

Strasbourg, 16 February 2012

**Regular Selective Information Flow
(RSIF)
for the attention of the National Human Rights Structures (NHRs)**

**Issue n°82
covering the period from 2 to 15 January 2012**

Funded
by the European Union
and the Council of Europe



EUROPEAN UNION



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

Implemented
by the Council of Europe

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

(“Peer-to-Peer II Project”)

Joint European Union – Council of Europe Programme

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

For any queries, please contact:

casandra.berlinschi@coe.int

francesca.gordon@coe.int

TABLE OF CONTENTS

INTRODUCTION	4
PART I: THE ACTIVITIES OF THE EUROPEAN COURT OF HUMAN RIGHTS	5
A. Judgments.....	5
1. Judgments deemed of particular interest to NHRs.....	5
2. Other judgments issued in the period under observation.....	8
3. Repetitive cases	11
4. Length of proceedings cases.....	11
B. The decisions on admissibility / inadmissibility / striking out of the list including due to friendly settlements.....	12
C. The communicated cases	12
PART II: THE EXECUTION OF THE JUDGMENTS OF THE COURT	14
A. General overview of the twin-track supervision system for the execution of the judgments of the Court	14
PART III : GENERAL AGENDA.....	18
PART IV : THE WORK OF OTHER COUNCIL OF EUROPE MONITORING MECHANISMS	19
A. European Social Charter (ESC).....	19
B. European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT).....	19
C. European Committee against Racism and Intolerance (ECRI)	20
D. Framework Convention for the Protection of National Minorities (FCNM).....	20
E. Group of States against Corruption (GRECO).....	20
F. Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL)	20
G. Group of Experts on Action against Trafficking in Human Beings (GRETA).....	20
PART V: THE INTER-GOVERNMENTAL WORK	21
A. The new signatures and ratifications of the Treaties of the Council of Europe	21
B. Recommendations and Resolutions adopted by the Committee of Ministers.....	21
C. Other news of the Committee of Ministers	21
PART VI : THE PARLIAMENTARY WORK.....	22
A. Resolutions and Recommendations of the Parliamentary Assembly of the Council of Europe (PACE).....	22
B. Other news of the Parliamentary Assembly of the Council of Europe	22

PART VII : THE WORK OF THE OFFICE OF THE COMMISSIONER FOR HUMAN RIGHTS (Under the auspices of the Directorate of Human Rights)23

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

We invite you to read the [INFORMATION NOTE No. 147](#) (provisional version) on the Court's case-law. This information note, compiled by the Registry's Case-Law Information and Publications Division, contains summaries of cases which the Jurisconsult, the Section Registrars and the Head of the aforementioned Division examined in December 2011 and sorted out as being of particular interest

A. Judgments

1. Judgments deemed of particular interest to NHRs

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

Some judgments are only available in French.

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

Note on the Importance Level:

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

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

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

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

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

- **Pilot judgments**

Ananyev and Others v. Russia (nos. 42525/07 and 60800/08) (Importance 1) – 10 January 2012 – Violation of Article 3 – Poor conditions of pre-trial detention – Violation of Article 13 – Lack of an effective remedy – Application of Article 46 – Measures to be taken by domestic authorities as regards the structural problem of inadequate conditions of detention in Russian remand prisons

The applicants complained, in particular, that they had been held in overcrowded cells and that they could not effectively obtain an improvement in the conditions of their detention or some form of compensation. **To sustain their claims, they submitted, among other evidences, extracts from four annual reports by the Ombudsman of the Astrakhan Region.**

Article 13

The Court examined whether people who considered that they had been kept in inadequate remand conditions could effectively complain to the prison authorities, to the prosecutor, to an ombudsman or to the courts and whether they could make a successful claim for compensation. It concluded that for the time being the Russian legal system did not provide an effective remedy. The Court therefore found a violation of Article 13.

Article 3

The applicants had been given less than 1.25 metres and 2 metres of personal space and the number of detainees had significantly exceeded the number of sleeping places available. In addition, they had remained inside their cells all the time, except for a one-hour period of outdoors exercise. They had also eaten their meals and used the toilet in those cramped conditions. The Court found those conditions to be in violation of Article 3.

Article 41 (just satisfaction)

The Court held that Russia was to pay EUR 2,000 to the first applicant and EUR 13,000 to the second in respect of non-pecuniary damage and EUR 850 for costs and expenses.

Article 46 (execution of judgments)

The Court found that inadequate **conditions of detention were a recurrent structural problem in Russia**. The Court then held that the Russian Government had to: (i) improve the material conditions of detention, by shielding the toilets in cells, removing thick netting from cell windows and increasing the frequency of showers; (ii) change the applicable legal framework, as well as practices and attitudes; (iii) ensure that pre-trial detention is only used in absolutely necessary cases; (iv) establish maximum capacity for each remand prison; and, (v) ensure that victims can complain effectively about inadequate conditions of detention and that they obtain appropriate compensation. In order to achieve the above, the Russian authorities have to produce, in co-operation with the Committee of Ministers of the Council of Europe, within six months from the date on which the judgment becomes final, a binding time frame for resolving the problems.

- **Right to life**

Česnulevičius v. Lithuania (no. 13462/06) (Importance 3) – Violations of Article 2 (substantive and procedural) – (i) Domestic authorities’ failure to prevent the murder of a detainee by other inmates – (ii) Lack of an effective investigation

Attacked on three occasions by other inmates, the applicant's son died from his injuries. The criminal proceedings launched by the authorities were suspended on five occasions because the suspects could allegedly not be identified. The applicant complained that the authorities had failed to protect the life of his son while he was in prison and that the ensuing investigation into his death had been inadequate, letting those responsible go unpunished.

Article 2 (substantive)

The Court considered that the prison authorities had to have been aware right from the first incident that the applicant's son had been in clear and real danger, and should have acted in consequence. It found that there had also been deficiencies in the medical care of the applicant's son. The Court was particularly struck by the fact that he had been treated at the prison hospital by a doctor who did not even possess a medical license. Lastly, the prison authorities had failed to respond to the situation with prompt, diligent and effective coordination between security staff, medical practitioners and prison management. The Court therefore found a violation of Article 2.

Article 2 (procedural)

The Court understood the anonymous witnesses' unwillingness to testify against other inmates, but stressed that there were technical means available to question them without revealing their identity. Moreover, anonymous witnesses were not the only source of evidence. Lastly, no criminal, administrative or disciplinary proceedings have apparently ever been brought against the prison wardens or officers. The Court therefore found another violation of Article 2.

Article 41 (just satisfaction)

The Court held that Lithuania was to pay the applicant EUR 30,000 in respect of non-pecuniary damage, EUR 2,015 in respect of pecuniary damage, and EUR 770 for costs and expenses.

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

Di Sarno and Others v. Italy (no. 30765/08) (Importance 2) – 10 January 2012 – Violation of Article 8 – Infringement of the applicants’ right to respect for their private lives and homes on account of domestic authorities’ failure to ensure the proper functioning of the waste collection service in their region – No violation of Article 8 – Adequate information provided by domestic authorities concerning the risks generated by a waste crisis – Violation of Article 13 –

Lack of an effective remedy in respect of domestic authorities' failure to deal with a waste crisis

From 1994 to 2009 the region of Campania faced serious problems with the disposal of urban waste. The applicants complained that, by omitting to take the necessary measures to ensure the proper functioning of the public waste collection service and by implementing inappropriate legislative and administrative policies, the State had caused serious damage to the environment in their region and placed their lives and health in jeopardy. They also criticized the authorities for not informing those concerned of the risks entailed in living in a polluted area.

Article 8

The Court pointed out that States had a positive obligation to put in place regulations appropriate for the activity in question, particularly with regard to the level of the potential risk. Article 8 also required the public should be able to receive information enabling them to assess the danger to which they were exposed. Rejecting the Government's argument that the state of crisis was attributable to force majeure, the Court found that the Italian authorities had for a lengthy period been unable to ensure the proper functioning of the waste collection, treatment and disposal service, resulting in an infringement of the applicants' right to respect for their private lives and their homes. The Court therefore held that there had been a violation of Article 8 in that respect. On the other hand, the studies commissioned by the civil emergency planning department had been published by the Italian authorities, in compliance with their obligation to inform the affected population of the existing risks related to residing in the region. There had therefore been no violation of Article 8 concerning the provision of information to the public.

Article 13

The Court noted in particular that the only domestic action available to the applicants was an action for damages, which would have resulted in compensation for those concerned, but not to the removal of the waste from public places. Moreover, the Government had not produced any civil court decision awarding damages to the residents of the areas concerned. Article 13 had therefore been violated.

Article 41 (just satisfaction)

The Court held that its findings of violations of the Convention constituted sufficient redress for the non-pecuniary damage sustained. It held that Italy was to pay EUR 2,500 to one of the applicant. Judge Sajó expressed a separate opinion.

- **Freedom of thought, conscience and religion**

[Bukharatyan v. Armenia](#) (no. 37819/03) (Importance 2) and [Tsaturyan v. Armenia](#) (no. 37821/03) (Importance 2) – 10 January 2012 – Violation of Article 9 – Interference with the applicants' freedom of thoughts, conscience and religion, on account of their criminal conviction for refusing to serve in the army due to their religious beliefs

The applicants complained about being convicted and sentenced to two years in prison in April 2003 for refusing to serve in the army, while their refusal was grounded on their religious beliefs.

The Court noted that it has already examined similar complaints (see *Bayatyan v. Armenia*) and concluded that the imposition of a penalty on the applicants, in circumstances where no allowances were made for the exigencies of their conscience and beliefs, could not be considered a measure necessary in a democratic society. In the present cases, the applicants sought to be exempted from military service not for reasons of personal benefit or convenience but on the ground of their genuinely held religious convictions. The Court therefore considered that the applicants' conviction constituted an interference which was not necessary in a democratic society within the meaning of Article 9.

Article 41 (just satisfaction)

The Court held that Armenia was to pay the applicant EUR 6,000 in respect of non-pecuniary damage and EUR 4,000 for costs and expenses to each applicant.

- **Freedom of expression**

[Standard Verlags GmbH v. Austria](#) (no. 3) (no. 34702/07) (Importance 2) – 10 January 2012 – Violation of Article 10 – The domestic courts have overstepped the narrow margin of appreciation afforded to them with regard to restrictions on debates of public interest on

account of the conviction of a newspaper, for having disclosed a well-known criminal suspect's identity

The case concerned an article published by a company, reporting an enormous speculation losses incurred by a bank, ultimately causing important damage to the taxpayer, and the ensuing criminal investigation for embezzlement brought against that bank's senior management. The applicant's company complained that it had been convicted by the domestic courts for having disclosed the bank's manager identity in the said article. The applicant company maintained that without being able to mention the names of those responsible it would not have been possible for the press to convey the extent to which politics and banking were intertwined.

The Court accepted the domestic court's argument that the disclosure of a suspect's identity may be particularly problematic at the early stage of criminal proceedings. However, the Court observed that the said domestic court did not counter the argument that the bank manager's name and position were well known in business circles before the publication of the article at issue. The Court therefore considered that the domestic courts have overstepped the narrow margin of appreciation afforded to them with regard to restrictions on debates of public interest. It concluded that the interference with the applicant company's right to freedom of expression was not "necessary in a democratic society", and therefore contrary to Article 10.

Article 41 (just satisfaction)

The Court held that Italy was to pay the applicant EUR 7,602.12 for pecuniary damage and EUR 4,500 for costs and expenses.

- **Right to free elections**

Hajili v. Azerbaijan (no. 6984/06), Mammadov v. Azerbaijan (no. 2) (no. 4641/06) (Importance 3) and Kerimli and Alibeyli v. Azerbaijan (nos. 18475/06 and 22444/06) (Importance 2)– Violation of Article 3 of Protocol No. 1 – Domestic authorities' failure to guarantee the integrity and effectiveness of an electoral procedure

All opposition party candidates, the applicants complained about the invalidation of the results of the 2005 national parliamentary elections in which, they claimed, they were the outright winners in their respective constituencies. They also claimed that they were deprived of their seats in the National Assembly owing to their affiliation with the opposition.

The Court noted that the domestic authorities failed, in an unexplained manner, to follow a number of procedural safeguards: they failed to consider the possibility of a recount of votes, they ignored the requirements of the Electoral Code prohibiting invalidation of election results on the basis of a finding of irregularities committed for the benefit of candidates who lost the election, etc. The Court noted also that the domestic courts failed to adequately address those issues. The Court therefore concluded that the decision on the annulment of the election results in the applicant's electoral constituency was arbitrary, and prevented the applicants from effectively exercising their right to stand for election. There had accordingly been a violation of Article 3 of Protocol No. 1.

Article 41 (just satisfaction)

The Court held that Azerbaijan was to pay, depending on the applicant, up to EUR 7,500 for non-pecuniary damage, EUR 20,000 for pecuniary damages, and EUR 1,600 for costs and expenses.

2. Other judgments issued in the period under observation

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

- Press release by the Registrar concerning the Chamber judgments issued on 10 Jan. 2012: [here](#)
- Press release by the Registrar concerning the Chamber judgments issued on 12 Jan. 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.

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

<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>
Bulgaria	10 Jan. 2012	Biser Kostov (no. 32662/06) Imp. 3	Violation of Art. 3 (procedural)	Lack of an effective investigation into acts of violence committed against the applicant by supermarket employees	Link
Bulgaria	10 Jan. 2012	Shahanov (no. 16391/05) Imp. 3	Violation of Art. 3 (substantive) Violation of Art. 13 in conjunction with Art. 3 Violation of Art. 8 Violation of Art. 6 § 1 Violation of Art. 13 in conjunction with Art. 6 § 1	Poor conditions of detention in Varna Prison Lack of an effective remedy Domestic authorities' unlawful monitoring of the applicant's correspondence Excessive length of criminal proceedings (more than 6 years) Lack of an effective remedy	Link
Italy	10 Jan. 2012	Di Marco (no. 32521/05) Imp. 3	Just satisfaction	Just satisfaction following a judgment of 26 July 2011	Link
Poland	10 Jan. 2012	Pohoska (no. 33530/06) Imp. 3	Violation of Art. 6 § 1	Unfairness of criminal proceedings on account of judges' lack of impartiality as a court composed of assessors was not independent within the meaning of Article 6 § 1, the reason being that an assessor could have been removed by the Minister of Justice at any time during their term of office and that there were no adequate guarantees protecting them against the arbitrary exercise of that power by the Minister	Link
Romania	10 Jan. 2012	B. (no. 42390/07) Imp. 3	Violation of Art. 3 (procedural)	Lack of an effective investigation into allegation of rape and attempted rape	Link
Romania	10 Jan. 2012	Cristescu (no. 13589/07) Imp. 2	No violation of Art. 8	Justified refusal of domestic authorities to enforce the applicant's contact rights with his child in child custody proceedings, in view of the margin of appreciation afforded to the national authorities in the matter, and taking into consideration the best interests of the child	Link
Romania	10 Jan. 2012	Roşioru (no. 37554/06) Imp. 3	Violation of Art. 3 (substantive and procedural)	(i) Ill-treatment by police officers; (ii) lack of an effective investigation	Link
Romania	10 Jan. 2012	Şerban (no. 11014/05) Imp. 3	Violation of Art. 3 (substantive and procedural)	(i) Ill-treatment by police officers and security guards; (ii) lack of an effective investigation	Link
Russia	10 Jan. 2012	Arutyunyan (no. 48977/09) Imp. 2	Violation of Art. 3 (substantive) Violation of Art. 5 § 1 No violation of Art. 5 § 3	Poor conditions of detention Unlawfulness of detention Reasonable length of detention (15 months) on account of the complexity of the proceedings	Link
Russia	10 Jan. 2012	Sakhvadze (no. 15492/09) Imp. 2	Violation of Art. 3 (substantive)	Domestic authorities' failure to provide the applicant with medical assistance for his health problems (Myelopathy and tuberculosis)	Link
Russia	10 Jan. 2012	Vladimir Vasilyev (no. 28370/05) Imp. 3	Violation of Art.3 Violation of Art. 6 § 1	Domestic authorities' failure to provide the applicant, suffering from diabetes, with adequate medical care in detention Unfairness of civil proceedings	Link
Russia	10 Jan.	Sokurenko (no. 33619/04)	Violation of Art. 3 (substantive and	(i) Ill-treatment by prison authorities; (ii) lack of an effective investigation	Link

	2012	Imp. 3	procedural) Violation of Art. 5 § 3 Violation of Art. 5 § 4	Excessive length of detention (over 3 years and 11 months) Infringement of the principle of equality of arms during proceedings concerning the applicant's detention	
Russia	10 Jan. 2012	Vulakh and Others (no. 33468/03) Imp. 2	Violation of Art. 6 § 2 Violation of Art. 1 of Prot. 1	Infringement of the applicant's right to be presumed innocent on account of domestic courts' declarations accusing the applicant of being the head of a criminal gang before the applicant's conviction Unlawful expropriation of the applicants' property on account of the crimes allegedly committed by the former owner of the concerned property	Link
the Czech Republic	12 Jan. 2012	Pekárny a cukrárny Klatovy, a.s. (nos. 12266/07, 40059/07, 36038/09 and 47155/09) Imp. 3	No violation of Art. 1 of Prot. 1 No violation of Art. 6 (in applications nos. 12266/07 and 40059/07) Violation of Art. 6 (in applications nos. 36038/09 and 47155/09)	Proportionate nature of domestic authorities' interference with the applicant's right to peaceful enjoyment of possessions, in order to prevent prejudices to the right of another company Effective judicial review of the applicant's appeal by the Supreme Court Lack of an effective judicial review of the applicant's appeal by the Supreme Court (lack of decision on the merits)	Link
the Netherlands	10 Jan. 2012	G.R. (no. 22251/07) Imp. 2	Violation of Art. 13	Unjustified hindrance to the applicant's right to an effective domestic remedy on account of the extremely formalistic attitude of the Minister – depriving the applicant of access to the competent administrative tribunal to complain concerning an excessive fee for seeking a residence permit	Link
Turkey	10 Jan. 2012	Lordos and Others (no. 15973/90) Imp. 2	Just satisfaction	Just satisfaction following the judgment of 11 April 2011	Link
Ukraine	12 Jan. 2012	Borisenko (no. 25725/02) Imp. 2	Violation of Art. 5 § 3 Violation of Art. 6 § 1 (length)	Excessive length of detention (over 1 year and 10 months) and proceedings (7 years and 5 months)	Link
Ukraine	12 Jan. 2012	Dovzhenko (no. 36650/03) Imp. 2	Violation of Art. 6 § 2 Violation of Art. 6 §§ 1 and 3 (c) Violation of Art. 8	Infringement of the applicant's right to be presumed innocent on account of incriminating statements made by newspaper articles and public statements Unfairness of proceedings (lack of legal assistance, lack of effective access to the case file) Domestic authorities' failure to dispatch the applicant's correspondence	Link
Ukraine	12 Jan. 2012	Feldman (no. 2) (no. 42921/09) Imp. 3	Two violations of Art. 8	Domestic authorities' refusal to authorise family visits and to allow the applicant to attend his father's funeral	Link
Ukraine	12 Jan. 2012	Gorovenky and Bugara (nos. 36146/05 and 42418/05) Imp. 2	Violation of Art. 2 (substantive)	Domestic authorities' failure to supervise the keeping and use of firearms by its officers	Link
Ukraine	12 Jan. 2012	Iglin (no. 39908/05) Imp. 3	Violation of Art. 3 (substantive) Violation of Art. 6 § 1	Poor conditions of detention Unfairness of proceedings	Link

			in conjunction with Art. 6 § 3 (b) and (c) Violation of Art. 13 No violation of Art. 34	Lack of an effective remedy Lawfulness of domestic authorities' refusal to pay for copies of documents request by the applicant to apply to the Court	
Ukraine	12 Jan. 2012	Igor Shevchenko (no. 22737/04) Imp. 2	Violation of Art. 2 (procedural)	Lack of an effective and timely investigation into the applicant's mother's death	Link
Ukraine	12 Jan. 2012	Todorov (no. 16717/05) Imp. 2	Violation of Art. 3 (substantive) Violation of Art. 5 § 3 Violation of Art. 6 §§ 1 and 3 (c) Violation of Art. 6 § 1	Domestic authorities' failure to address the deterioration of the applicant's health Excessive length of detention (5 years and 3 months) Domestic authorities' failure to guarantee the applicant's right to access to a lawyer Excessive length of proceedings (over 6 years)	Link
Ukraine	12 Jan. 2012	Trymbach (no. 44385/02) Imp. 2	No violation of Art. 6 §§ 1 and 3 (c)	Domestic authorities did not fail in their obligation to provide the applicant with legal assistance as he had signed a genuine waiver renouncing to that right	Link
Ukraine	12 Jan. 2012	Ustyantsev (no. 3299/05) Imp. 2	Violation of Art. 3 (substantive)	Poor conditions of detention	Link

3. Repetitive cases

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

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

<u>State</u>	<u>Date</u>	<u>Case Title</u>	<u>Conclusion</u>	<u>Key words</u>
Turkey	10 Jan. 2012	Hüseyin Özel (no. 2917/05) link Kıran (no. 23321/09) link Serap Demirci ey (no. 316/07) link	Violation of Art. 6 § 1	Disproportionate financial restriction on the applicants' right of access to a court

4. Length of proceedings cases

The judgments listed below are based on a classification which figures in the Registry's press release.

The role of the NHRs may be of particular relevance in that respect as well, as these judgments often reveal systemic defects, which the NHRs may be able to fix with the competent national authorities.

With respect to the length of non criminal proceedings cases, the reasonableness of the length of proceedings is assessed in the light of the circumstances of the case and with reference to the following criteria: the complexity of the case, the conduct of the applicant and the relevant authorities and what was at stake for the applicant in the dispute (See for instance [Cocchiarella v. Italy](#) [GC], no. 64886/01, § 68, published in ECHR 2006, and [Frydlender v. France](#) [GC], no. 30979/96, § 43, ECHR 2000-VII).

<u>State</u>	<u>Date</u>	<u>Case Title</u>	<u>Link to the judgment</u>
Greece	10 Jan. 2012	Fergadioti-Rizaki (no. 370/09)	Link
Greece	10 Jan. 2012	Naka (no. 2) (no. 33585/09)	Link
Greece	10 Jan. 2012	Theodorakis and Theodorakis-Tourism and Hotels S.A. (no 2) (no. 57713/09)	Link
Greece	10 Jan. 2012	Voutyras and Others (no. 54391/08)	Link
Greece	10 Jan. 2012	Getimis (no. 58040/09)	Link
Greece	10 Jan. 2012	Jusuf (no. 4767/09)	Link
Ukraine	12 Jan. 2012	Kryzhanivskyy (no. 36619/05)	Link

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

[No decisions were published under the period 19 December 2011 to 1 January 2012]

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 9 January 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 9 January 2012 on the Court's Website and selected by the Directorate for Human Rights

The batch of 9 January 2012 concerns the following States (some cases are however not selected in the table below): Belgium, Finland, France, Germany, Greece, Italy, Latvia, Moldova, Poland, Romania, Russia, Slovakia, "the Former Yugoslav Republic of Macedonia", Turkey, Ukraine.

<u>State</u>	<u>Date of Decision to Communicate</u>	<u>Case Title</u>	<u>Key Words of questions submitted to the parties</u>
Finland	14 Dec. 2011	M.M. and Others no 72861/11	Alleged violation of Art. 3 – Poor conditions for asylum seekers in Italy, where the applicants had been returned to – Alleged violation of Art. 13 – Lack of an effective remedy
Italy	14 Dec. 2011	Anghel no 5968/09	Alleged violation of Art. 6 § 1 – Unfairness of proceedings – Alleged violation of Art. 8 – Alleged unfairness of proceedings by the Bologna Youth Court concerning its competence under the Hague Convention– Alleged violation of Art. 14 and Art. 5 of Prot. 7 – Alleged difference in treatment between spouses

Latvia	16 Dec. 2011	Oderovs no 21979/08	Alleged violations of Articles 6 § 3 and 8 – Unlawful interception of the applicant's telephone conversations with his attorney
Poland	14 Dec. 2011	Wójcik no 66424/09	Alleged violation of Articles 8 and 12 – Disproportionate restrictions on the applicant's right to have private conjugal visits in prison
Romania	12 Dec. 2011	Popa no 47558/10	Alleged violation of Art. 11 – Unjustified domestic courts' refusal to register the applicant's association on account of its political nature
Disappearance cases in Ingushetiya			
Russia	14 Dec. 2011	Albakova no 69842/10 and 11 other applications	Alleged violation of Violations of Art. 2 (substantive and procedural) – (i) Abduction followed by the killing of the applicant's son – (ii) Lack of an effective investigation – Alleged violation of Article 3 (substantive and procedural) – (i) Ill-treatment while in custody of Russian law-enforcement agents – (ii) lack of an effective investigation – Alleged violation of Article 5 – Unacknowledged detention of the applicant's son – Alleged violation of Article 13 in conjunction with Article 2 – Lack of an effective remedy

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 (NHRSS), as independent state authorities, have a key role to play in order to identify possibilities for improvements in the respect for human rights at national level and encourage those to be made. They can in fact bridge the international and the national level, making it easier for national authorities to understand the human rights issues at stake.

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

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

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

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

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

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

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

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

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

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

- **Procedures outlines**

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

1. Standard procedure

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

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

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

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

More information :

Action plans and/or reports are published here :

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

2. Enhanced procedure

- a. *Indicators*

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

b. Procedure

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

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

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

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

3. Cases currently pending before the Committee of Ministers

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

More information :

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

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

4. Just satisfaction

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

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

• Useful documents and websites on new working methods

Please note that useful and updated information (including developments occurred between the various Human Rights meetings) on the state of execution of the cases classified by country is provided:

http://www.coe.int/t/dghl/monitoring/execution/Reports/pendingCases_en.asp

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

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

http://www.coe.int/t/dghl/monitoring/execution/Documents/Doc_ref_en.asp

Part III: General Agenda

The “General Agenda” presents events that either took place or were announced* during the period under observation (29.11 – 11.12.2011) for this RSIF.

January 2012

- 9-13 January:
 - > PACE President official visit to Turkey
- 16-17 January:
 - > PACE co-rapporteurs monitoring visit to Armenia
 - > PACE delegation post-election visit to Tunisia
- 19-20 January:
 - > PACE rapporteur fact-finding visit to Belgrade
- 20-21 January:
 - > PACE delegation “post-electoral” visit to Russia ahead of plenary session
- 23-25 January:
 - > 255th session of the European Committee of Social Rights
- 24-25 January:
 - > Seminar on the role of Probation in Kyiv, Ukraine ([Read more](#))
- 25 January:
 - > Steering Committee Meeting of the COMASYT Project ([Read more](#))
- 26 January:
 - > Launch of a new project in Bosnia and Herzegovina in the field of prison reform ([Read more](#))

February 2012

- 2-4 February
 - > Working Group Meeting on legal amendments in the Turkish system ([Read more](#))

* These are subsequently due to take place.

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

A. European Social Charter (ESC)

Collective complaints (06.01.2012)

The International Federation of Human Rights (FIDH) has lodged a complaint against Belgium, registered on 13 December 2011 under number 75/2011, concerning the situation of highly dependent adults with disabilities ([more information](#)); [Complaint No. 75/2011](#); [Collective complaint Web site](#)

Decisions on admissibility (15.01.2012)

The European Committee of Social Rights adopted five decisions on admissibility at its December session on 7 December 2011 with regard to the following complaints:

- Defence for Children - International (DCI) v. Belgium, Complaint no. 69/2011 concerning foreign children living accompanied or not, as either illegal residents or asylum seekers in Belgium, currently alleged to be excluded from social assistance ([more](#)); [Decision on admissibility](#)
- Association of Care Giving Relatives and Friends v. Finland, Complaint no. 70/2011 concerning the situation of family and friend caregivers in Finland ([more](#)); [Decision on admissibility](#)
- Association of Care Giving Relatives and Friends v. Finland, Complaint no. 71/2011, concerning the cost of caring for the elderly in municipal nursing homes. ([more](#)); [Decision on admissibility](#)
- International Federation for Human Rights (FIDH) v. Greece, Complaint No. 72/2011 which concerns the effects of massive environmental pollution on the health of persons living near the Asopos river and the industrial area of Inofyta, located 50 km north of Athens. ([more](#)); [Decision on admissibility](#)
- *Syndicat de Défense des Fonctionnaires v. France*, Complaint No. 73/2011 concerning the situation of so-called " redeployed" civil servants, employed by France Télécom and La Poste, who have remained at the grades of the former Post and Telecommunications service. ([more](#)); [Decision on admissibility](#)

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

The CPT published report on Greece and response of the Greek Government (10.01.2012)

The CPT has published on 10 January 2012 the [report on its ad hoc visit to Greece in January 2011](#), together with the [response of the Greek Government](#). The 2011 ad hoc visit was carried out to assess the concrete steps taken by the Greek authorities to implement long-standing recommendations made by the CPT, in particular those contained in the [reports on the Committee's visits of September 2005, February 2007, September 2008 and September 2009](#). In the course of the visit, the CPT's delegation reviewed the treatment and conditions of detention of migrants held in aliens detention centres and in police and border guard stations, particularly in the Attica and Evros regions. The delegation also examined in depth the situation in several prison establishments, including the provision of health care and the regime offered to inmates ([Read more](#))

The CPT published report on Moldova (12.01.2012)

The CPT has published on 12 January 2012 the [report on its last visit to Moldova in June 2011](#). In its report, the CPT noted that a significant proportion of detained persons interviewed by its delegation complained of police ill-treatment during the months preceding the visit. Consequently, the Committee

recommended that the Moldovan authorities continue to implement anti-torture measures with determination. The Committee also recommended reinforcing the mechanisms for the investigation of alleged ill-treatment. The CPT made a generally positive assessment of the conditions of detention at the temporary placement centre for foreign nationals in Chişinău, but recommended that the Moldovan authorities resolutely pursue the nationwide scheme to renovate police temporary detention facilities ([Read more](#)).

C. European Committee against Racism and Intolerance (ECRI)

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

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

United Kingdom: publication of the 3rd cycle ACFC Opinion (06.01.2012)

The FCNM published on 06 January 2012 its Third Opinion on Austria, and the government's Comments ([Read the Opinion](#); [Read the government's Comments](#))

E. Group of States against Corruption (GRECO)

GRECO called on Austria to ratify the Criminal Law Convention on Corruption and to improve transparency of political founding (13.01.2012)

In its report, GRECO stressed that Austria is one of the very few Council of Europe member states which are not a party to the Criminal Law Convention on Corruption and its Additional Protocol. Although criminal legislation on corruption is quite developed, it does not adequately criminalize offences such as bribery of members of elected public assemblies or bribery of senior public officials. The latter cannot be prosecuted whenever gifts and other gratuities are permitted in the administrative regulations or the employing institution's internal rules. Moreover, Austrian top executives are usually not subject to such regulations ([Read more](#) | [Read the report in English](#) | [Read the report in French](#) | [Read the report in Deutsch](#))

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

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

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
BOSNIA AND HERZEGOVINA	European Convention for the Protection of the Audiovisual Heritage (ETS No. 182)	X		12 Jan. 2012
DENMARK	Council of Europe Convention on the counterfeiting of medical products and similar crimes involving threats to public health (CETS No. 211)		X	12 Jan. 2012
ESTONIA	European Agreement relating to persons participating in proceedings of the European Court of Human Rights (ETS No. 161)	X		09 Jan. 2012
ROMANIA	European Convention on the Abolition of Legalisation of Documents executed by Diplomatic Agents or Consular Officers (ETS No.063)	X		02 Jan. 2012
	European Convention on the Adoption of Children (Revised) (CETS No. 202)	X		02 Jan. 2012
"THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA"	European Social Charter (ETS No. 163)	X		06 Jan. 2012

B. Recommendations and Resolutions adopted by the Committee of Ministers

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

C. Other news of the Committee of Ministers

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

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

PACE rapporteur welcomed prisoner amnesty in Azerbaijan (03.01.2012)

Christoph Strässer (Germany, SOC), PACE rapporteur on “revisiting the issue of political prisoners”, has welcomed the recent liberation of Mehman Mammadov, Jabbar Savalan and Nizami Shamuradov as part of the traditional end-of-year amnesty ([read more](#)).

PACE President made official visit to Turkey (09.01.2012)

PACE President Mevlüt Çavusoglu made an official visit to Turkey from 9 to 13 January 2012. In Ankara (9-10 January), he met the President and Prime Minister, the Speaker of the Grand National Assembly and the heads of the main political parties, as well as the Foreign Affairs and Justice Ministers. Taking the opportunity of this visit, PACE President praised in particular the reform process undertaken by the Turkish authorities ([read more](#)), and the Turkey's generous treatment of Syrian refugees ([read more](#)).

PACE co-rapporteurs made monitoring visit to Armenia (12.01.2012)

John Prescott (United Kingdom, SOC) and Axel Fischer (Germany, EPP/CD), PACE co-rapporteurs for the monitoring of Armenia, made a fact-finding visit to Yerevan on 16-17 January. Discussion focused mainly on the follow-up to PACE Resolution 1837 (2011) – on the investigation into the ten casualties of the March 2008 events, the creation of an independent police complaints mechanism, and civilian oversight over the police – as well as on preparations for the 2012 parliamentary elections, and on the priority areas for the monitoring procedure ([read more](#)).

PACE delegation made a post-election visit to Tunisia (13.01.2012)

A PACE delegation led by Andreas Gross (Switzerland, SOC) travelled to Tunis on 16 and 17 January. The President of the Venice Commission joined the delegation. The purpose of the visit was to assess the scope for strengthening PACE's institutional relations with the new Constituent National Assembly and with other Tunisian institutions and partners, following the elections of 23 October 2011 ([read more](#)).

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

“Turkish judicial system should better protect human rights” (10.01.2012)

“Long-standing, systemic shortcomings in the administration of justice in Turkey adversely affect the enjoyment of human rights” said the Council of Europe Commissioner for Human Rights, Thomas Hammarberg, releasing on 10 January 2012 a report on the impact of the administration of justice on the protection of human rights in Turkey. Despite serious reforms undertaken and the progress achieved by Turkey in tackling some of the major obstacles in recent years, its law and practice are still not in line with the case-law of the European Court of Human Rights. One of the major factors hampering progress lies in the established attitudes and practices followed by judges and prosecutors at different levels giving precedence to the protection of the state over the protection of human rights ([Read more](#) | [Read the report](#))

Republic of Moldova: “Impunity remains a major concern” (11.01.2012)

Addressing the remaining human rights consequences of the violent events of April 2009 is a pressing need for Moldova. Concrete and resolute action should be taken to bring to trial those responsible for illegal acts during that period, and reforms should be pursued to prevent such violations from occurring in the future”, said the Council of Europe Commissioner for Human Rights, releasing on 11 January 2012 a letter addressed to the Prime Minister of Moldova, Mr Vladimir Filat. The Commissioner noted with concern the unjustifiable leniency with which those responsible for acts of violence against protesters have been treated. “Trials have generally resulted in acquittals or light suspended sentences. Victims of torture and ill-treatment have not been allowed access to case files while policemen suspected of having committed such serious crimes continue to exercise their duties pending investigation. This is unacceptable” ([Read more](#) | [Read the letter](#))

Hungary: Legislative changes threaten democracy and human rights (12.01.2012)

“Major legislative changes have been adopted in Hungary after minimal public consultation and without sufficient consideration of crucial human rights principles. Recent decisions affecting the independence of the judiciary, freedom of expression and freedom of religion raise serious concerns”, said the Council of Europe Commissioner for Human Rights, publishing on 12 January 2012 a letter addressed to the Hungarian Minister for Foreign Affairs about the new Law on the Right to Freedom of Conscience and Religion, which deprives a great number of religious denominations of their church status. The non-recognized religious communities are denied rights and privileges which they previously enjoyed in Hungary and now face severe legal and procedural obstacles when trying to regain church status. Though the letter received a reply from the Government, the Commissioner is still concerned. “The Parliament will in the future decide on the recognition of an applicant denomination. Such a procedure, which tasks a political body to assess the legitimacy of religious beliefs, is not compatible with the State’s duty of neutrality and impartiality”, said the Commissioner ([Read more](#) | [Read the letter](#))

**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]
See the General Agenda above for forthcoming events