

DIRECTORATE GENERAL OF HUMAN RIGHTS AND RULE OF LAW
DIRECTORATE OF HUMAN RIGHTS
THE HUMAN RIGHTS COOPERATION DIVISION
NATIONAL HUMAN RIGHTS STRUCTURES UNIT



Strasbourg, 12 December 2011

**Regular Selective Information Flow
(RSIF)
for the attention of the National Human Rights Structures (NHRs)
Issue n°78
covering the period from 31 October to 13 November 2011**

Funded
by the European Union
and the Council of Europe



EUROPEAN UNION



COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Implemented
by the Council of Europe

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

(“Peer-to-Peer II Project”)

Joint European Union – Council of Europe Programme

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

For any queries, please contact:
markus.jaeger@coe.int

TABLE OF CONTENTS

PART I: THE ACTIVITIES OF THE EUROPEAN COURT OF HUMAN RIGHTS	5
A. Judgments.....	5
1. Judgments deemed of particular interest to NHRs	5
2. Other judgments issued in the period under observation	10
3. Repetitive cases	12
4. Length of proceedings cases.....	13
B. The decisions on admissibility / inadmissibility / striking out of the list including due to friendly settlements.....	13
C. The communicated cases	15
D. Miscellaneous (Referral to grand chamber, hearings and other activities)	16
PART II: THE EXECUTION OF THE JUDGMENTS OF THE COURT	17
A. General overview of the twin-track supervision system for the execution of the judgments of the Court	17
B. Relevant decisions adopted by the Committee of Ministers at its last “Human Rights” meeting held on 13-14 September 2011	20
PART III : GENERAL AGENDA.....	22
PART IV : THE WORK OF OTHER COUNCIL OF EUROPE MONITORING MECHANISMS	23
A. European Social Charter (ESC).....	23
B. European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT).....	23
C. European Committee against Racism and Intolerance (ECRI).....	23
D. Framework Convention for the Protection of National Minorities (FCNM).....	23
E. Group of States against Corruption (GRECO).....	23
F. Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL)	23
G. Group of Experts on Action against Trafficking in Human Beings (GRETA)	23
PART V: THE INTER-GOVERNMENTAL WORK	24
A. The new signatures and ratifications of the Treaties of the Council of Europe	24
B. Recommendations and Resolutions adopted by the Committee of Ministers	24
C. Other news of the Committee of Ministers	24

PART VI : THE PARLIAMENTARY WORK25

A. Resolutions and Recommendations of the Parliamentary Assembly of the Council of Europe (PACE)..... 25

B. Other news of the Parliamentary Assembly of the Council of Europe 25

PART VII : THE WORK OF THE OFFICE OF THE COMMISSIONER FOR HUMAN RIGHTS26

A. Country work..... 26

B. Thematic work 26

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).....27

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

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.

- **Grand Chamber judgments**

[S. H. and Others v. Austria](#) (link to the judgment in French) (no. 57813/00) (Importance 1) – 3 November 2011 – No violation of Article 8 – Domestic authorities' decision to ban the use of sperm and ova donation for in-vitro fertilization does not violate the right to respect for private and family life

Austrian law prohibits the use of sperm and ova donation for in-vitro fertilization. In a Chamber Judgment of 1 April 2010, the Court held that such a prohibition violates Article 14, in conjunction with Article 8, but the case was referred to the Grand Chamber at the Austrian Government's request.

Following the Grand Chamber hearing that took place on 23 February 2011, the Court held that the Austrian ban on donation for in-vitro fertilization does not violate the right to respect for private and family life. The Court noted in particular that States have a wide margin of appreciation in regulating matters of artificial procreation; it also observed the Austrian legislature, when prohibiting the use of donated sperm or ova for in vitro fertilization, did not at the same time rule out sperm donation for in vivo artificial insemination, thus showing that it approached the matter carefully, seeking to reconcile social realities with its approach of principle. The Court concluded that Austria had not, at the relevant time, exceeded the margin of appreciation afforded to it, neither as regards the prohibition of ovum donation for the purposes of artificial procreation nor as regards the prohibition of sperm donation for in vitro fertilization. There had accordingly been no violation of Article 8 in the applicants' case – but the Court pointed out that, while not finding a violation in the applicants' case, the field of artificial procreation, being subject to a particularly dynamic development in science and law, had to be kept under review by the member States

Judge de Gaetano expressed a separate opinion. Judges Tulkens, Hirvelä, Lazarova Trajkovska and Tsotsoria expressed a joint dissenting opinion. These opinions are annexed to the judgment.

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

V.C. v. Slovakia (no. 18968/07) (Importance 1) – 8 November 2011 – Violation of Article 3 (substantive) - Sterilisation of a 20-year old woman without her informed consent – Violation of Article 8 – Ethnic origins taken into consideration by the medical staff of a public hospital

The applicant was sterilised at a public hospital during the delivery of her second child. She was asked to sign the sterilization form while giving birth to her baby. She then complained that she had been sterilised without her full and informed consent. She further alleged that her ethnic origin had played a decisive role in her sterilisation.

Article 3

The Court noted that the applicant's sterilisation, as well as the way in which she had been requested to agree to it, must have made her feel fear, anguish and inferiority. Although there was no proof that the medical staff had intended to ill-treat the applicant, they had nevertheless acted with gross disregard to her right to autonomy and choice as a patient. The applicant's sterilisation had therefore been in violation of Article 3.

Article 8

The Court found that both the Council of Europe's Commissioner for Human Rights and the European Commission against Racism and Intolerance (ECRI) had identified serious shortcomings in the legislation and practice relating to sterilisations in general in Slovakia and had stated that the Roma community, severely disadvantaged in most areas of life, were more likely to be affected by those shortcomings. As concerned the applicant in particular, the Court found that simply referring to her ethnic origin in her medical record without more information indicated a certain mindset on the part of the medical staff as to the manner in which the health of the applicant, as a Roma, should be managed. There had therefore been a violation of Article 8.

Just satisfaction (Article 41)

The Court held that Slovakia was to pay the applicant EUR 31,000 in respect of non-pecuniary damage and EUR 12,000 for costs and expenses.

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

Filatov v. Russia (no. 22485/05) (Importance 2) – 8 November 2011 – Violations of Article 3 (substantive and procedural) – (i) ill-treatment of a criminal suspect in police custody – (ii) Lack of an effective investigation in that respect

The applicant alleged that he was subjected to ill-treatment – including electric shocks and bags placed over his head – while he was questioned at a police station, and that the ensuing official investigation into his complaint was inadequate.

Article 3 (substantive)

The Court noted that the authorities' conclusion that the injuries had been inflicted on the applicant before his custody was not consistent with the initial medical record and with witness statements. The Court found it established to the standard of proof required in Convention proceedings that the bruises had been the result of the treatment about which the applicant had complained and for which the Government bore responsibility. There had accordingly been a violation of Article 3.

Article 3 (procedural)

The Court observed that the applicant had brought his complaint before the competent authorities at a time when they could reasonably have been expected to investigate the relevant circumstances. His allegations being corroborated by a medical report, he had had an arguable claim and the authorities had thus been under an obligation to conduct an effective investigation. In the light of those shortcomings, the Court concluded that the investigation into the alleged ill-treatment had been ineffective, in violation of Article 3.

Just satisfaction (Article 41)

The Court held that Russia was to pay the applicant EUR 18,000 in respect of non-pecuniary damage.

Halat v. Turkey (no. 23607/08) (Importance 2) – 8 November 2011 – Violation of Article 3 (procedural) – Domestic authorities’ failure to investigate into allegations of ill-treatment in police custody

The applicant alleged that she was subjected to ill-treatment by a deputy superintendent, who insulted her and subjected her to physical and psychological harassment during custody. In particular, the deputy superintendent allegedly accused her of working as a prostitute, pressed a truncheon against her genitals and chest, forced her to show him her breasts, and threatened to kill her.

The Court ruled, by five votes to two, that there had been no violation of Article 3 in relation to the alleged ill-treatment. However, it noted that the length of the investigation and the subsequent proceedings as a whole, namely more than eight years, had been excessive. In addition, after the criminal proceedings had been started, it had taken almost five years for the Criminal Court to rule that it had no jurisdiction. Similarly, the Court of Cassation had waited more than two years before upholding the acquittal by the Assize Court. Furthermore, certain investigative steps had been taken under the supervision of the investigating officer appointed by the district governor’s office. The Court also found particularly striking that Ms Halat had not been offered any means of protecting her rights. The Court therefore found a violation of Article 3 concerning the lack of an effective investigation.

Article 41 (just satisfaction)

The Court ordered Turkey to pay Ms Halat EUR 15,000 euros in respect of nonpecuniary damage and EUR 2,000 for costs and expenses.

Judges Tulkens and Raimondi expressed a joint partly dissenting opinion, which is annexed to the judgment.

V.D. v. Croatia (no. 15526/10) (Importance 3) – 8 November 2011 – Violation of Article 3 (substantive and procedural) – (i) Ill-treatment of a schizophrenic suspect during arrest – (ii) Lack of an effective investigation in that respect

The applicant is suffering from schizophrenia. He alleged that the police beat him while arresting him – a medical report drawn up at the time showed that he had sustained a head contusion, tongue laceration, haematomas around the eyes, haemorrhage of both eyes and lesions on the neck and the right shoulder. Domestic courts dismissed the complaint on the grounds that he had injured himself.

Article 3 (substantive)

The Court noted in particular that the forensic expert had categorically excluded that the applicant could have injured himself. However, the Croatian authorities had accepted the version presented by the police officers and had not reacted to the findings of the forensic expert. The Government had not furnished any convincing arguments to explain how the applicant had sustained his injuries. The Court therefore considered that there has been a violation of Article 3.

Article 3 (procedural)

The Court observed, in particular, that the authorities had dismissed the first criminal complaint brought against two of the police officers without taking into account the findings of the forensic report. They had done so despite the fact that that report had been the only source establishing how the applicant’s injuries had been caused. The second criminal proceedings against the other two police officers were still pending after more than three years of inactivity at the initial stages. Consequently, no effective investigation had been carried out in either set of criminal proceedings, in violation of Article 3.

Article 41 (just satisfaction)

The Court held that Croatia was to pay the applicant EUR 23,000 in respect of non-pecuniary damage and EUR 8,500 for costs and expenses.

Cocaign v. France (no. 32010/07) (Importance 2) – 3 November 2011 – No violation of Article 3 – Domestic authorities’ decision to place a prisoner with mental disorders in a punishment block does not constitute an inhuman or degrading treatment but should be subject to appeal with suspensive effect – Violation of Article 13 – Lack of an effective remedy

The applicant alleged that his confinement in a punishment cell for 45 days, after he had killed and partly eaten a fellow inmate, had amounted to inhuman and degrading treatment in view of his psychiatric condition, and also that his continued detention constituted inhuman treatment. Relying on Article 13, he complained that he had been unable to secure a judicial examination of his complaint about the disciplinary penalty imposed on him, which in his view had infringed his human dignity.

Article 3

The Court observed in particular that the period for which the applicant had been sent to the punishment block – 45 days in solitary confinement, the maximum applicable penalty, which had since been reduced by the Prisons Act to 30 days for acts of physical violence – had been particularly long. However, the Court noted that the day after the disciplinary penalty had been imposed, the prison governor had applied for the applicant's compulsory admission to a psychiatric hospital, and an order to that effect had been made four days later. The Court considered that it could not be inferred from the applicant's illness alone that his confinement in a punishment cell and the execution of that penalty could have constituted inhuman and degrading treatment and punishment in breach of Article 3. It also noted that the applicant was currently being provided with appropriate medical supervision during his detention.

Article 13

With regard to the applicant's complaint that he had been unable to secure a judicial examination of his complaint concerning the disciplinary penalty imposed on him, the Court noted that it had previously held that, although a remedy to that effect was provided for in Article D 250-5 of the Code of Criminal Procedure, it did not have suspensive effect (see the Payet judgment, §§ 131-134). An urgent application in relation to such matters had not become possible until the Prisons Act of 24 November 2009, after the events concerning Mr Coccagn had taken place. The Court therefore found a violation of Article 13.

Article 41 (just satisfaction)

The Court held that the finding of a violation of Article 13 constituted in itself sufficient just satisfaction for the non-pecuniary damage sustained by the applicant.

- **Right to liberty and security**

Stokłosa v. Poland (no. 32602/08) (Importance 3) – 3 November 2011 – Violation of Article 5 § 3 – Pre-trial detention ordered by a non-independent junior judge

On 21 December 2007, a junior judge (an assessor) ordered the detention of the applicant. Relying on Article 5 § 3, the applicant complained that the junior judge had not been independent from the Ministry of Justice, and that he had been detained at a time when the media had shown huge interest in him.

The Court ruled in particular that the question of institutional independence of the junior judge had been the same in the Miroslaw Garlicki case (no 3692/07). Consequently, the junior judge who had detained Mr Stokłosa had not been independent given that the Minister of Justice could have removed him from his post at any time. As to the Government's argument that any defects in the junior judge's decision had been made good by the Warsaw-Praga regional court which had examined the appeal, the Court held that, according to Article 5 § 3, it was the judicial officer authorizing detention who had to meet the requirements of independence, especially because detention decisions were enforced immediately and could not be corrected in a meaningful way on appeal. Consequently, the Court held that the junior judge had not been independent from the Minister of Justice, in violation of Article 5 § 3.

Article 41 (just satisfaction)

The Court found that the finding of a violation constituted in itself sufficient just satisfaction for the applicant.

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

X and Y v. Croatia (no. 5193/09) (Importance 2) – 3 November 2011 – Violation of Articles 6 § 1 and 8 – Unfairness of proceedings to divest two women of their legal capacity; violation of the right to respect for private and family life in that respect

The first applicant was divested of her legal capacity in August 2008; she alleged that those proceedings had been unfair as she had not been notified of them and had therefore not been heard by a judge or been able to give evidence. The second applicant, who is the first one's daughter, is concerned by similar proceedings, which are still pending. She alleged that there had been no need to bring such proceedings or appoint her a guardian as she led an independent life, living alone, paying her own bills and organizing her medical appointments and social life.

Article 6 § 1

The Court noted that the first applicant had been unable to participate personally in the proceedings before the municipal court. Moreover, while the municipal court had taken its decision noting that she was sick and elderly, and in need of constant care, there had been other, less intrusive, means of arranging care for her. In addition, as X had not been informed of the court's decision about her, she had been effectively deprived of the possibility to appeal against it. The judge deciding on the question had completely ignored the arguments of her daughter, who had represented her, which ran contrary to the guarantees of a fair trial. There has therefore been a violation of Article 6 § 1.

Article 8

The Court recalled that in order for proceedings to divest someone of legal capacity to be instituted, a social welfare centre had to present convincing evidence, on the basis of specific facts, that those concerned were either unable to care for themselves or that they presented a risk for others. In the present case, the social centre had initiated the proceedings concerning the second applicant on the basis of a report by a psychiatrist who had only spoken to her once, over the phone. When heard by the national authorities, she had explained that she lived alone and successfully took care of all her needs, including her bills, food and social life. Therefore, the initiating of proceedings to divest her of her legal capacity had been in breach of Article 8.

Article 41 (just satisfaction)

The Court held that Croatia was to pay 2,000 euros (EUR) to Y in respect of nonpecuniary damage and EUR 3,000 to X and Y jointly for costs and expenses. Judge Lorenzen, joined by judge Steiner, expressed a joint concurring opinion, the text of which is annexed to the judgment.

Kuşçuoğlu v. Turkey (no. 12358/06) (Importance 2) – 3 November 2011 – Violation of Article 8 – Domestic authorities' failure to promptly reunite mother with her son, who has been abducted four times by his father

After the applicant separated with her son's father, the latter abducted his son four times in two years. Relying on Article 8, the applicant complained that the length of the judicial proceedings and the obstruction of her access to custody of her son had had a detrimental effect on her relations with the child. She further complained that the Turkish authorities had not taken the necessary steps to prevent her son from being taken away from her when parental authority was hers by law.

The Court reiterated the principle that a parent has the right to the taking of measures with a view to his or her being reunited with his or her child and that the national authorities have an obligation to take such action. It noted that the domestic courts had granted parental authority to the applicant in October 2007, but no final and effective decision had been pronounced until November 2009. The Court noted that the obstacles the applicant had encountered in her attempts to see her son were linked to the decisions taken during the proceedings (rights of access and residence restricted or denied) as well as to the practical implementation of her rights (obstructed by the father's conduct and the fact that for a long time the lack of an effective final decision on parental authority had prevented her from exercising her parental rights). The Court also observed numerous delays in the judicial proceedings. Taking them into account and the overall length of the proceedings, in spite of the clear provisions set out in the Civil Code, the Court considered that the Turkish courts had failed to take effective steps to reunite the mother promptly with her son, in violation of Article 8.

Article 41 (just satisfaction)

The Court held that Turkey was to pay the applicant EUR 19,000 in respect of pecuniary and non-pecuniary damage combined, and EUR 12,805 in respect of costs and expenses.

Mallah v. France (no. 29681/08) (Importance 2) – 10 November 2011 – No violation of Article 8 – A conviction with absolute discharge for facilitating unauthorized residence of a foreigner does not breach the right to respect for private and family life

The applicant, a lawful resident in France for more than 30 years, was condemned with an absolute discharge for having facilitated the unauthorized residence of a foreigner – here, his son in law. The applicant complained that his conviction had infringed his right to respect for his family life.

The Court noted that the French Government did not dispute that the applicant's criminal conviction had amounted to interference with his right to respect for private and family life within the meaning of Article 8. It observed that the conviction had had a basis in a domestic law. The Court added that the fact that the unauthorized foreigner was living in the applicant's family home, had been married to her daughter for two years, had applied to the authorities for family reunion and was about to have a child

did not mean that the applicant was entitled to the immunity from prosecution for members of an illegal immigrant's close family. The Court concluded that a fair balance had thus been struck between the public interest and the applicant's right to respect for his family life and accordingly held that there had been no violation of Article 8.

Judge Power-Forde expressed a dissenting opinion, which is annexed to the judgment. Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.

- **Cases concerning Chechnya**

[Sambiyeva v. Russia](#) (no. 20205/07) (Importance 3) – 8 November 2011 – Violations of Article 2 – Abduction and presumed death of the applicant's close relative – Lack of an effective investigation – Violation of Article 3 – Mental suffering of the applicant – Violation of Article 5 – Unacknowledged detention – Violation of Article 13 – Lack of an effective remedy in respect of the claim under Article 2

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 03 Nov. 2011: [here](#)
- Press release by the Registrar concerning the Chamber judgments issued on 08 Nov. 2011: [here](#)
- Press release by the Registrar concerning the Chamber judgments issued on 10 Nov. 2011: [here](#)

We kindly invite you to click on the corresponding link to access to the full judgment of the Court for more details. Some judgments are only available in French.

<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>
France	10 Nov. 2011	Plathey (no. 48337/09) Imp. 2	Violation of Article 3 Violation of Article 13	Poor conditions of detention Lack of an effective remedy in that respect	Link
Germany	03 Nov. 2011	Litwin (no. 29090/06) Imp. 2	No violation of Article 6 § 1	Fairness of proceedings	Link
Greece	03 Nov. 2011	Dimitras and Others (no. 2) (nos. 34207/08 and 6365/09) Imp. 2	Violation of Article 9 Violation of Article 13	Violation of the right to freedom of religion on account of a criminal code's article obliging witnesses to reveal their religious beliefs in order to determine whether they would have to take the oath on the Bible or to make a solemn declaration. Lack of an effective remedy in that respect.	Link
Hungary	03 Nov. 2011	Fratanoló (no. 29459/10) Imp. 2	Violation of Article 10	Violation of the right to freedom of expression on account of the conviction of the applicant for wearing the five-pointed red star – considered a totalitarian symbol by the Hungarian courts – at a demonstration	Link
Hungary	03 Nov. 2011	Károly Hegedűs (no. 11849/07) Imp. 3	Violation of Article 6 § 1 Violation of Article 1 of Protocol No. 1	Excessive length of criminal proceedings (14 years) Freezing of the applicant's assets during the proceedings	Link
the Netherlands	03 Nov. 2011	Arvelo Aponte (no. 28770/05) Imp. 3	No violation of Article 8	Domestic authorities' refusal to grant a residence permit on account of a conviction for a drugs offence committed in an other country does	Link

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

			No violation of Article 13	not violate the right to respect for family life. Rejection of an appeal on summary ground does not violate the right to an effective remedy.	
Poland	03 Nov. 2011	Żebrowski (no. 34736/06) Imp. 3	No violation of Article 6 § 1 as regards prescription of the applicant's claim Violation of Article 6 § 1 as regards lack of access to a Court	Domestic Courts have taken into consideration the difficulties encountered by the applicant to obtain a compensation Lateness of the applicant's legal-lawyer's decision to refuse to prepare a cassation appeal (7 days before the dead-line to lodge the appeal).	Link
Romania	03 Nov. 2011	M.B. (no. 43982/06) Imp. 2	Violation of Article 3 (procedural)	Lack of an effective investigation into the alleged rape of the applicant	Link
Russia	03 Nov. 2011	Aleksandra Dmitriyeva (no. 9390/05) Imp. 3	Violation of Article 3 (ill-treatment) Violation of Article 3 (procedural) Violation of Article 3 (conditions of detention) Violation of Article 5 Violation of Article 8 Violation of Article 13 taken in conjunction with Articles 5 and 8	Ill-treatment of the applicant by police forces Lack of an effective investigation Poor conditions of detention and lack of an effective medical care Unacknowledged detention Unlawful entrance of policemen into the applicant's accommodation (by breaking down the door to the applicant's son's room). Lack of an effective remedy in that respect	Link
Russia	03 Nov. 2011	Vanfuli (no. 24885/05) Imp. 3	Violations of Article 3 Violation of Article 6 § 3 (c) and (d) taken in conjunction with Article 6 § 1	Ill-treatment in police custody and lack of an effective investigation Unfairness of proceedings: notably, failure to provide him with a lawyer during his police custody as well as to ensure attendance of key prosecution witnesses at his trial	Link
Serbia	03 Nov. 2011	Šorgić (no. 34973/06) Imp. 2	No violation of Article 6 § 1 Two violations of Article 6 § 1	Tribunal established by law Unfairness (partiality) and excessive length (more than 7 years) of proceedings	Link
Slovakia	03 Nov. 2011	Bruncko (no. 33937/06) Imp. 3	Violation of Article 5 § 1	Unlawful continued detention	Link
Turkey	03 Nov. 2011	Dülek and Others (no. 31149/09) Imp. 2	Violation of Article 2	Military authorities' failure to take the necessary measures to protect the applicant's life	Link
Ukraine	03 Nov. 2011	Antonov (no. 28096/04) Imp. 3	Violation of Article 2	Domestic authorities' failure to take all reasonable measures to establish whether the driver of a car which hit the applicant's son had been at fault for his death	Link
Ukraine	03 Nov. 2011	Balitskiy (no. 12793/03) Imp. 2	Violation of Article 6 §§ 1 and 3 (c)	Conviction of the applicant based on self-incriminating statements obtained under duress during his police custody, without the assistance of a lawyer, and domestic courts' failure to question important witnesses during the	Link

Russia	08 Nov. 2011	Yakubov (no. 7265/10) Imp. 3	Violation of Article 3 Violation of Article 13	applicant's trial Risk of ill-treatment if deported to Uzbekistan Lack of an effective remedy in that respect	Link
Slovakia	08 Nov. 2011	Kormoš (no. 46092/06) Imp. 2	Violation of Article 5 § 1	Unlawful extension of detention	Link
Ukraine	10 Nov. 2011	Mokallal (no. 19246/10) Imp. 2	Violations of Article 5 § 1	Unlawful detention of the applicant pending his extradition	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>
the Czech Republic	10 Nov. 2011	Otava (no. 36561/05) link	Violation of Article 1 of Protocol No. 1	Unfairness of restitution proceedings brought against the applicant
Moldova	03 Nov. 2011	Norma S.R.L. (no. 38503/08) link Stog and Others (nos. 6811/08, 6934/08, 9212/08 and 12199/08) link	Violation of Article 6 and Article 1 of Protocol No. 1 Violation of Article 13	Domestic authorities' failure to enforce judicial decisions that had become final
Romania	03 Nov. 2011	RJ Import Roger Jaeger A.G. and RJ Import București S.A. (no. 19001/05) link	Violation of Article 6 § 1 and Article 1 of Protocol No. 1	Domestic authorities' failure to enforce a final judgment in their favor
Turkey	03 Nov. 2011	Bertan (no. 10457/08) link Dinçer and Others (no. 10435/08) link İşcan (no. 10450/08) link Işık and Others (no. 10434/08) link Kalın and Bilgin (no. 4562/08) link Kemal Turhan (no. 4397/08) link Meyrem Gültekin and	Violation of Article 6 § 1 and Article 1 of Protocol No. 1	Delayed enforcement of judgments awarding the applicant compensation for expropriation of his lands

	Others (no. 10458/08) link		
	Naci Akkuş and Necmi Akkuş (no. 10443/08) link		
	Necati Erol (no. 4387/08) link		

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>
Estonia	08 Nov. 2011	Raudsepp (no. 54191/07)	Link
Ukraine	10 Nov. 2011	Larionov v. Ukraine (no. 30741/08)	Link
Ukraine	10 Nov. 2011	Sverchkov and Sverchkova v. (no. 55865/07)	Link
Ukraine	10 Nov. 2011	Kayuda v. Ukraine (no. 31467/06)	Link

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

Those decisions are published with a slight delay of two to three weeks on the Court's Website. Therefore the decisions listed below cover **the period from 24 October to 6 November 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	03 Nov. 2011	Sarwari (no. 21662/10) link	Alleged violation of articles 2 and 3 (risk for the applicant's life, risk of torture and ill-treatment if deported to Greece, because of the danger of turning away to Afghanistan), Art. 8 (violation of the right to respect for the applicant's family life), Art. 13 (lack of an effective remedy), Art. 14 (discrimination on account of the difference of proceedings between the Administrative Court for asylum and administrative proceedings)	Struck out of the list (it is no longer justified to continue the examination of the application)
Romania	03 Nov. 2011	Potcoava (no. 27945/07) link	Alleged violations of Art. 3 (ill-treatment by the police and lack of an effective investigation), Art. 6 § 1 (unfairness of proceedings)	Adjudged concerning the alleged violations
Slovakia	03 Nov. 2011	Pyrobatys, A.S. V Restrukturalizacia (no. ...)	Alleged violation of Art. 6 § 1 (unfairness of proceedings), Art. 1 of Prot. 1 (domestic authorities' failure to reimburse the applicant of ...)	Inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention)

		40050/06) link	the costs of the proceedings), Art. 14	
Slovenia	03 Nov. 2011	Rovtar (no 31727/06) link	Alleged violation of Art. 6 § 1 (excessive length of civil proceedings), Art. 13 (lack of an effective remedy)	Struck out of the list (friendly settlement reached)
Slovenia	03 Nov. 2011	Aljic and Kozina (no 30277/06; 29153/08) link	Alleged violation of Art. 6 § 1 (excessive length of civil proceedings), Art. 13 (lack of an effective remedy), Art. 14	Struck out of the list (the matter has been resolved at the domestic level)
Slovenia	03 Nov. 2011	Gostencnik (no 47289/06) link	Alleged violation of Art. 6 § 1 (excessive length of civil proceedings), Art. 13 (lack of an effective remedy)	Struck out of the list (it is no longer justified to continue the examination of the application)
Slovenia	03 Nov. 2011	De Simone (no 2869/07) link	Idem.	Struck out of the list (the matter has been resolved at the domestic level)
Slovenia	03 Nov. 2011	Trimovski (no 48570/07) link	Idem.	Partly struck out of the list (it is no longer justified to continue the examination of the application concerning excessive length of proceedings), and partly inadmissible (no violation of the rights and freedoms protected by the Convention)
Slovenia	03 Nov. 2011	Novak (no 3656/07) link	Idem.	Inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention)
"the Former Yugoslav Republic of Macedonia"	03 Nov. 2011	Adzi-Spirkoska and Others (no 38914/05; 17879/05) link	Alleged violation of Art. 6 § 1 (excessive length of civil proceedings), Art. 1 of Prot. 1	Idem.
Turkey	03 Nov. 2011	Colak (no 5669/06) link	Alleged violation of Art. 3 (ill-treatment during arrest)	Struck out of the list (the applicant no longer wished to pursue his application)
Ukraine	03 Nov. 2011	Denshchuk (no 20950/06) link	Alleged violation of Art. 6 § 1 (excessive length and the unfavourable outcome of the proceedings)	Inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention)
Ukraine	03 Nov. 2011	Valkhovska and Lyakh (no 22292/06) link	Alleged violation of Articles 6, 10 ad 11	Struck out of the list (the applicants no longer wished to pursue their application)
Ukraine	03 Nov. 2011	Chobitko (no 27520/05) link	Alleged violation of Art. 3 (ill-treatment in detention) and Art. 5 (unlawful detention)	Struck out of the list (the applicant no longer wished to pursue his application)
Ukraine	03 Nov. 2011	Vertovskiy (no 32086/10) link	Alleged violation of Art. 6 § 1 (excessive length of proceedings), Articles 6 and 17 (unlawful and arbitrary decisions)	Partly struck out of list (unilateral declaration of the Government concerning excessive length of proceedings) and partly inadmissible as manifestly ill-founded (concerning the remainder of the application)
Ukraine	03 Nov. 2011	Terletskaaya (no 18773/05) link	Alleged violation of Articles 6 and 13 (Domestic authorities' failure to enforce decisions in the applicant's favour and to prosecute tax police officers for inflicting bodily harm on the applicant)	Inadmissible <i>ratione materiae</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 07 November 2011: [link](#)
- on 14 November 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 7 November 2011 on the Court's Website and selected by the NHRS Unit

The batch of 7 November 2011 concerns the following States (some cases are however not selected in the table below): Bulgaria, Finland, France, Georgia, Germany, Greece, Hungary, Italy, Latvia, Moldova, Poland, Romania, Russia, Slovenia, Spain, Sweden, Switzerland, the Netherlands, the United Kingdom, 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>
Bulgaria	18 Oct. 2011	Ms Mihaylova and Ms Malinova no 36613/08	Alleged violations of Art. 2 (use of force leading to death against the applicant's close relatives, lack of an effective investigation in that respect), and of art. 13 (lack of an effective remedy)
France	21 Oct. 2011	S. M. no 24000/11	Alleged violation of Art. 3 (Risk of being subjected to ill-treatment if expelled to Algeria)
Greece	18 Oct. 2011	Lavida and Others no 7973/10	Alleged violation of Art. 2 of Prot. 1 in conjunction with Art. 14 – Deprivation of the applicants right to education on account of their placement in a school for Roma
Poland	17 Oct. 2011	Woch no 19732/11	Alleged violations of Articles 3, 9 and 11 (Prison authorities' failure to provide food without meat, dairy or other animal products to the applicant)
Russia	21 Oct. 2011	Akhmatov and 9 other applications no 38828/10	Alleged violations of violations of Art. 2 (Abduction and presumed death of the applicants' close relatives' – Lack of an effective investigation), of Art.3 (Mental suffering of the applicants), of Art.5 (Unacknowledged detention), and of Art.13 (lack of an effective remedy in respect of the claim under Art.2)
Russia	21 Oct. 2011	Kasparov no 53659/07	Alleged violations of Art. 5 §§ 1, 2 and 4 (Unlawful detention and the applicant not informed promptly about the reasons of his detention – Lack on an effective remedy to challenge the allegedly unlawful detention), of Art.10 and 11 (Detention of the applicant for having taken part to an opposition rally)
Ukraine	17 Oct. 2011	Demchuk no 11612/06	Alleged violations of Art. 3 (Ill-treatment during the detention – Lack of an effective investigation)

Communicated cases published on 14 November 2011 on the Court's Website and selected by the NHRS Unit

The batch of 14 November 2011 concerns the following States (some cases are however not selected in the table below): Austrian, Croatia, Poland, Sweden and the United Kingdom.

<u>State</u>	<u>Date of Decision to Communicate</u>	<u>Case Title</u>	<u>Key Words of questions submitted to the parties</u>
Poland	26 Oct. 2011	Jurasz no 48327/09	Alleged violations of Art. 3 (Ill-treatment during the transfer – Lack of an effective investigation).

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

Court's new President (04.11.2011)

The new President of the Court, Sir Nicolas Bratza, took up his duties on 4 November 2011. He replaces Jean-Paul Costa, who has been the Court's President since January 2007. Sir Nicolas is the third British President in the history of the Court.

[More information](#)

Swearing in ceremony (04.11.2011)

On Friday 4 November 2011, the judge elected Mr André Potocki (France). The President Sir Nicolas Bratza swore him in. His term of office began on the same day.

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 (NHRs), 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 f 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 (31.10 – 13.11.2011) for this RSIF.

October 2011

- 31 October – 2 November :

- > MONEYVAL 10th meeting of experts on money laundering and terrorism financing typologies

November 2011

- 7 November :

- > The Committee of Ministers chairmanship transferred from Ukraine to the United Kingdom ([visit the UK Chairmanship website](#))

- 7-10 November :

- > ECRI visited Croatia as the first step in the preparation of a monitoring report ([Read more](#))

- 16 November :

- > Round table organized by ECRI to discuss the follow-up given to the recommendations contained in ECRI's 2011 report on Serbia ([Read more](#))

- 17 November :

- > Final Meeting within the Russian PMC Project ([Read more](#))

- 20-21 November :

- > "Building a child-friendly Europe: Turning a vision into reality" : Conference (Monaco) in the framework of the Council of Europe's Strategy for the Rights of the Child 2012-2015 ([Read more](#))

- > Fundamental Rights Conference in Warsaw on migrants' rights : The European Union Agency for Fundamental Rights is holding a conference in Warsaw (Poland) to address the issue of access to fundamental rights for migrants with an irregular migration status who are living in the European Union ([Read more](#))

- 22-23 November :

- > Annual Round Table of Russian Regional Ombudsmen ([Read more in Russian](#))

December 2011

- 5-9 December :

- > European Committee of Social Rights 254th Session

- 6-8 December :

- > Annual stock-taking and planning meetings NPMs and NHRs (Peer-to-Peer II Joint Project)

- 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)

Declaration on the 50th Anniversary of the Social Charter (07.11.2011)

At its meeting in Brussels on 19-20 October 2011, the Executive Committee of the European Trade Union Confederation (ETUC) adopted a Declaration on the 50th anniversary of the European Social Charter ([Read the Declaration](#))

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

Solitary confinement in prisons should be minimized (10.11.2011)

In its annual report, which was published on 10 November 2011, the CPT urges States to minimize the use of solitary confinement of prisoners. This measure should be applied only in exceptional circumstances and for the shortest possible period of time ([Read more](#) ; [Read the annual report](#))

C. European Committee against Racism and Intolerance (ECRI)

ECRI to prepare report on Denmark (17.10.2011)

An ECRI delegation visited Denmark from 19 to 23 September 2011. Following this visit, ECRI will adopt a report in which it will make a fresh set of recommendations on measures to be taken by the authorities to address racism, racial discrimination, xenophobia, antisemitism and intolerance in the country ([more information](#))

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

Slovenia and Estonia: reports on protection of national minorities (07.11.2011)

The Advisory Committee's third Opinions on the implementation of the FCNM by Slovenia and Estonia were made public together with the government Comments. The Opinion contains the findings of the Committee after a visit to Slovenia and Estonia and directs recommendations at the government on how to improve measures aimed at the protection of persons belonging to national minorities (Read more: [Slovenia](#) – [Estonia](#))

E. Group of States against Corruption (GRECO)

*

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

*

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

1st evaluation round : GRETA visited the United Kingdom (04.11.2011)

A GRETA Delegation carried out a country visit to the UK from 24 to 28 October 2011. This was the 12th country visit carried out by GRETA in the context of the first round of evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings (2010-2012) ; ([Read more](#)).

* No work deemed relevant for the NHRs for the period under observation. Events announcements are reported in the General Agenda (Part III)

Part V: The inter-governmental work

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

3 November 2011

Malta ratified: the Anti-Doping Convention ([ETS No. 135](#))

Argentina, Australia, Brazil, Indonesia, Russia, South Africa and Turkey: signed the Convention on Mutual Administrative Assistance in Tax Matters as amended by its 2010 Protocol ([ETS No. 127](#))

Japan signed: the Convention on Mutual Administrative Assistance in Tax Matters ([ETS No. 127](#)) and the Protocol amending the Convention on Mutual Administrative Assistance in Tax Matters ([CETS No.208](#))

Canada and Germany: signed the Protocol amending the Convention on Mutual Administrative Assistance in Tax Matters ([CETS No. 208](#))

4 November 2011

Liechtenstein signed: the Council of Europe Convention on the counterfeiting of medical products and similar crimes involving threats to public health ([CETS No. 211](#))

7 November 2011

Ukraine signed: Protocol No. 3 to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities concerning Euroregional Co-operation Groupings (ECGs) ([CETS No. 206](#)) and the Council of Europe Convention on preventing and combating violence against women and domestic violence ([CETS No. 210](#))

9 November 2011

Italy signed: the Additional Protocol to the Convention on Cybercrime, concerning the criminalization of acts of a racist and xenophobic nature committed through computer system ([ETS No. 189](#))

B. Recommendations and Resolutions adopted by the Committee of Ministers

[CM/Res\(2011\)25E / 09 November 2011](#) : Resolution amending the Regulations governing staff salaries and allowances (Appendix IV to the Staff Regulations) (adopted by the Committee of Ministers on 9 November 2011 at the 1125th meeting of the Ministers' Deputies).

[CM/Res\(2011\)24E / 09 November 2011](#) : Resolution on intergovernmental committees and subordinate bodies, their terms of reference and working methods (adopted by the Committee of Ministers on 9 November 2011 at the 1125th meeting of the Ministers' Deputies)

C. Other news of the Committee of Ministers

Roma eviction, “aggravated” violation of the European Social Charter (10.11.2011)

The Committee of Ministers took note, on 9 November, of the report including the decision of the European Committee of Social Rights taken on 28 June 2011 and decided to make it public immediately. In its Resolution, the Committee of Ministers invited France to report at a forthcoming meeting on the measures taken or foreseen in order to deal with the situation described in the complaint and to report on co-operation with other countries concerned

Part VI : The parliamentary work

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

*
—

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

➤ *Countries*

Kyrgyzstan's presidential election was peaceful, but shortcomings underscore need to improve integrity of process (31.10.2011)

The presidential election in Kyrgyzstan was conducted in a peaceful manner, but shortcomings underscored that the integrity of the electoral process should be improved to consolidate democratic practice in line with international commitments, international observers concluded ([Read more](#))

North Kosovo* : PACE rapporteur appeals for compromise (04.11.2011)

A solution to the current stalemate in the North of Kosovo lied in seeking a compromise, with all sides making concessions, said PACE's rapporteurs on the situation in Kosovo Björn von Sydow (Sweden, SOC), speaking at the end of three-day visit to Kosovo ([Read more](#))

Russian parliamentary elections: PACE delegation told of improved access to media, but also concerns that the playing field is not level (11.11.2011)

More TV and radio debated, freer air-time and other campaigning possibilities for the seven parties participating in Russia's parliamentary elections were cited as a significant change in the political process by most interlocutors who met the pre-electoral delegation of PACE ([Read more](#))

Morocco : statement by the PACE pre-election delegation (12.11.2011)

A PACE delegation undertook a pre-election visit to Morocco to assess the campaign for the parliamentary elections which took place on 25 November 2011. The delegation noted that the election campaign, did not seem, on 12 November 2011, to have aroused much enthusiasm among the electorate, some two weeks before polling day ([Read more](#))

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

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

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

A. Country work

Only genuine justice can ensure durable peace in the Balkans (03.11.2011)

European institutions failed to protect people in the former Yugoslavia from ethnic cleansing and other war atrocities in the 1990s. The return to normalcy has been slow and major obstacles still remain. However, there are now grounds for some hope – which gives Europe a second chance to offer constructive support, said Thomas Hammarberg, Council of Europe Commissioner for Human Rights, in his Human Rights Comment published on 3 November 2011 ([Read more](#))

B. Thematic work

Ethical journalism: self-regulation protects the independence of media (08.11.2011)

The media play an enormously important role in the protection of human rights. They expose human rights violations and offer an arena for different voices to be heard in public discourse. However, the power of the media can also be misused to the extent that the very functioning of democracy is threatened, said Thomas Hammarberg, the Council of Europe Commissioner for Human Rights, in his Human Rights Comment published on 8 November 2011 ([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)

Russian PMC Pre Project joint meeting of its Working Group and Supervisory Board (03.11.2011)

The Pre Project has been conceived and run jointly by the Russian Federation's Human Rights Ombudsman and the Council of Europe's NHRS Unit. On the 3rd of November the Pre Project Working Group and Supervisory Board met in Moscow to discuss the Project Proposal for a multi-annual full scale co-operation Project based on the findings of the 4 interregional needs assessment conferences, which took place from July to October, covering all regions of the Russian Federation.

Working Group Meeting to discuss legislation on Parole Boards (05-06.11.2011)

A two-day meeting on the legislation on parole boards took place in the framework of the Danish Program 2010-2013 "Promoting of Judicial Reform, Human and Minority Rights". A working group comprising the chairmen of local parole boards, the Standing Commission of the Ministry of Corrections and Legal Assistance, staff of the secretariat of the parole boards, representative of the National Probation Agency, members of parole boards and NGOs, discussed the current legislation on parole boards and develop recommendations for amendments, with the assistance of national and international experts.

APT OPCAT Global Forum (10-11.11.2011)

The Implementing Partner of the European NPM Project, the Association for the Prevention of Torture (APT) hold a two-day global forum on torture prevention, where members of the European NPM Network and the European NPM Project team participated.

After its first five years of operation the APT believed that it was opportune to conduct a review of the novel OPCAT system to prevent torture. In principle the system is quite straight forward: regular visits by national and international assigned experts to all places of detention with the aim of identifying the risks and other factors that can lead to torture and other ill-treatment and making recommendations to prevent further ill-treatment. In practice launching the system with its unique preventive and collaborative approach has proved quite challenging. During this evolution the APT has also had to adapt from being the organization behind the drafting and adoption of the OPCAT to be a provider of advice and support on the implementation of the OPCAT and in particular on the functioning of National Preventive Mechanisms. The APT believes that it made a lot of sense for those persons directly involved in the application of the OPCAT to share and learn from different experiences. The OPCAT Global Forum provided all interested parties with the unique opportunity to compare experiences, take notes on improving effectiveness and to consider ways of cooperating further in the interest of protecting better all detained persons from the horrors of torture and ill-treatment.

See for more details:

http://www.apr.ch/index.php?option=com_k2&view=item&id=1060&Itemid=270&lang=en