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THE HUMAN RIGHTS COOPERATION DIVISION
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*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-Human Rights and Rule of Law (NHRs Unit) carefully selects and tries to present in a user-friendly manner. The information is sent to the Contact Persons in the NHRs 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 NHRs. A particular effort is made to render the selection as targeted and short as possible.

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

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

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

We invite you to read the [INFORMATION NOTE No. 144](#) (provisional version) on the Court's case-law. This information note, compiled by the Registry's Case-Law Information and Publications Division, contains summaries of cases which the Jurisconsult, the Section Registrars and the Head of the aforementioned Division examined in August - September 2011 and sorted out as being of particular interest

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 / Deportation**

Auad v. Bulgaria (no. 46390/10) (Importance 2) – 11 October 2011 - There would be a violation of Article 3 (risk of ill-treatment or death) if the applicant was expelled to Palestine – Violation of Article 5 – Unlawful detention – Violation of Article 13 – Lack of an effective remedy

The applicant arrived in Bulgaria in May 2009 and soon after claimed asylum. Accused of terrorism, his expulsion to Lebanon was ordered in November 2009 on the grounds of national security. The applicant alleges that if expelled to Lebanon he would be at risk of ill-treatment or death on account of his membership of Fatah, which is part of the Palestinian Liberation Organisation, and that his detention pending deportation was unjustified and excessively long.

Risk of ill-treatment if expelled (Article 3)

The Court was not persuaded that effective guarantees existed in Bulgaria against arbitrary deportation of people at risk of ill-treatment or that such a risk would have been assessed by the relevant authorities. It was not clear by reference to what standards and on the basis of what information the authorities would have made a determination, if any, of the risk faced by the applicant. Consequently, the legal framework had not provided adequate safeguards on that question. Given the

irreversible potential damage which could result from an expulsion to a country of risk, the Court concluded that there would be a violation of Article 3 if the applicant were expelled to Lebanon.

Effective remedy against expulsion to risk countries (Article 13)

In cases in which people claimed they risked ill-treatment if expelled, in order for a remedy to be considered effective, the national authorities had to rigorously scrutinise the claim and automatically suspend expulsions. The Bulgarian courts had explicitly refused to deal with the question of risk and they had no power to suspend the enforcement of expulsion orders. Therefore, there has been a violation of Article 13.

Detention pending expulsion (Article 5)

The Court found that there had been a violation of Article 5 § 1 because the grounds on which the applicant had been kept in detention, namely his pending deportation, had not remained valid for the whole period of his detention due to the Bulgarian authorities' failure to conduct the proceedings with due diligence.

Article 41 (just satisfaction)

The Court held that Bulgaria was to pay the applicant EUR 3,500 in respect of non pecuniary damage and EUR 1,200 for costs and expenses.

Goginashvili v. Georgia (no. 47729/08) (Importance 3) – 4 October 2011 - No violation of Article 3 – Detainee provided with adequate medical care by domestic authorities

A former police officer, the applicant was arrested on 21 May 2006 on suspicion of smuggling drugs into Georgia. According to his medical file, he suffers from a number of serious chronic disorders, including renal failure and hepatitis.

Relying on Article 3, the applicant complained that the Georgian authorities had failed to protect his health and well-being in prison.

The Court noted that the prison doctors had consulted sufficiently regularly the applicant. They had diagnosed his conditions and prescribed the necessary medication. He had then been duly treated in the prison hospital which had all the necessary medical facilities. The treatment provided to the applicant had been systematic and had followed a truly comprehensive therapeutic strategy. The prison authorities had maintained a full medical record of his state of health and had monitored his treatment throughout the period of his detention.

The Court concluded that the prison authorities had provided the applicant with prompt and systematic medical care and, therefore, that there had been no violation of Article 3.

Gorobet v. Moldova (no. 30951/10) (Importance 2) – 11 October 2011 - Violation of Article 3 – Violation of Article 5 § 1 – Unlawful confinement and degrading treatment of the applicant in a psychiatric hospital

One February evening in 2008, the police took the applicant from his home under threat of criminal prosecution and brought him to a psychiatric hospital, where he was locked up against his will for 41 days. During his stay in the hospital, he was not allowed access to his family or a lawyer and was injected with substances which paralysed him temporarily and made him lose consciousness.

Relying on Article 5 § 1 and Article 3, the applicant complained that his detention in hospital had been arbitrary and that he had been subjected to inhuman and degrading treatment there.

Article 5 § 1

The Court noted in particular that it had to be ascertained whether the applicant's detention in hospital had been justified under sub-paragraph (e) of Article 5 § 1, permitting the lawful detention "of persons of unsound mind". The Court observed that the procedure for his compulsory treatment as established by the Moldovan legislation in force at the time had been completely disregarded. The Court further observed that it could not but conclude that at the time of the applicant's forced hospitalisation there was no expert opinion at all from a doctor concerning his state of health or the need for his compulsory confinement in a medical institution. There had accordingly been a violation of Article 5 § 1.

Article 3

The Court saw no reason to disagree with the applicant's argument that his confinement and forced psychiatric treatment in the psychiatric hospital had caused him severe mental suffering amounting to

inhuman and degrading treatment. Accordingly, the psychiatric treatment amounted at least to degrading treatment, in violation of Article 3.

Article 41 (just satisfaction)

The Court held that Moldova was to pay the applicant EUR 20,000 in respect of non-pecuniary damage and EUR 274 in respect of costs and expenses.

Güler and Öngel v. Turkey (nos. 29612/05 and 30668/05) (Importance 2) – 4 October 2011 – Violation of Article 3 – Domestic authorities’ excessive use of force against demonstrators protesting about a NATO summit

The applicants were arrested during a protest against a NATO summit being held in Istanbul along with about 500 other demonstrators. They were both examined by a doctor the following day and were then released. The ensuing medical reports noted bruising all over their bodies and declared them unfit for work for seven days. Relying on Articles 3, the two men complained about their arrest and the excessive police force used against them during the demonstration.

The Court observed in particular that there was no dispute that the applicants’ injuries, corroborated by medical reports, had been inflicted by the police during their dispersal of the demonstration. Moreover, the government did not provide any information to prove that the intervention had been properly regulated or organized in such a way as to minimize injury to demonstrators. The Court therefore concluded that, although a small group of demonstrators had attacked the police, the ensuing force used against the applicants, who had not even been among those who had resisted, had not been justified. Accordingly, the applicants’ injuries had been the result of inhuman and degrading treatment for which the State was responsible, in violation of Article 3.

Article 41 (just satisfaction)

The Court held that Turkey was to pay the applicants EUR 9,000 euros, each, in respect of non-pecuniary damage and EUR 3,000, jointly, for costs and expenses.

Hristovi v. Bulgaria (no. 42697/05) (Importance 2) – 11 October 2011 – Violation of Article 3 – Domestic authorities’ failure to investigate into the applicants’ allegations of police intimidation

A family alleged that on 17 February 2004 masked police officers burst into their flat, kicked and beat up the father and threatened to kill everybody. In particular, one of the officers had pointed a gun at the mother and her daughter, five years old at the time. Complaints were lodged about the incident, but the authorities refused to open criminal proceedings due to lack of evidence. They found in particular that stress disorder could not be regarded as evidence of ill-treatment and that the applicants had only lodged their complaint about ill-treatment two months after the incident when they could have complained to the officials present during the search.

The applicants alleged that on 17 February 2004 police officers had beaten one of them during his arrest and threatened the whole family. They relied on Article 3 (prohibition of inhuman or degrading treatment) and Article 13 (right to an effective remedy).

The Court noted in particular that the applicants’ allegation that masked police officers had intimidated and threatened them at gunpoint had been detailed and coherent. It was therefore the Bulgarian authorities’ duty to effectively investigate this part of the applicants’ complaint. The Court noted with concern that, as in other cases against Bulgaria where officers of specialised units had been involved, the police officers were not identified and questioned. Other serious shortcomings were reflected in Bulgarian criminal law itself as a complainant had to allege that they had been physically harmed by an agent of the State for an investigation to be opened, the legislation being silent on the issue of psychological trauma, with the exception of “threats” as defined by national law. The Court therefore held that the criminal investigation into the applicants’ alleged psychological ordeal at the hands of the police had not been effective, in violation of Article 3.

Article 41 (just satisfaction)

In respect of non-pecuniary damage, the Court held that Bulgaria was to pay to the parents EUR 4,000, each, and their daughter EUR 6,500. It held that all three applicants be paid EUR 2,500 for costs and expenses.

- **Right to fair trial**

Agrokompleks v. Ukraine (no. 23465/03) (Importance 2) – 6 October 2011 – Three violations of Article 6 § 1 and Violation of Article 1 of Protocol No. 1 – Lack of domestic courts' independence in insolvency proceedings

In the early 1990s, Agrokompleks supplied 375,000 tons of crude oil to the then biggest (and majority State-owned) oil refinery in Ukraine, LyNOS, for refining. The refinery delivered only a small part of the agreed oil products to Agrokompleks. It then brought insolvency proceedings against LyNOS. The Higher Arbitration Court (HAC) established LyNOS' debt to Agrokompleks at 216,150,544 Ukrainian hryvnias (UAH). Its ruling became final, but a taskforce created by the government found later that HAC's findings in its ruling had been in contradiction of the applicable legislation, and that LyNOS's debt was in fact equal to UAH 36,401,894. LyNOS relied on that conclusion to apply to the HAC's review panel for review of the ruling. The HAC reduced the debt, and, on appeal by Agrokompleks, the Donetsk Commercial Court of Appeal, in October 2001, further reduced the total outstanding arrears.

Agrokompleks complained under Article 6 § 1 about the excessive length and unfairness of the proceedings, alleging that the courts were not independent or impartial. The company further complained that the courts breached the legal certainty principle by quashing the final decision of the HAC. Relying on Article 1 of Protocol No. 1, it complained that it was unable to recover in full the 375,000 tons of oil it had supplied to the refinery.

Article 6 § 1

The Court observed that, as confirmed by documentary evidence, various Ukrainian authorities had intervened in the judicial proceedings on a number of occasions. Those interventions had taken place in an open and persistent manner. Given the fact that the proceedings had concerned the insolvency of what was, at the time, the country's biggest oil refinery and in which the State was the major shareholder, it was natural that the proceedings had attracted the State authorities' close attention. It was, however, unacceptable that the authorities had not confined themselves to passive monitoring of the court proceedings but that they had blatantly interfered. There had accordingly been a violation of Article 6 § 1 as regards the lack of independence and impartiality of the courts.

The Court further reiterated that legal certainty, which was one of the fundamental aspects of the rule of law, required that where courts had finally determined an issue, their ruling should not be called into question. In Agrokompleks' case, the reopening of the finally settled legal issue of the amount of arrears had been based merely on the State authorities' disagreement with it, which amounted to a flagrant breach of the principle of legal certainty. There had accordingly been a violation of Article 6 § 1 in that regard.

As regards the length of the proceedings, the Court observed that they lasted for over seven years. While the case had been factually and legally complex, the major delay could be explained by the authorities' efforts to have the amount of the debt revised. The Court therefore came to the conclusion that there had also been a violation of Article 6 § 1 as regards the length of proceedings.

Article 1 of Protocol No. 1

As LyNOS's debts to Agrokompleks had been confirmed by a final judicial decision, those debts had constituted Agrokompleks' possessions within the meaning of Article 1 of Protocol No. 1. Its subsequent reduction, as a result of the reopening of the case, had amounted to an interference with its right to peaceful enjoyment of those possessions. There had accordingly been a violation of Article 1 of Protocol No. 1.

Article 41 (just satisfaction)

The Court considered that the issue of the application of Article 41 (just satisfaction) was not ready for decision.

- **Right to liberty and security**

S. v. Estonia (no. 17779/08) (Importance 3) – 4 October 2011 – Violation of Article 5 § 1 – Domestic courts' failure to hear a patient before authorising its compulsory admission to a psychiatric hospital

As a result of two incidents, criminal proceedings were opened against Ms S. for violence towards her partner. A court accepted to authorise her involuntary psychiatric treatment but wait 15 days after its decision to hear her. The Supreme Court found that the Estonian Code of Civil Procedure had been violated as Ms S. had been brought before a judge 15 days after the court's decision authorising her compulsory admission. Relying on Article 5 § 1, Ms S. complained in particular that her involuntary hospitalisation had been unlawful.

The Court noted in particular that the applicant had not been heard by the court before it authorised her compulsory admission. While that fact alone had not been at odds with domestic law, according to the Code of Civil Procedure, she should have been heard promptly once her confinement had been ordered. The Court held that there had, therefore, been a violation of Article 5 § 1, as Ms S. had not been detained in accordance with a procedure prescribed by law.

Article 41 (just satisfaction)

The Court held that Estonia was to pay the applicant EUR 5,000 in respect of non pecuniary damage and EUR 2,118.60 for costs and expenses.

- **No punishment without law**

Soros v. France (no. 50425/06) (Importance 2) – 6 October 2011 – No violation of Article 7 – No lack of preciseness and foreseeability of the French law applicable to insider trading

In 1990 a judicial investigation was opened against the applicant, who was suspected, along with others, of insider trading by taking advantage of inside information. He was tried for acquiring shares in S. when he had, by virtue of his position, certain inside information on the movement of the shares in question. Relying on Article 7, the applicant first complained that the essential elements of the offence of insider trading had been insufficiently clear at the time of his conviction. He further complained that European Union legislation, which was clearer and thus more favourable to him than French law, had not been applied in the proceedings against him.

The Court observed that, on account of the principle that laws must be of general application, the wording of statutes was not always precise. It further reiterated that the scope of the concept of foreseeability depended to a considerable degree on the content of the instrument in question, the field it was designed to cover and the number and status of those to whom it was addressed. The Court noted in particular that, at the relevant time, the applicant was a famous institutional investor, well-known to the business community and a participant in major financial projects. As a result of his status and experience, he could not have been unaware that his decision to invest in shares in S. entailed the risk that he might be committing the offence of insider trading.

As to the applicability of European Union Law, the Court found that it did not need to examine that complaint, having reached the conclusion that the foreseeability of the domestic law applicable was sufficient for the applicant to have been aware that his conduct might be unlawful.

By four votes to three, the Court held that there had been no violation of Article 7 on account of the alleged lack of foreseeability of the law.

Judges Villiger, Yudkivska and Nußberger expressed a dissenting opinion.

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

Emre v. Switzerland (n° 2) (no. 5056/10) (Importance 1) – 11 October 2011 – Violation of Article 8 in conjunction with Article 46 – Domestic authorities' failure to strike a fair balance between the private interests at stake and the public interests by ordering the applicant's deportation from Swiss territory for a minimum period of 10 years

In 2008, the Strasbourg Court found that a Neuchâtel Court's order to deport the applicant from Switzerland "for an indefinite period of time" was in breach of Article 8 of the Convention. The applicant then applied to the Federal Court in July 2009 seeking revision of its original judgment. The Federal Court granted the application and limited his exclusion from Swiss territory to ten years. In September 2009 he married a German national and obtained a German residence permit. He then applied unsuccessfully to have the deportation order lifted so that he could settle in Switzerland. Relying on Article 8, the applicant complained of the decision of the Federal Court to prohibit him from re-entering Swiss territory for ten years. He also relied on Article 46, arguing that the Federal Court's decision to replace deportation for an indefinite period with a fixed-term measure was not in keeping with the spirit of the Strasbourg Court's earlier judgment.

The Court did not doubt that the applicant's deportation had been in accordance with the law and had pursued a legitimate aim (prevention of disorder and crime). However, it took the view that the Federal Court should have taken into consideration all the relevant factors in the case, as the Court had done in its first judgment. The Court concluded that the State did not appear to have struck a fair balance between the private interests at stake (those of the applicant and his family) and the public interests (public order and safety and the risk of further offences). It therefore held that there had been a violation of Article 8 taken in conjunction with Article 46.

Judge Malinverni expressed a dissenting opinion, joined by Judge Björgvinsson.

Article 41 (just satisfaction)

The Court held unanimously that Switzerland was to pay the applicant EUR 5,000 in respect of pecuniary damage.

Genovese v. Malta (no. 53124/09) (Importance 2) – 11 October 2011 – Violation of Article 14 in conjunction with Article 8 – Discriminatory nature of a domestic law rendering children born out of wedlock ineligible to acquire citizenship

The applicant was born out of wedlock in the United Kingdom in 1996 to a British mother and a Maltese father. An application by his mother for her son to be granted Maltese citizenship was rejected on the basis of the relevant sections of the Maltese Citizenship Act, which stated that children born out of wedlock were only eligible for Maltese citizenship if their mother was Maltese. The applicant complained that Maltese law prevented him from obtaining Maltese citizenship and thus discriminated against him, in violation of Article 14 in conjunction with Article 8.

The Court pointed out that, while the applicant was now eligible for citizenship following amendment of domestic law, the complaint related to his eligibility for citizenship prior to those amendments. The Court underlined that the Convention had to be interpreted in the light of present-day conditions. The question of equality between children born in and out of wedlock was given importance in the member States of the Council of Europe. Thus, very weighty reasons would have to be advanced before what appeared to be an arbitrary difference in treatment on the ground of birth out of wedlock could be regarded as compatible with Article 14.

The applicant was in an analogous situation to other children with a father of Maltese nationality and a mother of foreign nationality. The only distinguishing factor, which had rendered him ineligible to acquire citizenship, was the fact that he had been born out of wedlock. No reasonable or objective grounds had been given to justify that difference in treatment. There had accordingly been a violation of Article 14 in conjunction with Article 8.

Judge Valenzia expressed a dissenting opinion, which is annexed to the judgment.

Trabelsi v. Germany (no. 41548/06) (Importance 2) – 13 October 2011 – No violation of Article 8 – The order to deport a Tunisian national born in Germany and devoid of links with Tunisia is proportionate and legitimate regarding the circumstances of the case

The applicant is a Tunisian national who was born in Germany. He was legally resident in Bielefeld with his family until 2003, the date on which his last residence permit expired. In 1998, aged 14, he was convicted of theft and receiving stolen goods. In March 2004 the Bielefeld municipal authorities ordered the applicant's deportation to Tunisia for an indefinite period on his release from prison. Relying on Article 8 of the Convention, the applicant complained about his deportation, maintaining in particular that all his social ties were with Germany and he had no links with Tunisia and did not speak the language.

The Court considered that, while the decision to deport the applicant amounted to interference with his "family life" and above all with his "private life", that interference had a basis in domestic law, was proportionate to the legitimate aim pursued, namely "the prevention of disorder or crime", and was "necessary in a democratic society". The Court further observed that no absolute right not to be expelled could be derived from Article 8, irrespective of whether the person in question had arrived in the host country as an adult or a young child or had even been born there. The Court also observed that the applicant had not taken any steps to obtain an extension of his residence permit, or to apply for naturalisation. The Court then concluded that there had been no violation of Article 8 concerning the applicant's deportation.

- **Freedom of expression**

Vellutini and Michel v. France (no. 32820/09) (Importance 2) – 6 October 2011 – Violation of Article 10 – Disproportionate interference with two unionists' right to freedom of expression on account of their conviction for publishing a leaflet criticizing the town's mayor

The applicants are president and general secretary of the municipal police officers' union. They published a leaflet, distributed to the residents of a town, containing remarks which, in the mayor's view, were clearly defamatory and were directed against him as an elected official in order to discredit him in the eyes of those residents. The mayor brought criminal proceedings against the two applicants

before the Bordeaux Criminal Court, which sentenced them each to a fine of EUR 1,000 ; to pay EUR 2,500 each in damages to the civil party ; and to publish extracts of the judgment in the local newspaper and the full judgment on the union's website. Relying on Articles 10, the applicants complained that they were convicted of public defamation of a person holding public office on the basis of statements made in their capacity as union officials.

The Court found it necessary to take into account the fact that the applicants had made their statements in their capacity as union officials and in connection with the professional situation of one of the union's members. The Court reiterated that the limits of acceptable criticism were wider as regards a politician than as regards a private individual. Moreover, the applicants' remarks had been made in response to the mayor's accusations about the professional and personal conduct of a member of their union. In that context, as for any individual who took part in a public debate, a degree of exaggeration, or even provocation, with the use of somewhat immoderate language, was permitted. The Court also held, in particular, that the conviction, on account of the nature and harshness of the sanctions imposed on the applicants had been disproportionate to the impugned conduct. Lastly, the Court found that the interference with the applicants' right to freedom of expression, in their capacity as trade union officials, had not been necessary in a democratic society.

Judge Villiger expressed a dissenting opinion, which is annexed to the judgment.

Article 41 (just satisfaction)

The Court held that France was to pay the applicants EUR 4,000 each in respect of pecuniary damage, and EUR 6,338.80 jointly for costs and expenses.

- **Freedom of assembly and association**

Association Rhino and Others v. Switzerland (no. 48848/07) (Importance 3) – 11 October 2011 – Violation of Article 11 – Disproportionate nature of the domestic authorities' decision to dissolve of an association

The applicant is an association which aim was to provide members with affordable and community-based housing. To this end it unlawfully occupied buildings in which its members then squatted. Upon request of the owners occupied buildings, the domestic courts ordered the dissolution of the association with retroactive effect. Relying on Article 11, the applicants complained of the dissolution of their association.

The Swiss Government relied on the protection of the rights of others and the prevention of disorder to justify the dissolution. But the Court observed that the dissolution of the association had not by itself put an end to the occupation of the buildings, judged to be unlawful. Hence, the Government could not claim that the measure in question had been aimed in a practical and effective manner at protecting the property owners' rights. Likewise, the Court was not satisfied that the dissolution of the association had been necessary in order to prevent disorder, as the reason the occupants of the buildings had not been evicted was because the situation had been tolerated for a long time by the cantonal authorities. Moreover, the Government had not demonstrated sufficiently that the dissolution of the association had been the only available means of achieving the aims pursued. Accordingly, the Court held that there had been a violation of Article 11.

Judge Pinto de Albuquerque expressed a separate opinion, which is annexed to the judgment.

Article 41 (just satisfaction)

The Court held that Switzerland was to pay the applicants EUR 65,651 in respect of pecuniary damage and EUR 21,949 in respect of costs and expenses.

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 04 Oct. 2011: [here](#)
- Press release by the Registrar concerning the Chamber judgments issued on 06 Oct. 2011: [here](#)
- Press release by the Registrar concerning the Chamber judgments issued on 11 Oct. 2011: [here](#)
- Press release by the Registrar concerning the Chamber judgments issued on 13 Oct. 2011: [here](#)

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

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.

<u>State</u>	<u>Date</u>	<u>Case Title and Importance of the case</u>	<u>Conclusion</u>	<u>Key Words</u>	<u>Link to the case</u>
Azerbaijan	11 Oct. 2011	Mammad Mammadov (no. 38073/06) Imp. 3	Violation of Art. 6 § 1	Unfairness of criminal proceedings	Link
Bulgaria	11 Oct. 2011	Popnikolov (no. 30388/02) Imp. 2	Just satisfaction	Just satisfaction in respect of the judgment of 25 March 2010	Link
Greece	11 Oct. 2011	Valyrakis (no. 27939/08) Imp. 3	Violation of Art. 6 § 1 Violation of Art. 13	Non-enforcement of the judgment in the applicant's favor Lack of an effective remedy	Link
Malta	11 Oct. 2011	Vassallo (no. 57862/09) Imp. 2	Violation of Art. 1 of Prot. 1	Expropriation without public interest on account of the fact that the concerned land remained unused for 25 years following expropriation	Link
Moldova	11 Oct. 2011	Fomin (no. 36755/06) Imp. 3	Violation of Art. 6 § 1	Unfairness of proceedings	Link
Poland	04 Oct. 2011	Orlikowscy (no. 7153/07) Imp. 3	Violation of Art. 6 § 1	Excessive length of the proceedings (12 years)	Link
Romania	04 Oct. 2011	Badila (no. 31725/04) Imp. 3	Violation of Art. 3	Poor conditions of detention and inadequate medical care in Rahova prison	Link
Romania	11 Oct. 2011	Fane Ciobanu (no. 27240/03) Imp. 3	Violation of Art. 3	Poor conditions of detention; lack of medical care	Link
Russia	11 Oct. 2011	Balenko (no. 35350/05) Imp. 3	No violation of Art. 3	Effectiveness of the investigation in respect of the ill-treatment	Link
Russia	11 Oct. 2011	Khatayev (no. 56994/09) Imp. 2	No violation of Art. 3 Violation of Art. 3	No sufficient evidence of ill-treatment Lack of effective investigation into the allegations of ill-treatment	Link
Russia	11 Oct. 2011	Nevskaya (no. 24273/04) Imp. 3 Raks (no. 20702/04) Imp. 3	No violation of Art. 6 § 1 Violation of Art. 6 § 1	Reasonable length of criminal proceedings Lack of a public hearing	Link Link
Russia	11 Oct. 2011	Romanova (no. 23215/02) Imp. 3	No violation of Art. 3 Two violations of Art. 5 § 1 No violation of Art. 5 § 1 Violation of Art. 5 § 3 No violation of Art. 6 § 1 Violation of Art. 6 § 1	Acceptable conditions of detention Unlawfulness of two periods of detention Lawfulness of the third period of detention Excessive length of pre-trial detention (3 years, 1 month, 8 days) Reasonable length of criminal proceedings (3 years and nearly 8 months for investigation and two levels of jurisdiction). Lack of a public hearing	Link
Russia	11 Oct. 2011	Sharipov (no. 18414/10) Imp. 3	No violation of Art. 3	No risk of ill-treatment if extradited to Kazakhstan	Link

Slovakia	11 Oct. 2011	Viskupová and Others (no. 43730/06) Imp. 3	Violation of Art. 6 § 1	Unfairness of proceedings	Link
Slovenia	13 Oct. 2011	S.I. (no. 45082/05) Imp. 2	Violation of Art. 8	Domestic courts' failure to enforce provisional contact arrangements between the applicant and his children	Link
Sweden	13 Oct. 2011	Fexler (no. 36801/06) Imp. 2	No violation of Art. 6 § 1	The lack of an oral hearing before an Administrative Court of Appeal was justified	Link
Sweden	13 Oct. 2011	Husseini (no. 10611/09) Imp. 3	No violation of Art. 3 (treatment) No violation of Art. 8	The applicant's deprivation of his children for a short period was justified	Link
Switzerland	11 Oct. 2011	Portmann (no. 38455/06) Imp. 2	No violation of Art. 3	The policemen's decision to cover the applicant's head with a hood during his arrest and transport to protect themselves from his aggressive behavior does not constitute an ill-treatment	Link
Turkey	11 Oct. 2011	Gümüşsoy (no. 51143/07) Imp. 3	Two violations of Art. 3	Ill-treatment during arrest and lack of an effective investigation	Link
Turkey	11 Oct. 2011	Kalayli (no. 43654/05) Imp. 3	Violation of Art. 5 § 4	Lack of an effective remedy to challenge an excessively long detention	Link
Turkey	04 Oct. 2011	Mete and Others (no. 294/08) Imp. 3	Two violations of Art. 3	Ill-treatment by police officers and lack of an effective remedy	Link
Ukraine	13 Oct. 2011	Mustafayev (no. 36433/05) Imp. 3	Violation of Art. 3 Violation of Art. 5 § 1 (c)	Poor conditions of detention and unlawful detention	Link

3. Repetitive cases

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

The role of the 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>
France	06 Oct. 2011	Staszkw (no. 52124/08) link	Violation of Art. 6 § 1	Unfairness of proceedings
Greece	04 Oct. 2011	Zafranias v. (no. 4056/08) link	Violation of Art. 1 of Prot. 1	Expropriation of the applicants' land without any compensation
Greece	11 Oct. 2011	Taggatis and Others (no. 2889/09) link	Violation of Art. 3	Poor conditions of detention in Ioannina Prison
Luxembourg	06 Oct. 2011	Wagner (no. 43490/08) link	Violation of Art. 6 § 1	Unfairness of proceedings
Poland	11 Oct. 2011	Kowalczyk (no. 23987/05) link	No violation of Art. 6 § 1	The applicant's lawyer's refusal to bring a cassation appeal in a case concerning his client did not breach the Convention

Poland	11 Oct. 2011	Włodarczyk (no. 16286/07) link	Violation of Art. 6 § 1 in conjunction with Art. 6 § 3	<i>Idem.</i>
Portugal	11 Oct. 2011	Beires Corte-Real (no. 48225/08) link	Violation of Art. 1 of Prot. 1	Non-enforcement of a judgment in the applicant's favour
Romania	04 Oct. 2011	Agache (no. 35032/09) link	Violation of Art. 6 § 1	<i>Idem.</i>
the Czech Republic	13 Oct. 2011	Janyr and Others (nos. 12579/06, 19007/10 and 34812/10) link Šurý (no. 16299/10) link Tieze and Semeráková Republic (nos. 26908/09 and 30809/10) link	Violation of Art. 6 § 1	Unfairness of a Constitutional Court's refusal to examine the applicant's claims on the merits
the Czech Republic	11 Oct. 2011	Kohlhofer (no. 22915/07) link Minarik and Others (no. 10583/09) link Solaris, s.r.o. and Others Republic (no. 8992/07) link	Violation of Art. 6 § 1	Unfairness of a domestic legislation making it impossible for the applicants to challenge a decision winding up their companies
Turkey	04 Oct. 2011	Kayaci and Others (no. 41485/05) link	Violation of Art. 1 of Prot. 1 Violation of Art. 6 § 1	Expropriation without any compensation Excessive length of proceedings (5 years, 3 months at two levels of jurisdiction).

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>
Austria	04 Oct. 2011	Pfeifenberger (no. 6379/08)	Link
Germany	13 Oct. 2011	Mianowicz (no. 3810/06)	Link
Germany	13 Oct. 2011	Mianowicz (no. 3863/06)	Link
Germany	13 Oct. 2011	Mianowicz (no. 37264/06)	Link

Germany	13 Oct. 2011	Mianowicz (no. 41629/07)	Link
Germany	13 Oct. 2011	Mianowicz (no. 32637/08)	Link
Greece	04 Oct. 2011	Stelios Schinas-Spilios Kaisaris Koinopraxia (no. 23410/09)	Link
Italy	04 Oct. 2011	Violanda Trucchio (nos. 20198/03 and 40403/04)	Link
Poland	11 Oct. 2011	Postek (no. 4551/10)	Link
Poland	04 Oct. 2011	Mularz (no. 9834/08)	Link
Portugal	04 Oct. 2011	Ferreira Alves (no. 8) (nos. 13912/08, 57103/08 and 58480/08)	Link
Turkey	04 Oct. 2011	Büyükkol (no. 24280/09)	Link
Turkey	04 Oct. 2011	Ganimet Taskin (no. 17993/09)	Link
Turkey	04 Oct. 2011	Kulmaç (no. 43874/06)	Link
Ukraine	06 Oct. 2011	Kyrylyuk (no. 32241/07)	Link
Ukraine	06 Oct. 2011	Ponomarenko (no. 1071/08)	Link
Ukraine	06 Oct. 2011	Shchurov (no. 5050/07)	Link
Ukraine	06 Oct. 2011	Zhuzha (no. 595/08)	Link
Ukraine	13 Oct. 2011	Makhonko (no. 20856/05)	Link
Ukraine	13 Oct. 2011	Sarygin (no. 10347/07)	Link

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

Those decisions are published with a slight delay of two to three weeks on the Court's Website. Therefore the decisions listed below cover **the period from 26 September to 9 October 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.

<u>State</u>	<u>Date</u>	<u>Case Title</u>	<u>Alleged violations (Key Words)</u>	<u>Decision</u>
Austria	27 Sept. 2011	Schifferl (no 59923/08) link	Alleged violation of Art. 6 § 1 (excessive length of civil proceedings)	Struck out of the list (friendly settlement reached)
Russia	27 Sept. 2011	Alibayev (no 27325/06) link	Alleged violation of Art. 7, 9, 10 and 14	Struck out of the list (the applicant no longer wished to pursue his application)
Russia	27 Sept. 2011	Safronov (no 18854/05) link	Alleged violation of Art. 6 § 1	<i>Idem.</i>
Russia	27 Sept. 2011	Khamtokhu and Other Applications (no 60367/08) link	Alleged violation of Art. 2, 3, 5, 7, 13, 14 and 17 (the applicants, who were sentenced to life imprisonment, complain that they were subjected to discriminatory treatment vis-à-vis other categories of convicts which are exempt from imposition of life imprisonment as a matter of law), Art. 6 (unfairness of proceedings)	Partly adjourned (concerning alleged discriminatory treatment) and partly inadmissible as manifestly ill-founded (concerning the remainder of the application)
Serbia	27 Sept. 2011	Dordevic and Nikolic (no 14414/08) link	Alleged violation of Art. 6 § 1 and Art. 1 of Prot. 1 (alleged failure of the respondent party to pay the applicants amounts awarded to them by a final)	Struck out of the list (friendly settlement reached)
Serbia	27 Sept. 2011	Jevtic (no 50313/07) link	Alleged violation of Art. 6 § 1, 13 and Art. 1 of Prot. 1 (failure of the respondent party to pay the applicants amounts awarded to them by a final decision rendered against a socially owned company)	<i>Idem.</i>
Serbia	27 Sept. 2011	Dokic (no 16702/08) link	Alleged violation of Art. 6 § 1 (excessive length of civil proceedings)	<i>Idem.</i>
Serbia	27 Sept. 2011	Markovic (no 16722/08) link	<i>Idem.</i>	<i>Idem.</i>
Slovenia	27	Baskovc (no	Alleged violation of Art. 6 § 1	<i>Idem.</i>

	Sept. 2011	5675/07) link	(excessive length of proceedings), Art. 13 (lack of an effective remedy)	
Slovenia	27 Sept. 2011	Vrecko (no 4283/07) link	Alleged violation of Art. 6 § 1 (excessive length of civil proceedings)	<i>Idem.</i>
Slovenia	27 Sept. 2011	Bezgovsek (no 31240/06) link	Alleged violation of Art. 6 § 1 (excessive length of proceedings), Art. 13 (lack of an effective remedy)	<i>Idem.</i>
Slovenia	27 Sept. 2011	Vicic (no 30717/06) link	<i>Idem.</i>	<i>Idem.</i>
Slovenia	27 Sept. 2011	Sesel and Orehovec (no 30244/06; 48392/06) link	Alleged violation of Art. 6 § 1 (excessive length of civil proceedings)	<i>Idem.</i>
Slovenia	27 Sept. 2011	Vogelsang and Kurnik (no 20201/06) link	Alleged violation of Art. 6 § 1 (excessive length of proceedings), Art. 13 (lack of an effective remedy)	<i>Idem.</i>
Turkey	27 Sept. 2011	Ozkorkmaz (no 61041/08) link	Alleged violation of Art. 6 § 1 (excessive length of civil proceedings)	<i>Idem.</i>
Turkey	27 Sept. 2011	Bayram (no 56524/09) link	<i>Idem.</i>	<i>Idem.</i>
Turkey	27 Sept. 2011	Kolay (no 2079/09) link	Alleged violation of Art. 6 § 1 (excessive length of criminal proceedings)	<i>Idem.</i>
Turkey	27 Sept. 2011	Bulut (no 56520/09) link	Alleged violation of Art. 6 § 1 (excessive length of civil proceedings)	<i>Idem.</i>
Turkey	27 Sept. 2011	Bozdogan (no 12267/06) link	Alleged violation of Art. 6 § 1 (excessive length of civil proceedings)	Struck out of the list (the applicant no longer wished to pursue his application)
Turkey	27 Sept. 2011	Saday (no 39148/09) link	Alleged violation of Art. 6 § 1 (excessive length of civil proceedings)	Struck out of the list (unilateral declaration of the Government)
Turkey	27 Sept. 2011	Keskinoz (no 10159/06) link	Alleged violation of Art. 6 § 1 (excessive length of criminal proceedings)	Struck out of the list (friendly settlement reached)
Turkey	27 Sept. 2011	EI (no 40665/05) link	Alleged violation of Art. 6 § 1 and Art. 1 of Prot. 1 (excessive length of civil proceedings)	<i>Idem.</i>
Turkey	27 Sept. 2011	Simsek (no 46643/09) link	<i>Idem.</i>	<i>Idem.</i>
Turkey	27 Sept. 2011	Adaman (no 44791/07) link	Alleged violation of Art. 6 § 1 (excessive length of civil proceedings)	<i>Idem.</i>
Turkey	27 Sept. 2011	Sayan (no 846/07; 8359/07 etc.) link	<i>Idem.</i>	<i>Idem.</i>
Turkey	27 Sept. 2011	Saritas (no 30662/09) link	<i>Idem.</i>	<i>Idem.</i>

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 10 October 2011: [link](#)
- on 17 October 2011: [link](#)

The list itself contains links to the statement of facts and the questions to the parties. This is a tool for NHRSs to be aware of issues involving their countries but also of other issues brought before the Court which may reveal structural problems. Below you will find a list of cases of particular interest identified by the NHRS Unit.

NB. The statements of facts and complaints have been prepared by the Registry (solely in one of the official languages) on the basis of the applicant's submissions. The Court cannot be held responsible for the veracity of the information contained therein.

Please note that the Irish Human Rights Commission (IHRC) issues a monthly table on priority cases before the European Court of Human Rights with a focus on asylum/ immigration, data protection, anti-terrorism/ rule of law and disability cases for the attention of the European Group of NHRIs with a view to suggesting possible amicus curiae cases to the members of the Group. Des Hogan from the IHRC can provide you with these tables (dhogan@ihrc.ie).

Communicated cases published on 10 October 2011 on the Court's Website and selected by the NHRS Unit

The batch of 10 October 2011 concerns the following States (some cases are however not selected in the table below): Austria, Bulgaria, Finland, France, Greece, Latvia, Poland, Russia, Spain, Sweden, the Czech Republic, 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>
Austria	23 Sept. 2011	Aghai no 67799/09	Alleged violation of Art. 3 – Risk of being subjected to the deficiencies of the asylum procedure and to ill-treatment on account of the detention conditions and living conditions of asylum seekers if expelled to Greece
Greece	23 Sept. 2011	Dimitras and Others nos 44077/09, 15369/10 and 41345/10	Alleged violation of Art. 9 – Applicants' obligation to take religious oath under Article 218 of the Criminal Procedure Code, before the tribunals – Alleged violation of Art. 13 – Lack of an effective remedy – Alleged violation of Art. 9 § 1 – Applicants' obligation to prove they were not Orthodox Christians
Greece	23 Sept. 2011	I.B. no 552/10	Alleged violation of Art. 8 in conjunction with Art. 14 – Court of Cassation's ruling that the applicant's dismissal because he was carrying the HIV virus was legal
Poland	20 Sept. 2011	Marek no 3032/07	Alleged violation of Art. 10 – Disproportionate nature of a prison sentence for defamation ; interference of such a sentence with the right to freedom of expression in a democratic society
Russia	19 Sept. 2011	Ryabov no 33774/08	Alleged violation of Art. 8 – Restriction on the applicant's parental rights on account of his mental disability – Alleged violation of Art. 14 – Discrimination on the ground of the applicant's brain disorder
Russia	23 Sept. 2011	Suleymanov and Others no 35585/08	Alleged violations of Art. 2 – Bombing of the applicants' house – Lack of an effective investigation in that respect – Alleged violation of Art. 3 – Mental suffering due to the bombing – Alleged violation of Art. 13 – Lack of an effective remedy
Turkey	23 Sept. 2011	Pavlidis and Georgakis nos. 9130/09 and 9143/09	Alleged violation of Art. 9 § 1 – Intervention of police officers to terminate a service of mass at a Church – Alleged violation of Art. 5 § 1 – Unlawful detention

Communicated cases published on 17 October 2011 on the Court's Website and selected by the NHRS Unit

The batch of 17 October 2011 concerns the following States (some cases are however not selected in the table below): Bulgaria, Finland, France, Poland, Portugal, Romania, Russia, Serbia, the Czech Republic, 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>
France	29 Sept. 2011	Douet no 16705/10	Alleged violation of Art. 3 – The applicant subjected to ill-treatment during his arrest
Russia	27 Sept. 2011	Taziyeva and Others no 32394/11	Alleged violation of Articles 3, 8 and Art. 1 of Prot. 1 – Explosion of the applicants' house– Alleged violation of Art. 3 – Lack of an effective investigation in that respect
Russia	27 Sept. 2011	Khamtokhu no 60367/08 Suzdalev no 48156/09 Aksenchik no. 961/11	Alleged violation of Art. 5 in conjunction with Art. 14 – Discriminatory nature of the Criminal Code of the Russian Federation's disposition (Article 57) that permits the imposition of life imprisonment only on male adults between eighteen and sixty-five years of age

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

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

Part II: The execution of the judgments of the Court

A. General overview of the twin-track supervision system for the execution of the judgments of the Court

Reflections have started since the adoption of Protocol No. 14 to the European Convention of Human Rights (ECHR), which was introduced to enable the Court to alleviate its workload that had become difficult to manage due to a large number of repetitive cases and some structural reasons that needed to be addressed. The 2010 Interlaken Declaration and its Action Plan were the culminating points in the reflection of how to address this problem. The message therein was clear: the European Court of Human Rights' (ECtHR) efforts should focus on the most efficient way to deal with the "priority cases" (in particular pilot judgments, cases revealing major structural/systemic shortcomings or requiring urgent individual measures). The need for prioritization concerned both the ECtHR and the Committee of Ministers in view of implementing judgments at national level in order to prevent new violations :

"B. Implementation of the Convention at the national level"

4. The Conference recalls that it is first and foremost the responsibility of the States Parties to guarantee the application and implementation of the Convention and consequently calls upon the States Parties to commit themselves to:

a) continuing to increase, where appropriate in co-operation with national human rights institutions or other relevant bodies, the awareness of national authorities of the Convention standards and to ensure their application;

[...]

F. Supervision of execution of judgments

11. The Conference stresses the urgent need for the Committee of Ministers to:

a) develop the means which will render its supervision of the execution of the Court's judgments more effective and transparent. In this regard, it invites the Committee of Ministers to strengthen this supervision by giving increased priority and visibility not only to cases requiring urgent individual measures, but also to cases disclosing major structural problems, attaching particular importance to the need to establish effective domestic remedies;

b) review its working methods and its rules to ensure that they are better adapted to present-day realities and more effective for dealing with the variety of questions that arise."

The Committee of Ministers contributed to this collective goal by the adoption in December 2010 of its new working methods on supervision of execution of judgments (entered in force on 1/1/2011). Based on the principles of continuous supervision (detached from the schedule of "Human Rights" meetings) and prioritization of cases, the new working methods should help the Committee of Ministers master the significant case load related to the supervision of execution and in particular contribute to finding a more efficient solution to the persisting problem of the so-called "clone" and "repetitive cases".

As it was highlighted on several occasions, including – expressly - in the abovementioned Interlaken Action Plan, National Human Rights Structures (NHRSSs), as independent state authorities, have a key role to play in order to identify possibilities for improvements in the respect for human rights at national level and encourage those to be made. They can in fact bridge the international and the national level, making it easier for national authorities to understand the human rights issues at stake.

New working methods were presented at the Madrid Roundtable held on 21-22 September 2011, during which good practices have been discussed. The conclusions of those discussions will be published in the RSIF as soon as available.

^{*} See in this respect, "The Court's priority policy", http://www.echr.coe.int/NR/ronlyres/AA56DA0F-DEE5-4FB6-BDD3-A5B34123FFAE/0/2010_Priority_policy_Public_communication.pdf

[†] Extracts of the Action plan of the Interlaken Declaration 19 February 2010, High Level Conference on the Future of the European Court of Human Rights - : http://www.eda.admin.ch/etc/medialib/downloads/edazen/topics/europa/euroc.Par.0133.File.tmp/final_en.pdf

For more information on the Working methods, the relevant reference documents can be consulted:

- Measures to improve the execution of the judgments of the European Court of Human Rights - Proposals for the implementation of the Interlaken Declaration and Action Plan
Extract of decisions taken during 1100th CMDH meeting - Item e:

http://www.coe.int/t/dghl/monitoring/execution/Source/Documents/Interlaken/Item_e1100th_EN.pdf

- **Information document CM/Inf/DH(2010)37** Supervision of the execution of judgments and decisions of the European Court of Human Rights: implementation of the Interlaken Action Plan – Modalities for a twin-track supervision system:

<https://wcd.coe.int/wcd/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=1694239&SecMode=1&DocId=1616248&Usage=2>

- **Information document CM/Inf/DH(2010)45 final** Supervision of the execution of the judgments and decisions of the European Court of Human Rights: implementation of the Interlaken Action Plan – Outstanding issues concerning the practical modalities of implementation of the new twin track supervision system:

[https://wcd.coe.int/wcd/ViewDoc.jsp?Ref=CM/Inf/DH\(2010\)45&Language=lanEnglish&Ver=final&Site=CM&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383](https://wcd.coe.int/wcd/ViewDoc.jsp?Ref=CM/Inf/DH(2010)45&Language=lanEnglish&Ver=final&Site=CM&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383)

- **Procedures outlines**

Under the twin-track system, all cases will be examined under the “standard procedure” (1) unless, because of its specific nature, a case warrants consideration under the “enhanced procedure” (2). The overall procedure is based upon the principle of subsidiarity and good practices of the NHRS are then encouraged (3).

1. Standard procedure

After a judgment becomes final, the concerned member State is expected to present as soon as possible and in any event in a maximum of six months either an action plan or an action report :

- if the state concerned considers that it has already taken all the necessary measures to implement a judgment, it presents an action report. When there is agreement between the member state and the Secretariat on the content of the report, the case will be presented to the Committee of Ministers with a proposal for closure at the first upcoming “Human Rights” meeting, or in any event not later than six months after the presentation of the report.

- if the state concerned is in the process of identifying/adopting the measures that are necessary to be taken to implement a judgment, it presents an action plan. The Secretariat will make a preliminary assessment on the measures envisaged and the timetable proposed in the action plan and will contact the national authorities if further information and clarifications are necessary. The Committee will be invited to adopt a decision at its first upcoming “Human Rights” meetings or in any case not later than six months after the presentation of the action plan taking into account the presentation of the plan and inviting the authorities of the member State concerned to keep the Committee regularly informed of the progress made in the implementation of these action plans. When the member State informs the Secretariat that it considers that all measures have been taken and that it has complied with its obligation under Article 46 of the Convention, the action plan is turned into an action report.

If the State does not submit an action report or an action plan in a maximum of six months, a reminder will be sent to the State. In case of persistent failure from the authorities to submit an action plan or an action report, the case will be proposed for an enhanced supervision.

More information :

Action plans and/or reports are published here :

http://www.coe.int/t/dghl/monitoring/execution/Themes/Add_info/Info_cases_en.asp

2. Enhanced procedure

a. Indicators

The indicators are: - judgments requiring urgent individual measures ; - pilot judgments ; - judgments disclosing major structural and/or complex problems as identified by the Court and/or by the Committee of Ministers ; - interstate cases.

b. Procedure

Supervision under this procedure does not mean that each and every case should be systematically debated. It means a closer supervision by the Committee of Ministers, which entrusts the Secretariat with more intensive and pro-active cooperation with the States concerned by means of assistance in the preparation and/or implementation of action plans, expertise assistance as regards the type of measures envisaged, bilateral/multilateral cooperation programs in case of complete and substantive issues.

Under the enhanced procedure without debate, the Committee of Ministers exercises its supervision through decisions adopted at the “Human Rights” meetings. These decisions aim at demonstrating, whenever necessary, the developments in the execution process (for example, stocktaking of the measures already adopted and identification of the outstanding issues).

A request for debate can be made by any member State and/or the Secretariat. It emerges from the spirit of the new twin-track system that the issues to be proposed for debate are closely linked to the progress in the execution process and to the need to seek the guidance and/or support of the Committee of Ministers. When a case is proposed with debate to the Committee of Ministers, the Secretariat will ensure that clear and concrete reasons are given. Delegations will receive the relevant information on the cases proposed with debate one month before each “Human Rights” meeting.

A case may be transferred from one procedure to the other by a duly reasoned decision of the Committee of Ministers (for e.g. from enhanced to standard procedure when the Committee of Ministers is satisfied with the action plan presented and/or its implementation, or, from standard to enhanced procedure in case of failure to present action plan or action reports).

3. Cases currently pending before the Committee of Ministers

The entry into force of the new supervision system means that all new cases that will become final after 1 January 2011 will be subject to examination under the new working methods. Regarding the cases that were pending before the Committee of Ministers until 31 December 2010 (approximately 9000 active cases), transitional arrangements have been set up in order to allow their easy absorption into the new system. The Committee of Ministers instructed the Execution Department to provide, to the extent possible in time for their DH meeting in March 2011 and in any event, at the latest for their DH meeting of September 2011, proposals for their classification following bilateral consultations with the states concerned. The whole process has been brought to an end at the September 2011 Human Rights meeting.

More information :

Last decision of the Committee of Ministers classifying cases pending before the entry into force of the new working methods :

[CM/Del/Dec\(2011\)1120/item1bis / 12 September 2011](#)

4. Just satisfaction

Operating principles regarding just satisfaction are the following: registration by the Execution of Judgments Department of payments by States of sums awarded by the Court for just satisfaction; supervision if the applicant contests the payment or the amount of the sums paid. Registration is therefore the standard procedure and supervision the exception. On this basis, if an applicant has not made any complaint within two months of the date when the payment was registered by the department, he or she will be considered to have accepted the payment by the State concerned. If the payment is contested, States will agree to provide the necessary information for the Committee of Ministers to exercise its supervision;

More information :

See the [page dedicated to Just Satisfaction](#) on the Execution of Judgments' website

- **Useful documents and websites on new working methods**

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/dghl/monitoring/execution/Reports/pendingCases_en.asp

For more information on the specific question of the execution of judgments including the Committee of Ministers' annual report for 2010 on its supervision of judgments, please refer to the Council of Europe's web site dedicated to the execution of judgments of the European Court of Human Rights: http://www.coe.int/t/dghl/monitoring/execution/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

B. Relevant decisions adopted by the Committee of Ministers at its last “Human Rights” meeting held on 13-14 September 2011

Classification of new judgments

Classification of new judgments which became final before 10 June 2011 (1120 DH meeting, 13-14 September 2011)

See the decision : [CM/Del/Dec\(2011\)1120/item1 / 12 September 2011](#)

Action plans received for the new cases

List of cases which became final after the entry into force of the new working method and for which an action plan has been received since the last meeting 1120 DH meeting, 13-14 September 2011)

See the decision : [CM/Del/Dec\(2011\)1120/iteme / 12 September 2011](#)

Other decisions and interim resolutions adopted by the Committee of Ministers

The documents adopted during the meeting are the following :

- [CM/Del/Dec\(2011\)1120E / 16 September 2011](#)
1120th (DH) meeting, 13-14 September 2011 - Decisions adopted at the meeting
- [CM/Del/Dec\(2011\)1120/1 / 12 September 2011](#)
1120 (DH) meeting, 13-14 September 2011 - Decision cases No. 1 - Cases against Albania
- [CM/Del/Dec\(2011\)1120/2 / 12 September 2011](#)
1120 (DH) meeting, 13-14 September 2011 - Decision cases No. 2 - M.S.S against Belgium and Greece
- [CM/Del/Dec\(2011\)1120/3 / 12 September 2011](#)

- 1120 (DH) meeting, 13-14 September 2011 - Decision cases No. 3 - Athanasiou and others and Manios group against Greece
- [CM/Del/Dec\(2011\)1120/4 / 12 September 2011](#)
1120 (DH) meeting/réunion, 13-14 September - Decision cases No. 4 - A. B. and C. against Ireland
 - [CM/Del/Dec\(2011\)1120/5 / 12 September 2011](#)
1120 (DH) meeting, 13-14 September 2011 - Decision cases No. 5 - Olaru and others against Moldova
 - [CM/Del/Dec\(2011\)1120/6 / 12 September 2011](#)
1120 (DH) meeting, 13-14 September 2011 - Decision cases No. 6 - Kaprykowski group against Poland
 - [CM/Del/Dec\(2011\)1120/7 / 12 September 2011](#)
1120 (DH) meeting 13-14 September 2011 - Decision cases No. 7 - Orchowski and Sikorski against Poland
 - [CM/Del/Dec\(2011\)1120/8 / 12 September 2011](#)
1120 (DH) meeting, 13-14 September 2011 - Decision cases No. 8 - Moldovan and others group against Romania
 - [CM/Del/Dec\(2011\)1120/9 / 12 September 2011](#)
1120 (DH) meeting, 13-14 September 2011 - Decision cases No. 9 - Khashiyev and Akayeva group against Russian Federation
 - [CM/Del/Dec\(2011\)1120/10 / 12 September 2011](#)
1120 (DH) meeting, 13-14 September - Decision cases No. 10 - Burdov No. 2 against Russian Federation
 - [CM/Del/Dec\(2011\)1120/11 / 12 September 2011](#)
1120 (DH) meeting, 13-14 September 2011 - Decision cases No. 11 - EVT group against Serbia
 - [CM/Del/Dec\(2011\)1120/11.1E / 12 September 2011](#)
Budget Committee – Replacement of a member in respect of the Russian Federation
 - [CM/Del/Dec\(2011\)1120/12 / 12 September 2011](#)
1120 (DH) meeting, 13-14 September 2011 - Decision cases No. 12 - Hulki Güneş and others against Turkey
 - [CM/Del/Dec\(2011\)1120/13 / 12 September 2011](#)
1120 (DH) meeting, 13-14 September - Decision cases No. 13 - Ülke against Turkey
 - [CM/Del/Dec\(2011\)1120/14 / 12 September 2011](#)
1120 (DH) meeting, 13-14 September - Decision cases No. 14 - Yuriy Nikolayevich Ivanov and Zhovner group against Ukraine
 - [CM/Del/Dec\(2011\)1120/15 / 12 September 2011](#)
1120 (DH) meeting/réunion, 13-14 September/septembre 2011 - Decision cases No. 15 / Décision affaires n°15 - Kharchenko against Ukraine / Kharchenko contre Ukraine
 - [CM/Del/Dec\(2011\)1120/16 / 12 September 2011](#)
1120 (DH) meeting, 13-14 September 2011 - Decision cases No. 16 - Hirst No. 2; Greens and M.T against the United Kingdom
 - [CM/ResDH\(2011\)184E / 16 September 2011](#)
Interim Resolution CM/ResDH(2011)184 in Yuriy Nikolayevich Ivanov against Ukraine and of 386 cases against Ukraine concerning the failure or serious delay in abiding by final domestic courts' decisions delivered against the state and its entities as well as the absence of an effective remedy - adopted by the Committee of Ministers on 14 September 2011 at the 1120th meeting of the Ministers' Deputies

Part III : General Agenda

The “General Agenda” presents events that either took place or were announced* during the period under observation (03.10 – 16.10.2011) for this RSIF.

October 2011

- 3-7 October: Autumn Plenary Session of the Parliamentary Assembly of the Council of Europe. Highlights: address by the President of the Palestinian National Authority, Mahmoud Abbas ; address by representatives of several Egyptian Political Parties
- 5-6 October: 4th Regional Conference with the Russian Public Monitoring Committees (PMCs) of places of detention ([Read more](#)).
- 6 October: Launching of the EU-funded Project “Strengthening the Court Management System (Phase II)” in Ankara ([Read more](#)).
- 12 October: European Commission against Racism and Intolerance (ECRI) round table in Georgia ([Read more](#))
- 11-14 October: Study visit for judges from Ukraine to the Council of Europe ([Read more](#)).
- 18 October: 50th Anniversary of the European Social Charter ([Read more](#))
- 17-21 October:
 - Visit of the Advisory Committee on the Framework Convention for the Protection of National Minorities to Romania ([Read more](#))
 - 52nd Plenary Meeting of the Group of States against Corruption ([See the adopted decisions](#))

December 2011

- 5-9 December : European Committee of Social Rights 254th Session
- 6-9 December : GRETA 12th Meeting

* These are subsequently due to take place.

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

A. European Social Charter (ESC)

Cyprus has accepted 9 additional provisions of the Revised Charter (13.10.2011)

During his speech delivered on the occasion of the 50th anniversary of the ESC, Mr Thorbjorn Jagland, Secretary General of the Council of Europe, expressed his satisfaction at Cyprus' acceptance to be bound by nine new provisions of the European Social Charter Revised. He hopes that other States will follow the example of Cyprus who ratified the Revised Charter on 27 September 2000 and the Additional Protocol providing for a system of collective complaints on 6 August 1996

Declaration of the Committee of Ministers reaffirms the paramount role of the Charter (13.10.2011)

In a declaration adopted on 12 October 2011 on the occasion of the 50th anniversary of the European Social Charter, the Committee of Ministers underlines the particular relevance of social rights and their guarantee in times of economic difficulties, encouraging States Parties to bring their domestic situations into conformity with the Charter ([Read the declaration](#))

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

CPT visited Malta (05.10.2011)

A delegation of CPT carried out an ad hoc visit to Malta from 26 to 30 September 2011. The main objective of the visit was to examine the current situation in the prison system, having regard to the recommendations made by the Committee after its 2008 visit to Malta. For this purpose, the CPT's delegation visited Corradino Correctional Facility. Conditions in the detention centres for immigrants at Lyster and Safi Barracks were also reviewed, and the delegation paid a brief visit to Mount Carmel Psychiatric Hospital, in order to interview patients in the forensic ward and the ward for immigration detainees

CPT published report on Kosovo (06.10.2011)

The CPT published on 6 October 2011 a [report](#) on its most recent visit to Kosovo (8 to 15 June 2010), together with the [response](#) of the United Nations Interim Administration Mission in Kosovo (UNMIK). Both documents have been made public at the request of UNMIK. The aim of the visit was to review progress on the treatment and conditions of detention of prisoners and other detainees, following recommendations made after the Committee's first visit in 2007. The delegation visited Dubrava Prison, several pre-trial detention centres and various police stations. It also examined the situation of persons deprived of their liberty in psychiatric and social welfare establishments.

C. European Committee against Racism and Intolerance (ECRI)

ECRI round table in Georgia (12.10.2011)

In co-operation with the Public Defender of Georgia and with the support of UNDP Georgia, ECRI organises in Tbilisi on 12 October 2011 a round table to discuss the follow-up given to the recommendations contained in ECRI's 2010 report on Georgia ([more information](#))

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

Romania: visit of the FCNM Advisory Committee (17.10.2011)

The FCNM Advisory Committee visited Bucharest, Cluj and Baia Mare from 17-21 October 2011 in the context of the monitoring of the implementation of this convention in Romania. This was the third

visit of the Advisory Committee to Romania. The Delegation had meetings with the representatives of all relevant ministries, public officials; the Ombudsman, NGOs, as well as national minority organisations ([Read more](#)).

E. Group of States against Corruption (GRECO)

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

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

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

Part V: The inter-governmental work

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

7 October 2011

Poland signed: the Additional Protocol to the Criminal Law Convention ([ETS No. 191](#)) and the Third Additional Protocol to the European Convention on Extradition ([CETS No. 209](#))

12 October 2011

Bosnia and Herzegovina signed: the Convention on Contract concerning Children ([ETS No. 192](#)) and the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse ([CETS No. 201](#)).

Russia ratified: the European Convention on the Protection of the Archaeological Heritage (Revised) ([ETS No. 143](#)).

Russia denounced: the European Convention on the Protection of the Archaeological Heritage ([ETS No. 66](#))

B. Recommendations and Resolutions adopted by the Committee of Ministers

Recommendations & Resolutions adopted on 12 October 2011 at the 1123rd meeting of the Ministers' Deputies :

[CM/Rec\(2011\)11E / 12 October 2011](#) : Recommendation of the Committee of Ministers to member states on the funding by higher-level authorities of new competences for local authorities

[CM/RecChL\(2011\)3E / 12 October 2011](#) : Recommendation of the Committee of Ministers on the application of the European Charter for Regional or Minority Languages by Sweden

[CM/Res\(2011\)9E / 12 October 2011](#) : Resolution amending the Staff Regulations with regard to delegation of staff management powers to the Registrar of the European Court of Human Rights

C. Other news of the Committee of Ministers

Ukraine Foreign Minister calls for strengthened relations with “Europe’s immediate neighbours” (03.10.2011)

Addressing the Assembly for the last time as Chairman of the Committee of Ministers on 3 October 2011, Kostyantyn Gryshchenko welcomed democratic movements in the southern Mediterranean and stressed the Council of Europe’s readiness to help the region in its transition to democracy. "I hope that action plans with those countries where discussions are most advanced will be finalised soon so that these countries can rapidly benefit from the Organisation's expertise," he said ([Read more](#))

Chairman of Committee of Ministers calls for eradication of death penalty worldwide (10.10.2011)

On the occasion of the European and World Day against the Death Penalty, marked on 10 October each year, Kostyantyn Gryshchenko, Chairman of the Committee of Ministers of the Council of Europe, published the following statement: “The international drive to put an end to the death penalty resulted in its abolition in the 47 member states of the Council of Europe and in many nations worldwide. At the same time, capital punishment, unfortunately, continues to be applied in some countries, including in one European country (...)” ([More on death penalty](#))

Part VI : The parliamentary work

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

Recommendations & Resolutions adopted on 3 October 2011

[Resolution 1829](#) and [Recommendation 1979](#) – Prenatal sex selection

Recommendations & Resolutions adopted on 4 October 2011

[Resolution 1830](#) – Request for Partner for Democracy status with the Parliamentary Assembly submitted by the Palestinian National Council

[Resolution 1831](#) – Co-operation between the Council of Europe and the emerging democracies in the Arab world

[Resolution 1832](#) – National sovereignty and statehood in contemporary international law : the need for clarification

Recommendations & Resolutions adopted on 5 October 2011

[Resolution 1833](#) – The activities of the OECD in 2010-2011

[Resolution 1834](#) and [Recommendation 1980](#) – Combating “child abuse images” through committed, transversal and internationally coordinated action

[Resolution 1835](#) and [Recommendation 1981](#) – Violent and extreme pornography

[Resolution 1836](#) and [Recommendation 1982](#) – The impact of the Lisbon Treaty on the Council of Europe

[Resolution 1837](#) – The functioning of democratic institution in Armenia

Recommendations & Resolutions adopted on 6 October 2011

[Resolution 1838](#) and [Recommendation 1983](#) – Abuse of State secrecy and national security: obstacles to parliamentary and judicial scrutiny of human rights violations.

[Resolution 1839](#) – The political situation in the Balkans

[Resolution 1840](#) – Human rights and the fight against terrorism

Recommendations & Resolutions adopted on 6 October 2011

[Resolution 1841](#) – The amendment of various provisions of the Rules of Procedure of the Parliamentary Assembly – implementation of Resolution 1822 (2011) on the reform of the Parliamentary Assembly

[Resolution 1842](#) – The terms of reference of Parliamentary Assembly committees – implementation of Resolution 1822 (2011) on the reform of the Parliamentary Assembly

[Resolution 1843](#) and [Recommendation 1984](#) – The protection of privacy and personal data on the Internet and online media

[Recommendation 1985](#) – Undocumented migrant children in an irregular situation: a real cause for concern

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

➤ Countries

Albania, Armenia, Azerbaijan and Georgia should investigate the reasons for their skewed sex ratios at birth (03.10.2011)

Emphasising that prenatal sex selection has reached "worrying proportions" in Albania, Armenia, Azerbaijan and Georgia, PACE asked those countries' authorities to "investigate the causes and reasons behind skewed sex ratios at birth" ([Read more](#))

Lampedusa reception centres are not suitable holding facilities for migrants (03.10.2011)

The reception centres in Lampedusa are not suitable holding facilities for irregular migrants, in particular Tunisians. In practice, they are imprisoned there without access to a judge, according to the PACE Ad Hoc Sub-Committee on the large-scale arrival of irregular migrants" ([Read more](#))

Wave of anti-Gypsyism in Bulgaria : Statement by PACE's Legal Affairs Committee (03.10.2011)

"The Committee on Legal Affairs and Human Rights is gravely concerned at the recent country-wide eruption of racist hatred and threats directed against the Roma in Bulgaria. Many Roma fear for their children's and their own safety. ([Read more](#))

PACE elects its Vice-Presidents with respect to Finland, Ireland, Portugal and Turkey (03.10.2011)

At the opening of its Autumn plenary Session (3-7 October 2011), the Assembly elected on 3 October 2011 its Vice-Presidents with respect to Finland (Susanna Huovinen), Ireland (Joe O'Reilly), Portugal (João Bosco Mota Amaral) and Turkey (Nursuna Memecan) ([Read more](#))

PACE to hold an urgent debate on the political situation in the Balkans (03.10.2011)

When adopting the agenda of its plenary Autumn Session (3-7 October), the Assembly decided to hold an urgent debate on the political situation in the Balkans as well as a current affairs debate on the aid for countries touched by humanitarian catastrophes in East Africa ([Read more](#))

Parliament of Kyrgyzstan requests 'Partner for democracy' status with PACE (04.10.2011)

The Parliament of Kyrgyzstan has formally submitted its request for "Partner for democracy" status with the Assembly, PACE President Mevlüt Çavuşoğlu announced during PACE's autumn session ([Read more](#))

PACE grants 'Partner for democracy' status to the Palestinian National Council (04.10.2011)

PACE voted on 4 October 2011 to grant "Partner for democracy" status to the Palestinian National Council – only the second time such status has been accorded ([Read more](#))

Armenia: PACE welcomes a constructive attitude and calls for further democratic development (05.10.2011)

"The outcome of the latest general amnesty in Armenia, the renewed impetus to investigate the 10 deaths during the March 2008 events, and the resulting start of a constructive dialogue between the opposition and ruling coalition mean that the chapter on the March 2008 events can finally be considered closed for the Assembly, whilst its monitoring of Armenia's human rights and democracy obligations, including with respect of the investigation into the ten casualties, will continue unabated", PACE said on 5 October 2011 ([Read more](#))

PACE committee outraged at treatment of Ales Bialiatski by Belarus authorities (05.10.2011)

The Committee on Legal Affairs and Human Rights of PACE has expressed on 5 October 2011 its dismay that Ales Bialiatski, a highly-respected human rights defender and Nobel Peace Prize nominee, has been arrested by the Belarusian authorities ([Read more](#))

PACE Rapporteur for Belarus intends to visit political prisoners in Minsk (05.10.2011)

PACE Political Affairs Committee on 5 October 2011 backed the intention of the Rapporteur for Belarus, Andres Herkel (Estonia, EPP/CD), to make a fact-finding visit to Minsk in the coming months in order to have the opportunity to meet not only with the authorities but also with political prisoners, including former Presidential candidates and Ales Bialiatski, President of the Human Rights Centre Viasna, following reports of physical and psychological ill treatment ([Read more](#))

PACE concerned by upsurge in tension and political impasse in parts of the Balkans (06.10.2011)

Despite an overall positive assessment of the situation in the Balkans, the recent upsurge of tension and political impasse in some parts of the region give rise to concern, PACE said on 6 October 2011 ([Read more](#))

Mahmoud Abbas: 'the hour of the Palestinian spring is here' (06.10.2011)

"The hour of the Palestinian spring is here," declared the President of the Palestinian National Authority Mahmoud Abbas, addressing the Assembly on 6 October 2011 ([Read more](#))

Ukraine: Monitoring Committee expresses its concern about ongoing criminal trials against former government members (07.10.2011)

PACE Monitoring Committee held an exchange of views with the Danish Helsinki Committee on the findings contained in its monitoring report of the trials against four former government members in Ukraine ([Read more](#))

Belarus: PACE ad hoc committee calls for the release of those imprisoned in the aftermath of the 2010 presidential election (07.10.2011)

In a report declassified on 7 October 2011, a PACE ad hoc committee retraced the events of 19 December 2010, following the presidential election in Belarus, which gave rise to violent repression of a protest movement and led to the arrest of 600 people ([Read more](#))

Monitoring visit by PACE co-rapporteurs to Georgia (10.10.2011)

Kastriot Islami (Albania, SOC) and Michael Aastrup Jensen (Denmark, ALDE), PACE co-rapporteurs on the honouring of obligations and commitments by Georgia, made a fact-finding visit to that country from 11 to 14 October ([Read more](#))

PACE co-rapporteurs express concern at Tymoshenko sentence (11.10.2011)

The co-rapporteurs for PACE's monitoring of Ukraine, Mailis Reps (Estonia, ALDE) and Marietta de Pourbaix-Lundin (Sweden, EPP/CD), have expressed their concern and disappointment at the sentence passed on Yulia Tymoshenko on 11 October 2011 ([Read more](#))

PACE rapporteur dismayed about sentence to death by military court in northern West Bank (12.10.2011)

Renate Wohlwend (Liechtenstein, EPP/CD), rapporteur of the Parliamentary Assembly of the Council of Europe (PACE) on abolition of the death penalty, expressed her dismay after a military court in the northern West Bank has sentenced a former member of the Presidential Guard ([Read more](#))

➤ Themes

Terrorism must be considered a crime against humanity, says PACE President (04.10.2011)

"Terrorism remains the greatest threat to the universal values of human rights. It must be considered a crime against humanity," the PACE President Mevlüt Cavusoglu said in his opening speech of the PACE October session in Strasbourg ([Read more](#))

A PACE hearing draws attention to the problems experienced by children of undocumented migrants (04.10.2011)

"A child is first and foremost a child, and only in second place a migrant. This is the starting point for any discussion about undocumented migrant children; the status of the child is secondary and arguably irrelevant," according to Pedro Agramunt (Spain, EPP/CD) ([Read more](#))

Member states should not recognise secessionist entities, according to PACE (04.10.2011)

In a resolution adopted on 4 October 2011, PACE called on member states not to recognise or support in any way the de facto authorities of territories resulting from unlawful secessions, in particular those supported by foreign military interventions ([Read more](#))

PACE invites the Security Council to support the Palestinian bid for UN membership and calls for more co-operation between the Arab world and the CoE (04.10.2011)

At the end of a debate on co-operation between the Council of Europe and the emerging democracies in the Arab world, the Council of Europe's Parliamentary Assembly invited members of the UN Security Council – in particular France, Russia, the United Kingdom, Bosnia and Herzegovina, Germany and Portugal, member states of the Council of Europe – to support the Palestinian formal request to join the United Nations as a full member state ([Read more](#))

Child sex tourism: one of the worst forms of violence against children (05.10.2011)

"Crimes committed by travelling sex offenders are among the worst forms of violence against children, because they reduce them to mere objects of abusive desires and commercial interests," said Liliane Maury Pasquier (Switzerland, SOC), Chair of the Social, Health and Family Affairs Committee, speaking on 5 October 2011 ([Read more](#))

Lisbon Treaty: Council of Europe and EU move towards a common space for human rights protection (05.10.2011)

According to the PACE, the partnership between the Council of Europe and the EU facilitated by the entry into force of the Lisbon Treaty should lead to "a common space for human rights protection across the continent in the interest of all people in Europe" ([Read more](#))

Access to violent pornography: PACE calls for effective implementation of existing law (05.10.2011)

Deeply concerned at the public's increased access to violent and extreme pornographic material, the Assembly has called on European governments to ensure the effective implementation of existing law regulating the production, distribution and sale of pornography ([Read more](#))

No 'trade-off' between fighting terrorism and protecting human rights (06.10.2011)

There is no need for a "trade-off" between protecting human rights and effective counter-terrorist action, according to PACE, as safeguards exist in human rights law itself ([Read more](#))

Stalking can be 'psychological rape', hearing is told (06.10.2011)

A former TV news presenter who was stalked three times in a 15-year career has told Council of Europe parliamentarians of "a devastating crime that, beginning often with small, incremental, steps, utterly

destroys lives” ([Read more](#))

Unjustified claims that ‘state secrets’ will be revealed are too often shielding wrongdoing (06.10.2011)

Unjustified resort to the doctrine of “state secrets” is too often shielding secret services and intelligence agencies from scrutiny of involvement in human rights violations such as torture, abduction or renditions, PACE has said on 6 October 2011 ([Read more](#))

Council of Europe should lead the way on global data protection laws (07.10.2011)

PACE has called for the Council of Europe to lead the way in establishing global standards for data protection, adopting a resolution on the protection of privacy and personal data on the Internet, based on a report by Andreja Rihter (Slovenia, SOC) ([Read more](#))

A firm legislative basis to guarantee undocumented migrant children’s rights (07.10.2011)

Concerned about the wide discrepancy across Europe in how undocumented migrant children are treated, the PACE on 7 October 2011 recommended that member states put in place a firm legislative basis and implement their laws in practice, so as to guarantee undocumented children’s right to education, health care and housing ([Read more](#))

Statement by PACE Bureau on the terrorist acts in Norway and Turkey (07.10.2011)

Meeting on the morning of 7 October 2011 in Strasbourg, PACE Bureau adopted the following statement: “The Bureau of the Assembly is deeply shocked by the terrorist acts recently committed in Norway and Turkey, and condemns these massacres in the strongest terms...” ([Read more](#))

The Social Charter: ideas for making it stronger, more widely applied and better known (10.10.2011)

The Council of Europe’s Revised Social Charter – which allows trade unions and NGOs to bring collective complaints against states over social rights – needs to be stronger, more widely applied and better known, a parliamentary hearing on the charter heard on the week of 10 October 2011 ([Read more](#))

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

A. Country work

Human rights principles need to be firmly embedded in Turkish justice system (14.10.2011)

“There are some long-standing, systemic dysfunctions in the Turkish justice system adversely affecting the enjoyment of human rights and fundamental freedoms. Issues related to the independence and impartiality of judges and prosecutors, excessively lengthy pre-trial detention and judicial proceedings are some of the major issues which call for the government’s particular attention”, said the Council of Europe Commissioner for Human Rights, Thomas Hammarberg, at the end of his five-day visit to Turkey. At the same time he expressed his trust in the goodwill and determination of the authorities who have already undertaken major legislative reforms ([Read more](#))

B. Thematic work

Protection of journalists is essential for media freedom in Europe (04.10.2011)

In recent years, some of the leading investigative journalists in Europe have fallen victim to brutal killings: Hrant Dink in Turkey, Georgyi Gongadze in Ukraine and Elmar Huseynov in Azerbaijan. On 7 October 2011 it will be five years since Anna Politkovskaya was murdered in Russia. No effort must be spared to apprehend and bring to justice not only the actual killers, but also those who ordered these murders, says Thomas Hammarberg, Council of Europe Commissioner for Human Rights, in his Human Rights Comment published 4 October 2011. But these are far from the only cases of violence directed towards journalists ([Read more](#))

**Part VIII: Activities and news of the Peer-to-Peer Network
(under the auspices of the NHRS Unit of the Directorate General of
Human Rights and Rule of Law)**

The TEJSU Project and the Venice Commission urge Ukraine to take action on judicial reform (10.10.2011)

The Council of Europe's advisory body on constitutional matters – better known as the Venice Commission – has adopted a Joint Opinion along together with the TEJSU Project on the amendments to the “Draft Law on the judiciary and the status of judges of Ukraine”, prepared by the National Commission for Strengthening Democracy and the Rule of Law. The new draft law submitted for opinion represents a clear improvement over earlier proposals and addresses many of the recommendations previously made by the Venice Commission ([Read the joint opinion](#))

A report on Judicial Self-Governing Bodies and Judges' Career in the Eastern Partnership Countries was published by the Council of Europe (14.10.2011)

The Justice and Legal Co-operation Department presented a 110-page report on “Judicial Self-Governing Bodies; Judges' Career” on 14 October 2011 in Strasbourg. The report provides an overview of the state of implementation of European standards on an independent judiciary in Armenia, Azerbaijan, Georgia, Moldova and Ukraine. It focuses on the role of judicial self-governing bodies in ensuring the independence of the judiciary and on issues related to the appointment, career, ethics and disciplinary liability of judges (Read the report in [English](#) ; in [Russian](#))