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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 Directorate of Human Rights*

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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 Directorate of Human Rights carefully selects and tries to present in a user-friendly manner. The information is sent to the Contact Persons in the NHRs who are kindly asked to dispatch it within their offices.

Each Issue covers two weeks and is sent by the Directorate of Human Rights 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.

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

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

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

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

A. Judgments

1. Judgments deemed of particular interest to NHRs

The judgments presented under this heading are the ones for which a separate press release is issued by the Registry of the Court as well as other judgments considered relevant for the work of the NHRs. They correspond also to the themes addressed in the Peer-to-Peer Workshops. The judgments are thematically grouped. The information, except for the comments drafted by the Directorate of Human Rights, 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.

- **Pilot judgment**

[Ümmühan Kaplan v. Turkey](#) (in French only) (no. 24240/07) (Importance 2) – 20 March 2012 – Violation of Article 6 § 1 – Excessive length of land-law proceedings – Violation of Article 13 – Lack of an effective remedy – Application of Article 46 – Obligation made to domestic authorities to put in place an effective remedy affording adequate and sufficient redress in cases where judicial proceedings exceeded a reasonable time

The case concerned proceedings brought by the applicant's father before a land tribunal in 1970, concerning the classification of plots of land which, he argued, should have been registered in his name. The proceedings are still pending today. The applicant complained about the length of proceedings and alleged that there was no court in Turkey before which such a complaint could be made.

Article 6 § 1

The Court had already found in numerous cases that the length of proceedings in Turkey – in administrative, civil, criminal and commercial cases and before the employment and land tribunals – excessive. The Court reiterated that States should organise their courts in such a way as to administer justice without delays which might jeopardise its effectiveness and credibility. As the Government had not provided any evidence that would lead to a different conclusion in the present case, the Court held that there had been a violation of Article 6 § 1.

Article 13

The Court held that Turkish law did not provide any remedy within the meaning of Article 13 by which the applicant could have enforced her right to have her case heard within a reasonable time for the

purposes of Article 6 § 1. It saw no reason to depart on this point from its case-law as set forth in the [Daneshpayeh v. Turkey](#) judgment of 16.07.2009 (See [RSIF No. 21](#), p.13).

Article 46 (binding force and execution of judgments)

The Court noted that the violation of the applicant's rights arose out of a structural problem in Turkey (2,700 applications pending as of 31 December 2011). The Court therefore held that Turkey had to put in place, no later than one year from the date on which the judgment in the present case became final, an effective remedy affording adequate and sufficient redress in cases where judicial proceedings exceeded a reasonable time. The Court further decided to adjourn examination of similar applications not yet communicated to the Turkish Government.

Article 41 (just satisfaction)

The Court held that Turkey was to pay the applicant EUR 15,600 in respect of non-pecuniary damage.

- **Grand chamber judgment**

[Austin and Others v. the United Kingdom](#) (nos. 39692/09, 40713/09 and 41008/09) (Importance 1) – 15 March 2012 – No violation of Article 5 – Measures of containment of a group of people carried out by police on public order ground does not amount to a deprivation of liberty as long as the measures are unavoidable, necessary to avert a real risk of serious injury or damage and are kept to the minimum required for that purpose

The case concerned a complaint by a demonstrator and some passers-by that they were not allowed to exit a police cordon for almost seven hours during a protest against globalisation in London. They complained that they were deprived of their liberty without justification.

The Court observed that **this was the first time it was called to consider the application of the Convention in respect of the “kittling” or containment of a group of people carried out by the police on public order grounds.**

It noted in particular that Article 5 did not have to be construed in such a way as to make it impracticable for the police to fulfil their duties of maintain order and protecting the public. Members of the public are often required to endure temporary restrictions on freedom of movement in certain contexts, such as travel by public transport or on the motorway, or attendance at a football match. The Court did not consider that such commonly occurring restrictions could properly be described as “deprivations of liberty” within the meaning of Article 5 § 1 so long as they were rendered unavoidable as a result of circumstances beyond the control of the authorities, were necessary to avert a real risk of serious injury or damage, and were kept to the minimum required for that purpose. In the present case, the Court found in particular that the police had anticipated a real risk of serious injury, even death, and damage to property if the crowds were not effectively controlled; that there had been space within the cordon; that the police had tried, continuously, to start releasing people; that the cordon was imposed to isolate and contain a large crowd in dangerous and volatile conditions. In this context, the Court did not consider that the putting in place of the cordon had amounted to a “deprivation of liberty”.

Judges Tulkens, Spielmann and Garlicki expressed a joint dissenting opinion.

[Aksu v. Turkey](#) (nos. 4149/04 and 41029/04) (Importance 1) – 15 March 2012 – No violation of Article 8 – No interference with the applicants' right to respect for their private lives on account of expressions contained in the two impugned dictionaries printed by the Turkish Language Association allegedly insulting towards the Roma/Gypsy community

The case concerned the allegation that passages in a book about Roma and definitions in two dictionaries – both published or funded by the Ministry of Culture – were offensive and discriminatory. In particular, the book's author had stated that some Gypsies made a living from “pick-pocketing, stealing and selling narcotics”. As to the dictionaries, the literal definition of the word “Gypsy” was given as well as a second meaning, “miserly”, labelled as the metaphorical sense. The applicant complained that the book and dictionaries contained passages and definitions which were an insult to the Roma community.

The Court accepted that an individual's ethnic identity was an aspect of physical and social identity that came under the notion of “private life” under Article 8. In the present case, the main issue it had to consider was whether domestic authorities had complied with their obligation to take the necessary measures to protect the applicant's effective right to his private life. The Court found, as concerned the book, that it was written by an academic, who had not made any negative remarks about the Roma in general. It also underlined that the author explained his method of research and explained in the

preface, introduction and conclusion that his intention was to shed light on a community that had been ostracised and vilified on account of prejudice. As concerned the dictionaries, the Court noted that it would have been preferable to label the second meaning of the word “Gypsy” as “pejorative” or “insulting” rather than “metaphorical” – following the Council of Europe’s European Commission against Racism and intolerance’s general policy recommendation – but the Court also stressed that the dictionaries were not school textbooks and were not distributed to schools or recommended by the Ministry of Education as part of the school curriculum. There had therefore been no violation of Article 8.

Judge Gyulumyan expressed a dissenting opinion.

Sitaropoulos and Giakoumopoulos v. Greece (no. 42202/07) (Importance 1) – 15 March 2012 – No violation of Article 3 of Protocol No. 1 – The lack of legislative arrangements enabling citizens residing abroad to vote in their parliamentary elections does not interfere with their right to free elections

The case concerned Greek nationals living in France who complained that the Greek legislature had not made the necessary arrangements enabling Greek citizens living abroad to vote in parliamentary elections from their place of residence.

The Court noted that neither the relevant international and regional law nor the varying practices of the member States in this sphere revealed any obligation or consensus which would require States to make arrangements for the exercise of voting rights by citizens living abroad. While the Council of Europe had invited member States to enable their citizens living abroad to participate to the fullest extent possible in the electoral process, the Venice Commission had taken the view that facilitating the exercise of the right in question was desirable, but not mandatory for States. The Court also noted that, although the Greek Constitution contained a provision encouraging the legislature to arrange for the exercise of expatriates’ voting rights, it did not oblige it to do so. Lastly, the Court found that the disruption to the applicants’ financial, family and professional lives that would have been caused had they had to travel to Greece in order to vote did not appear to be disproportionate to the point of infringing the right in question. Accordingly, it held that there had been no violation of Article 3 of Protocol No. 1.

Konstantin Markin v. Russia (no. 30078/06) (Importance 1) – 22 March 2012 – Violation of Article 14 in conjunction with Article 8 – Unjustified exclusion of military servicemen from the entitlement to parental leave while servicewomen are entitled to such leave – No violation of Article 34 – A prosecutor visit to the applicant’s home does not infringe in itself the applicant’s right to individual petition

The applicant is a member of Russian armed forces. Following his divorce with the mother of his three children, he was left to raise the children alone and applied for three years’ parental leave. His request was rejected because, according to the law, parental leave of that duration could only be granted to female military personnel. He complained that such a refusal had amounted to discrimination on the grounds of sex. He also complained that a Russian prosecutor paid him a visit while his complaint before the Court was still pending.

Article 14 in conjunction with Article 8

The Court observed in particular that in the context of the army, its proper functioning was hardly imaginable without legal rules designed to prevent service personnel from undermining it. However, national authorities could not rely on such rules in order to frustrate the exercise by individual members of the armed forces of the right to respect for private life. As parental leave was meant to enable parents to stay at home to look after an infant personally, for the purposes of parental leave, in contrast to maternity leave, the applicant, a serviceman, was in a similar situation to servicewomen. Even though the Court had earlier accepted that the rights of military personnel could be restricted to a greater degree than those of civilians, it noted that the difference of treatment in this case had the effect of perpetuating gender stereotypes and was disadvantageous both to women’s careers and to men’s family life. The Court was no more persuaded that extending parental leave to servicemen would have a negative effect on the fighting power and operational effectiveness of the armed forces; the Court only accepted that, given the importance of the army for the protection of national security, certain restrictions on the entitlement to parental leave could be justified provided they were not discriminatory – for example, military personnel, be it male or female, could be excluded from parental leave entitlement if they could not be easily replaced. In view of all of the above, the Court found a violation of Article 14 in conjunction with Article 8.

Article 34

The Court emphasised that it was, in principle, not appropriate for the authorities of a State against which there was a pending complaint before the Court, to enter into direct contact with an applicant in connection with that case. As regards the prosecutor's visit to the applicant's home, there had been no evidence that it had been calculated to induce him to withdraw his complaint before the Court. Accordingly, Russia had not breached its Article 34 obligation.

Article 41 (just satisfaction)

The Court held that Russia was to pay the applicant EUR 3,000 in respect of non-pecuniary damages and EUR 3,100 in respect of costs and expenses.

Judge Pinto de Albuquerque expressed a partly concurring and partly dissenting opinion. Judge Kalaydjieva expressed a partly dissenting opinion. Judges Nußberger and Fedorova expressed a joint partly dissenting opinion and Judge Popović expressed a dissenting opinion.

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

Parascineti v. Romania (in French only) (no. 32060/05) (Importance 2) – 13 March 2012 – Violation of Article 3 – Domestic authorities' failure to provide the applicant, diagnosed with mental disorders, with specialised treatment and a minimum standard of hygiene in prison

The applicant complained that he had suffered inhuman and degrading treatment as a result of being committed to an overcrowded psychiatric ward with very poor standards of hygiene.

The Court first observed that where conditions of detention in Romanian prisons were concerned it had already held, on the one hand, that the Government had not demonstrated the existence of an effective remedy to redress a complaint under Article 3 and, on the other hand, that a compensatory remedy alone could not prevent the continuation of the alleged violation. In this case, the Court noted that the applicant had given a detailed and coherent description of what he had endured and in particular the overcrowding and the very poor conditions of hygiene in the psychiatric hospital. The Court considered that such conditions, which were already inadequate for any individual deprived of his liberty, were even more so for someone like the applicant, who had been diagnosed with mental disorders and consequently needed specialised treatment as well as a minimum standard of hygiene. The Court found that there had been a violation of Article 3.

Under Article 41 (just satisfaction), the Court held that Romania was to pay the applicant EUR 6,000 in respect of non-pecuniary damage and EUR 300 in respect of costs and expenses.

C.A.S. and C.S. v. Romania (no. 26692/05) (Importance 1) – 20 March 2012 – Violation of Articles 3 and 8 – Domestic authorities' failure to conduct an effective investigation into allegations of violent sexual abuse and to ensure adequate protection of the applicant's private and family life

The case concerned a seven-year-old boy and his father's complaint that it had taken the authorities five years to investigate the child repeated rape by a man, eventually acquitted, who had forced his way into the family flat when the boy had come home alone from school during four months. The applicants also complained that their family life had been destroyed and that they had been forced to leave the town in which they lived to rebuild a normal life.

The Court noted with concern that, despite the gravity of the allegations and the particular vulnerability of the victim, the investigation had neither been prompt nor effective. Indeed, the authorities had waited three weeks after the complaint of rape had been lodged before ordering a medical examination of the victim, two months before interviewing the main suspect, and, overall, the investigation had lasted five years. Furthermore, seven years after the incident, the suspect had been exonerated without the authorities even trying to find out if there was any other suspect. The Court pointed out that States had an obligation under Articles 3 and 8 to ensure the effective criminal investigation of cases involving violence against children, with respect for their best interests being paramount. It was particularly regrettable that the applicant had never been given counselling or been accompanied by a qualified psychologist either during the rape proceedings or afterwards. The failure to adequately respond to allegations of child abuse in this case cast doubt over the effectiveness of the system in place in Romania, in accordance with its international obligations, to protect children from all forms of violence. The Court therefore held that there had been a violation of Article 3 and 8.

Under Article 41 (just satisfaction), the Court held that Romania was to pay the applicant EUR 15,000 in respect of non pecuniary damages.

- **Right to a fair trial**

Serrano Contreras v. Spain (in French only) (no. 49183/08) (Importance 3) – 20 March 2012 – Violation of Article 6 § 1 – Unfairness of proceedings on account of a Supreme Court’s decision grounded upon evidence that had not been examined during public hearings; Excessive length of proceedings

The applicant was charged with offences of forgery and fraud. He complained that he had been convicted by the Supreme Court without a public hearing, which had deprived him of his opportunity to defend himself. He submitted that some of the evidence re-examined by that court had been personal and not purely documentary. He also complained of the overall length of the proceedings and claimed that the delays had been entirely the fault of the public justice service.

The Court noted in particular that the Supreme Court had based its decision on evidence that had not been examined during the public hearing before the previous level of jurisdiction, namely, the reports drawn up following the requests for evidence issued by the investigating judge. The fact that the Supreme Court had taken into account evidence that had not been previously examined and which had become decisive in establishing the applicant’s guilt, had deprived him of the possibility of defending himself in that regard. The Supreme Court concluded that the applicant had acted with fraudulent intent, without hearing direct evidence from him and thus reaching a contrary conclusion to that of the lower court that had heard evidence from the applicant and other witnesses. Accordingly, the Court found that there had been a violation of Article 6 § 1. It also found that this Article had been violated on account of the excessive length of proceedings (more than 11 years).

Under Article 41 (just satisfaction), the Court held that Spain was to pay EUR 13,000 in respect of non-pecuniary damages and EUR 5,000 in respect of costs and expenses.

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

Gas and Dubois v. France (no. 25951/07) (Importance 1) – 15 March 2012 – No violation of Article 14 in conjunction with Article 8 – Domestic authorities’ refusal to grant a simple adoption order to two cohabiting and unmarried women does not amount to discrimination as long as all unmarried couples are treated the same

The applicants are two cohabiting women. The applicants complained of the refusal of Ms Gas’ application to adopt Ms Dubois’s child. They maintained that this decision had infringed their right to private and family life in a discriminatory manner.

The Court considered that, in view of the social, personal and legal consequences of marriage, the applicants’ legal situation could not be said to be comparable to that of married couples when it came to adoption by the second parent. The Court reiterated that the European Convention on Human Rights did not require member States’ Governments to grant same-sex couples access to marriage (*Schalk and Kopf v. Austria*; see *RSIF No.44*, p.11). If a State chose to provide same-sex couples with an alternative means of recognition, it enjoyed a certain margin of appreciation regarding the exact status conferred. As to unmarried couples, the Court stressed that opposite-sex couples who had entered into a civil partnership were likewise prohibited from obtaining a simple adoption order. It therefore saw no evidence of a difference in treatment based on the applicants’ sexual orientation. The Court therefore held that there had been no violation of Article 14 taken in conjunction with Article 8.

Judges Costa, Spielmann and Berro-Lefèvre expressed concurring opinions. Judge Villiger expressed a dissenting opinion.

Ahrens v. Germany (no. 45071/09) and Kautzor v. Germany (no. 23338/09) (Importance 1) – 22 March 2012 – No violation of Article 8 – Domestic courts’ refusal to allow a biological father to challenge the paternity acknowledged by another man falls within the State’s margin of appreciation – No violation of Article 14 in conjunction with Article 8 – Domestic courts’ decision to give the existing family relationship between the child and her legal parents precedence over the relationship with her biological father falls, insofar as the legal status is concerned, within the State’s margin of appreciation

In each case, the applicants assumed to be the biological fathers of children whose paternity was acknowledged by other men. They complained about domestic court’s refusal to allow them to challenge another man’s paternity and alleged that they had been discriminated against in comparison with the mother, the legal father and the child.

Article 8

The Court noted that the applicants' request had a more far-reaching objective than in the case [Anayo v. Germany](#) (see [RSIF No. 55](#), p.11), in that they sought to obtain full legal status as the respective child's father and thus to challenge the paternity of the existing legal father. The Court first observed that there is no settled consensus among Council of Europe member States concerning the possibility for a presumed biological father to challenge the legal paternity of another man. It noted then that while it was in the applicants' interest to establish an important aspect of their private lives and have it legally recognised, the German courts' decisions to reject their claims had aimed to comply with the legislature's will to give precedence to an existing family relationship between the respective child and her legal father, who provided parental care on a daily basis. It could be deduced from the judgment in *Anayo v. Germany* that, under Article 8, States had an obligation to examine whether it was in the child's best interests to allow the biological father to establish a relationship with his child. However, this did not necessarily imply a duty under the Convention to allow the biological father to challenge the legal father's status. The Court was furthermore satisfied that, in both cases, the German courts had examined the respective situation with due diligence. There had accordingly been no violation of Article 8 in both cases.

Article 8 in conjunction with Article 14

The Court noted that the main reason why the applicants had been treated differently from the mother, the legal father and the child with regard to the possibility of challenging paternity was the aim of protecting the respective child and her social family from external disturbances. Having regard to its findings under Article 8, the Court considered that the decision to give the existing family relationship between the child and her legal parents precedence over the relationship with her biological father fell, insofar as the legal status was concerned, within the State's margin of appreciation. There had accordingly been no violation of Article 8 in conjunction with Article 14 in both cases.

- **Right to peaceful enjoyment of possessions**

[Raviv v. Austria](#) (no. 26266/06) (Importance 2) – 13 March 2012 – No violation of Article 14 in conjunction with Article 1 of Protocol No. 1 – Justified difference of treatment of persons covered by the special regime for victims of National Socialist persecutions, are not in a relevantly similar situation to persons who made regular contributions to the general old-age pension system on the basis of their employment in Austria

The case concerned the complaint that the special pension insurance regime in Austria, under which victims of Nazi persecution have the possibility of paying retroactive social security contributions on a voluntary basis in order to be entitled to old-age-pension, was discriminatory.

The Court noted that the General Social Security Act created a special regime for victims of National Socialist persecution, aimed at eliminating disadvantages in social security law suffered by this group. That special regime made exceptions from the basic principles of Austrian social security law and applied a distinct set of rules to them. While as a general rule affiliation to the old-age pension system was linked to employment in Austria and was based on the compulsory payment of contributions, persons who fell under the special regime could become eligible for an old-age pension by paying retroactive contributions on a voluntary basis. Having regard to the possibility of accumulating insurance months without being employed in Austria, the voluntary nature of the insurance and the application of preferential rates, the Court considered that persons like the applicant who were covered by the special regime were not in a relevantly similar situation to persons who had made regular contributions to the old-age pension system on the basis of their employment in Austria. Consequently, no issue of discrimination under Article 14 taken in conjunction with Article 1 of Protocol No. 1 arose on account of the fact that periods of child-care spent abroad were not counted as substitute periods.

The applicant had also raised the issue that, within the special regime, periods of higher education abroad were taken into account as substitute periods while periods of child-raising were not. The Court did not find that there was a difference of treatment between those under the special regime who could not have child-raising periods abroad credited and those under the regime who could have periods of higher education abroad credited. The applicant herself, while she could not obtain crediting for periods of child-raising abroad, had obtained crediting of periods of higher education spent abroad as substitute periods. The Court therefore concluded that there had been no violation of Article 14 in conjunction with Article 1 of Protocol No. 1.

Judges Popović, Sajó, and Pinto de Albuquerque expressed a joint dissenting opinion.

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 13 Mar. 2012: [here](#)
- Press release by the Registrar concerning the Chamber judgments issued on 15 Mar. 2012: [here](#)
- Press release by the Registrar concerning the Chamber judgments issued on 20 Mar. 2012: [here](#)
- Press release by the Registrar concerning the Chamber judgments issued on 22 Mar. 2012: [here](#)

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

STATE	DATE	CASE TITLE	IMP.	CONCLUSION	KEY WORDS
GERMANY	22 Mar. 2012	Granos Organicos Nacionales S.A. (no. 19508/07)	2	No violation of Art. 6 §1	In the absence of a consensus among the State Parties to the Convention on the granting of legal aid to legal persons, the Court considers that the limitations imposed on the applicant company's right of access to a court were proportionate to the aims pursued
		Ostermüncher (no. 36035/04)	2	No violation of Art. 5 § 1	The necessity to control the use of public funds for financing litigation by private companies justifies the difference of treatment of natural and legal person regarding access to legal aid
		Rangelov (no. 5123/07)	2	Violation of Art. 14 taken in conjunction with Art. 5 § 1	Domestic authorities' refusal to admit the applicant to a therapy he had wished while he was in detention does not raise an issue in relation to the "lawfulness" of that detention
MOLDOVA	13 Mar. 2012	Asito (no. 39818/06)	3	Violation of Art. 6 § 1	Unjustified difference of treatment between foreign and national detainees regarding the execution of preventive detention orders
	20 Mar. 2012	Arseniev (no. 10620/06)	3	Violation of Art. 3	Interference with the applicant company's reliance on a binding judicial decision on account of a Supreme Court's decision to amend one of its previous rulings
ROMANIA	13 Mar. 2012	Onaca (no. 22661/06)	3	Violation of Art. 3	Supreme Court's unjustified decision to order the applicant's company to pay amounts of money in legal fees in addition to those determined by a final judgment delivered in the main proceedings
		Sega (no. 29022/04) (in French only)	3	Violation of Art. 6 § 1	Poor conditions of detention (severe overcrowding: six persons in cells measuring 7.9 square metres)
					Poor conditions of detention (overcrowding, lack of heating in cells, hot water available for only ten minutes per week)
					Lack of access to a court on account of domestic courts' decision to dismiss the applicant's action for reasons not attributable to them (postal mail delays); Excessive length of proceedings (almost 10 years for three levels of jurisdiction)

* The “Key Words” in the various tables of the RSIF are elaborated under the sole responsibility of the Directorate of Human Rights

RUSSIA	13 Mar. 2012	Borisov (no. 12543/09)	3	Violation of Art. 3 ----- No violation of Art. 6 §§ 1 and 3 (c)	Poor conditions of detentions (overcrowding) ----- No violation of the applicant's right to take part in appeal hearing given his failure to inform domestic authorities of his wish to attend the appeal hearing and the fact that he was represented by counsel at all stages of the proceedings
		Karpenko (no.5605/04)	2	Violation of Art. 6 §§ 1 and 3 (d) ----- Violation of Art. 6 § 1	Hindrance to the applicant's right to question, in open court, witnesses in proceedings ----- Domestic authorities' failure to afford the applicant an adequate opportunity to present his case effectively before the civil courts
		Kolpak (no.41408/04)	3	No violation of Art. 3 (substantive) ----- Violation of Art. 3 (procedural)	Insufficient evidence to conclude that the applicant was subjected to ill-treatment in detention ----- Inadequate and ineffective investigation into the applicant's allegation of ill-treatment
		Mogilat (no. 8461/03)	3	No violation of Art. 3 (substantive) ----- Violation of Art. 3 (procedural)	Insufficient evidence to conclude that the applicant was subjected to ill-treatment after his arrest ----- Shortcomings in the preliminary inquiry carried out in relation to the applicant's allegation of ill-treatment
		Nefedov (no. 40962/04)	2	Violation of Art. 6 §§ 1 and 3 (c)	Unfairness of proceedings on account of domestic courts' decision to consider the applicant's failure to ask to attend to the hearings as a waiver of his right
SWEDEN	15 Mar. 2012	Levin (no. 35141/06)	3	No violation of Art. 8	Justified restrictions imposed on contacts between a mother and her children taken into compulsory public care, given in particular the unwillingness of the children to see their mother
TURKEY	13 Mar. 2012	Aysu (no. 44021/07)	3	No violation of Art. 3 (substantive) -----	No evidence of ill-treatment
				Violation of Art. 3 (procedural) -----	Lack of an effective investigation into the applicant's allegations of ill-treatment
				Violation of Art. 5 § 3 -----	Excessive length of pre-trial detention (more than 7 years)
				Violation of Art. 6 § 1 -----	Excessive length of criminal proceedings (almost 10 years for two levels of jurisdiction)
	20 Mar. 2012	Koc and Demir (no. 26793/08) (in French only)	3	Violation of Art. 5 § 1	Military hierarchy does not constitute an independent and impartial tribunal entitled to impose disciplinary sanctions
		Pekasian and Others (nos. 4572/06 and 5684/06)	2	Violation of Art. 3 ----- Violation of Art. 11	Domestic authorities' failure to establish whether the force used against the applicant during a public demonstration had been indispensable and not excessive; failure to provide the Court with the complete video footage of the incident ----- Disproportionate and unnecessary intervention of police officers in a peaceful demonstration

THE UNITED KINGDOM	13 Mar. 2012	Malik (no. 23780/08)	2	No violation of Art. 1 of Prot. 1	No interference with the applicant's right to peaceful enjoyment of his possessions concerning domestic authorities' decision to suspend him from the list of authorised medical practitioners
		Y.C. (no. 4547/10)	2	No violation of Art. 8	Domestic authorities' decision to make a placement order concerning the applicant's son, taking into account in particular the concern expressed by domestic courts regarding the applicant's ability to separate from her violent partner and father of her son was justified
UKRAINE	20 Mar. 2012	Solomakhin (no. 24429/03)	2	Violation of Art. 6 § 1	Excessive length of proceedings (more than 9 years for three levels of jurisdiction)
				No violation of Art. 8	Applicant's failure to prove that mandatory vaccinations harmed his health

3. Repetitive cases

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

The role of the NHRs may be of particular importance in this respect: they could check whether the circumstances which led to the said repetitive cases have changed or whether the necessary execution measures have been adopted.

[No repetitive cases were issued 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).

State	Date	Case Title	Link to the judgment
Ukraine	20 Mar. 2012	Demenova (no. 21922/07)	Link
Ukraine	20 Mar. 2012	Papazova and Others (nos. 32849/05, 20796/06, 14347/07 and 40760/07)	Link
Ukraine	20 Mar. 2012	Trofimova and Zylkova (nos. 35909/06 and 50559/06)	Link

B. The decisions on admissibility / inadmissibility / striking out of the list

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 27 February to 11 March 2012**. 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.

State	Date	Case Title	Alleged violations (Key Words)	Decision
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Austria	6 Mar. 2012	Die Freiheitlichen in Kärnten (no. 16230/07)	Art. 10 (domestic courts' infringement of the applicant's right to freedom of expression on account of an injunction to refrain from publishing a picture)	Incompatible <i>ratione personae</i>
Cyprus	6 Mar. 2012	Kazali and 8 Others (no. 49247/08)	Art. 1 of Prot. No.1 (restrictions on the applicants' use of their property), Art. 8 (domestic authorities' interference with the applicants' right to respect for their homes), Articles 6 and 14 (discrimination in this regard), Art. 13 (lack of an effective remedy), Art. 3 of Prot. No.4 (unlawful deportation of the applicant from his own country)	Partly inadmissible for non-exhaustion of domestic remedies (concerning Articles 1 of Prot. No.1, 8 and 14), partly inadmissible (no violation of the rights and freedoms protected by the Convention concerning the remainder of the application)
Georgia	6 Mar. 2012	Akhvlediani and 9 Others (no. 22026/10)	Articles 3 and 8 in conjunction with Art. 13 (ill-treatment during a police raid), Art. 10 (unlawful suspension of the applicant's company's broadcasting licence)	Partly adjourned (concerning Articles 3, 8 and 13), partly incompatible <i>ratione personae</i> (concerning the remainder of the application)
Germany	6 Mar. 2012	Atmaca (no. 45293/06)	Art. 3 (risk of torture and ill-treatment in case of deportation to Turkey), Art. 6 (conviction based allegedly on mere speculations)	Struck out of the list (it is no longer justified to continue the examination of the application)
Latvia	6 Mar. 2012	Cēsnieks (no. 9278/06)	Art. 3 (ill-treatment by police officers), Art. 13 (deficiencies in the prosecution of the allegation of ill-treatment), Art. 6 § 1 (unfair trial)	Partly struck out of the list (friendly settlement concerning Art. 3 and 13), partly adjourned (concerning Art. 6).
Malta	6 Mar. 2012	Farrugia (no. 67557/10)	Art. 1 of Prot. No.1 (unlawful expropriation), Art. 3 (expropriation of lands vital for the applicants' livelihood), Art. 6 (unfair proceedings), Art. 8 (expropriation of lands on which the applicants were living)	Partly inadmissible for non-exhaustion of domestic remedies (concerning Art. 1 of Prot. 1), partly inadmissible as manifestly ill-founded (concerning the remainder of the application)
Moldova	6 Mar. 2012	Sirbu (no. 44200/06)	Art. 6 (prosecutor's refusal to initiate criminal proceedings against police officers who had allegedly ill-treated the applicant), Art. 8 alone and in conjunction with Art. 13 (domestic authorities' rejection of the applicant's request to be seen by a psychiatrist and to receive visits from his family), Art. 10 (lack of newspapers in prisons), Art. 14 (infringement of the applicant's right to be presumed innocent), Art. 3 (poor conditions of detention)	Partly struck out of the list (it is no longer justified to continue the examination of the application concerning Art. 3), partly inadmissible as manifestly ill-founded (failure to substantiate complaint concerning the remainder of the application)
Poland	6 Mar. 2012	Baran (no. 51661/08)	Art. 3 (poor conditions of detention)	Struck out of the list (friendly settlement reached)
Poland	6 Mar. 2012	Sroka (no. 42801/07)	Art. 10 (disproportionate interference with the applicant's right to freedom of expression on	Struck out of the list (unilateral declaration of the Government)

			account of his criminal conviction for publishing an article describing the privatisation process of a plant)	
Poland	6 Mar. 2012	Datoń (no. 44499/07)	Art. 6 § 1 (lack of access to the Supreme Court)	Struck out of the list (friendly settlement reached)
Poland	6 Mar. 2012	Miciuk (no. 55167/07)	Art. 3 (overcrowding and inadequate living conditions in detention), Art. 6 (excessive length of criminal proceedings)	Struck out of the list (unilateral declaration of the Government)
Poland	6 Mar. 2012	Zagańczyk (no. 4955/09)	Art. 6 § 1 (lack of domestic court's independence; excessive length of proceedings)	Partly struck out of the list (unilateral declaration of the Government concerning the lack of independence), partly inadmissible for non-exhaustion of domestic remedies (concerning the excessive length of proceedings), partly inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention concerning the remainder of the application)
Poland	6 Mar. 2012	Małkowski (no. 11126/09)	Art. 6 § 1 (lack of access to the Supreme Court)	Struck out of the list (friendly settlement reached)
Poland	6 Mar. 2012	Brzakala (no. 52677/09)	Art. 6 § 1 (excessive length of civil proceedings), Art. 13 (lack of an effective remedy)	Partly struck out of the list (unilateral declaration of the Government concerning the length of proceedings), partly inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention concerning the remainder of the application)
Poland	6 Mar. 2012	Owczarczyk (no. 55595/10)	Art. 6 § 1 (excessive length of civil proceedings)	Struck out of the list (friendly settlement reached)
Poland	6 Mar. 2012	Czekaj (no. 58141/10)	Art. 3 (poor conditions of detention)	Idem.
Poland	6 Mar. 2012	Ulatowski (no. 29848/11)	Idem.	Idem.
Romania	6 Mar. 2012	R.R. (no. 3574/11) (in French only)	Art. 8 (the applicant's inability to visit his daughter), Art. 6 (domestic court's decision to hold hearings by webcam, domestic court's refusal to order a psychiatric expertise of the child, the applicant's inability to access the case files), Art. 14 in conjunction with Art. 8	Partly inadmissible as manifestly ill-founded (concerning Art. 8), partly inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention

			(discrimination on the ground of marital status)	concerning the remainder of the application)
Romania	6 Mar. 2012	S.C. (no. 9356/11) (in French only)	Art. 3 alone and in conjunction with Art. 13 (risk of ill-treatment and torture in case of deportation to Turkey), Art. 5 §§ 1, 2, 4 alone and in conjunction with Art. 13 (unlawful deprivation of liberty), Art. 1 of Prot. No.7 (lack of proceedings guarantees against arbitrariness), Art. 13 (lack of an effective remedy), Art. 10 § 2 (disclosure by domestic authorities of information concerning the applicant's application for asylum)	Partly inadmissible as manifestly ill-founded (concerning Articles 3 and 13), partly inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention concerning Art. 5 §§ 1, 2, 4), partly inadmissible for non-exhaustion of domestic remedies (concerning Art. 10)
Romania	6 Mar. 2012	Gherghina (no. 42219/07) (in French only)	Articles 2 of Prot. No.1 and 14 (discrimination on the ground of the applicant's disabilities), Art. 2 (domestic authorities' failure to provide the applicant with effective access to public services), Art. 6 (the applicant's inability to access the courts' facilities), Art. 1 of Prot. No.1 (applicant's inability to recover his debt due to his disabilities), Art. 5 (the applicant's inability to leave his home on account of his disabilities)	Partly adjourned (concerning Articles 2 of Prot. No.1, 14 and 5), partly incompatible <i>ratione materiae</i> (concerning Art. 6), partly incompatible <i>ratione personae</i> (concerning Art. 1 of Prot. No.1)
Romania	6 Mar. 2012	Pop (no. 51509/07) (in French only)	Art. 3 (ill-treatment by police officers), Art. 5 (unlawful detention), Art. 6 §§ 1 and 3 c) (questioning of the applicant in absence of his representative), Art. 6 § 1 (excessive length of proceedings), Art. 6 and 13 (lack of effective access to tribunal)	Partly inadmissible as manifestly ill-founded (concerning Articles 3, 6 § 1 and 13), partly inadmissible for non-respect of the six-month requirement (concerning Art. 5 § 1)
Romania	6 Mar. 2012	Pascu (no. 31564/04)	Art. 3 (poor conditions of detention), Art. 8 (lack of privacy during family visits and phone conversations), Art. 6 § 1 (outcome of criminal proceedings), Art. 5 §§ 1 and 3 (unlawful arrest)	Partly inadmissible for non-respect of the six-month requirement (concerning Articles 3 and 8), partly inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention concerning the remainder of the application)
Romania	6 Mar. 2012	David and 7 Others (no. 54577/07)	Art. 6 (unfair trial on account of conflicting solutions adopted by national courts in allegedly identical cases), Articles 14 and Art. 1 of Prot. No. 12, in conjunction with Art. 5 (discrimination on account of the diverging solutions of domestic courts), Art. 1 of Prot. 1 taken together with Art. 14 (breach of the legitimate expectation that the applicants would receive similar treatment of other applicants in similar instances)	Partly adjourned (concerning Art. 6 taken alone and in conjunction with Art. 14 and Art. 1 of Prot. No. 12), partly incompatible <i>ratione materiae</i> (concerning the remainder of the application)

Romania	6 Mar. 2012	Ursa and Others (no. 47754/10)	Art. 3 (inhuman and degrading conditions of detention), Art. 5 (unlawful detention), Art. 6 §§ 1 and 3 (lack of legal assistance during questioning), Art. 6 § 2 (infringement of the applicants' right to be presumed innocent), Art. 8 (unlawful searches conducted in the applicants' flats and computers), Art. 1 of Prot. No.1 (unlawful confiscation of money found on the applicants), Art. 3 of Prot. No.1 (automatic deprivation of the applicants' right to vote and to stand for election on account of their criminal conviction)	Partly adjourned (concerning conditions of detention and Art. 3 of Prot. No. 1), partly inadmissible (no violation of the rights and freedoms protected by the Convention concerning the remainder of the application)
Russia	6 Mar. 2012	Ismatullayev (no. 29687/09)	Art. 3 (contraction of tuberculosis in detention, lack of adequate medical care), Art. 6 (excessive length and procedural violations in criminal proceedings)	Partly inadmissible for non-exhaustion of domestic remedies (concerning the alleged contraction of tuberculosis), partly inadmissible as manifestly ill-founded (concerning the lack of adequate medical assistance), partly inadmissible (no violation of the rights and freedoms protected by the Convention concerning the remainder of the application)
Serbia	6 Mar. 2012	Nedeljković (no. 13350/07)	Art. 6 § 1 (non-enforcement of a judgment in the applicant's favour)	Struck out of the list (friendly settlement reached)
Serbia	6 Mar. 2012	Radojičić and Others (no. 54771/07)	Art. 6 § 1 (excessive length of civil proceedings)	Idem.
Serbia	6 Mar. 2012	Mojsilović and 29 other applications (no. 48833/08)	Articles 6, 13 and 1 of Prot. No.1 (domestic authorities' failure to enforce final court decisions rendered in the applicants' favour)	Struck out of the list (friendly settlement reached)
Slovakia	6 Mar. 2012	Slovák (no. 61873/09)	Art. 6 § 1 (excessive length of civil proceedings)	Struck out of the list (it is no longer justified to continue the examination of the application)
Slovakia	6 Mar. 2012	Kredit Slovakia Plus S.R.O. (no. 2514/10)	Idem.	Idem.
Slovakia	6 Mar. 2012	Čapčiková (no. 27780/10)	Art. 6 § 1 (excessive length of civil proceedings), Art. 1 of Prot. No. 1 (applicant's inability to use her property)	Struck out of the list (friendly settlement reached)
Slovenia	6 Mar. 2012	Filipič Cuznar (no. 20756/05)	Art. 6 § 1 (excessive length of civil proceedings), art. 13 (lack of an effective remedy), Art. 1 of Prot. No.1 and Art. 14 (lack of full compensation for forfeited property and discrimination on account of domestic law provisions)	Partly struck out of the list (the applicant no longer wished to pursue the application concerning Art. 6 § 1), partly inadmissible as manifestly ill-founded (concerning Art. 13),

				partly inadmissible (no violation of the rights and freedoms protected by the Convention concerning the remainder of the application)
Slovenia	6 Mar. 2012	Suban (no. 44984/05)	Art. 6 § 1 (excessive length of civil proceedings), Art. 13 (lack of an effective remedy)	Struck out of the list (the applicant no longer wished to pursue the application)
Slovenia	6 Mar. 2012	Tuljak (no. 16022/06)	Art. 6 § 1 (excessive length of civil proceedings), Art. 13 (lack of an effective remedy), Art. 14 and Art. 1 of Prot. 1 (erroneous calculation of the applicant's pension)	Partly inadmissible as manifestly ill-founded (concerning Art. 6 and 13), partly inadmissible (no violation of the rights and freedoms protected by the Convention concerning the remainder of the application)
Slovenia	6 Mar. 2012	Kamarić (no. 15009/07)	Idem.	Partly struck out of the list (it is no longer justified to continue the examination of the application concerning Art. 6), partly inadmissible as manifestly ill-founded (concerning the remainder of the application)
Slovenia	6 Mar. 2012	Dobrovnik (no. 1453/07)	Art. 6 § 1 (excessive length of civil proceedings), Art. 13 (lack of an effective remedy)	Partly struck out of the list (friendly settlement reached concerning the excessive length of proceedings), partly inadmissible as manifestly ill-founded (concerning Art. 13)
Slovenia	6 Mar. 2012	Skubic (no. 6195/10)	Articles 3 and 8 (poor conditions of detention, restrictions on visits and telephone conversations and correspondence), Art. 13 (lack of an effective remedy)	Inadmissible as manifestly ill-founded
Slovenia	6 Mar. 2012	Eržen and 9 Others (no. 6530/10)	Idem.	Idem.
Spain	6 Mar. 2012	Balsells i Castellort and Others (no. 62239/10) (in French only)	Art. 6 § 1 (domestic court's refusal to stay the proceedings, excessive length of proceedings)	Partly adjourned (concerning the excessive length of labour law proceedings), partly inadmissible as manifestly ill-founded (concerning domestic courts' refusal to stay the proceedings)
Switzerland	6 Mar. 2012	Behring (no. 12245/05) (in French only)	Art. 5 § 3 (lack of impartiality of pre-trial detention's judge)	Inadmissible (no violation of the rights and freedoms protected by the

				Convention)
Switzerland	6 Mar. 2012	Marzohl (no. 24895/06) (in French only)	Art. 5 § 2 (domestic authorities' failure to inform the applicant of the charges brought against him in a language he understood), Art. 5 §§ 1 and 3 (domestic courts' failure to take into account evidence pleading against the applicant's detention), Art. 6 § 3 c) and 6 § 3 e) (hearings in absence of the applicants' representative)	Idem.
Switzerland	6 Mar. 2012	Veliu (no. 32196/08) (in French only)	Art. 8 (risk of deportation of the applicant to "the former Yugoslav Republic of Macedonia" despite the fact that he neither spoke the language of that country nor had family links there)	Struck out of the list (the applicant no longer wished to pursue the application)
Switzerland	6 Mar. 2012	Twolde (no. 67808/10) (in French only)	Art. 8 (domestic courts' rejection of the applicant's request for family reunification)	Struck out of the list (it is no longer justified to continue the examination of the application)
"The former Yugoslav Republic of Macedonia"	6 Mar. 2012	Deari and Others (no. 54415/09)	Art. 2 (death of the applicants' son and lack of an effective investigation), Art. 13 (lack of an effective remedy), Art. 14 taken in conjunction with Art. 2 (discrimination on the basis of the applicants' son's origins)	Inadmissible for non-respect of the six-month requirement
Turkey	6 Mar. 2012	Uzel (no. 13242/05 and 13 Others) (in French only)	Articles 6 and 13 (deprivation of the applicants' shares following the transfer of their company)	Inadmissible as manifestly ill-founded
Turkey	6 Mar. 2012	Kocyigit and Keklikoglu (no. 26668/05) (in French only)	Delayed execution of a judgment in the applicants' favour (no article specified)	Inadmissible (no violation of the rights and freedoms protected by the Convention)
Turkey	6 Mar. 2012	Dal (no. 60429/08) (in French only)	Articles 6 and 13 (lack of an effective remedy)	Struck out of the list (friendly settlement reached)
Turkey	6 Mar. 2012	Varol (no. 34680/07) (in French only)	Article 6 (excessive length of criminal proceedings)	Idem.
Turkey	6 Mar. 2012	Erde Endustriyel Ins. Muh. San. TIC. Ltd. Sti. (no.8101/08) (in French only)	Article 6 § 1 (excessive length of civil proceedings), Art. 1 of Prot. No.1 (infringement of the applicant's right to peaceful enjoyment of her possessions)	Partly struck out of the list (unilateral declaration of the Government concerning the length of proceedings), partly inadmissible as manifestly ill-founded (concerning the remainder of the application)
Turkey	6 Mar. 2012	Ormen (no. 1914/09) (in French only)	Art. 6 (excessive length of criminal proceedings)	Struck out of the list (friendly settlement reached)
Turkey	6 Mar. 2012	Avras and Others (no.41168/09) (in French only)	Articles 6 and 13 (excessive length of criminal proceedings, lack of an effective remedy)	Idem.
Turkey	6 Mar. 2012	Uğurlu (no. 42290/09) (in French only)	Idem.	Idem.

		French only)		
Turkey	6 Mar. 2012	Atik (no. 47782/09) (in French only)	Art. 6 (excessive length of criminal proceedings)	Idem.
Turkey	6 Mar. 2012	Kasirga (no. 2709/10)	Art. 6 § 1 (hindrance to the applicant's right to submit his arguments before domestic courts)	Struck out of the list (the applicant no longer wished to pursue the application)
Ukraine	6 Mar. 2012	Bogomaz (no. 49449/06)	Art. 6 § 1 (unfairness of civil proceedings)	Idem.
Ukraine	6 Mar. 2012	Moroz (no. 42009/07)	Art. 3 (ill-treatment in police custody), Art. 6 § 1 (hindrance to the applicant's right to bring compensation proceedings for unlawful institution of criminal proceedings)	Partly struck out of the list (friendly settlement reached concerning Art. 3), partly inadmissible (no violation of the rights and freedoms protected by the Convention concerning the remainder of the application)

C. The communicated cases

The European Court of Human Rights publishes on a weekly basis a list of the communicated cases on its Website. These are cases concerning individual applications which are pending before the Court. They are communicated by the Court to the respondent State's Government with a statement of facts, the applicant's complaints and the questions put by the Court to the Government concerned. The decision to communicate a case lies with one of the Court's Chamber which is in charge of the case.

There is in general a gap of three weeks between the date of the communication and the date of the publication of the batch on the Website. Below you will find the links to the lists of the weekly communicated cases which were published on the Court's Website:

- on 19 March 2012: [link](#)

The list itself contains links to the statement of facts and the questions to the parties. This is a tool for NHRs 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 Directorate of Human Rights.

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 NHRs with a view to suggesting possible amicus curiae cases to the members of the Group. Des Hogan from the IHRC can provide you with these tables (dhogan@ihrc.ie).

Communicated cases published on 19 March 2012 on the Court's Website and selected by the Directorate of Human Rights

The batch of 19 March 2012 concerns the following States: France and Turkey

State	Date of Decision to Communicate	Case Title	Key Words of questions submitted to the parties
France	19 Mar. 2012	Badalian (no. 11593/12)	Alleged violation of Art. 3 and 5 § 1 f) – Administrative detention of children – Alleged violation of Art. 5 § 3 – Lack of an effective remedy to challenge the children's detention – Alleged violation of Art. 8 – Administrative detention of the applicants amounting to an infringement of their right to respect for their family

			life – Alleged violation of Art. 13 in conjunction with Art. 5 – Lack of an effective remedy to challenge the administrative detention
Turkey	19 Mar. 2012	Aktaş (no. 59860/10)	Alleged ill-treatment in police custody (no article specified) – Alleged violation of Art. 5 §§ 1(c) and 3 – Excessive length of pre-trial detention – Alleged violation of Art. 5 § 4 – Domestic authorities' failure to answer the applicant's objection to his continued detention – Alleged violation of Art. 6 § 1 – Unfairness of criminal proceedings – Alleged violation of Art. 8 – Tapping of the applicant's phone – Alleged violation of Art. 1 of Prot. 1 – Breach of the applicant's right to peaceful enjoyment of his property on account of the impounding of his vehicle in a car park

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

Grand chamber hearing concerning a Brazilian's removal from French Guiana (21.03.2012)

The European Court of Human Rights held on 21 March 2012 a Grand Chamber hearing in the case of *de Souza Ribeiro v. France* (no. 22689/07). The case concerns the removal of a Brazilian national residing in French Guiana (a French overseas *département-région*) and his inability to challenge the measure before its enforcement ([Read more](#)).

Part II: The execution of the judgments of the Court

Decisions on execution of European Court of Human Rights judgments

The Committee of Ministers of the Council of Europe published the [decisions and resolutions](#) adopted at its first special human rights meeting for 2012. Those decisions and resolutions concern the following states : Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Croatia, Czech Republic, Finland, France, Georgia, Greece, Hungary, Latvia, Moldova, Poland, Portugal, Romania, San Marino, Slovak Republic, Spain, Switzerland, Turkey and the United Kingdom

More information on the execution process and on the state of execution in cases pending for supervision as well as important reference texts (including the new working methods) can be found on the website of the [Committee of Ministers](#), on the special website of the [Department for the execution of the judgments of the European Court of Human Rights](#), and in the Committee of Ministers' [Annual Reports](#) on its execution supervision. The 2011 report is due to be issued on 12 April 2012. **Please note that some of the decisions and resolutions adopted by the Committee of Ministers will be analysed in forthcoming issues of the RSIF.**

Part III: General Agenda

The “General Agenda” presents events that either took place or were announced* during the period under observation (30.01 – 12.02.2012) for this RSIF.

March 2012

- 5-9 March

- > 38th Plenary meeting of MONEYVAL ([Read more](#))

- 16 March

- > International conference on social protection and migration in Amsterdam ([Read more](#))

- 19-23 March

- > 257th session of the European Committee of Social Rights (Strasbourg)

- 26-30 March

- > 125th meeting of the Governmental Committee of the European Social Charter (Strasbourg)

* These are subsequently due to take place.

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

A. European Social Charter (ESC)

[No work deemed relevant for the NHRs for the period under observation]

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

Ukraine: Council of Europe concerned about ill-treatment by the police and detention conditions (12.03.2012)

The CPT expressed on 12 March 2012 concern over the treatment of persons deprived of their liberty by the police in Ukraine. Visiting police and pre-trial establishments from 29 November to 6 December 2011, the CPT delegation received numerous allegations from detained persons (including women and juveniles) that they had been subjected to physical ill-treatment at the time of arrest or during subsequent questioning by police officers. In a number of cases, the ill-treatment alleged was of such a severity that it could be considered to amount to torture. The CPT delegation called on the authorities to put an immediate end to the practice of handcuffing patients to hospital beds and to respect confidentiality of medical examinations. It also emphasised that the right to inform a close relative or another person of one's custody, the right of access to a lawyer and a doctor should be applied from the very outset of custody ([Read more](#)).

CPT published report on Bulgaria (15.03.2012)

The CPT published on 15 March 2012 the [report](#) on its visit to Bulgaria in October 2010, and the [response](#) of the Bulgarian authorities. The majority of the persons interviewed by the CPT's delegation said that they had been correctly treated by the police. Nevertheless, a considerable number of persons alleged physical ill-treatment at the time of their apprehension. In a few isolated cases, the delegation heard allegations of the infliction of electric shocks. The CPT welcomed an instruction aiming at setting up special police rooms equipped for making full electronic recording of questioning. However, the Committee also recommended that police officers are trained in acceptable interviewing techniques and that a code of conduct of police interviews be drawn up. It also reiterated the need to improve the screening for injuries and their reporting to the competent authorities ([Read more](#)).

CPT published report on Albania (20.03.2012)

The CPT published on 20 March 2012 the [report](#) on its visit to Albania in May 2010, together with the [response](#) of the Albanian authorities. The majority of the persons interviewed by the CPT delegation stated that they had been correctly treated by the police. However, a significant number of persons (including many juveniles) claimed that they had been subjected to ill-treatment (e.g. slaps, punches, kicks or truncheon blows) at the time of their apprehension or during questioning by police officers. Material conditions of detention were poor in most of the police establishments visited (dilapidated cells, very limited or no access to natural light, dim artificial lighting and poor ventilation). In their response, the Albanian authorities indicate that various police detention facilities were being renovated or completely reconstructed ([Read more](#)).

C. European Committee against Racism and Intolerance (ECRI)

ECRI to prepare report on San Marino (13.03.2012)

An ECRI delegation visited San Marino from 5 to 8 March 2012 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 had made to the authorities in its previous report of 2008 and discussed new issues that had emerged since ([Read more](#)).

ECRI to prepare report on Finland (13.03.2012)

An ECRI delegation visited Finland from 27 February to 2 March 2012 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 of 2007 and discussed new issues that have emerged since ([Read more](#)).

ECRI and Committee on the Framework Convention for the Protection of National Minorities to prepare reports on Ireland (15.03.2012)

An ECRI delegation and a delegation of the Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFC) conducted a joint visit to Ireland from 27 February to 2 March 2012 as the first step in the preparation of respective monitoring reports. During the visit, the delegations gathered information on the implementation of the recommendations they had made to the authorities in their previous reports and discussed new issues that had emerged since ([Read more](#)).

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

Czech Republic: publication of the 3rd cycle ACFC Opinion (19.03.2012)

The FCNM published on 19 March 2012 its [Third Opinion on the Czech Republic](#), and the [government's Comments](#).

Advisory Committee: adoption of three opinions (23.03.2012)

The Advisory Committee on the FCNM adopted three country-specific [opinions](#) under the third cycle of monitoring the implementation of this convention in States Parties. The Opinion on Romania was adopted on 21 March 2012 and the opinions on Ukraine and Spain were adopted on 22 March 2012. They are restricted for the time-being. These opinions will be submitted to the Committee of Ministers, which is to adopt conclusions and recommendations.

E. Group of States against Corruption (GRECO)

[No work deemed relevant for the NHRs for the period under observation]

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

Outcome of the 38th Plenary meeting (14.03.2012)

MONEYVAL, at its 38th plenary meeting, achieved several significant results:

- discussed and adopted the mutual evaluation reports on the 4th assessment visits of Malta and of the Principality of Andorra;

- examined and adopted the 3rd round second progress report submitted by Montenegro and requested that a further progress report be presented in December 2012;

- heard a routine interim regular follow-up report submitted by Slovenia under the 4th round;

- examined the reports on action being taken by Albania and Bosnia and Herzegovina to address the issues of concerns raised by MONEYVAL under the Compliance Enhancing Procedures;

- examined measures taken by several countries on identified important deficiencies as a result of the process regarding the state of compliance on all NC and PC ratings in the third round;

- adopted the report under the typologies project on Criminal money flows on the internet: methods, trends and multi-stakeholder counteraction and heard an update on other ongoing typologies projects and reports

- endorsed the revised 2012 FATF Recommendations

Criminal money flows on the Internet: methods, trends and multi-stakeholder counteraction (15.03.2012)

This typology report is the result of a cooperative effort of MONEYVAL, the Council of Europe's Global Project on Cybercrime and the joint project of the European Union and of the Council of Europe against money laundering and the financing of terrorism in the Russian Federation. The report analyses the links between cybercrime and money laundering, the most frequently used methods and instruments for laundering criminal proceeds from cybercrime and through the Internet, as well as the risks and vulnerabilities posed by this type of money laundering. It sets out a number of findings as regards cybercrime and money laundering and of available countermeasures and good practices, which could inspire policy makers and regulators or become elements of more systematic future approaches and strategies that are aimed at the prevention of money laundering and the financing of terrorism, and at the search, seizure and confiscation of proceeds of crime on the Internet ([Read the report](#)).

Second onsite evaluation visit to the Holy See (including Vatican City State) (19.03.2012)

The MONEYVAL team responsible for the evaluation of the Holy See (including Vatican City State) undertook a second onsite visit between 14 and 16 March 2012. This visit was part of the ongoing process of discussion and clarification of the information that has been provided. The team again met representatives of the competent authorities. The report remains on schedule for discussion at the 39th Plenary meeting (2-6 July 2012).

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

[No work deemed relevant for the NHRs for the period under observation]

Part V: The inter-governmental work

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

COUNTRY	CONVENTION	RATIF.	SIGN.	DATE
FINLAND	European Convention on the Adoption of Children (Revised) (CETS No.196)	X		19 March 2012
REPUBLIC OF MOLDOVA	Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters (ETS No. 182)		X	13 March 2012
TURKEY	Council of Europe Convention on preventing and combating violence against women and domestic violence (CETS No. 210)	X		14 March 2012
	Council of Europe Convention on the Prevention of Terrorism (CETS No. 196)	X		23 March 2012

B. Recommendations and Resolutions adopted by the Committee of Ministers

NATURE OF THE TEXT	TEXT NUMBER	OBJECT	DATE
Recommendation	CM/RecChL(2012)2E	Application of the European Charter for Regional or Minority Languages by Finland	14 March 2012
Recommendation	CM/RecChL(2012)1E	Application of the European Charter for Regional or Minority Languages by Cyprus	14 March 2012
Resolution	CM/Del/Dec(2012)1136volresE	Resolutions adopted at the 1136 th meeting (DH) – 6-8 March 2012	13 March 2012
Resolution	CM/ResAP(2012)1E	Safety criteria for cosmetic products intended for infants	14 March 2012

C. Other news of the Committee of Ministers

Council of Europe puts users' rights at heart of Internet (15.03.2012)

The 47 Council of Europe member States have adopted an [Internet governance strategy](#) to protect and promote human rights, the rule of law and democracy online. The strategy, which is one of the priorities of the Council of Europe United Kingdom's Chairmanship, contains more than 40 lines of action structured around six areas (Internet's openness, the rights of users, data protection, cybercrime, democracy and culture, and children and young people). It will be implemented over a period of four years, from 2012 to 2015, in close co-operation with partners from all sectors of society, including the private sector and civil society.

Meeting of the Ministers' Deputies (16.03.2012)

The following items were high on the agenda of the 1137th meeting of the Ministers' Deputies held on 14 March 2012: the situation in Syria, the Strategy on Internet Governance and the execution of the *Sejdić and Finci* judgment by Bosnia and Herzegovina. The meeting also included Mr Hammarberg's last presentation before the Committee as Commissioner for Human Rights of the Council of Europe ([Read the Meeting File](#)).

Declaration of the Committee of Ministers following the execution of Dimitry Konovalov and Vladislav Kovalev (22.03.2012)

The Committee of Ministers, which had firmly condemned the terrorist attack in the Minsk Metro on 11 April 2011, deploras that the Belarusian authorities despite the numerous calls for clemency from the international community, including the Committee of Ministers' own statement of 7 December 2011, executed Dimitry Konovalov and Vladislav Kovalev, following their sentencing to death. The Committee of Ministers reiterates its position that justice cannot be achieved through the death of further human beings. In proceeding with these executions – a punishment which is irreversible and irreparable – the Belarusian authorities ignored one of the basic values of the Council of Europe, the respect for human life. Such actions run counter to our common objective to bring Belarus closer to the Council of Europe. The Committee of Ministers strongly urges Belarus to establish a formal moratorium on executions as a first step towards abolition of the death penalty.

Part VI: The parliamentary work

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

[No work deemed relevant for the NHRs for the period under observation]

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

➤ Countries

Death in Armenia: PACE monitors repeat call for credible public inquiry at which victims' families could speak (15.03.2012)

John Prescott (United Kingdom, SOC) and Axel Fischer (Germany, EPP/CD), PACE's co-rapporteurs for the monitoring of Armenia, have repeated their call for "a credible public inquiry" into the ten deaths that took place during the post-electoral events of March 2008. In an information note made public on 15 March, they said only a criminal investigation had so far taken place, "not the same as the inquiry we had in mind", which would have enabled the victims' families to speak and the authorities to explain the investigation so far. President Sargsyan was "open" to their suggestions, they said, and has requested work on a concept for a public hearing ([Read more](#))

Norwegian parliamentarians come top in annual survey of PACE voting (20.03.2012)

Parliamentarians from Norway voted most often in plenary debates of PACE during 2011, according to statistics made public on 20 March 2012. A "league table" of the voting rates of national delegations, appearing in an annual survey prepared for the Assembly's Bureau, shows that Norway's five-strong delegation cast nearly 90 per cent of their maximum number of possible votes across the year. Other national delegations with high turnouts included Sweden (nearly 85 per cent), Liechtenstein (nearly 82 per cent) and Switzerland (nearly 82 per cent) ([2011 participation statistics](#) | [The Norwegian delegation to PACE](#) | [PACE voting results by session](#)).

Monaco : PACE President praised Monaco's efforts to modernise its institutions (23.03.2012)

Following his official visit to Monaco, PACE President Jean-Claude Mignon praised Monaco's efforts to modernise its institutions and encouraged the authorities to adopt the most modern international standards to address the current challenges of international co-operation. These include the four most recent Council of Europe conventions on the protection of children against sexual exploitation and sexual abuse, the counterfeiting of medical products, preventing and combating violence against women, and cybercrime ([Read more](#)).

➤ Themes

States must not refuse entry as punishment for peacefully-held political opinions (12.03.2012)

Restrictions on an individual's movement – such as a visa ban or refusing entry to a country – should never be used as a sanction for holding "peacefully-held political opinions", PACE's Legal Affairs Committee has said in a draft resolution adopted on 12 March 2012 in Paris ([Read more](#)).

State pensions must guarantee minimum incomes at least equal to national poverty thresholds (22.03.2012)

In a draft resolution adopted unanimously in Paris on 22 March 2012, PACE's Committee on Social Affairs, Health and Sustainable Development proposed a series of measures to guarantee decent pensions for all. On the basis of a report by Denis Jacquat (France, EPP/CD), the committee called on Council of Europe member States to ensure an appropriate standard of living for pensioners by

providing them, via the public pension system, with a minimum income at least equal to the national poverty threshold ([Read more](#)).

Stop bank secrecy, predatory tax practices and regulatory dumping (23.03.2012)

With the report of Dirk Van der Maelen (Belgium, SOC) on promoting an appropriate policy on tax havens, the Committee on Social Affairs, Health and Sustainable Development expresses its concern about the extent of the offshore financial system involving tax havens and its impact on public finances, stability of financial markets and society at large. According to the "Tax Justice Network", 20 Council of Europe member States and ten jurisdictions with close ties with them are among some 70 countries worldwide with the highest financial secrecy index. ([Read more](#)).

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

➤ *Countries*

Luxembourg: Commissioner Hammarberg recommends further steps to protect individual rights in migration policies and juvenile justice (12.03.2012)

"The current increase in the number of persons seeking asylum in Luxembourg requires fair and effective procedures and a humane response", said the Council of Europe Commissioner for Human Rights, Thomas Hammarberg, at the end of a two-day visit to the country. In 2011, almost 2 200 persons applied for asylum in Luxembourg, compared with just over 500 in 2009. Persons from the Western Balkans, particularly Roma, account for much of this difference. Following difficulties in ensuring adequate accommodation for the newcomers, the authorities have now improved the material conditions of the reception facilities. "However, further steps could be taken" said the Commissioner, "including to improve the respect of the privacy of families and access to psychological support, especially for vulnerable persons" ([Read more](#)).

"The United Kingdom juvenile justice system should focus more on rehabilitation" (15.03.2012)

"Despite some progress, the system of juvenile justice in the United Kingdom remains excessively punitive. The state's response to juvenile crime should focus more on rehabilitation" stated Thomas Hammarberg, Council of Europe Commissioner for Human Rights, in releasing a [letter](#) addressed to the UK Lord Chancellor and Secretary of State for Justice, Kenneth Clarke. "The relative ease with which children are put in custody raises questions as to the compatibility of this approach with the European Convention on Human Rights and the UN Convention on the Rights of the Child", said the Commissioner ([Read more](#) | [Read the letter](#) | [Read the reply of the Lord Chancellor and Secretary of State for Justice](#)).

"The lasting impact of the serious human rights violations in the region of the former Yugoslavia needs to be fully addressed" (19.03.2012)

"Inter-ethnic reconciliation, social cohesion and durable peace in the region of the former Yugoslavia cannot be achieved without the states fully addressing the consequences of the serious human rights violations suffered by thousands of victims during the wars in the 1990s. The remaining challenges require wise vision and determined political leadership. Peace and stability in the region should be firmly grounded in the principles of human rights and the rule of law" said Thomas Hammarberg, the Council of Europe Commissioner for Human Rights, presenting in Sarajevo a [paper](#) on post-war justice in the region of the former Yugoslavia. The paper analyses and sets out recommendations on four major components of post-war justice: measures for the elimination of impunity; the provision of adequate and effective reparation to all war victims; the need to establish and recognise the truth concerning gross human rights violations; and institutional reforms to effectively prevent repetition of past events ([Read more](#)).

Commissioner Hammarberg supports Croatian President's efforts to end impunity in the Balkans (22.03.2012)

"The law adopted by the Croatian Parliament last October proclaiming null and void all legal acts relating to the 1991-1995 war in which Croatian nationals are suspected, indicted or sentenced for war crimes is a serious setback to the efforts to end impunity and promote the rule of law in the region. I welcome President Josipović's request to the Constitutional Court of Croatia for a review of the constitutionality of this law," stated the Council of Europe Commissioner for Human Rights, Thomas Hammarberg, following his meeting with the Croatian President in Zagreb. "Impunity encourages the committal and repetition of crimes, inflicts additional suffering on victims and adversely affects the rule of law and public trust in the justice systems, especially where there is a legacy of serious human rights violations", added the Commissioner ([Read more](#)).

➤ *Themes*

Persons with disabilities have a right to be included in the community – and others must respect this principle (13.03.2012)

Persons with disabilities have long been cut off and forced to lead lives of isolation, in large-scale institutions or the back-rooms of family homes, said Thomas Hammarberg, Council of Europe Commissioner for Human Rights, in his Human Rights [Comment](#) published on 13 March 2012 together with an [issue paper](#) on the same topic. Ironically, this has sometimes been inflicted on them with good intentions, in the name of charity, care, welfare or medical rehabilitation. Over time, it has become an accepted feature of our societies' traditional attitude towards persons with disabilities. The actual result of this attitude has been that a significant part of the European population has been stripped of their dignity and their most fundamental human rights ([Read more](#)).

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

[No work deemed relevant for the NHRs for the period under observation]

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