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THE HUMAN RIGHTS COOPERATION DIVISION  
**NATIONAL HUMAN RIGHTS STRUCTURES UNIT**



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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 NHRSSs who are kindly asked to dispatch it within their offices.

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

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

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

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

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

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

## A. Judgments

### 1. Judgments deemed of particular interest to NHRs

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

Some judgments are only available in French.

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

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

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

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

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

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

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

- **Grand Chamber judgments**

**[Palomo Sánchez and Others v. Spain](#) (link to the judgment in French) (nos. 28955/06, 28957/06, 28959/06 and 28964/06) (Importance 1) – 12 September 2011 – No violation of Article 10 (read in the light of Article 11) – No violation of trade unionists’ freedom of expression as a result of dismissing them for an offensive publication**

The case concerned the dismissal of a group of trade unionists after the union’s newsletter had published a cartoon and articles considered to be insulting to two other employees and a manager. The cover page of the newsletter displayed a caricature showing two employees of the company giving sexual favors to the director of human resources. Two articles, worded in vulgar language, criticized the fact that those two individuals had testified in favor of the company during domestic proceedings brought by the applicants. The newsletter was distributed among the workers and displayed on the notice board of the trade union on the company’s premises. On 3 June 2002, the applicants were dismissed for serious misconduct.

The applicants alleged that their dismissal, based on the content of the newsletter, had infringed their rights under Article 10, and that the real reason for their dismissal had been their trade-union activities, in violation of their right to freedom of assembly and association under Article 11.

The Court noted that in the applicants’ case the question of freedom of expression was closely related to that of freedom of association in a trade-union context. However, the complaint mainly concerned the applicants’ dismissal for having, as members of the executive committee of a trade union, published and displayed the articles in question. The Court thus found it appropriate to examine the facts under Article 10, interpreted in the light of Article 11.

The Court saw no reason to call into question the domestic courts’ findings that the content of the newsletter had been offensive and capable of harming the reputation of others. It underlined that a

clear distinction had to be made between criticism and insult and that the latter might, in principle, justify sanctions. As to whether the sanction imposed on the applicants, namely their dismissal, was proportionate to the degree of seriousness of the content in question, the Court noted that the cartoon and the articles had been published in the newsletter of the trade union workplace branch to which the applicants belonged, in the context of a dispute between them and the company. However, they included accusations which were aimed not directly at the company but against two other employees and the human resources manager. The Court reiterated in that connection that the extent of acceptable criticism was narrower as regards private individuals than as regards politicians or civil servants acting in the exercise of their duties.

The Court did not share the Spanish Government's view that the content of the articles in question did not concern any matter of general interest. They had been published in the context of a labour dispute inside the company to which the applicants had presented certain demands. The debate had therefore not been a purely private one; it had at least been a matter of general interest for the workers of the company. However, such a matter could not justify the use of offensive cartoons or expressions, even in the context of labour relations.

The Court agreed that in order to be fruitful, labour relations had to be based on mutual trust. While that requirement did not imply an absolute duty of loyalty towards the employer or a duty of discretion to the point of subjecting the worker to the employer's interests, certain manifestations of the right to freedom of expression that might be legitimate in other contexts were not legitimate in that of labour relations. An attack on the respectability of individuals by using grossly insulting or offensive expressions in the professional environment was, on account of its disruptive effects, a particularly serious form of misconduct capable of justifying severe sanctions.

In those circumstances, the Court found that the applicants' dismissal had not been a manifestly disproportionate or excessive sanction requiring the State to afford redress by annulling it or by replacing it with a more lenient measure. There had accordingly been no violation of Article 10, read in the light of Article 11.

Judges Tulkens, Björgvinsson, Jočienė, Popović and Vučinić expressed a joint dissenting opinion, which is annexed to the judgment.

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

**Oshurko v. Ukraine (no. 33108/05) (Importance 2) – 8 September 2011 – Three violations of Article 3 (substantive and procedural) – (i) Domestic authorities' failure to prevent acts of ill-treatment in detention – (ii) Lack of adequate and timely medical care – Lack of an effective investigation – Violation of Article 5 § 1 – Domestic authorities' failure to promptly release the applicant**

In January 2003 the applicant was arrested in the context of criminal proceedings and placed in a temporary detention centre. On the day of its arrival, he was beaten up during six hours by two of his cellmates. He screamed and called for help but no policemen intervene. He was released on probation the day after in the evening, and had to call a taxi to go to the hospital. As a result of the beating and the lack of adequate and timely medical care during his detention, he lost his eyesight. In 2004, the applicant was sentenced to seven years in prison. On 15 April 2005, a Court accepted his request for an early release but he had to wait a fortnight to be actually released.

Relying on Article 3 the applicant complained that the domestic authorities failed to protect him against ill-treatment, and alleged that the ensuing investigation by the authorities into his treatment was inadequate. Lastly, he alleged, among other things, that his detention between 15 and 29 April 2005 was unlawful for the purposes of Article 5 § 1 on account of the delay in releasing him.

#### Article 3

The Court noted that the applicant was seriously beaten by cellmates while under the control of the penitentiary administration. Moreover, the applicant was placed in a cell with notoriously dangerous inmates. The Court then concluded that the authorities failed in their positive obligation to protect the physical integrity of the applicant. Therefore, the Court ruled that the ill-treatment of the applicant was attributable to the state, and constituted a violation of Article 3.

The Court further concluded that the authorities failed to provide adequate assistance to the applicant. It considered that the domestic authorities did not respond adequately to the applicant's serious injuries and found accordingly that there has been a violation of Article 3 in that respect.

The Court then noted that the domestic authorities failed to conduct proper investigation as to the applicant's ill-treatment. In particular, the Court found that the policemen who refused to intervene while the applicant was beaten up were presented to a tribunal only five years after the facts ; that the procedure has been closed and reopened several time ; that the policemen, while found guilty of ill-treatment, were still free. Accordingly, the Court found that there had been a violation of Article 3 in its procedural aspect.

#### Article 5 § 1

The Court recalled that the time necessary to execute a judgment must be reduced to its minimum. It further noted that administrative formalities cannot exceed few hours. In consequence, the Court found that there had been a violation of Article 5 §1 of the Convention.

#### Just satisfaction (Article 41)

The Court held that Ukraine was to pay the applicant EUR 21,000 for pecuniary and non-pecuniary damages, and EUR 30 for costs and expenses.

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

#### **Schneider v. Germany (no. 17080/07) (Importance 3) – 15 September 2011 – Violation of Article 8 – Domestic courts' interference with the applicant's rights as a biological father**

Between May 2002 and September 2003, the applicant had a relationship with a married woman, and claims to be the biological father of her son born in March 2004, whose legal father is the mother's husband. The married couple acknowledges that the applicant might be their son's biological father, but claim that it could just as well be the mother's husband and prefer not to verify paternity in the interest of their family.

During the pregnancy, the applicant accompanied her to at least two medical consultations and acknowledged paternity of the child to be born before the Youth Office. Subsequent to the birth the applicant applied to the Fulda District Court, requesting access to his natural son twice a month and regular information about the boy's development. The court dismissed the request in October 2005, finding that the applicant did not fall within the group of people who had a right of access under the relevant provisions of the German Civil Code. In particular, the applicant had no right to contest the legal paternity of the mother's husband as there was a social and family relationship between the latter and the boy. The Frankfurt am Main Court of Appeal dismissed the applicant's appeal. The Federal Constitutional Court declined to consider his constitutional complaint (file no. 1 BvR 1337/06).

Relying in particular on Article 8, the applicant complained that the German courts refused to grant him access to the boy and information about his personal circumstances, and that the courts failed to investigate sufficiently the relevant facts concerning his relationship with his son, in particular his paternity and the question of whether access was in the child's best interest.

The Court found that the domestic courts' decisions to refuse the applicant contact with and information about the boy, whom he presumed to be his son, constituted an interference with his rights under Article 8. The question of whether the applicant had a right to access to and information about the boy, even if it fell short of family life, concerned an important part of his identity and thus his "private life" for the purpose of Article 8.

As to whether the interference with the applicant's rights had been justified, the Court first noted that the domestic courts' decisions had been in accordance with the relevant provisions of the German Civil Code. They had further been aimed at pursuing the best interest of a married couple and of the children who were born during their marriage and were living with them. However, the domestic courts had refused the applicant access to and information about the boy presumed to be his son without examining whether, in the particular circumstances of the case, granting him access and providing him with information would be in the child's best interest, or whether the applicant's interest had to be considered as overriding that of the legal parents. The Court underlined in particular that it was for the domestic courts, having the benefit of direct contact with all those concerned, to determine whether or not contacts between a biological father and his child were in the latter's best interest. Having regard to the great variety of family situations possibly concerned, a fair balancing of the rights of all persons involved necessitated an examination of the particular circumstances of the case. In the applicant's case, the domestic courts had failed to conduct such an examination. There had accordingly been a violation of Article 8.

#### Just satisfaction (Article 41)

The Court held that Germany was to pay the applicant EUR 5,000 in respect of non-pecuniary damage and EUR 10,000 in respect of costs and expense

## 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 08 Sep. 2011: [here](#)
- Press release by the Registrar concerning the Chamber judgments issued on 13 Sep. 2011: [here](#)
- Press release by the Registrar concerning the Chamber judgments issued on 15 Sep. 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>
Moldova	13 Sep. 2011	Dragostea Copiilor - Petrovschi - Nagornii (no. 25575/08) Imp. 3	Violation of Art. 6 § 1 ; Violation of Art. 1 of Prot. 1	Final judgment in the applicant's favour subsequently quashed in review proceedings.	<a href="#">Link</a>
Poland	13 Sep. 2011	Bystrowski (no. 15476/02) Imp. 3	No violation of Art. 5 § 3	Reasonable length of detention on remand (2 years, 7 months, 20 days), justified by the serious nature of the alleged offences and the strong suspicion that the applicant had committed them.	<a href="#">Link</a>
Poland	13 Sep. 2011	Wersel (no. 30358/04) Imp. 3	Violation of Art. 6 § 1 read in conjunction with Art. 6 § 3 (c)	Appeal court's refusal to grant the applicant legal assistance to prepare a cassation appeal infringed his right to defend himself and resulted in his irrevocably losing an opportunity to institute cassation proceeding.	<a href="#">Link</a>
Serbia	13 Sep. 2011	Živić (no. 37204/08) Imp. 3	Violation of Art. 6 § 1	Unfairness of proceedings (unjustified rejection of the applicant's claim while similar claims based upon similar facts were accepted).	<a href="#">Link</a>
Turkey	13 Sep. 2011	Ali Kiliç and Others (no. 13178/05) Imp. 3	Violation of Art. 1 of Protocol No. 1	Domestic authorities' failure to compensate the applicants after classification of their property within a forestry zone.	<a href="#">Link</a>
Turkey	13 Sep. 2011	Erkmen and Others (no. 6950/05) Imp. 3	Just satisfaction	Just satisfaction (EUR 150,000 for pecuniary damage ; EUR 3,000 for non-pecuniary damage) on respect of the <a href="#">judgment</a> of 16 May 2010.	<a href="#">Link</a>
Turkey	13 Sep. 2011	Feryadi Şahin (no. 33279/05) Imp. 3	Violation of Art. 1 of Prot. 1	Domestic authorities' failure to compensate the applicant after his title to property was annulled and his property re-registered in the name of the Public Treasury.	<a href="#">Link</a>
Turkey	13 Sep. 2011	Koper (no. 18538/05) Imp. 3	Violation of Art. 1 of Prot. 1 ; Violation of Art. 6 § 1	Domestic authorities' failure to compensate the applicant after he was deprived of his property.	<a href="#">Link</a>
Turkey	13 Sep. 2011	Malhas and Others (nos. 35476/06, 28530/06, 43192/06 and 43194/06) Imp. 3	Violation of Art. 1 of Prot. 1	Domestic authorities' failure to compensate the applicant after his title to property was annulled for the benefit of the Public Treasury.	<a href="#">Link</a>
Turkey	13	Mehmet Şerif	Violation of Art. 6 § 3	Domestic authorities' failure to allow	<a href="#">Link</a>

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



	Sep. 2011	Öner (no. 50356/08) Imp. 3	(c) in conjunction with Art. 6 § 1	the applicant to have access to a lawyer during his police custody.	
Turkey	13 Sep. 2011	Sarisoy (no. 19641/05) Imp. 3	Violation of Art. 1 of Prot. 1	Domestic authorities' failure to compensate the applicant after his property was transferred to the Public Treasury.	<a href="#">Link</a>
the United Kingdom	13 Sep. 2011	Ashendon and Jones (nos. 35730/07 and 4285/08) Imp. 2	No violation of Art. 6 § 2	Domestic courts did not violate Art. 6 § 2 by refusing defence costs to the applicant.	<a href="#">Link</a>
Ukraine	15 Sep. 2011	Izzetov (no. 23136/04) Imp. 2	Violation of Art. 3 Violation of Art. 5 §§ 1 (c) and 3 Violation of Art. 6 § 1	Overcrowding and inadequate sanitary facilities in pre-trial detention Excessive length (five years and three months) and unlawfulness of detention Excessive length of criminal proceedings (six years and seven months at two levels of jurisdiction).	<a href="#">Link</a>
Ukraine	15 Sep. 2011	Kachurka (no. 4737/06) Imp. 3	Violation of Art. 2	Lack of an effective investigation into the death of the applicants' son	<a href="#">Link</a>
Ukraine	15 Sep. 2011	Paskal (no. 24652/04) Imp. 2	Violation of Art. 5 §§ 1 and 3 Two violations of Art. 6 § 1	Unlawfulness and excessive length of pre-trial detention (five years and four and a half months). Excessive length and unfairness of proceedings (six years and eight months at two levels of jurisdiction).	<a href="#">Link</a>

### 3. Repetitive cases

No judgment published by the Court during the period under observation.

### 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>
Ireland	08 Sep. 2011	Superwoods Holdings PLC and Others (no. 7812/04)	<a href="#">Link</a>

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

Those decisions are published with a slight delay of two to three weeks on the Court's Website. Therefore the decisions listed below cover **the period from 29 August to 11 September 2011.**

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

<b><u>State</u></b>	<b><u>Date</u></b>	<b><u>Case Title</u></b>	<b><u>Alleged violations (Key Words)</u></b>	<b><u>Decision</u></b>
Austria	30 Aug. 2011	Bilasi-Ashri (no 40902/05) <a href="#">link</a>	Alleged violation of Art. 3 (risk of being subjected to ill-treatment if expelled to Egypt), Art. 6 and Art. 2 of Prot. 7 (risk of unfair trial if expelled), Articles 8, 9 and 10	Struck out of the list (the applicant no longer wished to pursue his application)
Bulgaria	30 Aug. 2011	Neshkov (no 26863/08) <a href="#">link</a>	Alleged violation of Articles 3 and 13	Struck out of the list (friendly settlement reached)
Bulgaria	30 Aug. 2011	Tavityan (no 24361/06) <a href="#">link</a>	Alleged violation of Art. 6 § 1 (excessive length of proceedings) and Art. 13 (lack of an effective remedy)	Idem.
Bulgaria	30 Aug. 2011	Heros Nord OOD (no 20405/06) <a href="#">link</a>	Alleged violation of Art. 6 § 1 and Art. 1 of Prot. 1 (excessive length of proceedings) and Art. 13 (lack of an effective remedy)	Idem.
Bulgaria	30 Aug. 2011	Nenkov (no 2671/06) <a href="#">link</a>	Alleged violation of Art. 6 § 1 (excessive length of criminal proceedings)	Idem.
Georgia	06 Sept. 2011	Kurkhuli (no 65103/10) <a href="#">link</a>	Alleged violation of Art. 3 (lack of adequate treatment for the applicant's viral hepatitis B and C in prison)	Struck out of the list (the applicant no longer wished to pursue his application)
Georgia	06 Sept. 2011	Poklonov (no 63856/10) <a href="#">link</a>	Application concerning a deportation to Kazakhstan	Struck out of the list (the matter has been resolved at domestic level)
Hungary	30 Aug. 2011	Futura Plusz KFT (no 39864/08) <a href="#">link</a>	Alleged violation of Art. Art. 6 § 1 (excessive length of civil proceedings)	Struck out of the list (friendly settlement reached)
Italy	30 Aug. 2011	Nardozza and Tempone (no 29315/09 ; 64679/09) <a href="#">link</a>	Alleged violation of Art. 6 § 1, Art. 13 and Art. 1 of Prot. 1 (non-enforcement of a judgment in the applicant's favour)	Idem.
Moldova	06 Sept. 2011	Tricolici (no 26810/08) <a href="#">link</a>	Alleged violation of Art. 6 § 1 and Art. 1 of Prot. 1 (non-enforcement of a judgment in the applicant's favour)	Idem.
Moldova	06 Sept. 2011	Carnex S.R.L. (no 36087/07) <a href="#">link</a>	Alleged violation of Art. 6 § 1 (excessive length of proceedings)	Struck out of list (unilateral declaration of Government)
Moldova	06 Sept. 2011	Ghetan (no 7170/07) <a href="#">link</a>	Alleged violation of Art. 5 § 3 (excessive length of pre-trial detention)	Struck out of the list (friendly settlement reached)
Moldova	06 Sept. 2011	Savcenko (no 16999/07) <a href="#">link</a>	Alleged violation of Art. 6 § 1 and Art. 1 of Prot. 1 (unfairness, excessive length and outcome of proceedings)	Partly struck out of list (friendly settlement reached concerning excessive length of proceedings) and partly inadmissible as manifestly ill-founded (concerning the remainder of the application)
Poland	30 Aug. 2011	Stellmacher (no 15759/09) <a href="#">link</a>	Alleged violation of Art. Art. 3 (poor conditions of detention in Bydgoszcz Remand Centre)	Struck out of the list (friendly settlement reached)
Poland	30 Aug. 2011	Wysocki (no 64379/09) <a href="#">link</a>	Alleged violation of Art. Art. 3 (poor conditions of detention in Kamińsk Prison)	Idem.
Poland	30 Aug. 2011	Karpinski (no 47970/09) <a href="#">link</a>	Alleged violation of Art. Art. 3 (poor conditions of detention in Wołów Prison)	Idem.
Poland	06 Sept. 2011	Henryk Garlicki (no 41267/07) <a href="#">link</a>	Alleged violation of Art. 1 of Prot. 1 (seizure orders made by the Warsaw Regional Prosecutor)	Idem.
Poland	06 Sept. 2011	Głinski (no 21062/05) <a href="#">link</a>	Alleged violation of Art. 6 § 1 (unfairness of proceedings), Art. 6 § 2 (violation of the applicant's presumption of innocence), and Art. 6 § 3 (a), (c) and (d) (the applicant had not been informed of the charges against him, he had had no	Inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention and no respect of six months requirement)

			possibility of appointing a lawyer and he had not been heard in the proceedings against him)	
Poland	06 Sept. 2011	Rdzanek (no 41283/08) <a href="#">link</a>	Alleged violation of Art. 5 § 3 (excessive length of detention) and Art. 8 (restrictions on family visit)	Struck out of the list (friendly settlement reached)
Poland	30 Aug. 2011	Bakowski (no 351/10) <a href="#">link</a>	Alleged violation of Art. Art. 3 (poor conditions of detention in Białystok Remand Centre)	Idem.
Poland	30 Aug. 2011	Podlewski (no 66295/09) <a href="#">link</a>	Alleged violation of Art. Art. 3 (poor conditions of detention in Jelenia Góra Remand Centre)	Idem.
Poland	30 Aug. 2011	Tuchulka (no 66083/09) <a href="#">link</a>	Alleged violation of Art. Art. 3 (poor conditions of detention in Czarne Prison)	Idem.
Poland	30 Aug. 2011	Misiak (no 7776/09) <a href="#">link</a>	Alleged violation of Art. Art. 3 (poor conditions of detention in Wronki Prison)	Idem.
Poland	30 Aug. 2011	Maciejewski (no 9012/09) <a href="#">link</a>	Alleged violation of Art. Art. 3 (poor conditions of detention in Brezeg Prison)	Idem.
Poland	30 Aug. 2011	Krawczyk (no 36295/09) <a href="#">link</a>	Alleged violation of Art. Art. 3 (poor conditions of detention in Wrocław Prison)	Idem.
Poland	30 Aug. 2011	Seklecki (no 21610/09) <a href="#">link</a>	Idem.	Idem.
Poland	06 Sept. 2011	Jucaitis (no 16346/09) <a href="#">link</a>	Alleged violation of Art. Art. 6 § 1 (excessive length of civil proceedings)	Idem.
Poland	06 Sept. 2011	Majka (no 48816/07) <a href="#">link</a>	Alleged violation of Art. Art. 3 (poor conditions of detention)	Idem.
Poland	06 Sept. 2011	Bak (no 28262/09) <a href="#">link</a>	Alleged violation of Art. 5 § 3 (excessive length of detention)	Struck out of the list (it is no longer justified to continue examination of the application)
Poland	06 Sept. 2011	Biesiada (no 38725/09) <a href="#">link</a>	Alleged violation of Art. Art. 3 (poor conditions of detention)	Struck out of the list (friendly settlement reached)
Poland	06 Sept. 2011	Grzegorzczuk (no 59223/09) <a href="#">link</a>	Idem.	Idem.
Poland	06 Sept. 2011	Wenerski (no 56871/09) <a href="#">link</a>	Alleged violation of Art. 8 (penitentiary authorities' failure to ensure the attendance of the applicant to his wife's funeral)	Idem.
Poland	06 Sept. 2011	Benke (no 54853/09) <a href="#">link</a>	Alleged violation of Art. Art. 3 (poor conditions of detention)	Idem.
Poland	06 Sept. 2011	Hapka (no 4160/10) <a href="#">link</a>	Alleged violation of Art. Art. 6 (excessive length of civil proceedings)	Idem.
Poland	06 Sept. 2011	Grudzinski (no 17849/10) <a href="#">link</a>	Alleged violation of Art. Art. 3 (poor conditions of detention)	Idem.
Poland	06 Sept. 2011	Malinowski (no 73506/10) <a href="#">link</a>	Alleged violation of Art. Art. 6 (excessive length of criminal proceedings)	Idem.
Poland	06 Sept. 2011	Wieczorek (no 54956/10) <a href="#">link</a>	Alleged violation of Art. 5 § 3 (excessive length of detention)	Idem.
Poland	06 Sept. 2011	Laska (no 42446/06) <a href="#">link</a>	Alleged violation of Art. 6 (unfairness of proceedings)	Struck out of list (unilateral declaration of Government)
Poland	06 Sept. 2011	Malkowski (no 26017/09) <a href="#">link</a>	Alleged violation of Art. 3 (lack of an adequate medical care in detention) and Art. 5 § 3 (excessive length of detention)	Struck out of the list (friendly settlement reached)
Poland	06 Sept. 2011	Kolinski (no 8148/10) <a href="#">link</a>	Alleged violation of Art. Art. 6 (excessive length of criminal proceedings)	Idem.

Poland	30 Aug. 2011	Bogucki (no 16188/09) <a href="#">link</a>	Alleged violation of Art. Art. 6 (excessive length of administrative proceedings)	Idem.
Poland	30 Aug. 2011	Wysocki (no 32337/09) <a href="#">link</a>	Alleged violation of Art. 5 § 3 (excessive length of detention) and Art. 6 (unfairness of proceedings)	Idem.
Romania	06 Sept. 2011	Trifan (no 14366/05) <a href="#">link</a>	Alleged violation of Art. 6 § 1 and 1 of Prot. 1 in conjunction with Art. 14 (the applicant refused to be recognized as politically persecuted on account of his religion and to subsequently to be awarded the benefits granted by Law-Decree No. 118 of 1990)	Struck out of the list (the applicant no longer wished to pursue his application)
Romania	06 Sept. 2011	Suciu (no 11365/05) <a href="#">link</a>	Idem.	Idem.
Romania	06 Sept. 2011	Zelca and Others (no 65161/10) <a href="#">link</a>	Alleged violation of Art. 6 (unfairness of proceedings), Art. 14 (different treatment than other similar cases) and Art. 1 of Prot. 1 (the applicants wrongfully deprived of their right to the allowances)	Inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention ad incompatible <i>ratione materiae</i> )
Romania	06 Sept. 2011	Laubert (no 41774/05) <a href="#">link</a>	Alleged violation of Art. 3 (poor conditions of detention), Articles 5 and 6	Struck out of the list (the applicant no longer wished to pursue his application)
Russia	30 Aug. 2011	Ladygin (no 35365/05) <a href="#">link</a>	Alleged violation of Articles 6, 13 and 14 (the domestic courts' refusal to examine the applicants claim against the usher on the merits)	Inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention)
Russia	30 Aug. 2011	Rogozin (no 24649/06) <a href="#">link</a>	Alleged violation of Art. 3 (poor conditions of detention), Art. 5 (unlawfulness and excessive length of detention), Art. 6 (excessive length and unfairness of proceedings)	Struck out of the list (the applicant no longer wished to pursue his application)
Slovakia	06 Sept. 2011	Biro (no 4648/10) <a href="#">link</a>	Alleged violation of Art. 6 § 1 (excessive length of proceedings), Articles 13 and 14 of the Convention, Article 3 of Protocol No. 7 and Article 1 of Protocol No. 12	Struck out of the list (it is no longer justified to continue examination of the application)
Slovenia	30 Aug. 2011	Cestnik and Others (no 45890/06; 17965/07 etc.) <a href="#">link</a>	Alleged violation of Art. 6 § 1 (excessive length of proceedings), Art. 13 (lack of an effective remedy)	Struck out of the list (friendly settlement reached)
Slovenia	30 Aug. 2011	Sobota (no 36597/06) <a href="#">link</a>	Idem.	Inadmissible (for non-exhaustion of domestic remedies)
Slovenia	30 Aug. 2011	Marinkovic and Demsar (no 44765/06 ; 3199/07) <a href="#">link</a>	Idem.	Struck out of the list (friendly settlement reached)
Slovenia	30 Aug. 2011	Vajdic and Skubic (no 28748/06 ; 4633/07) <a href="#">link</a>	Idem.	Idem.
Slovenia	30 Aug. 2011	Petkovic and Others (no 18656/06 ; 2636/07) <a href="#">link</a>	Alleged violation of Art. 6 § 1 (excessive length of proceedings), Art. 13 (lack of an effective remedy), Art. 6 and Art. 1 of Prot. 1	Partly struck out of list (friendly settlement reached concerning excessive length of proceedings and lack of an effective remedy) and partly inadmissible as manifestly ill-founded (concerning the remainder of the application)
Slovenia	30 Aug. 2011	Cigale and Vah (no 8644/05 ; 4911/07) <a href="#">link</a>	Alleged violation of Art. 6 § 1 (excessive length of proceedings), Art. 13 (lack of an effective remedy)	Struck out of the list (friendly settlement reached)
Slovenia	30	Sobocan and	Alleged violation of Art. 6 § 1	Struck out of the list (friendly

	Aug. 2011	Others (no 29944/05; 18057/06 etc.) <a href="#">link</a>	(excessive length of proceedings), Art. 13 (lack of an effective remedy)	settlement reached)
the Czech Republic	30 Aug. 2011	Ferencikova (no 21826/10) <a href="#">link</a>	Alleged violation of Articles 3, 8, 12, 13 and 14 and Art. 1 of Prot. 1 (the applicant's involuntary sterilization in a public hospital in the course of her second delivery)	Idem.
the Czech Republic	06 Sept. 2011	Hrebchenko (no 39712/06) <a href="#">link</a>	Alleged violation of Articles 6, 7 and 13 (unfairness of criminal proceedings)	Struck out of the list (the applicant no longer wished to pursue his application)
the Czech Republic	06 Sept. 2011	Muller (no 48058/09) <a href="#">link</a>	Alleged violation of Art. 7 (the Czech courts failed to convert the applicant's sentence to that provided for under Czech law and that his penal position was aggravated by their decision)	Inadmissible (incompatible <i>ratione materiae</i> )
the United Kingdom	30 Aug. 2011	G. (no 37334/08) <a href="#">link</a>	Alleged violation of Art. 6 §§ 1 and 2 (violation of the applicant's presumption of innocence)	Inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention)
the United Kingdom	30 Aug. 2011	Ameh and Others (no 4539/11) <a href="#">link</a>	Alleged violation of Art. 3 (risk of being unable to access suitable treatment in respect of the applicant's sickness),	Idem.
the United Kingdom	30 Aug. 2011	M.W. (no 39622/09) <a href="#">link</a>	Alleged violation of Articles 6, 8, 12, 13 and 14 (domestic courts' dismissal of the applicant's claim for tortious deceit against his ex-wife, who had only disclosed to him that he was not the biological father of their eldest child when the child was sixteen years old)	Struck out of the list (friendly settlement reached)
the United Kingdom	06 Sept. 2011	Wilkes (no 56387/07) <a href="#">link</a>	Alleged violation of Art. 8 (unfairness of possession proceedings), Art. 6 (lack of access to a court)	Idem.
the United Kingdom	06 Sept. 2011	Birch and Others (no 26393/10) <a href="#">link</a>	Alleged violation of Art. 8 (unfairness of possession proceedings)	Idem.
the United Kingdom	06 Sept. 2011	Malla (no 19159/08) <a href="#">link</a>	The applicant complained about her removal to Cameroon which separated her from her daughter.	Idem.
Turkey	30 Aug. 2011	Iskender Bayhan (no 8361/07) <a href="#">link</a>	Alleged violation of Art. 6 § 1 (excessive length of criminal proceedings)	Idem.
Turkey	30 Aug. 2011	Oktem and Others (no 19501/07) <a href="#">link</a>	Alleged violation of Art. 6 § 1 (excessive length of criminal proceedings)	Idem.
Turkey	30 Aug. 2011	Aslan (no 1331/08) <a href="#">link</a>	Alleged violation of Art. 6 § 1 (excessive length of criminal proceedings)	Idem.
Turkey	30 Aug. 2011	Kilic (no 8343/08) <a href="#">link</a>	The applicant complained about the excessive length of criminal proceedings	Idem.
Turkey	30 Aug. 2011	Sinan Kaya AND Others (no 23776/08) <a href="#">link</a>	Idem.	Idem.
Turkey	30 Aug. 2011	Evrin Akgoz (no 38927/09) <a href="#">link</a>	Excessive length of criminal proceedings.	Idem.
Ukraine	30 Aug. 2011	Shevchenko (no 44314/07) <a href="#">link</a>	Alleged violation of Art. 6 § 1 (excessive length of civil proceedings), and Articles 13 and 1 of Prot. 1	Idem.
Ukraine	30	Olynets (no	The applicant complained about the	Idem.

	Aug. 2011	22409/06) <a href="#">link</a>	excessive length of civil proceedings	
Ukraine	30 Aug. 2011	Velikoselskiy (no 47391/08) <a href="#">link</a>	The applicant complained about the excessive length of criminal proceedings	Idem.
Ukraine	30 Aug. 2011	Melikhova (no 20664/09) <a href="#">link</a>	The applicant complained about the excessive length of criminal proceedings	Idem.

### 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 12 September 2011: [link](#)
- on 19 September 2011: [link](#)

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

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

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

#### Communicated cases published on 12 September 2011 on the Court's Website and selected by the NHRS Unit

*The batch of 12 September 2011 concerns the following States (some cases are however not selected in the table below): Belgium, Bulgaria, France, Italy, Malta, Poland, Portugal, Russia, Serbia, the Czech Republic, the United Kingdom, Turkey and Ukraine.*

<b>State</b>	<b>Date of Decision to Communicate</b>	<b>Case Title</b>	<b>Key Words of questions submitted to the parties</b>
Italy	25 Aug. 2011	Lombardo no 25704/11	Alleged violation of Art. 8 – Deprivation of the applicant's right to visit his daughter
Italy	25 Aug. 2011	Santilli no 51930/10	Alleged violation of Art. 8 – Infringement of the right to visit – Alleged violation of Art. 13 – Lack of an effective remedy – Alleged violation of Art. 14 – Discrimination on grounds of sex
Russia	24 Aug. 2011	Channel Energy (Poti) Limited and 185 other applications no. 7277/09	Alleged violations of Articles 2, 3, 5, 8, 13 and 14, Art. 1 of Prot. 1 and Art. 2 of Prot. 4 – Killings, damage to health and/or to the applicants' property as a result of the Russian armed forces' intervention at the beginning of August 2008



the Czech Republic	25 Aug. 2011	Stepankiv no 55488/08	Alleged violation of Art. 3 – Domestic authorities' refusal to provide the applicant with an antiretroviral therapy on account of his lack of health care.
the United Kingdom	22 Aug. 2011	Ali no 18815/11	Alleged violation of Art. 3 – Risk of being subjected to ill-treatment if expelled to Pakistan
Turkey	25 Aug. 2011	Firat no 34010/06	Alleged violation of Art. 3 – Ill-treatment by police officer – Alleged violation of Art. 5 § 1 – Unlawful detention – Alleged violation of Art. 11 – Unjustified interference with the applicant's right to freedom of association

**Communicated cases published on 19 September 2011 on the Court's Website and selected by the NHRS Unit**

*The batch of 19 September 2011 concerns the following States (some cases are however not selected in the table below): Azerbaijan, France, Germany, Greece, Italy, Latvia, Moldova, Norway, Poland, Romania, Russia, Spain, Switzerland, "the former Yugoslav Republic of Macedonia", the United Kingdom and Turkey.*

<b>State</b>	<b>Date of Decision to Communicate</b>	<b>Case Title</b>	<b>Key Words of questions submitted to the parties</b>
Azerbaijan	31 Aug. 2011	Aslanov no 35402/07	Alleged violations of Art. 2 – Lack of an adequate medical care in detention, increasing the risk of the applicant's premature death – Lack of an effective investigation – Alleged violation of Art. 3 – Ill-treatment in detention - Alleged violation of Art. 13 – Lack of an effective remedy in respect of Articles 2 and 3 – Alleged violation of Art. 5 §§ 1 and 3 – Unlawfulness of detention and the applicant unable to challenge the lawfulness of his detention
Azerbaijan	31 Aug. 2011	Hasanov no 46505/08	Alleged violations of Art. 3 – Ill-treatment by the police officers and lack of an effective investigation in that respect
France	02 Sept. 2011	I.I. no 55321/11	Alleged violation of Art. 3 – Risk of being subjected to ill-treatment if expelled to the Russian Federation
France	02 Sept. 2011	A.A. no 55162/11	Alleged violation of Art. 3 – Risk of being subjected to ill-treatment if expelled to Sudan
France	29 Aug. 2011	F.T. no 73525/10	Alleged violation of Art. 3 – Risk of being subjected to ill-treatment if expelled to Bangladesh
France	29 Aug. 2011	K.K. no 18913/11	Alleged violation of Art. 3 – Risk of being subjected to ill-treatment if expelled to Iran – Alleged violation of Art. 13 – Lack of an effective remedy
France	29 Aug. 2011	M.M. no 15935/11	Alleged violation of Art. 3 – Risk of being subjected to ill-treatment if expelled to Afghanistan – Alleged violation of Art. 13 – Lack of an effective remedy
France	29 Aug. 2011	Mi.L. no 23473/11	Alleged violation of Art. 3 – Risk of being subjected to ill-treatment if expelled to Cameroon
France	29 Aug. 2011	T.N. no 14658/11	Alleged violation of Art. 3 – Risk of being subjected to ill-treatment if expelled to Sri Lanka – Alleged violation of Art. 13 – Lack of an effective remedy
Poland	01 Sept. 2011	Zimny no 41198/10	Alleged violation of Art. 3 – Domestic authorities' refusal to provide the applicant with food conforming to the requirements of his religion
Romania	29 Aug. 2011	Moldovan no 30248/08	Alleged violation of Art. 2 of Prot. 1 – Domestic authorities' refusal to register the applicant to educational programs in prison
Turkey	31 Aug. 2011	Asalya no 43875/09	Alleged violation of Art. 3 – Ill-treatment during the applicant's detention at the Kumkapı Foreigners' Admission and Accommodation Centre – Alleged violation of Art. 8 – Infringement of the right to family due to the removal from Turkey – Alleged violation of Art. 13 – Lack of an effective remedy – Alleged violation of Art. 5 § 1 – Unlawfulness of the detention at the Kumkapı Foreigners' Admission and Accommodation Centre – Alleged violation of Art. 5 § 4 – Deprivation of the applicant's right to challenge the lawfulness of his detention – Alleged violation of Art. 5 § 5 – Lack of an adequate compensation in respect of unlawful detention
<b>Communicated cases concerning Chechnya (and Ingushetia)</b>			
Russia	31 Aug. 2011	Pitsayeva and 28 other applications no 53036/08	Alleged violation of Article 2 – Disappearance of the applicants' son – Alleged violation of Article 2 – Inadequate investigation into the disappearance – Alleged violation of Article 3 – Moral suffering of the applicant – Alleged violation of Article 5 – Unacknowledged detention – Alleged violation of Article 13 – Lack of an effective remedy

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

### **Elections at the Court (13.09.2011)**

The Court has elected Josep Casadevall (Andorra) as Vice-President. It has also elected Lech Garlicki (Poland) as a Section President. [Press Release](#)

### **Grand Chamber hearings concerning kettling (14.09.2011)**

The Court held a Grand Chamber hearing on 14 September 2011 in the case of [Austin and Others v. the United Kingdom](#) (Applications nos. 39692/09, 40713/09 and 41008/09). The case concerns a complaint by a demonstrator and some passers-by that they were held within a police cordon for almost seven hours during a protest against globalization in London. [Press Release](#).



## 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.

<sup>\*</sup> 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](http://www.echr.coe.int/NR/ronlyres/AA56DA0F-DEE5-4FB6-BDD3-A5B34123FFAE/0/2010_Priority_policy_Public_communication.pdf)

<sup>†</sup> 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](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](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 present 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 even 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](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

See the last decision of the Committee of Ministers regarding Just Satisfaction :

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

- **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/e/human%5Frights/execution/03%5FCases/>

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

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

[http://www.coe.int/t/dghl/monitoring/execution/Documents/Doc\\_ref\\_en.asp](http://www.coe.int/t/dghl/monitoring/execution/Documents/Doc_ref_en.asp)

## **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: The work of other Council of Europe monitoring mechanisms**

### **A. European Social Charter (ESC)**

#### **Seminar on the European Social Charter in Moscow (13.09.2011)**

In order to provide assistance in the drafting of the first and second reports of the Russian Federation under the Revised European Social Charter and to provide training of government officials in the legal requirements of the Revised Charter, a seminar was held in Moscow on 20 September 2011. ([more information](#))

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

#### **CPT held talk in Russia (05.09.2011)**

CPT held talks on 5 September 2011 in Russia with the federal authorities. The discussions were focused on the findings made by the CPT during its [April-May 2011 visit to the North Caucasian region](#), in particular concerning the activities of law enforcement agencies and investigations into possible ill-treatment by members of those agencies ([more information](#)).

### **C. European Committee against Racism and Intolerance (ECRI)**

#### **New ECRI report on Lithuania (13.09.2011)**

ECRI published on 13 September 2011 its fourth report on Lithuania. ECRI's Chair, Nils Muiznieks, said that, while there are positive developments, some issues of concern remain, such as the continuing absence of a law on national minorities and the situation of the Roma ([read the report](#)).

#### **ECRI to prepare report on Sweden (15.09.2011)**

A delegation of ECRI visited Sweden from 5 to 9 September 2011 as the first step in the preparation of a monitoring report. During its visit, ECRI's delegation gathered information on the implementation of the recommendations it made to the authorities in its previous report in 2005 and discussed new issues that have emerged since ([more informations](#))

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

#### **Albania : visit of the Advisory Committee on the FCNM (05.09.2011)**

A delegation of the Advisory Committee on the FCNM visited Tirana and Pogradec from 5 - 8 September 2011 in the context of the monitoring of the implementation of this convention in Albania. This is the third visit of the Advisory Committee to Albania. The Delegation had meetings with the representatives of all relevant ministries, public officials, the Ombudsman, NGOs, as well as national minority organisations ([more informations](#))

#### **Russian Federation: the Advisory Committee on the FCNM visits the Russian Federation (13.09.2011)**

A delegation of the FCNM conducted a monitoring visit to the Russian Federation from 12 to 16 September 2011 in order to gain updated information on the situation of persons belonging to national minorities in the country ([more informations](#)).

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**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)**

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

**GRETA published report on Cyprus (12.09.2011)**

In its report, GRETA takes stock of the measures taken by Cyprus to implement the Council of Europe Convention on Action against Trafficking in Human Beings and makes proposals concerning the way in which the Cypriot authorities may deal with the problems identified. The adoption of a comprehensive anti-trafficking law and the abolition of the so-called “artiste visas”, which favoured trafficking of women for the purpose of sexual exploitation, are amongst the important steps taken by the Cypriot authorities to prevent and combat trafficking in human beings. However, there has not been a single conviction for the criminal offence of trafficking in human beings and no victims have received compensation. In its report, GRETA stresses the need to take specific measures to discourage demand for the services of trafficked persons, to provide adequate assistance to all victims of trafficking and to address the lack of convictions for the crime of trafficking in human beings ([read the report](#)).

**GRETA published report on Austria (15.09.2011)**

In its report, GRETA notes the significant measures taken by the Austrian authorities to combat trafficking in human beings. These measures have included the setting up of a co-ordinating body to combat trafficking in human beings and efforts to raise public awareness and train professionals. Moreover, special procedures to prevent trafficking for the purpose of domestic servitude in diplomatic households have been introduced. However, GRETA considers that the Austrian authorities should pay more attention to certain categories of victims of trafficking ([read the report](#)).

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



## Part IV: The inter-governmental work

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

#### 6 September 2011

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

#### 7 September 2011

**Bosnia and Herzegovina** signed and ratified the Additional Protocol to the Criminal Law Convention on Corruption ([ETS No. 191](#)).

#### 8 September 2011

**Slovenia** signed the Council of Europe Convention on preventing and combating violence against women and domestic violence ([CETS No. 210](#)).

**Cyprus** signed the European Outline Convention on Trans-frontier Co-operation between Territorial Communities or Authorities ([ETS No. 106](#)) ; the Additional Protocol to the European Outline Convention on Trans-frontier Co-operation between Territorial Communities or Authorities ([ETS No. 159](#)) ; Protocol No. 2 to the European Outline Convention on Trans-frontier Co-operation between Territorial Communities or Authorities concerning inter-territorial co-operation ([ETS No. 169](#)) ; Protocol No. 3 to the European Outline Convention on Trans-frontier Co-operation between Territorial Communities or Authorities concerning Euro-regional Co-operation Groupings (ECGs) ([CETS No. 206](#)), and the Third Additional Protocol to the European Convention on Extradition ([CETS No. 209](#)).

#### 9 September 2011

**Luxembourg** ratified the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse ([CETS No. 201](#)).

#### 14 September 2011

**Ukraine** ratified the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters ([ETS No. 182](#)).

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

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

#### Council of Europe paid tribute to victims of September 11 terrorist attacks (07.09.2011)

Chairman of the Committee of Ministers Kostyantyn Gryshchenko, President of the Parliamentary Assembly Mevlüt Çavuşoğlu and Secretary General Thorbjørn Jagland published today a joint statement in memory of the victims of the September 11 attack. "This tragic date of mourning should serve as a reminder that terrorism has no ideology, no nationality and no religion. Terrorism in all its forms is a violation of the most fundamental human right: the right to life. Regardless of where, by



whom and against whom terrorist offences are perpetrated, these crimes affect us all and target humanity as a whole."

#### **Enter! Youth Meeting (14.09.2011)**

On 14 September, the Chairman of the Committee of Ministers Kostyantyn Gryshchenko welcomed the participants of the "Enter! Youth Meeting". The three-day meeting gathered some 180 young people, youth workers, youth researchers, policy makers and representatives of the project partners with the aim to provide them with the opportunity and the space to voice their opinions, and share their experiences about access to social rights in Europe as a contribution to the development of youth policies in the Council of Europe.

#### **Ukrainian Foreign Minister to meet with Congress President in Kyiv (15.09.2011)**

In the framework of the Ukrainian Chairmanship of the Council of Europe, Ukrainian Foreign Minister Kostyantyn Gryshchenko, Chairman of the Committee of Ministers, will exchange views with Congress President Keith Whitmore in Kyiv (Ukraine) on 16 September 2011 ([read more](#))

#### **Council of Europe launches Action Plan for Ukraine 2011-2014 (16.09.2011)**

The Council of Europe launched a three-year action plan on 16 September in Kyiv to support Ukraine's European agenda for reform in the areas of human rights, the rule of law and democracy. The Council of Europe Secretary General, Thorbjørn Jagland, and the Minister for Foreign Affairs of Ukraine, Kostyantyn Gryshchenko, opened the launch conference. "The positive results of ambitious reforms will ultimately benefit the citizens of Ukraine, the country's institutions, and the society as a whole," they said ahead of the launch ([read more](#)).

## Part V: The parliamentary work

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

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

#### ➤ *Countries*

#### **PACE inquiry into responsibility for loss of life in the Mediterranean Sea: visit to Italy (07.09.2011)**

Tineke Strik (Netherlands, SOC), the rapporteur of PACE carrying out an inquiry into responsibility for loss of life in the Mediterranean Sea, in particular the death of "boat people" fleeing Libya, made a fact-finding visit to Rome on 6 and 7 September 2011. During her visit the rapporteur looked in particular into the way boats are intercepted – or not intercepted – by national coastguard forces, or by military vessels under either NATO or national command.

#### **Armenia: PACE's Monitoring Committee welcomes a constructive attitude and calls for further democratic development (08.09.2011)**

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", said the Monitoring Committee of PACE. In a draft resolution, based on a report by Axel Fischer (Germany, EPP/CD) and John Prescott (United Kingdom, SOC), the committee welcomed the political will demonstrated by "the authorities and indeed all political forces to resolve this issue in line with Council of Europe standards and recommendations". According to the committee, the 2008 events and their aftermath have set clear priorities for the democratic development of the country.

#### **Pre-natal sex selection has reached 'worrying proportions' in Albania, Armenia, Azerbaijan and Georgia (09.09.2011)**

On 9 September 2011, PACE warned that pre-natal sex selection has reached "worrying proportions" in several Council of Europe member states, in particular Albania, Armenia and Azerbaijan where the ratio is 112 boys for 100 girls, and in Georgia where the ratio is 111 boys for 100 girls. In adopting a draft resolution based on the report by Doris Stump (Switzerland, SOC), the Committee called on these four countries to "investigate the causes and reasons behind skewed sex ratios at birth" and to step up their efforts to "raise the status of women in society"

#### **Joint statement on threats to media freedom in Ukraine (12.09.2011)**

Mats Johansson, the Standing Rapporteur for Media Freedom of PACE's Committee on Culture, Science and Education, and Arne König, President of the European Federation of Journalists, who are both attending a PACE hearing in Stockholm on the state of media freedom in Europe, have released a joint statement on threats to media freedom in Ukraine ([read the statement](#)).

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

### **North Caucasus: adequate housing, the main outstanding issue facing IDPs (13.09.2011)**

Internal displacement and its consequences, including housing issues, should be systematically included in the monitoring activities of the relevant bodies of the Council of Europe, experts participating in an exchange of views on the situation of IDPs and returnees in the North Caucasus, organised by the Committee on Migration, Refugees and Population in Paris on 13 September, agreed.

### **Albania: all political parties should now focus on adopting the reforms the country needs, PACE co-rapporteurs say (14.09.2011)**

"We welcome the return of the opposition to the parliament. It is now very important that all political parties constructively work in the legislative process and adopt the reforms that are needed for Albania, including for it to start the accession negotiations with the EU", the co-rapporteurs of the Council of PACE Monitoring Committee for Albania said in an information note made public on 14 September 2011.

### **Tunisia: statement by the PACE pre-electoral delegation (16.09.2011)**

A delegation from PACE has made a pre-electoral visit to Tunis to evaluate the electoral campaign prior to elections to Tunisia's National Constituent Assembly on 23 October 2011. The pre-electoral delegation notes with satisfaction that the Tunisian authorities have swiftly devised a legal framework for organising pluralist elections and, in this respect, it encourages them to step up cooperation with the Council of Europe's Venice Commission. The effective and transparent functioning of electoral administration is a decisive factor in guaranteeing the democratic nature of the entire electoral process and strengthening the confidence of political players and citizens in the elections

## **➤ Themes**

### **PACE President says 'Partner for Democracy' status for Palestinian National Council a logical development (06.09.2011)**

In a speech before the Political Affairs Committee, meeting on September 6th in Caserta, Italy, the President of PACE has underlined that the request for "Partner for Democracy" status with the Assembly, submitted by the Palestinian National Council, came as "a logical development" as the Assembly had been co-operating closely with Palestinian representatives for a number of years. With regard to Morocco, he underlined that developments there prove that the new status was a powerful tool to engage with neighbors of the Council of Europe who are ready to subscribe to its standards and values. He also recalled that he had been actively promoting the Partnership status during his recent visits to Kazakhstan and Kirghizstan. With regard to Egypt a visit to explore possibilities for co-operation could be scheduled after the elections. Referring to the Arab Spring, the PACE President stressed that the biggest challenge was to make sure that the slogans of freedom, dignity and democracy were translated into concrete actions.

### **Towards a common space for human rights protection across the continent (06.09.2011)**

In a debate in Caserta, Italy, on the impact of the Lisbon Treaty on the Council of Europe, based on a report by Kerstin Lundgren (Sweden, ALDE), the Political Affairs Committee argued that the partnership between the EU and the Council of Europe should lead to a common space for human rights protection across the continent in the interest of all European people. In a draft resolution and recommendation also adopted today, the committee calls on the Committee of Ministers to strengthen the Council of Europe's role as "the benchmark for human rights, rule of law and democracy in Europe" and to ensure that this role is fully recognized by all EU institutions. The Council of Europe should also emphasize its advisory role and expertise in the context of the EU's neighborhood policies, particularly with countries that are full Council of Europe member states or belong to its neighborhood.

### **Committee on Rules of Procedure gave the go-ahead for PACE reform (06.09.2011)**

As part of the reform of the PACE, the Committee on Rules of Procedure adopted a package of measures to increase the Assembly's political relevance and effectiveness, make it more visible, rationalize its operational resources and improve the commitment and participation of its members.

### **Abuse of state secrecy, hearing on the rule of law in member states (07.09.2011)**

The Committee on Legal Affairs and Human Rights of PACE hold a meeting in Paris on 7 September. Its agenda included adoption of the report by Dick Marty (Switzerland, ALDE) on the abuse of state secrecy and national security, which places obstacles in the path of parliamentary and judicial scrutiny of human rights violations.

### **No 'trade-off' between fighting terrorism and protecting human rights (07.09.2011)**

There is no need for a "trade-off" between protecting human rights and effective counter-terrorist action, according to PACE's Committee on Legal Affairs, as safeguards exist in human rights law itself. Adopting a draft resolution based on a report by Lord John E. Tomlinson (United Kingdom, SOC), the committee reminded States Parties to the European Convention on Human Rights that they are duty-bound to secure within their jurisdiction the rights and freedoms guaranteed therein.

### **PACE committee: secret services must be held accountable for torture, abduction or renditions (07.09.2011)**

Secret services and intelligence agencies must be held accountable for human rights violations such as torture, abduction or renditions and not shielded from scrutiny by unjustified resort to the doctrine of "state secrets", according to the Legal Affairs Committee of the Parliamentary Assembly of the Council of Europe (PACE). In a draft resolution adopted in Paris on September 7th, based on a report by Dick Marty (Switzerland, ALDE), the committee also gave its verdict on judicial or parliamentary inquiries launched after two major reports by Mr Marty five years ago named European governments which had hosted CIA secret prisons or colluded in rendition and torture.

### **Lives lost in the Mediterranean: PACE inquiry to prevent impunity (07.09.2011)**

PACE inquiry into who is responsible for the more than 1,000 'boat people' thought to have perished in the Mediterranean since January 2011 while trying to reach European soil from North Africa is meant to prevent impunity, PACE rapporteur Tineke Strik (Netherlands, SOC) has said at the end of a two-day visit to Rome (6 and 7 September 2011). "There is an obligation to help all people in distress. If anyone did not live up to this responsibility and deliberately did not assist them, they must not be allowed to get away with it."

### **Extreme pornography, a violation of the right of women to live without violence (09.09.2011)**

PACE's Committee for Equal Opportunities expressed on 9 September 2011 its preoccupation at the negative impact of violent and extreme pornography on women's dignity and right to live free from sexual violence. Adopting a draft resolution based on a report by Michal Stuligrosz (Poland, EPP/CD), the committee recalled that this type of pornography "further erodes the conditions for achieving effective gender equality", alongside other forms of hard and soft-pornography, the widespread use of sexualized images of women for commercial purposes and the portrayal of gender stereotypes by the media and the entertainment industry

### **PACE President: 'Discrimination is a real threat to our societies' (09.09.2011)**

"After showing some signs of relief during the past year, the economic and financial crisis is deepening again in Europe. We all know too well from tragic past experience that when the cake becomes smaller and smaller and there is not enough for everybody, it becomes increasingly difficult to ensure that the rules of the game are the same for everybody. Discrimination is therefore a real threat to our societies", on 9 September 2011 said PACE President Mevlüt Cavusoglu addressing the Assembly's Committee on Equal Opportunities during its meeting in Paris

### **Swedish Parliament hosted major PACE hearing on the state of Media in Europe (12.09.2011)**

A major parliamentary hearing on the state of media freedom in Europe took place on Monday 12 September at the Swedish Parliament in Stockholm, attended by around 90 government officials, parliamentarians and leading media professionals

### **Labour exploitation of undocumented migrant children in Europe (13.09.2011)**

"Undocumented migrant children are triply vulnerable, as migrants, as persons in an undocumented situation, and as children. A child should not be discriminated against because of his or her status. A child is first, foremost and only, a child. The issue of migratory status can only ever be a secondary consideration," Pedro Agramunt (Spain, EPP/CD) said on 13 September 2011 when presenting his report on undocumented migrant children in an irregular situation at a meeting of the PACE Committee on Migration, Refugees and Population in Paris.

### **'The Arab Spring': the Council of Europe must involve itself tangibly, PACE's Bureau says (13.09.2011)**

On the occasion of the International Day of Democracy (15 September 2011), the Bureau of PACE made a statement underlying in particular the necessity for the Council of Europe to involve itself in the Arab World to aid the transition to democracy ([read the statement](#)).

### **Victim of forced sterilisation to testify at PACE hearing in Paris (16.09.2011)**

A victim of forced sterilization testified before a parliamentary hearing on putting an end to coercive sterilizations and castrations on Friday 16 September in Paris. The hearing, organized by the Committee on Social, Health and Family Affairs of PACE focused in particular on coercive sterilizations of Romani women, convicted sex offenders and transgender persons. Czech, Swedish and British experts took part to the hearing ([more information](#)).

### **Gender inequality, the main cause of prenatal sex selection (16.09.2011)**

Adopting an opinion on the report on prenatal sex selection which is to be debated by PACE on 4 October, the Social Affairs Committee pointed out that while, in theory, prenatal sex selection could also be used to prevent the birth of boys, it in fact serves essentially to prevent female births. As in the case of domestic violence, it is therefore necessary to address the main cause of prenatal sex selection, the inequality between women and men.

### **Stop the sexualisation of children in the media (16.09.2011)**

Any kind of 'sexualisation' of children in the media and elsewhere is to be avoided and combated, for it constitutes a first step towards representing as sexual objects our children, who then find themselves exposed to abuse and exploitation by sex offenders and criminal groups", according to Augustin Conde Bajén (Spain EPP/CD), speaking on 16 September 2011 when he presented to the Social Affairs Committee, meeting in Paris, his report on child abuse images ([adopted text and reports](#))

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

### A. Country work

#### **Impunity and insecurity undermine human rights protection in the North Caucasus (06.09.2011)**

“The situation in the North Caucasus continues to present major challenges for the protection of human rights. The efforts made to improve the quality of life of the people living in the region should continue, but greater determination is needed to put an end to serious human rights violations, such as abductions, disappearances and ill-treatment of detained persons”, said the Council of Europe Commissioner for Human Rights, Thomas Hammarberg, releasing the [report](#) on his visit to the Russian Federation from 12 to 21 May 2011. ([more](#))

#### **Italy should better respect the human rights of Roma and migrants (07.09.2011)**

“The situation of Roma and Sinti in Italy remains a matter of serious concern - a shift in focus is needed from coercive measures such as forcible evictions and expulsions to social inclusion, anti-discrimination and combating anti-Gypsyism” said the Council of Europe Commissioner for Human Rights, Thomas Hammarberg, releasing the [report](#) on his visit to Italy carried out on 26-27 May 2011 during which he discussed the situation of the Roma minority as well as of migrants from Northern Africa. The Commissioner is concerned about racist and xenophobic political discourse against Roma and Sinti. ([more](#))

#### **Russia should remove all hindrances to freedom of assembly (09.09.2011)**

“Freedom of assembly is crucial to supporting pluralism and democracy. The Russian authorities should review legislation and practice in order to uphold this fundamental human right” said the Council of Europe Commissioner for Human Rights, Thomas Hammarberg, releasing a [letter](#) addressed to the Government of the Russian Federation. The general normative framework set out in the federal legislation on assemblies broadly complies with international standards, foreseeing – as in most other European states – a notification procedure which does not require the organisers of a meeting to seek authorisation from the authorities, but rather to inform them about their intention to hold a meeting. ([more](#))

#### **Ireland: “Budget cuts put human rights at risk” (15.09.2011)**

"Budget cuts planned in Ireland may be detrimental for the protection of human rights. It is crucial to avoid this risk, in particular regarding vulnerable groups of people” said the Council of Europe Commissioner for Human Rights, Thomas Hammarberg, releasing a [report](#) following his visit to Ireland carried out from 1 to 2 June 2011. Noting administrative reforms to make government less costly, the Commissioner stressed the importance of national human rights structures and called on the authorities to protect their independence and effectiveness, refraining from adopting budget cuts and staff reductions which would limit the capacity and effectiveness of these institutions. ([more](#))

### B. Thematic work

#### **Europeans must account for their complicity in CIA secret detention and torture (05.09.2011)**

From late 2001 onwards, the US Central Intelligence Agency developed a vast network of clandestine counter-terrorism operations to capture and detain its most wanted suspects. The CIA's partner agencies in various foreign countries – including across Europe – lent their close collaboration. The value of the intelligence produced by this network has been questioned; but one clear result was a pattern of abusive and excessive actions in flagrant violation of human rights, said Thomas Hammarberg, Council of Europe Commissioner for Human Rights in his latest Human Rights Comment published on September 5th. ([more](#))

**Human rights defenders need solidarity from all parts of Europe when repressed by their governments (12.09.2011)**

“The clampdown on human rights defenders in Belarus continues unabated. In early August, Ales Bialiatski, the chair of the Human Rights Centre Viasna and vice-President of the International Federation for Human Rights (FIDH), was arrested. He is still being held in pre-trial detention. Activists who have demonstrated for his release have been summoned by the police and one of them is awaiting trial, said Thomas Hammarberg, Council of Europe Commissioner for Human Rights in his latest Human Rights Comment published on 12 September 2011. Viasna has been at the forefront of human rights defence in Belarus for years. [\(more\)](#)

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

**Methodology of the Interpretation of Legal Acts (05-09.09.2011)**

Following a request from the Head of the High Qualification Commission of judges of Ukraine, the Joint Programme between the European Union and the Council of Europe on Transparency and Efficiency of the Judicial System of Ukraine (TEJSU Project) organized the first of a series of three train-the-trainers on the Methodology of the Interpretation of Legal Acts (Alushta, 5-9 September 2011). The aim of the training was to prepare judges-trainers for the National School of Judges of Ukraine and for its regional branches, in order to get an insight into the definition and meaning of the legal interpretation of acts. A total of twenty-five judges from the Supreme Court, the High Specialised Court for civil and criminal cases, the High Administrative Court, the High Commercial Court and also the appeal courts from all over Ukraine, who declared beforehand their willingness to disseminate their newly acquired knowledge among their colleagues, were trained by international and local experts.