Prescott, United Kingdom, SOC, and Axel Fischer, Germany, EPP/CD) say that it is now time for these initiatives to be translated into action. The rapporteurs emphasise in an information note that legislative changes alone are not sufficient and "should be

accompanied by policies aimed at changing existing practice and mentalities". According to the note, the ongoing detention of certain persons for their role in the events of March 2008 and the lack of a proper inquiry into the causes of the 10 fatalities which occurred at that time "continue to poison the political environment in Armenia" and could well have "a negative impact on next year's elections". It is pointed out in the note that the current status quo with regard to reforms, combined with political polarisation and the deteriorating social and economic environment, "could potentially lead to renewed social unrest if unaddressed and not followed by genuinely democratic elections". The rapporteurs intend to write a report on the functioning of democratic institutions in Armenia, for debate at the autumn 2011 part-session of the Assembly. [Information note by the co-rapporteurs on their fact-finding visit to Yerevan](#)

### ➤ Themes

#### **PACE relations with Belarus authorities to stay frozen (12.04.2011)**

The human rights situation in Belarus has "not improved" since January 2011, on the contrary, and therefore there can be "no progress" in relations between the Assembly and Belarus, according to PACE's rapporteur on Belarus Sinikka Hurskainen (Finland, SOC). In an information note made public on 12 April, Mrs Hurskainen said "new concerns" had arisen about politically motivated trials, allegations of torture in detention, procedural violations during investigations and trials, and confirmations of death sentences. High-level contacts with the Belarusian authorities should therefore remain on hold. However, the Assembly should continue to strengthen its dialogue with Belarus's democratic forces, civil society, opposition groups, free media and human rights defenders, the rapporteur said. [Full text of information note](#)

#### **New Council of Europe treaty will 'change the lives of millions of women' (12.04.2011)**

"The Council of Europe Convention on preventing and combating violence against women will change the lives of many dozens of millions of women who are victims of violence, helping them find protection, assistance and justice," said José Mendes Bota (Portugal, EPP/CD), Chairperson of the PACE Committee on Equal Opportunities for Women and Men, hailing the adoption of the Convention by the Council of Europe's Committee of Ministers last week.

#### **'There is a victim behind every child abuse image on the internet' says PACE rapporteur (13.04.2011)**

"There is a victim behind every child abuse image on the internet," said Agustín Conde Bajén (Spain, PPE/DC), PACE rapporteur on combating child pornography, speaking during the second meeting of the Network of Contact Parliamentarians to stop sexual violence against children. "My forthcoming report will in particular take a stance on blocking child pornography websites," he added. "Our network has 37 contact parliamentarians to date, which marks the growing involvement of national parliaments in the Council of Europe Campaign to stop sexual violence against children," underlined Liliane Maury Pasquier (Suisse, SOC), Chairperson of the Social, Health and Family Affairs Committee, at the opening of the meeting. She welcomed Henrietta Martinez, from the Parliamentary Assembly of the "Francophonie", the first contact parliamentarian to be appointed by an international partner parliamentary forum. She highlighted good practices that have emerged recently in Cyprus, Serbia, and Mexico, as part of the campaign. [Draft programme](#)

#### **PACE suggests strengthening the work of the CPT and the mechanisms for preventing torture (14.04.2011)**

In a recommendation adopted on 14 April, the Assembly invited the Committee of Ministers to amend the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment so that members of the CPT would be elected by PACE. Parliamentarians believe that if members of the CPT were elected by the Assembly they would have enhanced democratic legitimacy and authority. Following the proposals made by Jean-Charles Gardetto (Monaco, EPP/CD), rapporteur on this question, the Assembly also recommended that CPT visit reports and the comments of the parties concerned be automatically published, as this would allow commencement of the public debate on the problems noted and the ways to solve them. Finally, **PACE urged all member States to sign and ratify the Optional Protocol to the UN Convention against Torture (OPCAT) and to set up independent and adequately resourced national mechanisms for the prevention of torture, as prescribed by OPCAT.** The CPT should, for its part, seek synergies with these national mechanisms and co-operate with any future initiative conducted by the EU. [Adopted text](#)

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

### A. Country work

#### **Turkey should ensure access to education for all migrant children (20.04.2011)**

"The Turkish authorities must guarantee access to education for all migrant children, including those in an irregular situation", says the Council of Europe Commissioner for Human Rights, Thomas Hammarberg, commenting on a [letter](#) he sent to the Minister of National Education of the Republic of Turkey. After a visit to Turkey in 2009 the Commissioner recommended that the authorities address reported shortcomings in providing access to education for all migrant children. Last year the Ministry of National Education took steps, which aimed at facilitating the access to education of foreign nationals. [Read the letter addressed to the Minister of National Education of Turkey](#); [Read the Minister's reply](#)

#### **Georgia: more needs to be done to uphold the credibility of the justice system (20.04.2011)**

At the end of a four-day visit to Georgia focusing on human rights in the justice system, Council of Europe Commissioner for Human Rights Thomas Hammarberg presented his preliminary observations at a press conference at the Council of Europe Office in Tbilisi. "Over an extended period, I have been receiving reports from different sources and have been addressed directly by many individuals who have raised a number of issues concerning the administration of justice in Georgia. ([more](#))

### B. Thematic work

#### **Implementation of human rights standards remains unsatisfactory in Europe (13.04.2011)**

"Progress in implementing human rights is too slow and the agreed standards are not consistently enforced. The implementation gap is wide", stated the Council of Europe Commissioner for Human Rights, Thomas Hammarberg when presenting on 13 April his [annual report](#). "What I have seen and heard during my activities in 2010 has made me deeply impatient." The report identifies fields in which stronger political action is required. In particular, the Commissioner underlines that little improvement has been achieved in the living conditions of Roma people, not least in access to education, housing, health and employment. [Read the annual report](#)

#### **Europe must make migration policies more humane (14.04.2011)**

"As illustrated by the current crisis in North Africa, Europe needs to establish more humane migration management and improve the treatment reserved for migrants. The European Union and the Council of Europe should co-operate more closely on this, ensuring that any EU policy abides fully by human rights standards", said the Council of Europe Commissioner for Human Rights, Thomas Hammarberg, in presenting the conclusions of the [seminar](#) on the human rights dimensions of migration in Europe organised in Istanbul on 17-18 February. "European states have signed readmission agreements with countries which do not respect international refugee law and human rights standards. They seek in this way to divert migration flows to third states, thereby trying to avoid responsibility for any violations of the human rights of migrants returned to those countries. This is not acceptable. [Read the conclusions](#)

**Part VII: Activities and news of the Peer-to-Peer Network  
(under the auspices of the NHRS Unit of the Directorate General of  
Human Rights and Legal Affairs)**

**A delegation from Armenia on study visit to Germany (11-14.04.2011)**

Within the framework of the Joint Programme between the European Union and the Council of Europe entitled "Access to Justice in Armenia", a study visit was held with the participation of 10 lawyers from the Chamber of Advocates of Armenia to the Hamburg Bar Association in Hamburg. After a visit to Vienna (Austria), this was the second such visit for lawyers from Armenia in the framework of the project to learn about general principles of organisation of the Bar Associations in Europe in order to develop the institutional and operational capacities of the Chamber of Advocates of Armenia. During the study visit, in addition to the Hamburg Bar Association, the participants also visited a law firm, the Chamber of Commerce and the Chamber of Notaries.