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



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

**Issue n° 99
covering the period from 15 September to 1 October 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 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.

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

Ahmade v. Greece (in French only) (no. 50520/09) – Importance 3 – 25 September 2012 – Violation of Article 3 – Poor condition of detention pending extradition – Violation of Article 3 taken together with Article 13 – Lack of an effective remedy in that respect – Violation of Article 13 taken together with Article 3 – Excessive length of proceedings concerning the rejection of asylum application – Violation of Article 5 § 1 – Unlawful detention of an asylum seeker, who is entitled under international and domestic law to remain in the country where his application for asylum is still pending – Violation of Article 5 § 4 – Lack of an effective way to challenge the lawfulness of a detention

The case concerned the arrest and detention pending removal to Afghanistan of an Afghan national. The applicant complained about the conditions in which he was detained in the Athens police stations and the lack of an effective remedy in that connection. He also alleged that, were he to be removed to Afghanistan, he would face inhuman treatment on account of the current conditions in that country. He further complained that his detention had been arbitrary, and that the review of the lawfulness of the detention pending removal had been ineffective.

Article 3

As regards the conditions of the applicant’s detention in the first police station, **the Court referred in particular to the report of the Ombudsman, who visited the applicant. The Ombudsman had reported significant overcrowding, poor ventilation, lighting and cleanliness, and no possibility of taking exercise in a courtyard.** Pointing out that the applicant had been held for a total of 83 days in two police stations, the Court observed that Greek regulations normally allowed detention in a police station only for the duration that was strictly necessary to arrange transfer to a prison. The Court thus concluded that the holding of the applicant in custody constituted degrading treatment in breach of Article 3.

Article 3 taken together with Article 13

The Court found that Greek law allowed the courts to examine the decision to detain an illegal immigrant only on the basis of a risk of absconding or of a threat to public order but did not give the courts jurisdiction to examine the living conditions in detention centres for illegal immigrants or to order the release of a detainee on the grounds of such conditions. The Court attributed particular weight to the context of the case, noting that the European Committee for the Prevention of Torture had, in a number of its reports, conveyed a bleak picture of the very poor conditions in which illegal immigrants were held in police stations, for months at a time, without any possibility of outdoor exercise or activities and without adequate health care. The Court concluded that the applicant did not have an effective remedy by which to complain about the conditions of his detention, in breach of Articles 3 taken together with Article 13.

Article 13 taken together with Article 3

Verifying whether in the present case there were any effective guarantees to protect the applicant against arbitrary refoulement to his country of origin, the Court observed that it had noted, in its judgment in [M.S.S. v. Belgium and Greece](#) (no. 30696/09), certain shortcomings in the Greek asylum system and had found that asylum seekers were not protected against arbitrary removal. The Court noted that, in the present case, the actions brought by the applicant in seeking the annulment of the decision rejecting his asylum application, and in requesting a stay of execution of that decision, were still pending. The Court considered that such a length of time was not reasonable. The Court thus found that there had been a violation of Article 13 taken together with Article 3.

Article 5 § 1

The Court observed in particular that, in accordance with the Geneva Convention and Greek law, asylum seekers were entitled to remain in the country until the procedure for examining their application had been completed. Under Greek law, detention for the purposes of removal was justified only where the removal could actually be executed, and this was not the case for asylum seekers. The Court took the view that the close connection between the applicant's detention and the possibility of removing him from Greece could not be established and thus found that the detention was not "lawful" within the meaning of Article 5 § 1 (f).

Article 5 § 4

The Court observed that it had already addressed the question of the effectiveness in Greece of judicial scrutiny in respect of detention pending administrative removal (see, for example, [Efremidze v. Greece \[in French only\]](#), no. 33225/08). It had thus found that Greek law fell short of the requirements of Article 5 § 4. In the applicant's case the domestic court had dismissed his complaints concerning his detention without even examining the question of its lawfulness. The Court thus found that there had been a violation of Article 5 § 4.

Article 41 (just satisfaction)

The Court held that Greece was to pay the applicant EUR 10,000 in respect of non-pecuniary damage, and EUR 2,500 in respect of costs and expenses.

- **Right to liberty and security**

James, Wells and Lee v. the United Kingdom (nos. 25119/09, 57715/09 and 57877/09) – Importance 1 – 18 September 2012 – Violation of Article 5 § 1 – Domestic authorities' failure to give access to rehabilitative courses to prisoners subjected to indeterminate sentences of imprisonment for the public protection

The case concerned prisoners who were subject to indeterminate sentences of imprisonment for the public protection ("IPP sentences") in the United Kingdom. IPP sentencing was introduced in 2005 by virtue of the Criminal Justice Act 2003 (the "2003 Act"). It was initially mandatory where a future risk existed of further offending. Following their convictions for violent offences and in the light of their offending histories, the three applicants were given automatic IPP sentences. They were recommended to take part in a number of rehabilitative courses. However, by the time their respective tariffs expired, all three applicants remained in their local prisons, without access to the relevant courses. They complained about the failure to ensure their access to courses to address their offending behaviour while in prison and the impact of this failure on their ability to show that they were rehabilitated and able safely to be released. Two of the applicants further argued that neither the Parole Board nor the domestic courts had been able to order their release due to the provisions of the primary legislation and the absence of any such power in the 2003 Act.

The Court observed in particular that in cases concerning indeterminate sentences of IPP, a real opportunity for rehabilitation was a necessary element of any part of the detention which was to be justified solely by reference to public protection. In the present case, the Court noted that substantial periods of time had passed as concerned each of the applicants before they had even begun to make any progress in their sentences, and this despite the clear guidance in relevant policy documents. It was clear that the delays had been the result of a lack of resources. In those circumstances, the Court considered that following the expiry of the applicants' tariff periods and until steps had been taken to progress them through the prison system with a view to their access to appropriate rehabilitative courses, their detention had been arbitrary and therefore unlawful within the meaning of Article 5 § 1.

Article 41 (Just satisfaction)

The Court held that the United Kingdom was to pay the applicants up to EUR 8,000 in respect of non-pecuniary damages and EUR 12,000 each for costs and expenses.

Judge Kalaydjieva expressed a dissenting opinion

- **Right to a fair trial**

El Haski v. Belgium ([in French only](#)) (no. 649/08) – Importance 2 – 25 September 2012 – Violation of Article 6 – Domestic courts' failure to exclude a testimony where there was a "real risk" that it had been obtained by torture or inhuman or degrading treatment

Convicted for participating in the activities of a terrorist organisation, the applicant complained in particular that the Court of Appeal had based its judgment to a decisive extent on testimony given in Morocco in the course of criminal proceedings that he qualified as dubious.

On the basis of several reports issued by the United Nations and non-governmental organisations, the Court noted that at the relevant time the Moroccan judicial system did not offer real guarantees of independent, impartial and serious examination of allegations of torture or inhuman or degrading treatment. The Court found, in accordance with its case-law, that in the circumstances it was sufficient for the applicant to have demonstrated to the domestic court that there existed a "real risk" that the statements had been obtained by torture or inhuman or degrading treatment. Article 6 of the Convention therefore required the domestic courts not to admit them as evidence without first making sure they had not been obtained by such methods. However, in rejecting the applicant's request to exclude the statements the Court of Appeal simply noted that he had provided no "concrete proof" capable of shedding "reasonable doubt" on the evidence. The Court accordingly held that there had been a violation of Article 6.

Under Article 41 (just satisfaction), the Court held that Belgium was to pay the applicant EUR 5,000 in respect of non-pecuniary damages.

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

Godelli v. Italy ([in French only](#)) (no. 33783/09) – Importance 2 – 25 September 2009 – Violation of Article 8 – Domestic legal system's failure to take into account adopted children's interest in preventing them from getting information about their origins

After learning that she had been adopted, the applicant took steps to discover her origins. Her request was refused as Italian law guarantees the right to keep a child's origins secret and the mother's right to have her wishes respected. The applicant complained of her inability to obtain non-identifying information about her birth family. She maintained that she had suffered severe damage as a result of not knowing her personal history, having been unable to trace any of her roots.

The Court pointed out that the circumstances in which a child was born formed part of the child's, and subsequently the adult's, private life guaranteed by Article 8. It observed in particular that, in contrast to the French system examined in [Odièvre v. France](#) (no. 42326/98), the Italian system, which provided no mechanism for balancing the competing interests at stake, inevitably gave blind preference to the sole interests of the birth mother, preventing the applicant from requesting, as was possible under French law, the disclosure of her mother's identity with the latter's consent. The Court therefore considered that the Italian authorities had failed to strike a fair balance between the interests at stake and had overstepped their margin of appreciation. There had therefore been a violation of Article 8.

Under Article 41 (just satisfaction), the Court held that Italy was to pay the applicant EUR 5,000 in respect of non-pecuniary damages and EUR 10,000 in respect of costs and expenses.

- **Freedom of expression**

Eğitim Ve Bilim Emekçileri Sendikası v. Turkey (in French only) (no. 20641/05) – Importance 2 – 25 September 2012 – Violation of Articles 10 and 11 – Interference with the applicant’s right to freedom of association and to freedom of expression on account of domestic authorities’ decision to dissolve an association promoting the right to education in a mother tongue other than the national language

The case concerned proceedings to dissolve a teachers’ union one section of whose statutes expressed the aim to defend the right to be taught “in one’s mother tongue”, which was considered incompatible with the Constitution and the law governing civil service trade unions. The applicant complained of interference with its freedom of association and freedom of expression.

Article 11

The Court reiterated that the proper functioning of democracy required different associations or political formations to be able to engage in public debate in order to help find solutions to questions of general political or public interest. The union’s aim of developing the culture of people whose mother tongue was not Turkish by teaching them their mother tongue did not threaten national security or public order. Accordingly, the Court considered that the mere presence in the union’s statutes of the words “to receive teaching in their mother tongue” could not be at odds with the principles of democracy. It followed that the dissolution proceedings that had obliged the union to change its statutes on this point could not reasonably be regarded as answering a pressing social need. There had therefore been a violation of Article 11.

Article 10

The Court considered that Article 10 included freedom to receive and impart information and ideas in any language which afforded the opportunity to take part in the public exchange of cultural, political and social information and ideas of all kinds. Even assuming that it had been the applicant union’s aim to express the wish to develop teaching in Kurdish alone, as a mother tongue alongside Turkish, the Court observed that the relevant statute did not encourage the use of violence, or armed resistance or insurrection, and was not capable of inciting to violence by instilling a deep-seated and irrational hatred against identified people. The Court concluded that there had been no clear and imminent danger in this case for the territorial integrity of the State. The dissolution proceedings against the union had been disproportionate to the aims pursued and had not been necessary in a democratic society. There had accordingly been a violation of Article 10.

Article 41 (just satisfaction)

The court held that Turkey was to pay the applicant EUR 7,500 in respect of non-pecuniary damage and EUR 411 in respect of costs and expenses.

Judges Jočienė and Berro-Lefèvre expressed a joint separate opinion

- **Right to property**

Catholic Archdiocese of Alba Iulia v. Romania (in French only) (application no. 33003/03) – Importance 2 – 25 September 2012 – Violation of Article 1 of Protocol No. 1 – Domestic authorities’ failure to adopt, fourteen years after the beginning of the proceedings, a decision concerning a claim to recuperate ownership of assets confiscated during the communist period

The case concerned a Catholic religious community which wished to recuperate ownership of assets confiscated by the domestic authorities during the communist period. The applicant complained, in particular, that it had been unable to enjoy his property rights for fourteen years.

The Court observed that the joint committee which was supposed to organise the transfer of property was never set up. The fact that there was no deadline and no procedure for ensuring the transfer of property, and the absence of judicial review, encouraged dilatory proceedings, capable of frustrating the applicant association’s legitimate expectation of having the issue of the status of the property in question finally resolved. The Court, which was unable to discern any legitimate justification for the State’s prolonged failure to act, held that the uncertainty affecting the applicant association for 14 years with regard to the legal status of the property claimed by it was all the more incomprehensible in view of the cultural and historical importance of the assets in question. In consequence, the Court concluded that there had been a violation of Article 1 of Protocol No. 1.

Under Article 41 (just satisfaction), the Court held that Romania was to pay the applicant EUR 15,000 in respect of non-pecuniary damages and a total of EUR 10,000 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
ALBANIA	25 Sept. 2012	RRAPO (No. 58555/10)	3	No violation of Art. 2	No risk of ill-treatment or death penalty in case of extradition to the USA
				No violation of Art. 3	
				No violation of Art. 1 of Prot. No. 13	
				Violation of Art. 34	Domestic authorities' failure to comply with the Court's interim measures prohibiting the extradition of the applicant pending the judgment of his case
AUSTRIA	18 Sept. 2012	FALTER ZEITSCHRIFTEN GMBH. (NO.2) (No. 3084/07)	3	No violation of Art. 10	Proportionate interference with the applicant company's freedom of expression on account of its condemnation to pay compensation for the publication of an article commenting on criminal proceedings
		OHNEBERG (No. 10781/08)	3	Violation of Art. 6 § 1	Lack of a public hearing in proceedings brought to challenge the transfer of the applicant, a civil servant, to another post which had a lower grade and salary
	25 Sept. 2012	JEHOVAS ZEUGEN IN ÖSTERREICH (No. 27540/05)	2	Violation of Art. 14 taken in conjunction with Art. 9 Violation of Art. 14 taken in conjunction with Art. 1 of Prot. No. 1	Domestic authorities' refusal to exempt the applicant company from employment taxes on account of the fact that it was not a recognized religious society
BULGARIA	25 Sept. 2012	PETKOVA AND OTHERS [†] (NOS. 19130/04 AND 2 OTHERS)	?	Violation of Art. 1 of Prot. No. 1	Domestic authorities' failure to compensate the applicants' for the collectivization of the agricultural lands of their ancestors
CROATIA	25 Sept. 2012	DERVISHI (No. 67341/10)	3	Violation of Art. 5 § 3	Unlawful extension of the applicant's pre-trial detention
GERMANY	27 Sept. 2012	ALTHOFF AND OTHERS (No. 5631/05)	3		Just satisfaction

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

[†] This case is currently unavailable on the Court's website. Check HUDOC database regularly for updates (<http://hudoc.echr.cot.int>)

GREECE	25 Sept. 2012	BYGYLASHVILI (IN FRENCH ONLY) (No. 58164/10)	3	Violation of Art. 3	Poor condition of detention pending the applicant's extradition
		PATSOS (IN FRENCH ONLY) (No. 10067/11)	3	No violation of Art. 3	No ill-treatment on account of the applicant's detention despite his old age and health condition
HUNGARY	25 Sept. 2012	RETI AND FIZLI (No. 31373/11)	3	Violation of Art. 3 (substantive and procedural)	Ill-treatment by police officers during an identity check (including handcuffing, taking one of the applicant to the floor, truncheon forced against one of the applicant's neck); lack of an effective investigation in that respect
LATVIA	25 Sept. 2012	VIKULOV AND OTHERS (No. 16870/03)	3	No violation of Art. 3	Acceptable condition of detention pending deportation
				No violation of Art. 5 § 1	Lawfulness of the decision providing for the applicants' arrest, despite the fact that it was delivered five days after their arrest
MOLDOVA	25 Sept. 2012	SFINX-IMPEX S.A. (IN FRENCH ONLY) (No. 28439/05)	3	Violation of Art. 6 § 1	Infringement of the principle of legal certainty on account of the re-examining of a final judgment
POLAND	18 Sept. 2012	DOCHNAL (No. 31622/07)	3	Violation of Art. 5 §§ 3 and 4	Excessive length (three years and ten months) of pre-trial detention; applicant's inability to access his case-file
				Violation of Art. 8	Deprivation of the applicant's right to personal contact with his family during his detention
		LEWANDOWSKA -MALEC (No. 39660/07)	3	Violation of Art. 10	Disproportionate interference with the applicant's right to freedom of expression on account of her conviction for defamation after the publication on Internet of a letter commenting on proceedings brought against the Mayor of her commune concerning financial irregularities of municipal funds
	25 Sept. 2012	SPYRA AND KRANCZKOWSKI (IN FRENCH ONLY) (No. 19764/07)	2	No violation of Art. 8	No failure of a public hospital's medical staff to comply with the medical norms for newborns
PORTUGAL	25 Sept. 2012	NOVO AND SILVA (IN FRENCH ONLY) (No. 53615/08)	3	Two violations of Art. 6	Excessive length of proceedings to contest domestic authorities' decision not to allow the applicants to adopt a child (two years and two months) ; unfairness of those proceedings (in particular, domestic court's failure to communicate to the applicants the public prosecutor's opinion)
RUSSIA	18 Sept. 2012	UMIROV (No. 17455/11)	3	Violation of Art. 3	Risk of ill-treatment in case of deportation to Uzbekistan
				No violation of Art. 5 § 1	Lawful arrest and detention of the applicant
	25 Sept. 2012	SOLOVYEV (No. 22152/05)	3	Violation of Art. 5 § 1 (c)	Unlawful detention of the applicant during two days, due to a gap between detention orders

RUSSIA (CONTINUED)	25 Sept. 2012 (continued)	STEPANOV (No. 33872/05)	3	No violation of Art. 3	Reasonable use of force against the applicant to stop him from assaulting an officer during his pre-trial detention
				Violation of Art. 5 § 1 (c)	Detention of the applicant while an appeal court had quashed his conviction and had remitted the case for a new trial
SERBIA	18 Sept. 2012	BJELAJAC (No. 6282/06)	3	Violation of Art. 1 of Prot. No. 1	Non-enforcement of a judgment ordering repair work to be done to the roof of the applicant's flat
SLOVAKIA	25 Sept. 2012	FERENCIKOVA (No. 39912/09)	3	Violation of Art. 6 § 1	Domestic court's refusal to re-examine the applicants' claim after they provided it with the address of their husband and father, which was the reason why their claim was first rejected
		TRADE UNION OF THE POLICE IN THE SLOVAK REPUBLIC AND OTHERS (No. 11828/08)	2	No violation of Art. 11 read in the light of Art. 10	No violation of the applicants' right to freedom of assembly on account of the removal of the applicant company's president from managerial position in the police and the removal of another applicant from the supervisory board of the police health insurance company after they took part in a public meeting to protest against prospective legislative changes to the social security of policemen
		VOJTECHOVA (No. 59102/08)	3	Violation of Art. 6 § 1	Unfairness of proceedings (in particular, domestic court's failure to duly summon the applicant or to advise of the possibility to have a lawyer appointed to represent her)
SLOVENIA	27 Sept. 2012	PECNIK (No. 44901/05)	3	Violation of Art. 6 § 1	Violation of the applicant's right to an impartial tribunal on account of the fact that the judge she criticized as a lawyer was the same who convicted her for contempt of court
		PERUS (No. 35016/05)	3	Violation of Art. 6 § 1	Violation of the applicant's right to an impartial tribunal on account of the fact that one of the judges involved in appeal proceedings was also involved in the case at a lower-instance Court
THE CZECH REPUBLIC	27 Sept. 2012	CHADZITASKOS AND FRANTA (Nos. 7398/07, 31244/07, 11993/08, 3957/09)	3	Violation of Art. 6	Lack of access to Court regarding the applicants' claims for financial compensation of expropriated shares
				Violation of Art. 1 of Prot. No. 1	Deprivation of the applicants' shares without any public interest being served and without adequate compensation
THE UNITED KINGDOM	18 Sept. 2012	BUCKLAND (No. 40060/08)	3	Violation of Art. 8	Applicant's inability to have the proportionality of her eviction from her home determined by an independent tribunal
TURKEY	18 Sept. 2012	YAVAS (No. 58210/08)	3	No violation of Art. 3 (substantive)	Applicant's failure to describe the alleged acts of ill-treatment in detail
				Violation of Art. 3 (procedural)	Domestic authorities' failure to diligently or promptly investigate into the applicant's allegation of ill-treatment
				Violation of Art. 6 § 1	Excessive length of criminal proceedings (over ten years and one month)

TURKEY (CONTINUED)	25 Sept. 2012 (continued)	ATES MIMARLIK MUHENDISLIK A.S. (No. 33275/05)	3	Two violations of Art. 6 § 1	Domestic court's refusal to take into consideration a German court's judgment; Excessive length of proceedings (seven years, eight months and nineteen days)
		FERHAT KAYA (No. 12673/05)	3	Violation of Art. 3 (substantive and procedural)	Ill-treatment in police custody (in particular, beating and kicking by several police officers while lying on the floor, leaving the applicant unfit to work for three days); Lack of an effective investigation in that respect
		KIRLANGIC (IN FRENCH ONLY) (No. 30689/05)	3	Violation of Art. 5 § 3	Excessive length of pre-trial detention (five years and almost four months)
UKRAINE	20 Sept. 2012	FEDORCHENKO AND LOZENKO (No. 387/03)	3	Violation of Art. 2 (procedural)	Domestic authorities' failure to conduct a thorough and effective investigation into the circumstances of the death of five of the applicants' relatives
				No violation of Art. 2 (substantive)	No evidence, except the applicants' statement, that their relatives were killed by domestic authorities
				Violation of Art. 14 in conjunction with Art. 2	Domestic authorities' failure to investigate into the possible racist motives of the crime committed against the applicants' relatives
		TITARENKO (No. 31720/02)	2	Violation of Art. 3	Poor condition of detention
				No violation of Art. 5 § 2	No excessive length of pre-trial detention (three years and almost eight months) given the seriousness of the charges against the applicant

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 NHRSs 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.

STATE	DATE	CASE TITLE	CONCLUSION	KEY WORDS
ROMANIA	25 Sept. 2012	BIRZESCU AND OTHERS (No. 9304/05)	Violation of Articles 6 and 1 of Prot. No. 1	Domestic authorities' failure to enforce judgments in the applicants' favour
		FUNDATIA BUCOVINA MISSION INC. AND FUNDATIA BUCOVINA BUCURESTI (No. 1231/04)		
		MIHALACHE (No. 15859/07)		

4. Length of proceedings cases

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

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

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

STATE	DATE	CASE TITLE
ITALY	25 Sept. 2012	GATTI AND NALBONE (IN FRENCH ONLY) (No. 41264/02)
		PARENTI (HEIR) AND DEIDDA (IN FRENCH ONLY) (Nos. 39567/02 AND 40281/02)
		PEDICINI AND OTHERS (IN FRENCH ONLY) (No. 48117/99)
POLAND	25 Sept. 2012	POTOCKA (No. 1415/11)

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

The decisions listed below cover **the period from 15 September to 1 October 2012**. They are aimed at providing the NHRs with potentially useful information on the reasons of the inadmissibility of certain applications addressed to the Court and/or on the friendly settlements reached.

STATE	DATE	CASE TITLE	ALLEGED VIOLATIONS (KEY WORDS)	DECISION
ARMENIA	18 Sept. 2012	NIKOGHOSYAN (No. 2193/05)	Articles 6 and 1 of Prot. No. 1 (non-enforcement of a judgment in the applicant's favour)	Inadmissible as manifestly ill-founded
AUSTRIA	18 Sept. 2012	A.A. (No. 29192/11)	Art. 3 (risk of ill-treatment in case of deportation to Russia), Art. 8 (risk for the applicant to be separated from his family in case of deportation to Russia)	Struck out of the list (the applicant no longer wished to pursue the application)
		AGHAI (No. 67799/09)	Art. 3 (risk of ill-treatment in case of deportation to Greece)	Struck out of the list (friendly settlement reached)
		HODZIC (No. 36033/08)	Art. 8 (exclusion order of unlimited duration against the applicant, Art. 6 (outcome of proceedings))	Struck out of the list (the applicant no longer wished to pursue the application)

AUSTRIA (CONTINUED)	18 Sept. 2012 (continued)	NURMATOV (No. 49602/09)	Articles 2 and 3 (risk of ill-treatment in case of return to Chechnya), Art. 8 (risk for the applicant to be separated from his family in case of return to Chechnya)	Struck out of the list (the applicant no longer wished to pursue the application)
AZERBAIJAN	18 Sept. 2012	BASHIROV (No. 32066/07)	Articles 3 and 6 (poor condition of detention, unfairness of criminal proceedings and alleged breach of the presumption of innocence)	Struck out of the list (it is no longer justified to continue the examination of the application)
CROATIA	18 Sept. 2012	CETINJA (No. 12424/10)	Art. 6 § 1 (excessive length of proceedings), Art. 13 (lack of an effective remedy in that respect)	Partly inadmissible for non-exhaustion of domestic remedies (concerning claim under Art. 6 § 1), partly inadmissible as manifestly ill-founded (concerning claim under Art. 13)
		NATRLIN (No. 24040/10)	Art. 6 § 1 (excessive length of proceedings)	Struck out of the list (friendly settlement reached)
CYPRUS	18 Sept. 2012	EGMEZ (No. 12214/07)	Articles 1, 3, 6, 13, 34 and 46 (in particular, domestic authorities' alleged failure to enforce a judgment)	Incompatible <i>ratione materiae</i> with the provisions of the Convention
POLAND	18 Sept. 2012	OGOREK (No. 28490/03)	Art. 1 of Prot. No. 1 (domestic authorities' failure to issue an ordinance determining compensation for nationalised property), Art. 6 § 1 (domestic authorities' continued legislative and normative inactivity, amounting to the deprivation of the applicant's right to have their civil claim submitted for judicial determination within a reasonable time)	Partly inadmissible for non-exhaustion of domestic remedies (concerning claim under Art. 1 of Prot. No. 1), partly incompatible <i>ratione personae</i> with the provisions of the Convention (concerning claim under Art. 6 § 1)
		PIKIELNY AND OTHERS (No. 3524/05)	Art. 1 of Prot. No. 1 (lack of compensation for expropriation)	Inadmissible for non-exhaustion of domestic remedies
ROMANIA	18 Sept. 2012	DULBASTRU (No. 47040/11)	Art. 3 (in particular, excessive use of force by policemen during the applicant's arrest, poor condition of detention, etc.), Art. 6 § 2 (infringement of the applicant's right to be presumed innocent on account of press articles and TV programs), Art. 6 § 3 b), c) and d) (in particular, lack of legal assistance, applicant's inability to interview witnesses, etc.), Art. 7 (inadequate legal qualification of the facts)	Partly inadmissible for non-exhaustion of domestic remedies (concerning claim under Art. 3), partly inadmissible as manifestly ill-founded (concerning the remainder of the application)
		S.C. ROMCREATIV GRUP S.A. (IN FRENCH ONLY) (No. 33727/05)	Art. 6 § 1 (lack of effective access to Court and unfairness of proceedings)	Struck out of the list (friendly settlement reached)
		TOMA (IN FRENCH ONLY) (No. 34403/05)	Articles 3 and 13 (ill-treatment by policemen after a Court of appeal hearing), Art. 8 (violation of the applicants' home by policemen), Art. 34 (threat of possible prosecution made by the Prosecutor to the applicant in case he would apply to the Court)	Partly inadmissible for non-exhaustion of domestic remedies (concerning claim under Art. 3 and 13), partly inadmissible as manifestly ill-founded (concerning the remainder of the application)

RUSSIA	18 Sept. 2012	ABDULLAKHODZHAYEV (No. 60759/10)	Art. 3 (risk of ill-treatment in case of deportation to Uzbekistan), Art. 6 § 2 (breach of the applicant's presumption of innocence on account of the fact that domestic authorities assessed the charges brought against the applicant in Uzbekistan under the Russian Criminal Code)	Struck out of the list (the applicant no longer wished to pursue the application)
		ALOV (Nos. 22127/05 AND 10 OTHERS)	Articles 6 and 1 of Prot. No. 1 (quashing of judgments in the applicants' favour)	Struck out of the list (unilateral declaration of the Government)
		DMITRENKO (No. 10403/04)	Art. 3 (poor conditions of detention)	
		IVASHCHUK (No. 23666/06)	Articles 3, 6 and 13 (unfairness of criminal proceedings, ill-treatment by domestic authorities to force out a confession, lack of an effective investigation in allegations of ill-treatment)	Struck out of the list (the applicant no longer wished to pursue his application)
		KORKIN AND LADYNINA (No. 49539/09)	Articles 6 and 8 (in particular, immediate removal of the applicants' children from their custody without a court order, judgment annulling or limiting the applicants' parental rights, limitations on the number of visitations to the children in public care, etc.)	
		KOSHKAROV (No. 10603/08)	Articles 2 and 13 (alleged killing of the applicant's son, a conscript serving in Chechnya, by a landmine; lack of an effective investigation in that respect), Art. 3 (two-month delay in informing the applicant of his son's death and in releasing the body)	Struck out of the list (no request submitted by the applicant's heirs to pursue the examination of the case)
		MASHIN (No. 26506/07)	Art. 5 (unjustified, too long and unlawful detention)	Struck out of the list (the applicants no longer wished to pursue the application)
		PANUS (No. 20060/09)	Articles 5, 6, 13 and 17 (unlawful and excessively long detention)	
		TKACHENKO (Nos. 44888/05 AND 4 OTHERS)	Art. 3 (poor condition of detention)	Struck out of the list (friendly settlement reached)
		VLASOVA AND OTHERS (Nos. 30351/06 AND 32 OTHERS)	Articles 6 and 1 of Prot. No. 1 (quashing of judgments in the applicant's favour)	Struck out of the list (unilateral declaration of the Government) but for 3 applications (inadmissible for non-respect of the six-months requirement)
"THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA"	18 Sept. 2012	AMZOVSKI (No. 14158/09)	Art. 6 (complaint about proceedings). Some cases include claim under other articles (mainly Art. 13 and Art. 1 of Prot. No.1)	Struck out of the list (friendly settlement reached)
		ANASTASOV (No. 15269/05)		
		ANGELESKA (No. 42685/05)		
		ARSOV (No. 42877/09)		
		BAJRAMI (No. 1829/09)		
		BINISOSKI (No. 24164/08)		
		BRAJEVIK (No. 58408/10)		

<p>“THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA” (CONTINUED)</p>	<p>18 Sept. 2012 <i>(continued)</i></p>	<p>BUZEVSKI (No. 59602/09)</p>	<p>Art. 6 (complaint about proceedings). Some cases include claim under other articles (mainly Art. 13 and Art. 1 of Prot. No.1)</p>	<p>Struck out of the list (friendly settlement reached)</p>
		<p>DESKOSKI (No. 1764/09)</p>		
		<p>DOO' PIV KOMERC' BITOLA (No. 26048/09)</p>		
		<p>EFREMOV (No. 16958/08)</p>		
		<p>GORGIOSKI (No. 3521/08)</p>		
		<p>JANEV (No. 29391/07)</p>		
		<p>JANEVSKI (No. 33810/09)</p>		
		<p>KECIK (No. 2147/09)</p>		
		<p>KOCEVA (No. 29194/08)</p>		
		<p>KOSTADINOVSKI (No. 10283/07)</p>		
		<p>LOVECKO DRUSTVO 'OSOGOVO' (No. 62667/09)</p>		
		<p>MARKOVSKA TASEVSKA (No. 6238/08)</p>		
		<p>MICEVSKA TOTOCEVSKA (No. 2091/08)</p>		
		<p>MITKOVSKI (No. 5505/09)</p>		
		<p>NIKOLOVSKA (No. 21432/09)</p>		
		<p>NIKOLOVSKI (No. 58924/08)</p>		
		<p>ONCEVSKA (No. 4974/09)</p>		
		<p>PACIRKOV (No. 54722/08)</p>		
		<p>SPASEVSKA (No. 42352/08)</p>		
		<p>STOIMCEV AND SALEV (No. 45081/05)</p>		
		<p>STOJANOVIK AND OTHERS (No. 66055/09)</p>		
		<p>STOJCEVIK (No. 64371/10)</p>		
		<p>TANESKI (No. 2287/09)</p>		
		<p>TODOROVA (No. 11196/07)</p>		
		<p>TRAJKOV (No. 54702/08)</p>		
		<p>VASILEV (No. 20384/09)</p>		
<p>ZERDESKA (No. 1758/09)</p>				
<p>ZMEJKOSKA (No. 61838/09)</p>				

THE NETHERLANDS	18 Sept. 2012	S.R. (No. 13837/07)	Art. 5 § 1 (detention of the applicant on the ground of a mere suspicion), Art. 2 of Prot. No. 7 (inadmissibility of the applicant's appeal on points of law for lack of interest), Art. 6 (domestic court's failure to inform the applicant that the hearing before a Regional Court would concern an application for an observation order)	Inadmissible as manifestly ill-founded
THE UNITED KINGDOM	18 Sept. 2012	ABDI IBRAHIM (No. 14535/10)	Articles 3 and 8 (risk of ill-treatment and of infringement of the applicant's right to respect for private and family life in case of deportation to Somalia)	Inadmissible as manifestly ill-founded
		H. (No. 22241/08)	Art. 8 (automatic imposition of an indefinite notification order), Art. 13 (lack of an effective remedy in that respect)	Struck out of the list (friendly settlement reached)
		M. (No. 45196/06)	Articles 2, 3 and 8 (risk of ill-treatment in case of deportation to Somalia)	Struck out of the list (the applicant no longer wished to pursue the application)
		MOHAMMED (No. 48694/06)		
		V.O. (No. 54781/07)	Articles 8 and 2 of Prot. No. 1, both read alone and together with Art. 13 (severe disruption to the applicant's education on account of his permanent exclusion from a school after he assaulted the canteen manager; lack of a meaningful procedure by which he could challenge his exclusion)	Inadmissible as manifestly ill-founded
TURKEY	18 Sept. 2012	ARAZ (No. 37298/05)	Art. 3 (presence of baby snakes in the applicant's prison ward, causing him psychological and emotional distress), Articles 6 and 13 (domestic authorities' failure to conduct an effective investigation in that respect), Art. 10 (deprivation of the applicant's radio), Art. 14 (bad prison condition imposed on the applicant as a result of his political opinions)	Inadmissible as manifestly ill-founded
		ASLAN (No. 48571/10)	Art. 3 (ill-treatment in police custody), Articles 5 and 6 (excessive length of proceedings and pre-trial detention)	Struck out of the list (friendly settlement reached)
		OZAN (No. 15651/08)	Unfairness of criminal proceedings (no further specifications)	Inadmissible for non-respect of the six-months requirement
		OZSUBASI (No. 52266/07)	Articles 6, 8 and 13 (unlawful taping of the applicant's telephone conversations with his lawyer, denial of his right to a fair hearing and lack of effective remedies)	Struck out of the list (the applicant no longer wished to pursue the application)
		USTAAGLU (No. 16298/08)	Art. 6 (excessive length of proceedings)	Struck out of the list (friendly settlement reached)

UKRAINE	18 Sept. 2012	BURDIYAN (No. 31331/06)	Art. 3 (disdainful and degrading treatment by domestic authorities on account of the outcome of proceedings), Art. 6 § 1 (denial of the applicant's right to appeal in cassation; lack of an effective remedy in that respect)	Struck out of the list (friendly settlement reached)
		DERYAPA (No. 36394/08)	Articles 6 and 1 of Prot. No. 1 (unfairness of domestic court's hearings; breach of the applicant's property right)	Struck out of the list (the applicant no longer wished to pursue the application)
		GOLUBENKO (No. 36327/06)	Poor condition of detention and health care (no article mentioned), Art. 4 (lack of adequate remuneration for work in prison), Art. 5 § 1 (a) (appeal hearing presided by a judge who had earlier remanded the applicant in custody), Art. 6 (unfairness of proceedings), Art. 7 (wrong conviction of the applicant for an attempted crime whereas in fact he had voluntarily decided not to accomplish the criminal offence in question)	Inadmissible as manifestly ill-founded
		GUSEVA (No. 30472/05)	Art. 6 § 1 (arbitrariness of domestic courts' decisions), Art. 8 § 1 (unlawful eviction of the applicant from the residential premise she occupied)	Struck out of the list (the applicant no longer wished to pursue his application)
		KHOLODNAYA (No. 21413/07)	Articles 6 § 1 and 13 (ineffectiveness of criminal investigation into the murder of the applicant's son)	

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
BULGARIA	17 Sept. 2012	MARINOVA (Nos. 33502/07 AND 3 OTHER)	Articles 6 § 1 and 10 – Conviction of the applicants for having expressed their opinion and sought protection from the authorities; Art. 6 § 2 – Breach of one of the applicant's presumption of innocence; Art. 14 – Unfairness of criminal proceedings

CROATIA	19 Sept. 2012	PAIC AND OTHERS (No. 5058/12)	Lack of an effective investigation into the death of the applicants' relative (no article mentioned); Art. 13 – lack of an effective remedy in that respect
		SCHUBERT TEPŠIĆ AND TEPŠIĆ (No. 37777.12)	Art. 2 – Killing of the applicants' husband and father, and lack of an effective investigation in that respect; Art. 5 – Unlawfulness of the applicants' relative's arrest; Art. 14 – Killing of the applicant because of his Serbian origin; Art. 13 – Lack of an effective remedy
	20 Sept. 2012	Y. (No. 68149/11)	Art. 3 – Violence against the applicant; Art. 5 §§ 1 and 4 – Unlawful psychiatric internment of the applicant; lack of an adequate procedure to challenge it; Art. 6 – Unfairness of proceedings for divesting him of the applicant's legal capacity; Art. 8 – Violation of the applicant's right to respect for private and family life on account of his psychiatric internment
POLAND	18 Sept. 2012	KULINSKI (No. 56695/08)	Art. 6 § 3 (c) – Deprivation of the applicant's right to defend himself through legal assistance of his own choosing; Applicant's inability to have the disciplinary proceedings reopened, in spite of a Constitution Court's judgment finding the impugned provision unconstitutional (no article mentioned)
		SCIRKO AND SCIRKO (No. 42365/11)	Art. 6 – Excessive length of proceedings against the person who caused the accident in which the applicants' son had died
ROMANIA	17 Sept. 2012	CAZACLIU AND OTHERS (No. 63945/09)	Articles 3 and 8 – Domestic authorities' decision to evict the applicants from their homes without taking into consideration their vulnerable situation and to offer them social housing in an isolated, run down and abandoned building and in mobile homes located on a rubbish dump; Art. 6 – Domestic authorities' failure to enforce a final judgment ordering the local authorities to undertake urgent repairs in respect of the said building; Art. 13 – Lack of an effective remedy on account of the breaches complained of under Art. 6 – Art. 2 of Prot. No. 1 – Applicants' children's inability to go to school because of the remote location of the said building; Art. 14 taken in conjunction with Articles 3, 6, 8 and 2 of Prot. No. 1 – Discrimination on account of the authorities' biased attitude towards the applicants' ethnic origin
	18 Sept. 2012	AL NASHIRI (No. 33234/12)	Articles 3, 5 and 8 – Ill-treatment in Romania while in US custody; Articles 2, 3, 5, 6 and Protocol No. 6 – Transfer of the applicant from Romania; Articles 2, 3, 5, 8 and 13 – Domestic authorities' failure to conduct an effective investigation into the circumstances surrounding the applicant's ill-treatment, detention and transfer from the Romanian territory
SERBIA	17 Sept. 2012	CUPARA (No. 34683/08)	Articles 14 and 1 of Prot. No. 1 – Discrimination against the applicant since his case was decided differently from other identical claims
SWITZERLAND	21 Sept. 2012	Z.H.AND R.H. (No. 60119/12)	Art. 3 – Traumatic effects upon the applicant on account of the expulsion of the male applicant; risk of ill-treatment if the other applicants were to be expelled to Afghanistan; Art. 8 – Violation of the applicants' right to respect for private and family life on account of their separate expulsion; Art. 13 – lack of an effective remedy in that respect
THE CZECH REPUBLIC	20 Sept. 2012	BUDREVICH (No. 65303/10)	Art. 3 – Risk of ill-treatment in case of deportation to Belarus; Art. 13 read in conjunction with Articles 3 and 6 § 3 - domestic legal system's failure to provide the applicant with an effective remedy; inadequate three-day-time-limit for filing an appeal
UKRAINE	17 Sept. 2012	TSYPIN (No. 1467/07)	Art. 5 § 1 – Arbitrary detention; Art. 5 § 3 – Excessive length of detention; Art. 5 § 4 – Lack of proceedings by way of which the lawfulness of the applicant's detention would be decided speedily; Art. 6 § 1 – Unfairness and excessive length of criminal proceedings; Art. 13 – Lack of an effective remedy

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 third special human rights meeting for 2012 (24-26 September 2012).

Part III: General Agenda

The “General Agenda” presents events that either took place or were announced* during the period under observation (15 Sept. to 1 Oct. 2012) for this RSIF.

September 2012

- 20-21 September 2012:
European Conference of Presidents of Parliaments (Strasbourg) – [Conference page](#)
- 26-27 September 2012:
Post-monitoring visit to Bulgaria by PACE rapporteurs – [Read more](#)
- 27 September 2012:
Colloquium on the right to work for refugees (Strasbourg) – [Programme](#) (PDF) – [Podcast](#)

October 2012

- 2 October 2012:

ECRI Round Table to discuss the follow-up given to the recommendations contained in its 2010 report on Albania ([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)

Two recent complaints have been lodged with the ESC (18.09.2012)

- European Federation of National Organisations working with the Homeless (FEANTSA) v. The Netherlands, [Complaint No. 86/2012](#) concerns the situation of the homeless ([more information](#)) ;
- International Planned Parenthood Federation European Network (IPPF EN) v. Italy, [Complaint No. 87.2012](#)), concerns the conscientious objection of medical practitioners in relation to the termination of pregnancy ([more information](#));
- [Collective complains website](#)

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

CPT visited Croatia (01.10.2012)

A CPT delegation recently carried out a nine-day visit to Croatia. The visit, which began on 19 September, was the CPT's fourth visit to the country. The visit provided an opportunity to assess the extent to which the recommendations made after previous CPT visits have been implemented. Particular attention was paid to the treatment of persons in police custody, prison conditions, and the situation of patients in psychiatric institutions and residents in social care homes ([read more](#)).

CPT visited Iceland (02.10.2012)

A CPT delegation carried out a seven-day visit to Iceland. The visit, which began on 18 September, was the CPT's fourth visit to the country. The visit provided an opportunity to assess the extent to which the recommendations made after previous CPT visits have been implemented. Particular attention was paid to the treatment of persons in police custody, prison conditions and the situation of patients in psychiatric institutions ([read more](#)).

CPT visited Greenland (02.10.2012)

A CPT delegation carried out a visit to Greenland from 25 to 27 September 2012. It was the Committee's first visit to Greenland (a semi-autonomous entity within the Kingdom of Denmark). In the course of the visit, the delegation examined the treatment of persons in police custody, the conditions of detention in Nuuk Prison and the situation of persons subjected to involuntary psychiatric hospitalisation ([read more](#)).

CPT visited the United Kingdom (03.10.2012)

A CPT delegation recently carried out a twelve-day visit to the United Kingdom. The visit, which began on 17 September 2012, was the CPT's seventh periodic visit to that country. During the visit, the delegation visited Scotland to examine developments there since its last visit in 2003, particularly as concerns the situation of female prisoners and adult males on remand. It also looked into the treatment and conditions of detention in several police stations and visited a medium-secure psychiatric clinic. Finally, the delegation examined issues relating to persons held under immigration legislation and visited two immigration removal centres in England ([read more](#)).

CPT published report on Armenia and response of the Armenian Government (03.10.2012)

CPT has published on 3 October 2012 the [report](#) on its ad hoc visit to Armenia in December 2011, together with the [response](#) of the Armenian Government. These documents have been made public at the request of the Armenian authorities. The 2011 ad hoc visit was carried out to assess the steps

taken by the Armenian authorities to implement long-standing recommendations made by the CPT, in particular those concerning the treatment of prisoners sentenced to life imprisonment. The Committee's delegation visited Yerevan-Kentron Prison and carried out a targeted visit to the unit for lifers and the disciplinary unit of Nubarashen Prison ([read more](#)).

C. European Committee against Racism and Intolerance (ECRI)

ECRI published conclusions on the implementation of its priority recommendations in respect of Greece (25.09.2012)

ECRI published on 25 September 2012 conclusions on the implementation of three priority recommendations made in its country report on Greece which had been released in 2009 ([read more](#)).

ECRI published new report on Sweden (25.09.2012)

ECRI published on 25 September 2012 its fourth report on Sweden. ECRI's Chair, Mr Jenö Kaltenbach, welcomed positive developments, but regretted that a number of problems persisted, such as continuing de facto residential segregation and the ground gained by xenophobic and islamophobic discourse and political parties over the past few years ([read more](#)).

ECRI published report on Croatia (25.09.2012)

ECRI published on 25 September 2012 its fourth report on Croatia. ECRI's Chair, Mr Jenö Kaltenbach, said that, despite positive developments, there were issues of concern, such as the impact on inter-ethnic relations of the under-representation of persons belonging to national minorities in the public administration and the courts, and in particular the low number of Serbs in the police at local level, and the fact that many Roma still do not have personal identity or citizenship documents ([read more](#)).

ECRI published guidelines to combat discrimination in employment (25.09.2012)

ECRI published on 25 September 2012 its General Policy Recommendation No.14, which calls the Council of Europe's 47 member States to stop racism and racial discrimination in employment ([read more](#)).

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

The Netherlands: receipt of the 2nd cycle State Report (19.09.2012)

The Netherlands submitted on 19 September 2012 its second [state report](#) in English, pursuant to Article 25, paragraph 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.

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)

GRETA published report on Armenia (21.09.2012)

GRETA has published on 21 September 2012 its first evaluation report on Armenia. In the report, GRETA welcomes the important steps taken by the Armenian authorities to prevent and combat trafficking in human beings, in particular the efforts to raise public awareness on THB and train

relevant professionals. However, GRETA considers that more targeted awareness-raising measures should be developed for groups vulnerable to THB, in particular children ([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
ALBANIA	Fourth Additional Protocol to the European Convention on Extradition (CETS No. 212)		X	20 September 2012
ARMENIA	Convention on the counterfeiting of medical products and similar crimes involving threats to public health (CETS No. 211)		X	
	Fourth Additional Protocol to the European Convention on Extradition (CETS No. 212)			
AUSTRIA	Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters (ETS No. 182)		X	
	Fourth Additional Protocol to the European Convention on Extradition (CETS No. 212)			
CROATIA	Third Additional Protocol to the European Convention on Extradition (CETS No. 209)		X	28 September 2012
CYPRUS	Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority (CETS No. 207)	X		
DENMARK	Convention on Laundering, Search and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (CETS No. 198)		X	
GREECE	Third Additional Protocol to the European Convention on Extradition (CETS No. 209)		X	20 September 2012
HUNGARY	Third Additional Protocol to the European Convention on Extradition (CETS No. 209)		X	
	Fourth Additional Protocol to the European Convention on Extradition (CETS No. 212)			
ICELAND	Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201)	X		27 September 2012
ITALY	Convention on preventing and combating violence against women and domestic violence (CETS No. 210)		X	

LATVIA	Fourth Additional Protocol to the European Convention on Extradition (CETS No. 212)		X	20 September 2012	
LITHUANIA	Third Additional Protocol to the European Convention on Extradition (CETS No. 209)		X		
LUXEMBOURG	Fourth Additional Protocol to the European Convention on Extradition (CETS No. 212)		X		
MOLDOVA	Convention on the counterfeiting of medical products and similar crimes involving threats to public health (CETS No. 211)		X		
MONACO	Convention on preventing and combating violence against women and domestic violence (CETS No. 210)		X		
POLAND	Fourth Additional Protocol to the European Convention on Extradition (CETS No. 212)		X		
ROMANIA	Third Additional Protocol to the European Convention on Extradition (CETS No. 209)		X	1 October 2012	
	Fourth Additional Protocol to the European Convention on Extradition (CETS No. 212)				
RUSSIA	Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201)		X		
SERBIA	Fourth Additional Protocol to the European Convention on Extradition (CETS No. 212)		X		20 September 2012
SLOVENIA	Fourth Additional Protocol to the European Convention on Extradition (CETS No. 212)		X		
SPAIN	Protocol amending the Convention on Mutual Administrative Assistance in Tax Matters (CETS No. 208)	X			28 September 2012
SWEDEN	Fourth Additional Protocol to the European Convention on Extradition (CETS No. 212)		X	20 September 2012	
UKRAINE	Fourth Additional Protocol to the European Convention on Extradition (CETS No. 212)		X		
	Third Additional Protocol to the European Convention on Extradition (CETS No. 209)				

B. Recommendations and Resolutions adopted by the Committee of Ministers

NATURE OF THE TEXT	TEXT NUMBER	OBJECT	DATE
RECOMMENDATION	CM/Rec(2012)10E	Protection of child and young athletes from dangers associated with migration	19 September 2012
	CM/Rec(2012)11E	Role of public prosecutors outside the criminal justice system	19 September 2012
RESOLUTION	CM/Del/Dec(2012)1150VolresE	Resolutions adopted at the 1150 th meeting (DH)	28 September 2012

C. Other news of the Committee of Ministers

Declaration of the Chair of the Committee of Ministers on the events following the showing of the film "Innocence of Muslim" (19.09.2012)

The Chairmanship of the Committee of Ministers of the Council of Europe firmly condemns the acts of terrorism and the calls for violence which followed the showing of the film "Innocence of Muslims". It also condemns any incitement to hatred, in particular on religious grounds, and calls for respect of everyone's beliefs. It recalls the fundamental importance of freedom of expression guaranteed by Article 10 of the European Convention on Human Rights while underlining that this freedom also carries duties and responsibilities, in particular regarding the respect of the rights of others. In line with the values of tolerance and mutual understanding that the Council of Europe promotes, it calls for dialogue and for everyone to show a sense of restraint and responsibility by refraining from any act or declaration which may stir up hatred and confrontation.

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 monitoring co-rapporteurs shocked at Georgian prisoner abuse videos (20.09.2012)

The monitoring co-rapporteurs for Georgia of PACE Michael Aastrup Jensen (Denmark, ALDE) and Boriss Cilevics (Latvia, SOC), have expressed their shock at the videos that have surfaced in Georgia showing prisoners being abused and tortured by prison guards. "Such practices are unacceptable in a Council of Europe member State, therefore we welcome the swift reaction of the authorities. We expect that the authorities will now conduct a thorough and transparent investigation into these abuses, as well as into the structural question of how they could take place despite warnings from such respectable institutions as the Georgian Human Rights Defender," they said ([read more](#)).

Elections in Belarus : statement by Andres Herkel, PACE rapporteur on the situation in Belarus (24.09.2012)

"I regret that many OSCE commitments on citizens' democratic rights to associate, to stand as candidates and to express themselves freely were not respected in yesterday's parliamentary elections in Belarus and that the elections were not administered in an impartial manner due to the lack of proper counting procedures or ways for observers to verify the results", said Andres Herkel (EPP/CD, Estonia), PACE rapporteur, on the situation in Belarus ([read more](#)).

PACE President calls for dialogue with Russian members of the Assembly (01.10.2012)

In his opening address at the 4th session of the PACE, its President Jean-Claude Mignon called for "dialogue with our Russian friends and colleagues". "I hope that we shall soon have another opportunity to hold an exchange of views with Mr Naryshkin, President of the State Duma of the Russian Federation, who has unfortunately cancelled his trip to Strasbourg during this part-session", said the PACE President ([read more](#)).

➤ Themes

Legislators to make freedom from violence a reality (18.09.2012)

"Parliamentarians have a vital role to play in transforming mentalities and make freedom from violence a reality in their communities", said Jozefina Topalli, Speaker of the Albanian Parliament, during a conference organised on this matter by the Parliamentary Network 'Women Free from Violence' in Tirana on 14 September. In the presence of Jozefina Topalli and Filloreta Kodra, Vice-Minister of Labour, Social Affairs and Equal Opportunities, a Handbook for parliamentarians, meant as a tool for the promotion of the Istanbul Convention and other international standards in combating violence against women, was officially launched ([read more](#)).

Potential cases of trafficking of migrants for forced labour purposes should not be viewed primarily in terms of migration control (25.09.2012)

“The economic crisis reinforces the already significant vulnerability of irregular migrants and increases still further the number of victims for this form of trafficking. Currently, migrants already account for almost half of the total number of the some 20.9 million trapped in forced labour world-wide. Trafficking of human beings affects virtually every country in the world, either as a country of origin, transit or destination,” the rapporteur on trafficking of migrant workers for forced labour, Annette Groth (Germany, UEL) told the PACE Committee on Migration, Refugees and Displaced Persons at its meeting in Paris on 14 September ([read more](#)).

PACE elected its Vice-President with respect to France (01.10.2012)

PACE elected on 1 October 2012 René Rouquet Vice-President of the Assembly with respect to France.

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

➤ *Countries*

Italy needs to speed up court proceedings and improve the treatment of Roma and migrants (18.09.2012)

“Lengthy proceedings and the treatment of Roma and migrants in Italy raise serious human rights concerns” said the Commissioner for Human Rights, releasing a [report](#) based on the findings of his visit to Italy carried out on 3-6 July ([read more](#)).

Finland: protection against discrimination should be strengthened (25.09.2012)

“The Finnish Government has started a timely reform of the national equal treatment legislation. It is now crucial to ensure accessibility of the protection framework to all victims of discrimination and avoid unnecessary fragmentation of equality bodies”, said today Nils Muižnieks, the Commissioner for Human Rights, releasing a [report](#) based on the findings of his visit to Finland carried out on 11-13 June ([read more](#)).

➤ *Themes*

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

**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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