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(DIRECTORATE GENERAL OF HUMAN RIGHTS AND RULE OF LAW)
&
DIRECTORATE OF HUMAN RIGHTS AND ANTI-DISCRIMINATION
(DIRECTORATE GENERAL OF DEMOCRACY)



Strasbourg, 1 October 2012

**REGULAR SELECTIVE INFORMATION FLOW
(RSIF)
FOR THE ATTENTION OF THE NATIONAL HUMAN RIGHTS STRUCTURES (NHRSS)**

**Issue n° 98
covering the period from 14 August to 14 September 2012**

*The **selection** of the information contained in this Issue and deemed relevant to NHRSS is made under the responsibility of the Directorate of Human Rights (DG I)*

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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 (DG I) 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 (including Ombudsman Institutions, National Human Rights Commissions and Institutes, Anti-discrimination Bodies). 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 jointly by the Directorate of Human Rights (Directorate General of Human Rights and Rule of Law - DG I) and the Directorate of Human Rights and Anti-Discrimination (Directorate General of Democracy - DG II). It is entrusted to Mr Thibaut Fleury, Ph.D, Associate Professor at Versailles University (France).

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.

- **Grand Chamber judgment**

[Nada v. Switzerland](#) (no. 10593/08) – Importance 1 – 12 September 2012 – Violation of Article 8 – Domestic authorities’ decision, following the adoption of a UN resolution, to deprive the applicant from his right to cross the frontier of the Italian enclave where he lived, for a minimum period of six years – Violation of Article 8 taken together with Article 13 – Lack of an effective remedy in that respect – No violation of Article 5 – No deprivation of the applicant’s liberty on account of the restrictions imposed on him since they did not prevent him from freely living and moving within the territory of his permanent residence

The case concerned the restricting of the applicant’s cross-border movement and the addition of his name to a list annexed to a federal Ordinance, in the context of the implementation by Switzerland of United Nations Security Council counter-terrorism resolutions. The applicant argued that the ban imposed on him, preventing him from entering or transiting through Switzerland, had breached his right to respect for his private, professional and family life. As a result of the ban, he had been unable to see his doctors in Italy or in Switzerland or visit family and friends. The addition of his name to the list annexed to the Taliban Ordinance had damaged his honour and reputation. He also complained that there had been no effective remedy by which to have his complaints examined in the light of the Convention.

Article 8

The Court reiterated that a State was entitled, as a matter of well-established international law and subject to its treaty obligations, to control the entry of non-nationals into its territory. The Convention did not guarantee the right of an alien to enter a particular country. However, the Court considered that the Swiss authorities had not sufficiently taken into account the realities of the case, especially the geographical situation of the Campione d’Italia enclave (where the applicant lived), the duration of the measures imposed (six years) or the applicant’s nationality (Italian and Egyptian), age (born in 1931)

and health. The Court observed that Switzerland could not simply rely on the binding nature of the Security Council resolutions, but should have taken all possible measures, within the latitude available to it, to adapt the sanctions regime to the applicant's individual situation. As Switzerland had failed to harmonise the international obligations that appeared contradictory, the Court found that there had been a violation of Article 8.

Article 13

The Court observed that the applicant had been able to apply to the Swiss authorities to have his name deleted from the list annexed to the Taliban Ordinance. However, the Federal Court had taken the view that it could not by itself lift the sanctions, observing that the UN Sanctions Committee alone was competent to take such a decision. The Court thus concluded that the applicant did not have any effective means of obtaining the removal of his name and therefore no remedy in respect of the violations of his rights. It found that there had been a violation of Article 13 taken together with Article 8.

Article 5

The Court acknowledged that the restrictions had been imposed on the applicant for a considerable length of time, but found that they had not prevented him from freely living and moving within the territory of his permanent residence, which he had chosen of his own free will. The Court, like the Federal Court, thus found that the applicant had not been "deprived of his liberty" within the meaning of Article 5 § 1 by the measure prohibiting him from entering and transiting through Switzerland.

Article 41 (just satisfaction)

The Court held that Switzerland was to pay the applicant EUR 30,000 in respect of costs and expenses.

Judges Bratza, Nicolaou and Yudkivska expressed a joint concurring opinion; Judge Rozakis expressed a concurring opinion, joined by Judges Spielmann and Berro-Lefèvre; and Judge Malinverni also expressed a concurring opinion.

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

Costa and Pavan v. Italy ([in French only](#)) (no. 54270/10) – Importance 2 – 28 August 2012 – Violation of Article 8 – Ban preventing a couple of healthy carriers of genetic disease from screening embryos for in vitro fertilisation

The applicants' daughter was born with cystic fibrosis. The couple now want to have a child by in vitro fertilisation ("IVF"), so that the embryo can be genetically screened prior to implantation (pre-implantation diagnosis – "PID"). Italian law prohibits PID. It however allows IVF for sterile couples or those in which the man has a sexually transmissible disease such as HIV or hepatitis B and C, to avoid the risk of transmitting the infection. The applicants complained that the only course open to them to have a baby that did not have cystic fibrosis was to start a pregnancy by natural means and medically terminate it every time the foetus tested positive for the disease.

Under Article 8, The Court observed that the inconsistency in Italian law – prohibiting the implantation of only those embryos which were healthy, but authorising the abortion of foetuses which showed symptoms of the disease – left the applicants only one choice, which brought anxiety and suffering: starting a pregnancy by natural means and terminating it if prenatal tests showed the foetus to have the disease. The Court accordingly considered that the interference with the applicants' right to respect for their private and family life was disproportionate, in breach of Article 8.

Under Article 41 (just satisfaction), the Court held that Italy was to pay the applicants EUR 15,000 in respect of non-pecuniary damage and EUR 2,500 in respect of costs and expenses.

2. Other judgments issued in the period under observation

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

STATE	DATE	CASE TITLE	IMP.	CONCLUSION	KEY WORDS
ITALY	28 August 2012	SPAMPINATO (IN FRENCH ONLY) (No. 69872/01)	3		Just satisfaction
SERBIA	28 August 2012	VUCKOVIC AND OTHERS (Nos. 17153/11 AND 29 OTHERS)	2	Violation of Art. 14 read in conjunction with Art. 1 of Prot. No. 1	Unjustified difference of treatment in the payment of an allowance for the applicants’ service during NATO’s intervention in Serbia
				Application of Art. 46	Obligation made to domestic authorities to ensure non-discriminatory payment of war <i>per diem</i> expenses allowances
TURKEY	28 August 2012	DIRI (No. 4062/07)	3	Violation of Art. 6 § 2	Domestic civil courts’ statement that the applicant was guilty of a criminal offence, while criminal proceedings had been suspended
		DURAN (No. 37552/06)	3	No violation of Art. 3 (substantive)	Applicant’s failure to describe the alleged ill-treatment acts in detail
				Violation of Art. 3 (procedural)	Domestic authorities’ failure to conduct an effective investigation into the applicant’s allegation of ill-treatment

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 work deemed relevant for the NHRs for 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.

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

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).

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

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

STATE	DATE	CASE TITLE	ALLEGED VIOLATIONS (KEY WORDS)	DECISION
AUSTRIA	28 August 2012	SAHIN (NO. 1566/08)	Art. 8 (provisional placement of the applicant's children in a children home) ; Articles 6 and 13 (lack of access to a court to have the lawfulness of the provisional placement of the children examined)	Inadmissible as manifestly ill-founded
		BOROTSCHNIK AND OTHERS (NO. 29149/07)	Art. 8 (lack of road signs indicating the name of a village in both Slovenian and German, despite the fact that a substantial Slovenian linguistic minorities population lives there), Art. 13 (lack of an effective remedy in that respect)	Struck out of the list (the matter about which the applicants complained has been resolved at the domestic level)
BELGIUM	28 August 2012	SIMONS (IN FRENCH ONLY) (NO. 71407/10)	Articles 5 § 1, 6 §§ 1 and 3 c) (domestic legal system's failure to provide the applicant with legal assistance in police custody and domestic authorities' failure to notify to the applicant her right to remain silent)	Inadmissible as manifestly ill-founded
BULGARIA	4 September 2012	MŁODZIEJEWSKI (NO. 34856/06)	Art. 1 of Prot. No. 1 (disproportionate import duties and taxes imposed on the applicant by the domestic authorities after his car had been stolen in Bulgaria and he had failed to re-export it from its territory)	Struck out of the list (the applicant no longer wished to pursue the application)
CYPRUS	28 August 2012	GEORGIU (NOS. 4845/09 AND 2 OTHERS)	Articles 14, 17, 18 and 1 of Prot. No. 1 (domestic court's decision to declare null and void a sale agreements concerning Turkish-Cypriot properties)	Inadmissible as manifestly ill-founded
		YILMAZ (NOS. 4722/05 AND 3 OTHERS)	In particular, Articles 1 of Prot. No. 1 and 8 (applicants' inability to access or enjoy their properties)	Inadmissible for non-exhaustion of domestic remedies
	4 September 2012	SAHAP (No. 24536/10)	Articles 6, 13, 14 and 1 of Prot. No. 1 (domestic authorities' failure to pay the applicant the compensation awarded for the compulsory acquisition of her property)	Inadmissible for non-exhaustion of domestic authorities (concerning claim under Art. 1 of Prot. No. 1), inadmissible as manifestly ill-founded (concerning the remainder of the application)

FRANCE	28 August 2012	A.H. (IN FRENCH ONLY) (NO. 60922/11)	Art. 3 (risk of ill-treatment in case of deportation to Eritrea)	Struck out of the list (the applicant no longer wished to pursue the application)
		I.I. (IN FRENCH ONLY) (NO. 8820/11)	Art. 3 (risk of ill-treatment in case of deportation to Russia)	
GEORGIA	4 September 2012	ABASHIDZE (NO. 47974/07)	Articles 6 and 2 of Prot. No. 7 (applicant's inability to lodge an appeal against his conviction which had been delivered following the trial <i>in absentia</i>)	Inadmissible for non-respect of the six-months requirement
GREECE	28 August 2012	I.B. (IN FRENCH ONLY) (NO. 552/10)	Art. 8 read alone or in conjunction with Art. 14 (domestic court's decision to confirm the dismissal of the applicant because he is HIV positive), Art. 1 of Prot. No. 1 read alone or in conjunction with Art. 14 (domestic court's decision to deprive the applicant from his salaries)	Partly adjourned (concerning claim under Art. 8 read alone or in conjunction with Art. 14), partly incompatible <i>ratione materiae</i> with the provisions of the Convention (concerning claim under Art. 1 of Prot. No. 1)
LATVIA	4 September 2012	BUKS (NO. 18605/03)	Art. 2 (in particular, prison authorities' failure to provide the applicant with insulin), Art. 3 (poor conditions of detention), Art. 6 (applicant's inability to ask for conditional release), Art. 3 of Prot. No. 1 (applicant's inability to vote in the parliamentary elections while he was in prison)	Partly inadmissible for non-respect of the six-months requirement (concerning claim under Art. 3), partly inadmissible as manifestly ill-founded (concerning the remainder of the application)
MOLDOVA	4 September 2012	POVESTCA (IN FRENCH ONLY) (NO. 12765/04)	Art. 3 (ill-treatment in police custody)	Struck out of the list (friendly settlement reached)
POLAND	4 September 2012	BIERNAT (NO. 72591/11)	Art. 3 (poor conditions of detention)	Struck out of the list (friendly settlement reached)
		BULHAK (NO. 44770/11)		
		JAROSZYNSKI (NO. 61002/11)		
		KEDZIERSKI (NO. 19272/11)		
PORTUGAL	4 September 2012	FERREIRA SANTOS PARDAL (IN FRENCH ONLY) (NO. 30123/10)	Art. 6 § 1 (domestic court's refusal to submit a preliminary question to the ECJ, lack of equity of extra contractual liability proceedings)	Partly inadmissible as manifestly ill-founded (concerning domestic court's refusal to submit a preliminary question to the ECJ), partly adjourned (concerning the lack of equity)
ROMANIA	4 September 2012	DOLCA (IN FRENCH ONLY) (Nos. 59282/11 AND 3 OTHERS)	In particular, Art. 6 § 1 read alone or in conjunction with Art. 14 (unfairness of civil proceedings on account of domestic authorities' failure to enact a new law after a declaration of unconstitutionality)	Inadmissible as manifestly ill-founded
		DUMITRU AND OTHERS (IN FRENCH ONLY) (NO. 57265/08)	Articles 6 § 1 and 1 of Prot. No. 1 (non-execution of judgments in the applicants' favour)	Inadmissible as manifestly ill-founded

ROMANIA (CONTINUED)	4 September 2012 (continued)	FEDORCA (IN FRENCH ONLY) (No. 67580/09)	Art. 6 § 1 (unfairness of proceedings held <i>in absentia</i>)	Struck out of the list (the applicant no longer wished to pursue the application)
		MAGALETTO (No. 5251/11)	Art. 3 (poor condition of detention), Articles 5 § 1 (c), 6 §§ 1, 2 and 3 (a) and (b) (pre-trial detention based exclusively on the prosecution file and without allowing the applicant's to defend her case)	Inadmissible as manifestly ill-founded
		MIRZEA (IN FRENCH ONLY) (No. 28655/05)	Art. 6 (unfairness of disciplinary proceedings in prison)	Struck out of the list (the applicant no longer wished to pursue the application)
		MITRIC (IN FRENCH ONLY) (No. 47991/07)	Art. 6 (unfairness of proceedings, in particular on account of domestic court's decision to reject evidences produced by the applicant)	Inadmissible as manifestly ill-founded
		STEFANUT (No. 28713/05)	Art. 2 of Prot. No. 1 (applicant's exclusion from the University with no possibility of re-enrolment), Art. 6 § 1 (non-execution of a judgment in the applicant's favour)	Inadmissible as abusive
		TOMESCU (IN FRENCH ONLY) (No. 36458/03)	Articles 6 § 1 and 1 of Prot. No. 1 (quashing of a final decision regarding the applicant's right to property)	Partly inadmissible as manifestly ill-founded (concerning claim under Art. 6 § 1), partly incompatible <i>ratione materiae</i> with the provisions of the Convention (concerning claim under Art. 1 of Prot. No. 1)
		TRIFAN (IN FRENCH ONLY) (No. 41652/06)	Unfairness of criminal proceedings (no article mentioned)	Struck out of the list (the applicant no longer wished to pursue the application)
		ZAMFIRESCU (IN FRENCH ONLY) (No. 44901/04)	Art. 6 § 1 (non-execution of a judgment in the applicant's favour)	Struck out of the list (it is no longer justified to pursue the examination of the application)
SLOVENIA	4 September 2012	GORISEK (No. 17029/08)	Lack of a public trial (no article mentioned)	Struck out of the list (the applicant no longer wished to pursue the application)
		KOLAR (No. 30175/06)	Articles 6 § 1 and 13 (excessive length of proceedings and lack of an effective remedy in that respect)	Struck out of the list (friendly settlement reached)
		PLUT (No. 58718/10) AND SRCNIK (No. 60755/10)	Unfairness of proceedings (no article mentioned)	Struck out of the list (the applicants no longer wished to pursue their applications)
		ZAJEC (No. 28163/08)	Articles 6 § 1 and 13 (excessive length of proceedings and lack of an effective remedy)	Inadmissible as manifestly ill-founded

SPAIN	4 September 2012	CANAS GOMEZ (NO. 17455/09)	Art. 6 § 1 (domestic judge's lack of impartiality; excessive length of proceedings)	Inadmissible as manifestly ill-founded (concerning the lack of impartiality), inadmissible for non-exhaustion of domestic remedies (concerning the excessive length of proceedings)
SWEDEN	28 August 2012	B.J. AND OTHERS (No. 26765/11)	Art. 3 (risk of ill-treatment in case of deportation to Iran)	Struck out of the list (the applicant no longer wished to pursue the application)
		W.M.A (No. 1928/11)	Articles 2 and 3 (risk of ill-treatment in case of deportation to Iraq)	
SWITZERLAND	28 August 2012	VORSTEHER (IN FRENCH ONLY) (NO. 10672/09)	Art. 14 read in conjunction with Art. 8 (seizure of the applicant's old-age pension despite a domestic law exempting such pension for being seized)	Struck out of the list (the applicant no longer wished to pursue the application)
	4 September 2012	ZÜRCHER (IN FRENCH ONLY) (No. 12498/08)	Art. 6 §§ 1 and 2 (domestic court's decision to condemn the applicant while criminal proceedings against him had been suspended), Art. 6 § 3 (applicant's inability to summon witnesses during proceedings)	Inadmissible for non-exhaustion of domestic remedies (concerning claim under Art. 6 § 2), inadmissible as manifestly ill-founded (concerning the remainder of the application)
TURKEY	4 September 2012	AVUL (No. 24957/04)	Articles 2, 6 and 13 (killing of the applicants' son and ineffectiveness of the investigation into his death), Articles 2 and 3 (domestic authorities' failure to promptly bring the applicants' son to the hospital after he was shot), Art. 1 of Prot. No. 1 (deprivation of the financial support brought by the applicants' son to them)	Struck out of the list (friendly settlement reached)
		DUR SUN (No. 3424/09)	Unfairness of proceedings and domestic authorities' failure to conduct an effective investigation into the death of the applicant's brother)	Inadmissible for non-respect of the six-months requirement
		YAVUZKAPLAN (IN FRENCH ONLY) (No. 13567/08)	Art. 2 (death of the applicant's son after his arrest and transportation to police station), Art. 3 (moral suffering of the applicant following her son's death), Art. 13 (lack of an effective remedy in that respect), Art. 5 (unlawfulness of the applicant's son's arrest)	Inadmissible as manifestly ill-founded
UKRAINE	28 August 2012	BONDAR (Nos. 21748/08 AND 19 OTHERS)	Delayed enforcement of judgments' in the applicants' favour (various articles mentioned)	Struck out of the list (unilateral declaration of the Government)
		CHERNYSHENKO (No. 24605/06)	Articles 5 §§ 3 and 4 and 6 § 1 (excessive length of pre-trial detention and of criminal proceedings, lack of judicial review pre-trial detention)	Struck out of the list (unilateral declaration of the Government)
		GOLOVKOVA (No. 2930/08)	Art. 6 § 1 (excessive length of proceedings), Articles 3, 4, 6, 14 and 1 of Prot. No. 1 (no further specification)	Struck out of the list (friendly settlement reached)

UKRAINE (CONTINUED)	28 August 2012 (continued)	KUSHNEROV (No. 18415/08)	Articles 6 § 1 and 13 (excessive length of proceedings and lack of an effective remedy in that respect)	Struck out of the list (friendly settlement reached)
		VIDINEY (Nos. 12623/09 AND 50 OTHERS)	Articles 6, 13 and 1 of Prot. No. 1 (delayed enforcement of decisions in the applicants' favour)	Struck out of the list (unilateral declaration of the Government)

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.

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

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

STATE	DATE OF DECISION TO COMMUNICATE	CASE TITLE	KEY WORDS OF QUESTIONS SUBMITTED TO THE PARTIES
ITALY	28 August 2012	PLACI' (No. 48754/11)	Alleged violation of Articles 2 and 8 – Domestic authorities' failure to protect the applicant mental and physical integrity during his military service; Alleged violation of Article 3 – Mental suffering of the applicant; Alleged violation of Articles 6 and 13 – Lack of impartiality and independence of domestic courts, which adopted entirely the conclusions of an expert, and failed to disclose certain documents
		NATALE AND OTHERS (No. 19264/07)	Alleged violation of Article 6 – Legislative interference with pending proceedings; Alleged violation of Articles 14 – Treatment of persons in different situations in the same way as regards pensions
RUSSIA	30 August 2012	BOYKO (No. 42259/07)	Alleged violation of Articles 5 §§ 1, 3 and 4 – Unlawful and unreasonable arrest and detention; Alleged violation of Articles 3, 8, 9 and 13 – Domestic authorities' failure to authorize the applicant to meet a priest and his relatives, excessive length of detention despite the applicant's poor state of health; Alleged violation of Article 34 – Applicant's inability to meet his lawyer to discuss his case pending before the Court
		PETROV (No. 10615/08)	Alleged violation of Articles 5 and 6 – Guiltiness of the applicant declared by a non-judicial authority; Placement of the applicant in a juvenile centre without any educational aim; excessive length of proceedings as regards the applicant's appeal against the placement order
TURKEY	31 August 2012	GOZUM (No. 17526/10)	Alleged violation of Articles 6, 8 and 14 – Domestic authorities' failure to ensure respect for the applicant's private and family life on account of the distinction made between adoptive spouses and adoptive singles, the former being entitled to have their names recorded on adopted child's birth records

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

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

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 second special human rights meeting for 2012 (4-6 June), as well as [the action plans presented](#).

Part III: General Agenda

The “General Agenda” presents events that either took place or were announced* during the period under observation (14.08 – 14.09.2012) for this RSIF.

September 2012

➤ 11-12 September:

PACE Delegation’s pre-electoral visit to Tbilisi ([Read more](#))

➤ 13-14 September:

PACE Committee on Equality and Non-Discrimination’s Meeting (Tirana) ([Read more](#))

➤ 20-21 September:

PACE Delegation’s pre-electoral visit to Ukraine ([Read more](#))

➤ 27 September:

Colloquium on the right to work for refugees (Strasbourg) ([Programme](#) – [Poster](#))

➤ 28 September:

Deadline to apply for the secondment of an official to MONEYVAL ([read the call for candidates](#) [PDF])

* 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)

Publication of the Moldovan Government's response to the report on the 2011 visit (28.08.2012)

The CPT has published on 28 August 2012 the [response](#) (in French) of the Government of the Republic of Moldova to the report on the CPT's most recent visit to that country, in June 2011. It has been made public following the request by the Moldovan Government that visit reports and responses be published automatically.

C. European Committee against Racism and Intolerance (ECRI)

Statement concerning the pardoning in Azerbaijan of a person convicted of hate crime (04.09.2012)

ECRI wished to express consternation at the pardoning and release of Ramil Safarov, shortly after he had been transferred from Hungary to Azerbaijan in order to serve there a sentence of life imprisonment imposed by a Budapest court for the murder of an Armenian army officer in 2004 ([Read more](#)).

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

Latvia: receipt of the 2nd cycle State report (03.09.2012)

Latvia submitted on 3 September 2012 its second state report in English and Latvian, pursuant to Article 25 § 2 of the Framework Convention for the Protection of National Minorities. It is now up to the Advisory Committee to consider it and adopt an opinion intended for the Committee of Ministers (Read the state report [in English](#) – [in Latvian](#)).

Montenegro: receipt of the 2nd cycle State Report (12.09.2012)

Montenegro submitted on 12 September 2012 its second state report in English and Montenegrin, pursuant to Article 25 § 2 of the Framework Convention for the Protection of National Minorities. It is now up to the Advisory Committee to consider it and adopt an opinion intended for the Committee of Ministers (Read the state report [in English](#) – [in Montenegrin](#)).

Kosovo: receipt of a Progress Report (13.09.2012)

The UNMIK (the United Nations Interim Administration Mission in Kosovo) [progress report](#) on the implementation of the FCNM in Kosovo was received on 13 September 2012. This report provides information on the measures taken to follow up on the 2011 recommendations of the FCNM monitoring bodies. It was made public in conformity with a specific agreement signed in 2004 between UNMIK and the Council of Europe. This agreement emphasizes that it is without prejudice of the status of Kosovo and abides Security Council Resolution 1244 (1999). It is now up to the Advisory Committee to consider it and adopt an opinion intended for the Committee of Ministers

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)

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

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

First Council of Europe assessment of human trafficking in the United Kingdom (12.09.2012)

The United Kingdom has taken a number of important steps in the fight against human trafficking, according to a report published on 12 September 2012 by the GRETA. However, more needs to be done to ensure that the overall approach is focused on the victims of trafficking and their rights as human beings. The report welcomes the fact that, despite difficult economic circumstances, government funding to support victims of human trafficking has been maintained at over £2.75 million per year across the UK. It also highlights numerous positive developments including the creation of the UK Human Trafficking Centre and a National Referral Mechanism for identifying and assisting victims, as well as the adoption of a four-year Strategy on Human Trafficking covering the period 2011-2015. At the same time, the report calls on the UK authorities to further strengthen mechanisms for identifying victims and to make sure that people who have been trafficked are treated primarily as victims of serious human rights abuses. For example, it stresses that victims should have full access to support mechanisms, regardless of when the trafficking actually took place, and that they should not be prosecuted for offences committed as a result of their being trafficked ([Read more](#)).

GRETA published report on Montenegro (13.09.2012)

GRETA has published on 13 September 2012 its first evaluation report on Montenegro. In the report, GRETA welcomes the important steps taken by the Montenegrin authorities to prevent and combat trafficking in human beings, such as the signing of a Memorandum of Co-operation defining the responsibilities of each stakeholder for handling human trafficking cases. That said, GRETA stresses that all signatories of the Memorandum should effectively fulfil their responsibilities. Furthermore, co-ordination needs to be strengthened to ensure that civil society is involved in the planning and implementation of national anti-trafficking policy. An important message from GRETA's report is to improve the identification of victims of trafficking. GRETA also urges the Montenegrin authorities to review the definition of "victim of trafficking", which is too narrow as it is linked to the outcome of criminal proceedings. As a consequence, the number of formally identified victims of trafficking is low ([Read more](#)).

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
ARGENTINA	Convention on mutual assistance in Tax Matters as amended by its 2010 Protocol (ETS No. 127)	X		13 September 2012
ARMENIA	Framework Convention on the Value of Cultural Heritage for Society (CETS No. 199)	X		22 August 2012
AUSTRALIA	Convention on Mutual Administrative Assistance in Tax Matters as amended by its 2010 Protocol (ETS No. 127)	X		30 August 2012
BELGIUM	Convention on Cybercrime (ETS No. 185)	X		20 August 2012
	Convention on preventing and combating violence against women and domestic violence (CETS No. 210)		X	11 September 2012
PORTUGAL	Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201)	X		23 August 2012
SWITZERLAND	Convention on the prevention of Terrorism (CETS No. 196)		X	11 September 2012
UKRAINE	Protocol No. 3 to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities concerning Euroregional Co-operation Groupings (ECGs) (CETS No. 206)	X		20 August 2012
	Convention on the counterfeiting of medical products and similar crimes involving threats to public health (CETS No. 211)			
	Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201)	X		27 August 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

➤ Countries

PACE Rapporteurs welcomed release of former Defence Minister Ivaschchenko (16.08.2012)

The PACE co-rapporteurs for Ukraine welcomed the release on 16 August 2012 of Valeriy Ivaschenko, who was acting Defence Minister in the cabinet of former Prime Minister Yulia Timoshenko. At the same time, they expressed their hope that his release would soon be followed by that of Juriy Lutsenko and Yulia Timoshenko whose on-going detention is of concern to the Assembly ([Read more](#)).

Verdict in the « Pussy Riot » trial: in the light of Council of Europe standards, a disproportionate sentence (17.08.2012)

PACE President Jean-Claude Mignon voiced his concern at the two-year prison sentence handed down in Russia to three activists of the 'Pussy Riot' group. "In a democracy, the right to freedom of expression may be subject to conditions intended inter alia to protect morals and the rights of others. However, the penalties imposed must be proportionate to the seriousness of the offence. Bearing in mind the standards of the Council of Europe, a two-year prison sentence for the alleged acts is patently disproportionate," the President said ([Read more](#)).

Tunisia: inequality between men and women has no place in a democratic constitution (17.08.2012)

"Inequality between men and women has no place in a democratic constitution," according to Fatiha Saïdi, rapporteur of the PACE, on "Equality between women and men: a condition for the success of the Arab Spring". "In the text of Article 27 of the draft constitution as approved by the Rights and Freedoms Committee of the Tunisian Constituent Assembly, it is affirmed that women are 'complementary' to men. Dropping the concept of equality in favour of the concept of 'complementarity' means challenging it, taking a step backwards from the situation enshrined in the 1956 Constitution and sending out a negative signal to Tunisian society and to other countries in the region" ([Read more](#)).

PACE rapporteurs for Georgia expressed concern about financial actions against the Georgian Dream coalition (21.08.2012)

PACE co-rapporteurs for Georgia expressed on 21 August 2012 their concern about the reports that Georgian authorities have seized the bank accounts of the Georgian Dream opposition coalition, thereby undermining its participation in the election campaign for the parliamentary elections that will take place on 1 October 2012. "The excessive and disproportionate fines levied by the State Audit Service effectively undermine normal political activity by an opposition party. This is of concern, especially in the context of recurrent allegations of bias of the State Audit Service and reports by credible organisations, such as the Georgian Young Lawyers Association, that question the fairness of the court decisions in this respect" said the co-rapporteurs ([Read more](#)).

PACE President and co-rapporteurs disappointed with Court of Cassation decision in Tymoshenko case (29.08.2012)

PACE President and co-rapporteurs for Ukraine expressed their deep disappointment with the Court of Cassation rejection of the appeal by Yulia Tymoshenko against her conviction to seven years in prison in the so-called gas case. “The Assembly has stated on several occasions that her conviction in the gas case amounts to the criminalisation of normal political decision-making. Given the many questions that have been raised with regard to the Court proceedings that led to her conviction, we – as well as many other friends of Ukraine – had expected that the Court of Cassation would accept her appeal,” they said ([Read more](#)).

PACE President concerned by the serious deterioration in relations between Armenia and Azerbaijan following the decision to pardon Ramil Safarov (05.09.2012)

“I join the international condemnation of the ‘glorification’ of the terrible crime which Mr Safarov has committed, and for which he has been condemned by a court in a Council of Europe member state,” Jean-Claude Mignon, PACE President, said on 5 September 2012. “His liberation is unacceptable, and I am extremely disappointed by the abusive use of a Council of Europe legal instrument in this affair.” ([Read more](#)).

PACE Monitoring Committee: the Russian Federation is seeing momentum for change and its society needs reform (05.09.2012)

The engagement and the mobilisation of more than 100,000 citizens following the December 2011 elections, the awakening of a very engaged civil society and the willingness of the authorities to hear the call for reforms have created in the Russian Federation “a momentum for change” and to realise this unique political potential, “Russian society needs concrete reforms”, the PACE Monitoring Committee said at the end of its meeting in Paris ([Read more](#)).

In latest update, PACE co-rapporteurs sceptical of progress in Bosnia and Herzegovina (06.09.2012)

Pointing to “on-going political bickering” in Bosnia and Herzegovina, as well as the upcoming local elections, the PACE co-rapporteurs monitoring the country have said they are frankly doubtful that progress will be made on implementation of the Sejdic and Finci judgment, and the roadmap to a credible EU membership application ([Read more](#)).

➤ Themes

Protecting minors against sectarian influence (06.09.2012)

“The difficulty of striking a European consensus on the issue of ‘sects’ does not mean that we should drop the idea of establishing rules and policies at European level to protect minors against sectarian excesses,” said Rudy Salles (France, EPP/CD), rapporteur on the protection of minors against sectarian influence, speaking on 6 September 2012 at the opening of a hearing on this subject organised in Paris by PACE’s Committee on Legal Affairs and Human Rights ([Read more](#)).

Boats tragedies off Turkey and Lampedusa: further warnings for Europe (07.09.2012)

“The latest sinking incidents – the terrible loss of life off the coast of Turkey on 6 September 2012, in which so many children died, and the news that some people are still missing after the incident off Lampedusa in the early hours of this morning – are a warning to Europe of what can happen when humanitarian tragedies are ignored, said Tineke Strik (Netherlands, SOC), who has investigated boat deaths in the Mediterranean for the PACE ([Read more](#)).

PACE Committee gives full backing to a European tax on financial transactions (07.09.2012)

PACE’s Social Affairs Committee has given its full backing to a European tax on financial transactions, urging that it should cover as many countries as possible – as a first step to a global tax – and should also be levied on derivatives trading and off-exchange transactions. The committee, adopting a draft resolution based on a report by Hermine Naghdalyan (Armenia, ALDE), also said the EU should

consider committing “a substantial share” of the revenue from this tax to “sustainable growth, job creation, social needs and global solidarity” ([Read the full report](#)).

Committee calls for the ‘right to balance’ between national interests and respect for human rights in member State’s foreign policy (11.09.2012)

“The right balance has to be struck between national interests and respect for human rights in Council of Europe member States’ foreign policies”, PACE Committee on Political Affairs and Democracy said on 11 September 2012 during its meeting in Helsinki. When foreign policy “neglects human rights for too long” and focuses solely on strategic economic and geo-political interests – it added - “human rights crises may erupt and “humanitarian interventions” become urgent and moral necessities” ([Read more](#)).

PACE Migration Committee strongly opposed to detention of undocumented migrant children (14.09.2012)

Undocumented migrant children are, first and foremost, children, the PACE Migration Committee recalled at a hearing on the detention of unaccompanied and accompanied undocumented children organised in Paris on 14 September. It underlined that the best interests of the child must be a primary consideration in any action taken in relation to the child and the child’s family ([Read more](#)).

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

➤ *Countries*

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

➤ *Themes*

Internally displaced persons in Europe: Another lost generation? (04.09.2012)

« The media have frequently raised the prospect of a “lost generation” appearing in Europe as a result of the economic crisis. However, a different kind of “lost generation” has been struggling to cope in many European countries as the result of past military-political crises. I have in mind Europe’s internally displaced persons (IDPs), some of whom have been facing extremely difficult circumstances for decades. These victims of past or on-going conflicts continue to need the help of the European and international community », the Commissioner for Human Rights said ([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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