

Summaries of Final Resolutions adopted by the Committee of Ministers in 2010
(with the exception of those concerning Friendly Settlements)

These summaries are made under the sole responsibility of the Department for the Execution of Judgments of the European Court and in no way bind the Committee of Ministers.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2010)153	AUT / Buchberger	32899/96	20/03/2002 20/12/2001	Protection of family life: Transfer of custody of the applicant's sons to the Youth Welfare Office without sufficiently involving her in the decision-making process. (Articles 8 and 6 §1)	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. <i>General measures:</i> Change of courts' practice with regard to the level of involvement of parents in custody proceedings required.
CM/ResDH(2010)152	AUT / Karner	40016/98	24/10/2003 24/07/2003	Discrimination and protection of family home: Discriminatory treatment of the applicant on grounds of his sexual orientation due to a narrow interpretation of the Rent Act in a decision of the Supreme Court denying his right to succeed to a lease in the name of his deceased partner. (Article 14 in conjunction with Article 8)	<i>Individual measures:</i> No just satisfaction awarded due to death of applicant and lack of interest of the heirs. <i>General measures:</i> Change of case-law required.
CM/ResDH(2010)154	AUT / Malek and 1 other case	60553/00+	12/09/2003 12/06/2003	Access to and efficient functioning of justice: Excessive length of disciplinary proceedings against lawyers (Article 6 §1)	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. <i>General measures:</i> In 2004, the Lower Austria Bar Chamber communicated new guidelines for accelerating disciplinary proceedings to all disciplinary counsellors; compliance with these guidelines is supervised by the President and the Vice-President of the Disciplinary Council. According to these guidelines, the disciplinary authorities may refrain from seeking evidence that is not attainable for legal or factual

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					reasons for an unforeseeable or indefinite period, or whose production has been repeatedly and unsuccessfully sought, after the expiry of a certain deadline set down in each individual case. The length of proceedings before the Constitutional Court in the second case constituted an isolated incident. The judgment Schmidt was published and disseminated.
CM/ResDH(2010) 1	AUT / Moser	126543/02	21/12/2006 21/09/2006	Protection of family life and access to and efficient functioning of justice: <i>Disproportionate interference due to transfer of custody of a child to the Youth Welfare Office (and later foster-parents) without exploring alternative solutions; breach of the principle of equality of arms for lack of opportunity for the first applicant to comment on reports of the Youth Welfare Office, lack of a public hearing and lack of public pronouncement of the decisions. (Articles 8 and 6 §1 – three times)</i>	Individual measures: Just satisfaction for non-pecuniary damages sustained by the first applicant (mother) paid. Visits are conducted with the help of the social services to ensure that the relationship between mother and child is continued without putting the child in a situation of conflict. The foster-parents are not present during the visits. The first applicant's request to extend visiting rights was rejected in the child's best interest. Proceedings for the first applicant's prolongation of her residence permit are still pending. General measures: The judgment was translated, published and disseminated. With regard to the fairness of proceedings, the violation of the principle of equality of arms constituted an isolated incident. The reformed Austrian Non-Contentious Proceedings Act 2005 gives the judge discretion to hold family-law and guardianship proceedings in public and contains criteria for the exercise of such discretion. It also allows for public pronouncement of decisions. The judgment was transmitted to the Presidents of the Supreme Court and of the four Courts of Appeal with the request to disseminate it to all subordinate judicial authorities and to inform the authorities directly involved.
CM/ResDH(2010) 36	AUT / Ollinger	76900/01	29/09/2006 29/06/2006	Freedom of assembly: <i>Unjustified interference due to the authorities' refusal to authorise a public meeting. (Article 11)</i>	Individual measures: No damages claimed. General measures: Single incident resulting from the particular circumstances of the case. The judgement was published and disseminated to the authorities' concerned.

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CM/ResDH(2010)37	AUT / Osinger	54645/00	24/06/2005 24/03/2005	Access to and efficient functioning of justice: <i>Lack of a public hearing in succession proceedings (Article 6§1)</i>	<i>Individual measures:</i> The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. <i>General measures:</i> In 2005, the new Non-Contentious Proceedings Act provided that, as a general principle, public and oral hearings should be held. For matters of inheritance, in camera hearings remain the norm, except for succession proceedings held to designate an heir as in the present case. The judgement was published and disseminated to the authorities' concerned.
CM/ResDH(2010)84	AUT / Sylvester	36812/97	24/07/2003 24/04/2003	Protection of private and family life: <i>Domestic court's failure to take adequate measures to enforce court decisions ordering the return of a child to her father living in the United States (Article 8)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damages paid. The applicant had an out-of-court agreement with his daughter's mother at the time of the judgment. He then submitted a request for extended visiting rights. In March 2006, the applicant discontinued the pursuit of legal proceedings, which could be resumed at any time taking into account the child's best interest, now 16 years old. <i>General measures:</i> Prompt enforcement of return orders and visiting rights under the 1980 Hague Convention was ensured: A new law of 2005 established a unified competence to deal with requests for return based on the Hague Convention with the aim to specialising judges on these issues. Legislation allows to request access (possibly supervised to prevent removal) to the child while return proceedings are pending. In non-contentious proceedings, a lawyer is appointed to represent the applicant free of charge and without pre-condition of a means test already at the initial stage of court proceedings. Court orders on custody or visiting rights may also be enforced ex officio. Execution can be ensured through the use of coercive fines or detention, provided that such measures do not endanger the well-being of a child. Additional safeguards for the prompt enforcement of judicial decisions are provided by the EC Council Regulation No. 2201/2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial

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					matters and the matters of parental responsibility. As regards the location children hidden by their parents, both the Ministry of Justice acting as Central Authority under the Hague Convention and courts have possibilities to trace them, e.g. through the central residence registration system) or by checking with regional registries of schools. Police authorities may be called upon. The judgment was published and disseminated.
CM/ResDH(2010)38	AUT / Wiesner	2293/03	22/05/2007 22/02/2007	Protection against ill-treatment: <i>Unjustified strip-search during arrest amounting to degrading treatment. (Article 3)</i>	Individual measures: Just satisfaction for non-pecuniary damages paid. The applicant was released and proceedings discontinued. General measures: Single incident resulting from the particular circumstances of the case. The judgement was published and disseminated to the authorities' concerned.
CM/ResDH(2010)39	BEL / Ernst and Others	33400/96	15/10/2003 15/07/2003	Freedom of expression and protection of private life: <i>Disproportionate interference due to searches in the homes and business premises of four journalists and two associations of journalists carried out as part of preliminary investigations in cases where no charges had been brought. (Articles 10 and 8)</i>	Individual measures: Just satisfaction for non-pecuniary damages paid. General measures: In 2005, a law on the protection of journalistic sources made it illegal to seek information on journalistic sources, in particular through searches or seizures, except on a judge's request if such information is likely to prevent offences constituting a serious physical threat to a person and cannot be obtained by other means. The judgement was published in three official languages and disseminated to the College of Prosecutors General, the Federal Police and the Court of Cassation.
CM/ResDH(2010)155	BEL / Silvester's Horeca Serv	47650/96	04/06/2004 04/03/2004	Access to and efficient functioning of justice: <i>Lack of access to a court due to the inability to have an administrative tax decision reviewed by a judicial body with full jurisdiction. (Article 6§1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. General measures: Case-law has evolved and full jurisdiction was granted to courts in similar cases. The judgment was published.
CM/ResDH(2010)	BEL / Van	26103/95+	21/01/1999	Access to and efficient functioning of	Individual measures: Just satisfaction for non-pecuniary

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2	Geyseghem and 4 other cases		Grand Chamber	<i>justice: Denial of the right to be defended by a lawyer of one's own choosing at different stages of criminal proceedings (first instance, appeal and opposition) due to the courts' refusal to hear the applicants' lawyers or take into account the pleadings filed by them on the merits on the ground of the applicants' failure to appear before court. (Article 6 §§1 and 3c)</i>	damages awarded in only one case. In 4 cases, the judgments constituted in themselves sufficient just satisfaction for non-pecuniary damage suffered. In the cases of Van Geyseghem, Pronk and Stift, the sentences imposed became time-barred. In the cases of Stroek and Goedhart, the applicants were pardoned and the international arrest warrants taken out were declared void. A law allowing reopening of criminal proceedings following an ECHR judgment entered into force on 01/12/2007 (see CM/ResDH(2009)65 in Göktepe) and provided for the possibility as a transitional measure to apply for the reopening of proceedings within six months of its entry into force. <i>General measures:</i> The Code of Criminal Procedure had been amended in 2003, so that it is now established that a lawyer may represent his or her client under all circumstances and that anyone may lodge an appeal on points of law, even if they are not detained in accordance with a judicial decision. The judgment was published and disseminated.
CM/ResDH(2010)188	BGR / Boneva and Nikola Nikolov	53820/00+	14/06/2007 16/11/2006	<i>Protection of rights in detention: Violations concern the pre-trial detention system which existed until the legislative reform which entered into force on 1 January 2000 (lacking promptness in bringing the applicant before a judge, excessive duration of detention on remand and omission to examine a request for release. (Article 5 §§3+4)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicants are no longer detained on remand. <i>General measures:</i> See ResDH(2000)109 in Assenov and ResDH(2000)110 in Nikolova on the legislative reform of criminal procedure which took effect from 01/01/2000.
CM/ResDH(2010)42	BGR / G.B. and Iorgov	42346/98 and 40653/98	11/06/2004 11/03/2004	<i>Protection against ill-treatment: Conditions of detention and stringent custodial regime following the applicants' sentence to death despite a moratorium on capital punishment having already been</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damages paid. Following the abolition of death penalty in 1998, the applicants' sentences were commuted to life imprisonment. <i>General measures:</i> Death penalty was abolished in 1998.

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				<i>established. (Article 3)</i>	Following CPT-Recommendations in 2002, life-sentenced prisoners were progressively integrated into mainstream prison regimes.
CM/ResDH(2010)41	BGR / I.D.	43578/98	28/07/2005 28/04/2005	Access to and efficient functioning of justice: <i>Dismissal of the applicant's claim in labour proceedings on the ground that domestic courts considered themselves to be bound by the conclusions of the medical commissions</i>	Individual measures: Just satisfaction for non-pecuniary damages paid. Reopening possible. General measures: The Supreme Administrative Court held in its case-law after 1999 that the medical commissions' decisions are subject to judicial review. The Administrative Procedure Act 2001 provides expressly that the decisions of these commissions are subject to judicial review.
CM/ResDH(2010)82	BGR / Ivan Ivanov	53746/00	10/01/2008 Friendly settlement	Access to and efficient functioning of justice: <i>Excessive length of criminal proceedings and lack of an effective remedy. (Article 6 §1)</i>	Individual measures: Friendly settlement
CM/ResDH(2010)121	BGR / Spasov and 4 other cases	51796/99+	16/02/2007 16/11/2006	Protection of rights in detention: <i>Violations in the context of the system of pre-trial detention in force prior to a reform of 2000. (Article 5 §§3+4)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The applicants are no longer in pre-trial detention. General measures: See ResDH(2000)109 in Assenov ResDH(2000)110 in Nikolova following a legislative reform of criminal procedure which took effect from 01/01/2000.
CM/ResDH(2010)189	BGR / Todev	31036/02	22/08/2008 22/05/2008	Protection of rights in detention: <i>Violation concerns the procedure for psychiatric confinement which existed until the adoption of new Health Act in 2004 (detention to undergo medical examination and inability to challenge the lawfulness of psychiatric detention). (Article 5 §§1+4)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant was released and died. General measures: See CM/ResDH(2010)40 in Varbanov on a new Health Act in 2004 providing for a new procedure concerning psychiatric confinement.
CM/ResDH(2010)40	BGR / Varbanov and 3 other cases	31365/96+	05/10/2000	Protection of rights in detention: <i>Unlawful detention in a psychiatric hospital to undergo medical examinations at the</i>	Individual measures: Just satisfaction for non-pecuniary damages paid. All applicants were released. General measures: According to the new Health Act 2005,

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				<i>behest of prosecutors in proceedings concerning psychiatric confinement and lack of judicial review in 2 cases. (Article 5 §§1+4)</i>	only a court is competent to order an expert opinion and, if necessary, to order confinement with a view to obtaining a psychiatric examination, following a public hearing at which the person concerned, assisted by counsel and a psychiatrist, must be heard. The decision may be appealed. The judgment was published, translated and disseminated.
CM/ResDH(2010)76	CYP / Kolona	28025/03	27/12/2007 27/09/2007 (Merits) 02/10/2008 (Friendly settlement)	Protection of property and of home: <i>Unjustified interference due to the arbitrary and unlawful demolition of the applicant's house on the basis of a requisition order without effective notification of the intended demolition nor compensation. (Article 1 of Protocol No. 1 and 8)</i>	<u>Individual measures:</u> Just satisfaction and costs and expenses were settled by friendly settlement. <u>General measures:</u> Isolated case resulting from inappropriate application of the relevant legal provisions. The judgment was published, translated and disseminated.
CM/ResDH(2010)43	CYP / Phinikaridou	23890/02	20/03/2008 20/12/2007	Protection of private life: <i>Disproportionate interference due to the application of a rigid legislative time-limit by the Supreme Court without consideration of material facts or social reality depriving the applicant of the possibility of obtaining judicial determination of paternity. (Article 8)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damages paid. Following legislative reform, new paternity proceedings may be brought. <u>General measures:</u> The Children (Relatives and Legal Status) Law 1991 was amended in 2008 providing a three-year time-limit starting from the date on which the person concerned can establish that they first became aware of information enabling him or her to identify their putative father. The judgment was published and disseminated.
CM/ResDH(2010)13	CZE / Mares	1414/03	26/01/2007 26/10/2006	Access to and efficient functioning of justice: <i>Lack of a fair, adversarial hearing before the Constitutional Court in criminal proceedings due to the non-communication of a copy of the other parties' observations to the applicant. (Article 6 §1)</i>	<u>Individual measures:</u> The finding of a violation constitutes sufficient just satisfaction for non-pecuniary damage. The applicant did not request reopening of proceedings. <u>General measures:</u> See CM/ResDH(2006)71 in Milatova. The judgment was translated, published and disseminated.
CM/ResDH(2010)	CZE / Vokoun	20728/05	03/10/2008	Access to and efficient functioning of	<u>Individual measures:</u> The applicant had made no claim in

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15			03/07/2008	<i>justice: Lack of a fair, adversarial hearing before the Constitutional Court in civil proceedings. (Article 6 §1)</i>	respect of individual measures. <i>General measures:</i> See CM/ResDH(2006)71 in Milatova. The judgment was translated, published and disseminated.
CM/ResDH(2010)14	CZE / Zich and Others	48548/99+	18/10/2006 18/07/2006 (Merits) 21/12/2006 (Just satisfaction, friendly settlement)	Protection of property: <i>Disproportionate interference in property restoration proceedings due to the dismissal of the claim for compensation of the difference in value between the purchase price and the sum paid for the reconstruction and modernisation of the building concerned, following the return of property acquired in good faith by a housing co-operative under the communist regime. (Article 1 of Protocol No. 1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damages paid. Pecuniary damage was settled in a friendly settlement. <i>General measures:</i> See CM/ResDH(2007)30 in Pincová and Pinc and Zvolský and Zvolská. The judgment was translated, published and disseminated.
CM/ResDH(2010)68	CZK / Drahorad and Drahoradova and 4 other cases	10254/03+	20/06/2008 20/03/2008	Access to and efficient functioning of justice: <i>Lack of access to the Constitutional Court due to its restrictive interpretation of the admissibility rules. (Article 6 §1)</i>	<i>Individual measures:</i> The finding of a violation constituted in itself sufficient just satisfaction in all cases. <i>General measures:</i> See CM/ResDH(2007)115 in Běleš and others group, CM/ResDH(2007)30 in Zvolský and Zvolská and CM/ResDH(2008)27 in Vodárenská akciová společnost, A.S., in particular concerning the change of the Constitutional Court's practice in 2003 and the amendment of the Constitutional Court Law in 2004 according to which, the extraordinary appeal does not necessarily have to be exhausted before addressing the Constitutional Court. If the extraordinary appeal is declared inadmissible on the basis of discretionary assessment, the constitutional appeal may be lodged within 60 days counting from the notification of the decision relating to the admissibility of that extraordinary appeal. The judgment was published, translated and disseminated.
CM/ResDH(2010)110	ESP / Dacosta Silva	69966/01	02/02/2007 02/11/2006	Protection of rights in detention: <i>Unlawful house arrest imposed on the applicant, a</i>	<i>Individual measures:</i> The finding of a violation constituted sufficient just satisfaction in respect of non-pecuniary

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				<i>member of the Civil Guard, by his superior (Article 5 §1)</i>	damage. The arrest period was brief and the applicant was released. <i>General measures:</i> The new Law No.12/2007 removed the disciplinary sanction of house arrest. The judgment was translated, published and disseminated.
CM/ResDH(2010)183	ESP / Puig Panella	1483/02	25/07/2006 25/04/2006	Access to and efficient functioning of justice: <i>Breach of the presumption of innocence, due to the rejection of the applicant's request for compensation for prison time, on the basis of supposed guilt, in spite of a Constitutional Court decision setting his prison sentence aside on account of the inadequacy of the evidence adduced against him. (Article 6 §2)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. No causal link between violation and alleged losses to missed working opportunities. In 2001, the Constitutional Court rejected the applicant's new appeal considering that the just satisfaction awarded by the ECHR sufficiently covered damages suffered by the applicant. The applicant's conviction was removed from his record. <i>General measures:</i> Incorrect application of domestic provisions. The judgment was published, translated and disseminated.
CM/ResDH(2010)159	EST / Dorozhko and Pozharskiy	14659/04+	24/07/2008 24/04/2008	Access to and efficient functioning of justice: <i>Lack of an impartiality of the tribunal in criminal proceedings due to the fact that the trial judge was married to the head of the team of investigators set up to carry out the investigation in this case. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicant's request for reopening was rejected on the ground that the ECHR's judgment did not call into question the outcome of the domestic proceedings. <i>General measures:</i> Isolated occurrence. The judgments were published, translated and disseminated.
CM/ResDH(2010)158	EST / Harkmann and Bergmann	2192/03+	29/05/2008 29/02/2008	Protection of rights in detention: <i>Denial of the applicants' right to be brought promptly before a judge following arrest and lack of an enforceable right to compensation for unlawful detention. (Article 5 §§ 3+5)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. Having served their sentences, the applicants are no longer detained. <i>General measures:</i> The new Criminal Procedure Code of 2004 provides that an investigating judge may issue an arrest warrant against a person who has been declared a fugitive. Not later than on the second day following the apprehension, the arrested person shall be taken to the investigating judge for interrogation. Amendments to the State Liability Act of 2006 provide for a distinct right to

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					compensation for unlawful activities of a public authority if the ECHR found a violation. Persons detained unlawfully may receive compensation on the basis of this law or according to the provisions of Unjust Privation of Liberty (Compensation) Act. The judgments were published, translated and disseminated.
CM/ResDH(2010)157	EST / Livik	12157/05	25/09/2009 25/06/2009	No punishment without law: Conviction based on imprecise legislation, which did not allow the applicant reasonably to foresee that his acts would be deemed to amount to causing "significant damage" to the state, since no criteria had been developed in domestic law to assess such a risk of "significant damage". (Article 7)	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. The applicant's application for reopening of proceedings was accepted by the Supreme Court. <u>General measures:</u> The impugned of the new Criminal Code was definitively repealed in 2007. The explanatory memorandum stated that the vague wording of this Article was in contradiction with the general principle of legal certainty and the principle of <i>nulla poena sine lege</i> . The judgment was published, translated and disseminated.
CM/ResDH(2010)190	EST / Malkov	31407/07	04/05/2010 04/02/2010	Protection of rights in detention: Excessive length of detention on remand due to lacking diligence in the conduct of the proceedings. (Article 5 §3)	<u>Individual measures:</u> No claim for just satisfaction submitted. The applicant was sentenced to imprisonment. <u>General measures:</u> See CM/ResDH(2007)33 in Sulaoja et Pihlak.
CM/ResDH(2010)156	EST / Pello	11423/03	10/12/2007 12/04/2007	Access to and efficient functioning of justice: Unfair criminal proceedings due to the accused's inability to examine some of the witnesses against him. (Article 6 §1+3d)	<u>Individual measures:</u> No claim of just satisfaction submitted in due time. The applicant did not avail himself of the opportunity to request reopening of proceedings. After having served his prison sentence, he was released. <u>General measures:</u> See ResDH(2006)72 in Taal, where the violation was due to an isolated incident. According to the new Criminal Procedure Code of 2004, a defence lawyer may request the summoning of witnesses and a party to the proceedings may request at a hearing that additional evidence be adduced. The judgement was published and distributed.
CM/ResDH(2010)	FIN /	70216/01	12/07/2007	Access to and efficient functioning of	<u>Individual measures:</u> Just satisfaction for non-pecuniary

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45	Laaksonen and Juha Nuutinen	and 45830/99	12/04/2007	justice: Breach of the applicants' right to be informed about the charges in criminal proceedings and to prepare their defence as well as the lack of a public hearing on appeal. (Article 6 §§1+3)	damages paid. Reopening of the impugned proceedings may be requested. General measures: Non-observance of legal rules in force by the courts in question. The judgment was translated, published and disseminated.
CM/ResDH(2010)44	FIN / Muttilainen	18358/02	22/08/2007 22/05/2007	Access to and efficient functioning of justice: Lack of an oral hearing before the Court of Appeal in criminal proceedings. (Article 6 §1)	Individual measures: Just satisfaction for non-pecuniary damages paid. Reopening of the impugned proceedings possible. General measures: Wrongful application of law by the Court of Appeal. The judgment was translated, published and disseminated.
CM/ResDH(2010)16	FIN / S.H.	28301/03	29/10/2008 29/07/2008	Access to and efficient functioning of justice: Unfairness of medical insurance proceedings due to the inability for the applicant to comment on two medical opinions included in her case file. (Article 6 §1)	Individual measures: Just satisfaction for non-pecuniary damages paid. The applicant may request reopening of proceedings. General measures: See CM/ResDH(2006)59 in K.P. The judgment was translated, published and disseminated.
CM/ResDH(2010)122	FRA / A.A.U. and 35 other cases	44451/98+	19/09/2001 19/06/2001	Various repetitive cases concerning different sorts of violations with regard to their reference cases, closed by one same Final Resolution.	Individual measures: Just satisfaction paid as provided in the judgments. Given the particular circumstances of the cases, no other individual measure is necessary. General measures: Reference cases closed by DH(98)361 , ResDH(2006)32 , ResDH(2003)94 , CM/ResDH(2008)39 , CM/ResDH(2007)42 , CM/ResDH(2008)5 , CM/ResDH(2008)12 , CM/ResDH(2008)38 , CM/ResDH(2007)44 , CM/ResDH(2008)71 , CM/ResDH(2008)13 , CM/ResDH(2007)79 , CM/ResDH(2009)126 , ResDH(2003)50 .
CM/ResDH(2010)161	FRA / Aoulmi	50278/99	17/04/2006 17/01/2006	Right to individual petition: Failure of authorities to comply with interim measures indicated by the Court under Rule 39 of the Rules of Court in the context	Individual measures: Just satisfaction for non-pecuniary damage paid. General measures: The judgment was published and disseminated. The French authorities stated that they were

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				<i>of the expulsion of an alien. (Article 34)</i>	fully aware of the importance attached to the enforcement of interim measures indicated.
CM/ResDH(2010)87	FRA / Asnar	12316/04	18/01/2008 18/10/2007	Access to and efficient functioning of justice: <i>Unfair civil proceedings before the Conseil d'Etat because of the failure to communicate to the applicant pleadings from the adverse party. (Article 6 §1)</i>	Individual measures: The finding of a violation constituted sufficient just satisfaction in respect of non-pecuniary damage. The applicant was awarded just satisfaction for pecuniary and non-pecuniary damage by domestic courts. General measures: The violation was a consequence of the erroneous interpretation of the relevant provision of the Administrative Justice Code by the Conseil d'Etat. The judgment was published and disseminated, in particular to the administrative courts and the Conseil d'Etat.
CM/ResDH(2010)128	FRA / Clement	37876/02	06/09/2006 06/06/2006	Access to and efficient functioning of justice: <i>Excessive length of proceedings before administrative courts. (Article 6 §1)</i>	Individual measures: Just satisfaction for pecuniary and non-pecuniary damage paid. General measures: See CM/ResDH(2008)12 in Raffi and Others concerning measures providing inter alia recruitment of staff, the creation of new courts and budgetary resources and procedural measures to enable administrative courts both to reduce their backlogs faster and reduce the flow of incoming cases. Effective remedy for complaints on excessive length of proceedings in the jurisdiction of the Conseil d'Etat since 2005.
CM/ResDH(2010)191	FRA / Coorbanally and 9 other cases	67114/01+	01/07/2004 01/04/2004	Various repetitive cases concerning different sorts of violations with regard to their reference cases, closed by one same Final Resolution.	Individual measures: Just satisfaction paid as provided in the judgments. Given the particular circumstances of the cases, no other individual measure is necessary. General measures: Reference cases closed by CM/ResDH(2008)71 , CM/ResDH(2005)25 , CM/ResDH(2008)13 , CM/ResDH(2007)154 , CM/ResDH(2008)12 , CM/ResDH(2008)10 , CM/ResDH(2007)39 , CM/ResDH(2007)44 , CM/ResDH(2007)49 .
CM/ResDH(2010)	FRA /	56651/00	18/08/2004	Access to and efficient functioning of	Individual measures: Just satisfaction for non-pecuniary

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90	Destrehem		18/05/2004	<i>justice: Unfair criminal proceedings due to the court of appeal's refusal to summons and examine defence witnesses, by virtue of the discretion granted under the Code of Criminal Procedure, on the ground that their statements to the first-instance court had been duly recorded in the case-file. (Article 6 §§1+3)</i>	damages paid. The applicant may submit a request for revision. <u>General measures:</u> The judgment was published and disseminated to all courts that might be required to hear similar cases.
CM/ResDH(2010)216	FRA / Farhi	17070/05	23/05/2007 16/01/2007	<i>Access to and efficient functioning of justice: Unfair trial due to the lack of impartiality of the tribunal following the refusal by an assize court to take formal note of the applicant's counsel's complaint of an unlawful communication, between some members of the jury and the advocate-general during an adjournment of the hearing. (Article 6 §1)</i>	<u>Individual measures:</u> The finding of a violation constituted in itself sufficient just satisfaction for the non-pecuniary damage. The applicant might request reopening of the proceedings. <u>General measures:</u> Error in application of domestic law in practice. The judgment was published and disseminated to all domestic courts.
CM/ResDH(2010)49	FRA / Faure	19421/04	15/04/2009	<i>Protection of rights in detention: Arbitrary arrest and detention on the basis of an arrest warrant issued by the Assize Court and not the investigating judge, was thus not in accordance with a procedure prescribed by law. (Article 5 §1)</i>	<u>Individual measures:</u> The finding of the violation constituted sufficient just satisfaction for non-pecuniary damage. The applicant was convicted to a prison sentence. <u>General measures:</u> In new procedural rules, Assize courts were granted the right to issue arrest warrants, which now allows the detention of an accused. The judgment was published and disseminated.
CM/ResDH(2010)51	FRA / Flandin	77773/01	28/02/2007 28/11/2006	<i>Access to and efficient functioning of justice: Unfair criminal proceedings due to the breach of the applicant's right to free legal assistance and lack of adequate facilities to prepare his defence. (Article 6 §1)</i>	<u>Individual measures:</u> No claim for just satisfaction submitted. Revision of conviction was possible. <u>General measures:</u> Violation stems from the delay taken by the Legal Aid Office to communicate the decision granting legal aid to the applicant and to his lawyer. The judgment was published and disseminated.
CM/ResDH(2010)	FRA / Guilloury	62236/00	22/09/2006	<i>Access to and efficient functioning of</i>	<u>Individual measures:</u> It was open to the applicant to apply for

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
46			22/06/2006	justice: <i>Unfair criminal proceedings as the courts had essentially relied on the statements of the victims and witnesses, without the applicant having ever been given the opportunity to examine the prosecution witnesses or to have them examined. (Article 6 §§1 and 3)</i>	reconsideration of the criminal verdict at issue. General measures: The Code of Criminal Procedure was amended in 2000 thus clarifying the rules on the hearing of witnesses. The judgment was published.
CM/ResDH(2010)2015	FRA / Hachette Filipacchi Associes ("Ici Paris")	12268/03	23/10/2009	Freedom of expression: <i>Court ordering a publishing company to pay damages following the publication of an article illustrated with four pictures of the singer Johnny Hallyday. (Article 10)</i>	Individual measures: Just satisfaction for pecuniary damage in the amount of the damages paid. General measures: Error in application of domestic law. Thus the judgment was the subject of an information note of the Ministry of Justice to the prosecuting authorities. It was published and disseminated.
CM/ResDH(2010)91	FRA / Harizi	59480/00	29/06/2005 29/03/2005	Access to and efficient functioning of justice: <i>Unfair criminal proceedings due to the denial of a deported applicant's representation in the court of appeal on account of his failure to appear following the authorities refusal to issue a laissez-passer for return to France. (Article 6 §§1+3c)</i>	Individual measures: The finding of a violation constituted sufficient just satisfaction in respect of non-pecuniary damage. The sentence against the applicant became time-barred on 21/01/2005, so could no longer be executed. General measures: The judgment was published and disseminated to the office of the Paris Public Prosecutor.
CM/ResDH(2010)99	FRA / Koua Poirrez	40892/98	30/12/2003	Protection of property and discrimination: <i>Rejection of a foreign national's application for a disabled adult's allowance on the ground that the Code of Social Security excludes from entitlement to this benefit nationals of countries which have not signed a reciprocity agreement. (Article 1 of Protocol No. 1 in conjunction with 14)</i>	Individual measures: Just satisfaction for and non-pecuniary damages awarded on an equitable basis was paid. Following a legislative amendment, the applicant secured the payment of a disabled adult's allowance as from 01/06/1998. General measures: The Act on entry of foreign nationals into France, their residence in the country and the right of asylum of 1998 abolished the contested nationality requirement.
CM/ResDH(2010)86	FRA / L.L.	7508/02	12/02/2007 10/10/2006	Protection of private and family life: <i>Unnecessary interference due to the</i>	Individual measures: The finding of a violation constituted in itself sufficient redress of the non-pecuniary damage.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>reproduction in a divorce decree of extracts of a confidential medical document concerning the applicant. (Article 8)</i>	<i>General measures:</i> The authorities adopted measures designed to ensure close scrutiny of the expediency of measures constituting interference with private and family life. The judgment was published and disseminated to all courts concerned.
CM/ResDH(2010)92	FRA / Lallement	46044/99	11/07/2002 11/04/2002 (Merits) 12/09/2003 12/06/2003 (Just satisfaction)	Protection of property: <i>Disproportionate interference due to inadequate compensation paid for the expropriation of part of a farm, since the expropriation affected the viability of the remaining part. (Article 1 of Protocol No. 1)</i>	<i>Individual measures:</i> Just satisfaction for pecuniary (loss of the applicant's source of livelihood) and non-pecuniary damages paid. <i>General measures:</i> The judgement was published and circulated to all the departments and courts that may have to deal with similar cases.
CM/ResDH(2010)93	FRA / Le Stum	17997/02	04/01/2008 04/10/2008	Access to and efficient functioning of justice: <i>Legitimate doubts on the court's impartiality in proceedings against a bank manager for company management failures, the court having been presided by the insolvency judge legally responsible for monitoring the company's management during the insolvency proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> The finding of a violation constituted sufficient just satisfaction in respect of non-pecuniary damage. The applicant's request for pecuniary damage in the amount paid to the company in liquidation was rejected. In the light of the principle of legal certainty, re-opening of the proceedings did not seem necessary. <i>General measures:</i> According to an amendment of the Commercial Code in 2005, if a court is required to rule on a manager's potential responsibility for the insufficiency of assets, the insolvency judge may neither be part of the bench hearing the case nor take part in the deliberations.
CM/ResDH(2010)125	FRA / Lilly	53892/00	14/01/2004 14/10/2003	Access to and efficient functioning of justice: <i>Unfair proceedings before the Commercial Division of the Court of Cassation, due to the failure to communicate the reporting counsellor's report, containing the statement of facts, proceedings and grounds of appeal. (Article 6 §1)</i>	<i>Individual measures:</i> No just satisfaction awarded due to lack of causality. <i>General measures:</i> see CM/ResDH (2008)13 in Slimane-Kaïd No. 2. The reporting counsellor's report is now communicated with the file to the public prosecutor as to the parties; on the other hand, his opinion on the decision to be adopted and the draft judgments are communicated neither to the attorneys general nor to the parties.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2010)124	FRA / Martinie and 2 other cases	58675/00+	12/04/2006 Grand Chamber	Access to and efficient functioning of justice: Breaches of the right to fair trial due to the lack of a public hearing and the prosecutor's position in proceedings before the Court of Audit as well as the Government Commissioner's presence in deliberations of the Conseil d'Etat in the Martinie case and the excessive length of civil proceedings in the financial courts (regional boards of audit/Chambres régionales des comptes and the Court of Audit/Cour des comptes) responsible among other things for exercising judicial supervision over the regularity of transactions carried out by public financial administrators. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid where awarded. Domestic proceedings closed. <i>General measures:</i> Amendments to the Financial Courts Code of 2008 instituted adversarial proceedings before regional boards of audit and, in some cases, provided for exclusion of the rapporteur from deliberations. The financial administrator under examination (as well as the official authorising the expenditure under consideration) may henceforth present his/her observations, either in person or through counsel during the debate, and have the last word. He/She also benefits from an adversarial written procedure, having access to the file and the right to request a copy of any document, of the existence of which he/she is systematically informed. In addition, investigation, prosecution and judgment functions are kept rigorously separate: proceedings may only be opened on application by a prosecutor (the rapporteur is no longer competent in this respect). Neither the investigating judge nor the prosecutor takes part in the deliberations of the bench. The law abolishes the "double judgement" rule (provisional decision followed by final decision); the court order discharging a financial administrator against whom charges are not upheld may be issued by a single judge. Procedures have been simplified and harmonised between regional boards and the Court of Audit, thus increasing their efficiency. As regards the presence of the Government Commissioner at the deliberations of the bench of the Conseil d'Etat, see Resolution CM/ResDH(2007)44 in the Kress group.
CM/ResDH(2010)126	FRA / Mattei and 1 other case	34043/02+	19/03/2007 19/12/2006	Access to and efficient functioning of justice: Unfair criminal proceedings due to the requalification of the charges against them at a belated stage of the proceedings without sufficient procedural	<i>Individual measures:</i> Reopening of proceedings possible. Finding of a violation constitutes sufficient just satisfaction for non-pecuniary damage. <i>General measures:</i> see CM/ResDH(2010)95 in Pélissier and Sassi. The judgment was published and disseminated, in

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>guarantees. (Article 6 §§1 and 3 a and b)</i>	particular to the Court of Cassation, the Office of the Prosecutor General and the Ministry of Justice.
CM/ResDH(2010)85	FRA / Mazelie	5356/04	23/10/2006 27/06/2006	Protection of property: <i>Unlawful interference due to the assignation of responsibility for repair work to the putative owner of property that was actually state-owned. (Article 1 of Protocol No. 1)</i>	<i>Individual measures:</i> Claim for pecuniary damages refused due to lacking causal link. Just satisfaction for non-pecuniary damages paid. <i>General measures:</i> Isolated error, no intrinsic dysfunctioning of the state property register system. Concerning length of proceedings, see CM/ResDH(2008)12 in the Raffi group and CM/ResDH(2008)39 in the C.R. group. The judgment was published and disseminated.
CM/ResDH(2010)4	FRA / Mocie et Desserpit	46096/99+	08/04/2003 08/07/2003	Access to and efficient functioning of justice: <i>Excessive length of proceedings before military pension tribunals, including the Special Pensions Appeal Committee of the Conseil d'Etat concerning an application for a major-disability allowance. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damages paid. Domestic proceedings closed in both cases. <i>General measures:</i> Concerning measures taken to avoid excessive length of civil proceedings see CM/ResDH(2008)39 in the case of C.R. and 9 other cases and to the measures taken to avoid excessive length of administrative proceedings, including before the Conseil d'Etat (see CM/ResDH(2008)12 in the case of Raffi and 30 other cases. An appeal founded on the State's responsibility for defective functioning of the public justice service was considered an effective remedy in the case Broca and Texier-Micault for both pending and completed proceedings. Furthermore, in cases of excessive length of proceedings before the civil courts, an effective compensatory remedy is provided by the Code of Judicial Organisation. Following the Law on social modernisation of 2002, appeals on points of law against decisions delivered by pension appeal courts are to be introduced before the Conseil d'Etat (see DH(98)361 in Sass). The judgments were published and disseminated.
CM/ResDH(2010)160	FRA / Mokrani	52206/99	15/10/2003 15/07/2003	Protection of private and family life: <i>Disproportionate interference in case of enforcement of an expulsion order against</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. A compulsory residence order was issued. The applicant obtained annulment of the expulsion order and a

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>an Algerian national due in particular to the strength of this personal links with France. (Article 8)</i>	regular residence permit. <i>General measures:</i> The Foreigners' Entrance and Stay and Asylum Right Code provides for reinforced protection of foreigners against a potential expulsion order. Prior to the delivery of an expulsion order, the administrative authorities (the prefect or the Ministry of the Interior) carries out an individual examination of each case so as to assess the impact of the measure on the private and family life of the person concerned. Then, administrative courts examine the lawfulness of expulsion orders, by annulling those going beyond the need to defend public order.
CM/ResDH(2010)141	FRA / Nouhad and Others	33424/96	09/10/2002 09/07/2002	Access to and efficient functioning of justice: <i>Excessive length of civil compensation proceedings pending the decision of an administrative court and the lack of an effective remedy. (Article 6 §1 and 13)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed. <i>General measures:</i> Actions for compensation based on the Code of Judicial Organisation had become sufficiently certain after 1999.
CM/ResDH(2010)94	FRA / Palau-Martinez	64927/01	16/03/2004 16/12/2003	Discrimination and protection of family life: <i>Modification of the applicant's children's place of residence in divorce proceedings due to her membership in the Jehovah's Witnesses, without conducting any social inquiry and without establishing a link between the children's living conditions with their mother and their real interest. (Article 8 in conjunction with 14)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damages paid. The children continued to live with their father, but the applicant did not wish to take any action. <i>General measures:</i> The judgement was published and circulated to all the departments and courts that may have to deal with similar cases.
CM/ResDH(2010)95	FRA / Pelissier and Sassi	25444/94	25/03/1999 Grand Chamber	Access to and efficient functioning of justice: <i>Unfair criminal proceedings due to the requalification of charges by the Court of Appeal during the deliberations depriving the applicants of their right to be granted sufficient time and facilities to</i>	<i>Individual measures:</i> Just satisfaction for pecuniary (loss of real opportunities) and non-pecuniary damages awarded on an equitable basis was paid. The applicants' conviction was erased of the criminal records. <i>General measures:</i> The judgement was published and circulated to all the departments and courts. Concerning

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>prepare their defence and excessive length of proceedings. (Article 6 §§3+1)</i>	excessive length of proceedings see CM/ResDH(2007)39 in Barillot and 9 other cases.
CM/ResDH(2010)97	FRA / Rachdad	71846/01	13/02/2004 13/11/2003	Access to and efficient functioning of justice: <i>Unfair criminal proceedings due to a conviction by the court of appeal to an increased prison term and permanent expulsion, solely on the basis of witness statements without possibility to cross-examine them or to have them cross-examined at any stage of the proceedings. (Article 6 §§1+3d)</i>	Individual measures: The finding of a violation constituted sufficient just satisfaction in respect of non-pecuniary damage. The applicant may request review of his case. The permanent deportation order was invalidated. General measures: The judgement was published and circulated to all Ministry of Justice's directorates and all courts.
CM/ResDH(2010)162	FRA / Ramirez Sanchez	594500	04/07/2006 Grand Chamber	Absence of an effective remedy to contest the measures extending the solitary confinement (Article 13)	Individual measures: No claim for compensation made. General measures: By a decision of 30/07/2003, the Council of State accepted the possibility to appeal against a solitary confinement measure before an administrative judge who may order the annulment in the context of an ultra vires appeal "considering the seriousness of its impact on detention conditions. The regime of solitary confinement was reviewed by two decrees modifying the Code of Criminal Procedure in 2006. The prison staff were provided with detailed information on the new rules by a circular of the Directorate of the Prison Administration and benefited from appropriate trainings. Finally, the Prison Act 2009 contains provisions dealing with solitary confinement.
CM/ResDH(2010)98	FRA / Sacilor-Lormines	65411/01	09/02/2007 09/11/2006	Access to and efficient functioning of justice: <i>Unfair proceedings due to objective doubts on the impartiality and independence of the bench of the Conseil d'Etat related to the presence of a nominated government representative and the presence of the Government Commissioner in the deliberations and</i>	Individual measures: Just satisfaction for non-pecuniary damages paid. Domestic proceedings closed. General measures: The first and second violations result from the specific circumstances of the case. The judgement was published and circulated to all administrative courts and the Conseil d'Etat. See Resolution CM/ResDH(2007)44 in Kress (parties are now entitled to request that the Government Commissioner - renamed Public Rapporteur -

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>excessive length of proceedings. (Article 6 §1 three times)</i>	should not be present at the Conseil d'Etat deliberations, and are duly informed of this possibility). Concerning length of proceedings, see CM/ResDH(2008)12 in Raffi.
CM/ResDH(2010)48	FRA / Santoni	49580/99	29/10/2003 29/07/2003	Access to and efficient functioning of justice: <i>Excessive length of proceedings concerning an industrial accident, before social security courts. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damages paid to the heirs. Domestic proceedings closed. General measures: In cases of excessive length of proceedings before the social security courts, a compensatory remedy is provided by the Code of Judicial Organisation. The judgment was published and disseminated.
CM/ResDH(2010)142	FRA / SARL Aborcas	59423/00	30/08/2006 30/05/2006	Access to and efficient functioning of justice: <i>Erroneous refusal of access to a court by the Court of Appeal and the Court of Cassation. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. General measures: Violation results from the particular circumstances of the case. The judgment was published and disseminated.
CM/ResDH(2010)77	FRA / Sayoud	70456/01	26/10/2007 26/07/2007	Protection of private and family life: <i>Expulsion of a French national following criminal proceedings, in which he was wrongly held to be an Algerian national. (Article 8)</i>	Individual measures: The applicant was readmitted to France. In 2006, a certificate of nationality and a national identity card were delivered by the French authorities. General measures: Violation due to manifest negligence by the authorities. Isolated case. The judgment was published and disseminated.
CM/ResDH(2010)47	FRA / Schemkamper	75833/01	18/01/2006 18/10/2005	Lack of an effective remedy: <i>Inability of a convict to challenge a decision of the judge responsible for the execution of sentences who rejected his request for temporary leave from prison for family reasons. (Article 13)</i>	Individual measures: The finding of the violation constituted sufficient just satisfaction for non-pecuniary damage. General measures: Full judicial control of the decisions of the judge responsible for the execution of sentences was provided for in 2004. His decisions may also be appealed against by the convicted person and it is possible to lodge an appeal on points of law against appeal decisions.
CM/ResDH(2010)	FRA / Seris	38208/03	10/08/2007	Access to and efficient functioning of	Individual measures: Just satisfaction for non-pecuniary

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
50			10/05/2007	justice: Lack of access to a court due to the inability to challenge a judicial decision in proceedings in which the applicant was a civil party, due to shortcomings in the appointment of his officially assigned lawyer. (Article 6 §1)	damages paid. General measures: Violation due to the particular circumstances of the case. The judgment was published and disseminated.
CM/ResDH(2010)88	FRA / Societe de Gestion du Port de Campoloro and societe fermiere de Campoloro	57516/00	06/12/2006 26/09/2006	Access to and efficient functioning of justice and protection of property : Failure to enforce administrative court judgments awarding the companies compensation following the annulment by a municipal council of contracts as well as the impossibility to obtain enforcement of these judgments without justification. (Articles 6 §1 and 1 of Protocol No. 1)	Individual measures: The applicants or their successors were paid the sums due, including the interest until the day on which the judgment was delivered. General measures: Violation due to absence of necessary enforcement measures. The judgment was published and disseminated, in particular to the administrative courts and the Conseil d'Etat.
CM/ResDH(2010)89	FRA / Societe Plon	58148/00	18/08/2004 18/05/2004	Freedom of expression: Disproportionate interference due to permanent prohibition to publish a book on President Mitterand's health. (Article 10)	Individual measures: The pecuniary damage invoked by the applicant company ("loss of income" consequential to the permanent injunction prohibiting the distribution of the book) was dismissed. General measures: The judgment was published and disseminated, in particular to the Directorate for Criminal Affairs and Pardons of the Ministry of Justice.
CM/ResDH(2010)96	FRA / Societe Proma di Franco Gianotti	25971/94	08/10/1999 (IR of CM)	Access to and efficient functioning of justice: Unfair civil proceedings due to the rejection by the court of appeal of a request for postponement of the hearing without inviting the applicant company to make its submissions concerning the merits. (Article 6 §1)	Individual measures: Just satisfaction for non-pecuniary damages paid. General measures: The Commission's report was circulated to all courts.
CM/ResDH(2010)127	FRA / Vaney	53946/00	28/02/2005 30/11/2004	Access to and efficient functioning of justice: Excessive length of criminal and	Individual measures: Domestic proceedings closed. Just satisfaction for non-pecuniary damage paid.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>civil proceedings. (Article 6 §1)</i>	<i>General measures:</i> See CM/ResDH(2007)39 in Etcheveste and Bidart concerning length of criminal proceedings. See CM/ResDH(2008)39 in C.R. and 9 other cases concerning length of civil proceedings. The judgment was published and disseminated to all courts.
CM/ResDH(2010)143	FRA / Vaturi and Zentar	75699/01+	13/07/2006 13/04/2006	Access to and efficient functioning of justice: <i>Unfair criminal proceedings due to the inability of the accused to examine witnesses, or have them examined, at any stage of the proceedings. (Article 6 §§1+3)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicants had the possibility to apply for reconsideration of the final criminal decisions. <i>General measures:</i> See CM/ResDH(2007)46 in Rachdad and Mayali. The judgments were published and circulated to the authorities and courts concerned.
CM/ResDH(2010)5	FRA / Vetter	59842/00	31/08/2005 31/05/2005	Protection of private life and access to and efficient functioning of justice: <i>Unlawful interference due to the use of listening devices in the apartment of a third party regularly visited by a murder suspect, based on unclear regulations concerning the authorities' discretion concerning audio surveillance; unfair criminal proceedings before the Court of Cassation, due to the failure to communicate the report of the reporting judge to the applicant or to his lawyer, while it had been submitted to the advocate-general. (Articles 8 and 6§1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damages paid. <i>General measures:</i> Measures relating to the use of listening devices in proceedings relating to organised crime were introduced in the Code of Criminal Procedure in 2004, specifying the categories of people who might be subjected to such measures and the nature of the offences which might warrant them. This law also applies to visiting rooms in detention centres (public places). It provides for a duration limit of those operations and the circumstances in which recordings are erased or destroyed. The Cassation Court and the Constitutional Council changed their respective case-law accordingly. The judgment was published and disseminated. Concerning unfair proceedings: see DH(98)306 in Reinhardt and CM/ResDH(2008)13 in Slimane-Kaïd No. 2. According to new Cassation Court case-law, the report of the reporting judge fixing the legal content of the case is now communicated with the file to the prosecution <i>and</i> to the parties.
CM/ResDH(2010)3	FRA / Watson	31677/96	14/02/2000 CM Decision	Protection of right to correspondence: <i>Unlawful interference due to the prison</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damages paid.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>authorities' opening of letters addressed to a detainee by the Secretariat of the former European Commission on Human Rights and a member of the European Parliament. (Article 8)</i>	<i>General measures:</i> A note of the Minister of Justice from 1994 to all prison directors had specified that detainees' correspondence with the European Commission of Human Rights should remain unopened. These instructions were still in force at the time of the facts in the case. An order of May 1997 extended the exemption from control to correspondence with members of the EP. These safeguards were integrated into the Code of Criminal Procedure (see CM/ResDH(2008)13 in the case Slimane-Kaid).
CM/ResDH(2010)6	FRA / Wisse	71611/01	20/03/2006 20/12/2005	Protection of private and family life: <i>Unlawful interference due to the recording of remand detainees' conversations with their relatives in detention centres' visiting rooms. (Article 8)</i>	<i>Individual measures:</i> The finding of the violation constituted in itself sufficient just satisfaction for the non-pecuniary damage. The applicant could request the destruction of sound or video recordings under the responsibility of the Procureur de la République or of the Procureur général upon expiry of the prescription period for the public action. <i>General measures:</i> see CM/ResDH(2010)5 in Vetter.
CM/ResDH(2010)163	GEO / FC Mretebi	38736/04	31/01/2008 31/10/2007	Access to and efficient functioning of justice: <i>Denial of access to a court, and thus to a fair hearing for the Football Club Mretebi, in proceedings for damages following the refusal by the Supreme Court to grant exemption from court fees. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicant's request for reopening was denied due to lacking grounds. In 2010, amendments to the Code of Civil Procedure were adopted providing that an ECHR judgment finding a violation constitutes a ground for reopening proceedings. The applicant did not avail himself of this opportunity. <i>General measures:</i> According to the amended Code of Civil Procedure, court fees are composed of the state fee and the costs incurred for purposes of the proceedings. With due regard to the financial situation of a party, the judge may exempt that party in whole or in part from court fees to be paid to the state budget or extend the time-limit for payment.
CM/ResDH(2010)164	GEO / Gorelishvili	12979/04	5/09/2007 5/06/2007	Freedom of expression: <i>Conviction of a journalist to pay a fine for defamation</i>	<i>Individual measures:</i> No claim for pecuniary damage made. Just satisfaction for non-pecuniary damage paid.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>having published an article on a political personality's financial situation of in the light of the latter's declaration of property. (Article 10)</i>	General measures: The Civil Code was amended requiring no longer of the respondent party to establish proof the information communicated. It deals with the right to reply in the media and request for compensation in respect of non-pecuniary and pecuniary damages for infringements of honour, dignity, private life, personal security and reputation. The law of 24/06/2004 concerning freedom of speech and expression replaced the former law on press and media. This law defines defamation and makes a distinction between defamation towards a private individual and a public personality. It specifies that it is for the defendant to prove that a fact is erroneous and that he / she has suffered prejudice as a result of its publication. Concerning defamation towards a public personality, the civil responsibility of the defendant is engaged if the plaintiff proves that the defendant knew that the fact was erroneous. The judgment was published, translated and disseminated.
CM/ResDH(2010)53	GER / Jalloh	54810/00	11/07/2006 Grand Chamber	Protection against ill-treatment and access to and efficient functioning of justice: <i>Forcible administration of emetics inducing vomiting to obtain swallowed evidence and the use, by courts, of this evidence obtained in breach of the ECHR and thus the right not to incriminate oneself leading to a suspended prison sentence. (Articles 3 and 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damages paid. In reopened proceedings a date for a hearing was set. The applicant however was still abroad. General measures: The practice of administering emetics to obtain evidence was expressly abandoned in those Länder which had used it. The judgment was published, translated and disseminated.
CM/ResDH(2010)52	GER / Kaemena and Thonebohn	45749/06 and 51115/06	22/04/2009 22/01/2009	Access to and efficient functioning of justice: <i>Excessive length of criminal proceedings ending with the imposition of a life sentence, in particular before the Federal Constitutional Court, and lack of an effective remedy. (Articles 6 §1 and 13)</i>	Individual measures: Just satisfaction for non-pecuniary damages paid. Domestic proceedings closed. General measures: The violation resulted from particular workload of the Federal Constitutional Court at the material time, which had been redressed by establishing an additional registry and recruiting additional legal officers. Moreover, a simplified procedure had been introduced. As concerns the

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					lack of remedy, the Federal Court of Justice changed its case-law, affording redress in cases in which a mandatory life sentence is imposed in such a way that a specified part of the life sentence - which is enforced for at least fifteen years - had to be considered as having been served. The judgment was published, translated and disseminated.
CM/ResDH(2010)17	GER / Sahin and Sommerfeld	30943/96+	08/07/2003 Grand Chamber	Protection of family life and discriminatory treatment due to the dismissal of requests for access of parents to their children born out of wedlock and, in one case, denial of a father's appeal in access proceedings on account of his status as father of a child born out of wedlock. (Article 14 taken together with Article 8)	<i>Individual measures:</i> Just satisfaction for non-pecuniary damages paid. Both children concerned came of age. <i>General measures:</i> See ResDH(2001)155 in Elsholz. Statutory provisions on custody and access in the German Civil Code were amended on several occasions and the new Law on Family Matters entered into force in 1998 enshrining a child's right to have access to both parents. Family courts can determine the scope of the right of access and prescribe more specific rules for its exercise; they can also restrict or suspend that right if such a measure is necessary for the child's welfare. The impugned part of the Non-Contentious Proceedings Act was repealed by the Law on Family Matters 1998 providing the right to lodge a further appeal challenging the first appeal decision. Both judgments were published.
CM/ResDH(2010)166	GRC / AEPI S.A. and 3 other cases	48679/99+	11/07/2002 11/04/2002	Access to and efficient functioning of justice: Denial of excess to a court due to dismissals of appeals on points of law, by the Court of Cassation as being out of time holding that the deadline that ran as from the date of delivery and not from the date of finalisation of the texts. In one case excessive length of criminal proceedings. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. In 2 cases, reopening was possible. In one case, the domestic proceedings for defamation were closed and the applicant acquitted. <i>General measures:</i> Change of case-law of the Court of Cassation. As a consequence, the time-limit for appeals on points of law, both for litigants and for public prosecutors, starts counting from the date of finalisation of the text of the judgment in question. The judgments were published, translated and disseminated. For excessive length of proceedings see ResDH(2005)66 in Tarighi Wageh group and ongoing supervision in the Marios group.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2010)195	GRC / Alija, Dimitrellos and Papa	73717/01+	07/07/2005 07/04/2005	Access to and efficient functioning of justice: <i>Unfair trial due to lack of sufficient reasoning in a domestic court decision rejecting the applicants' requests for compensation in respect of his pre-trial detention following their acquittal and, in the Alija case, insufficient reasoning of the Prosecutor's refusal before the Court of Cassation, in a handwritten annotation on the applicant's request, to introduce an appeal on points of law. (Article 6 §1 - twice in the case of Alija)</i>	Individual measures: Just satisfaction for pecuniary and non-pecuniary damage paid. The applicants are entitled to request reopening of the domestic proceedings. General measures: See ResDH(2004)82 in Anastassios Georgiadis. In addition, following an amendment of Article 533 of the Code of Criminal Procedure the ground for dismissing a claim for compensation for pre-trial detention, if "the facts in question constituted serious evidence of his guilt" was revoked. The judgment was published, translated and disseminated. As far as the Prosecutor's refusal is concerned, the ECHR's subsequent jurisprudence changed in 2009 with its judgment Gorou No.2, when it found that "the handwritten note placed on the applicant's request simply gives information about the discretionary decision taken by the public prosecutor.... the public prosecutor does not have a duty to justify his response."
CM/ResDH(2010)167	GRC / Assymomitis	67629/01	14/01/2005 14/10/2004	Protection of property and access to and efficient functioning of justice: <i>Disproportionate interference due to the authorities' failure to provide clear and reliable answers in a procedure relating to planning permission to carry out work on the applicant's land despite a building permit and excessive length of proceedings before the Council of State. (Article 1 of Protocol No. 1 and Article 6 §1)</i>	Individual measures: Just satisfaction in respect of pecuniary damages (covering the loss of earnings from the date when the building permit was issued) and non-pecuniary damage paid. The relevant land of the applicant was qualified as constructible. General measures: The Athens Prefecture circulated the judgment to all services involved in urban planning under its jurisdiction. For length of proceedings, see ResDH(2005)65 in Pafitis and Others group and ongoing supervision in the Marios group. The judgment was published, translated and disseminated.
CM/ResDH(2010)168	GRC / Boulougouras	66294/01	27/08/2004 27/05/2004	Access to and efficient functioning of justice: <i>Denial of excess to a court due to dismissal of an appeal by the Court of Cassation on the basis of a clerical error (failure of registrar to countersign the</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. Reopening of proceedings is possible. General measures: Change of case-law of the Court of Cassation. The judgment was published, translated and disseminated. See also supervision in the Vamvakas case.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>notice of appeal) for which the applicant was not responsible. (Article 6 §1)</i>	
CM/ResDH(2010)192	GRC / Castren-Niniou	43837/02	09/09/2005 09/06/2005	Access to and efficient functioning of justice: <i>Failure to comply with a domestic court judgment ordering the administration to grant the applicant the post she had applied for and excessive length of proceedings before administrative courts. (Article 6 §1 twice)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant was appointed to the post retroactively as from 1990. As regards the question of retroactive payment of salary, according to relevant provisions of Law 2071/1992 in cases of doctors' retroactive appointment to public posts there is no right to receive salary retroactively for reasons relating to the state's budgetary policy. General measures: See ResDH(2004)81 in Hornsby group concerning the failure to comply with final domestic judgements. See ResDH(2005)65 in Pafitis and Others group concerning excessive length of proceedings. The judgment was published, translated and disseminated.
CM/ResDH(2010)218	GRC / Eka-Elda Avee	10162/02	23/05/2007 11/01/2007	Protection of property: <i>Refusal of the tax authorities to pay the applicant company interest in respect of a delay in reimbursing unduly paid tax. (Article 1 of Protocol No. 1)</i>	Individual measures: Just satisfaction for pecuniary damage covering the interest due to the company paid. General measures: Isolated incident. The law provides and the case-law of domestic courts confirms that the State had an obligation to pay default interest in which the tax unduly paid had not yet been refunded. The judgment was published, translated and disseminated.
CM/ResDH(2010)217	GRC / Examiliotis No2	28340/02	23/10/2006 04/05/2006	Access to and efficient functioning of justice: <i>Disproportionate constraint of access to a court in an action for damages against the state because of administrative courts' narrow interpretation of the rules on prescription. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. General measures: Isolated incident. According to well-established national jurisprudence, the prescription runs from the date when the person concerned had become aware of the act at issue. The judgment was published, translated and disseminated.
CM/ResDH(2010)196	GRC / Gorou No. 4	9747/04	23/05/2007 11/01/2007	Access to and efficient functioning of justice: <i>Unfair trial due to insufficient</i>	Individual measures: Just satisfaction for pecuniary and non-pecuniary damage paid. When an acquittal was decided, the

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>reasoning of the refusal of the Prosecutor before the Court of Cassation to introduce an appeal on points of law on a civil party's behalf and excessive length of criminal proceedings. (Article 6 §1 twice)</i>	civil party is not, in principle, entitled to appeal directly on points of law or to seek redress from the public prosecutor at the Court of Cassation. <i>General measures:</i> The ECHR's subsequent jurisprudence changed in 2009 with its judgment Gorou No.2 when it found that "the handwritten note placed on the applicant's request simply gives information about the discretionary decision taken by the public prosecutor... the public prosecutor does not have a duty to justify his response." Concerning length of proceedings, see ResDH(2005)66 in Tarighi Wageh Dashti group and the ongoing supervision in Manios group.
CM/ResDH(2010)193	GRC / Iera Moni Profitou Iliou Thiras	32259/02	22/03/2006 22/12/2006	Access to and efficient functioning of justice: <i>Failure to comply with three domestic judgments concerning the removal of aerials in the vicinity of a monastery for reasons of natural and cultural environment preservation on the island of Santorini. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The aerials at issue were removed in 2005. <i>General measures:</i> See ResDH(2004)81 in Hornsby group concerning the failure to comply with final domestic judgements and in the ongoing supervision concerning the Beka-Koulocheri group.
CM/ResDH(2010)198	GRC / Ioannidou- Mouzaka	75898/01	29/12/2005 29/09/2005	Access to and efficient functioning of justice: <i>Failure to enforce domestic judgments by the state social security organisation. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. An indemnity for pecuniary damages relating to salary due in compliance with the judgment was paid by the social security organisation. <i>General measures:</i> See ResDH(2004)81 in Hornsby group concerning the failure to comply with final domestic judgements and in the ongoing supervision concerning the Beka-Koulocheri group.
CM/ResDH(2010)170	GRC / Kliafas and Others	66810/01	08/10/2004 08/07/2004	Protection of property: <i>Disproportionate interference due to the adoption of a law ordering the return to the college of auditors of sums received by civil servant accountants during a transitional period. (Article 1 of Protocol No. 1)</i>	<i>Individual measures:</i> Just satisfaction for pecuniary damage (covering the entire sums that the applicants were forced to reimburse) paid. <i>General measures:</i> The measures at issue only concerned former members of the former College of Auditors. The total number of members was 150 of which only 21 had sought

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					compensation before domestic courts. The judgment was published and translated.
CM/ResDh(2010)169	GRC / Koskinas	47760/99	20/09/2002 20/06/2002	Access to and efficient functioning of justice: Denial of access to a court due to the rejection by domestic courts of the action to set aside the applicant's dismissal by the airline company Olympic Airways (of which the state was at that time the sole shareholder) holding that they had no competence to examine the merits of a decision of the Dismissals Board, regarding the truth of accusations brought against the applicant. (Article 6 §1)	Individual measures: The applicant submitted no claim for just satisfaction. He received a redundancy payment. In the light of the principle of legal certainty, reopening of proceedings did not seem necessary. General measures: In 1998, the law containing new Olympic Airways employment regulations abrogated regulations in force at the time of the facts of the case. As a consequence, domestic courts now are competent to examine the truthfulness of accusations at the origin of disciplinary sanctions imposed by Olympic Airways on its employees. This law was amended in 2003 concerning the flying personnel of Olympic Airways. The General Flying Personnel Regulation was also amended and no longer contains any provision similar to that challenged by the Court. The judgment was published, translated and disseminated.
CM/ResDH(2010)194	GRC / Kurti	2507/02	29/12/2005 29/09/2005	Access to and efficient functioning of justice: Unfair trial due to lack of sufficient reasoning in a domestic court decision rejecting the applicant's request for compensation in respect of his pre-trial detention following his acquittal on account of his own "gross negligence". (Article 6 §1)	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant is entitled to request reopening of the domestic proceedings. General measures: See ResDH(2004)82 in Anastassios Georgiadis. In addition, the phrase contained in Article 533 of the Code of Criminal Procedure regarding a person's responsibility for his own detention by gross negligence was abrogated. The judgment was published, translated and disseminated.
CM/ResDH(2010)171	GRC / Lykourazos	33554/03	15/09/2006 15/06/2006	Electoral rights: Forfeiture of the applicant's parliamentary seat following an amendment to the Constitution prohibiting extra parliamentary professional activity of members of Parliament. (Article 3 of Protocol No. 1)	Individual measures: Just satisfaction for pecuniary damage (covering lost parliamentary allowances before resuming full-time professional activities) paid. General measures: In 2008, the provision prohibiting the exercise of other professional activities by members of Parliament was abrogated. The Constitution, as amended,

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					provides that a special law could define certain professional activities, the exercise of which could be prohibited to Members of Parliament.
CM/ResDH(2010)197	GRC / Papadopoulos Georgios, Karanakis and Roidakis	52464/99+	21/05/2003 06/02/2003	Access to and efficient functioning of justice: <i>Excessive length of proceedings before administrative, criminal and civil courts. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage, awarded in 2 cases, paid. No claim made in the third case. All domestic proceedings closed. General measures: see ResDH(2005)66 in Tarighi Wageh Dashti group, ResDH(2005)65 in Pafitis and others and 14 other cases and ResDH(2005)64 in Academy Trading Ltd and other cases as well as the ongoing supervision in Manios group.
CM/ResDH(2010)165	GRC / Platakou	38460/97	05/09/2001 11/01/2001	Access to and efficient functioning of justice and protection of property: <i>Denial of access to a court (erroneous dismissal of an application for compensation for expropriated property) and failure to respect the principle of equality of arms (suspension of all judicial time-limits during the period of the judicial vacations was in favour of the State) and failure to respect the applicant's right to the peaceful enjoyment of her possessions due to unreasonable difference between the value of the property and the compensation determined by domestic courts (Articles 6 §1 and 1 of Protocol No. 1)</i>	Individual measures: Just satisfaction for non-pecuniary and pecuniary damages (equivalent to the difference between the valuation price of the property at issue and the sum awarded by the domestic court) damage paid. General measures: A law was adopted in 2006 providing that in all cases where the State is involved, no judicial time-limit may run during court vacation periods either against the state or against the litigants, while those which have already started to run before the vacation period begins, will be suspended until the end of this period. The judgment was published, translated and disseminated.
CM/ResDH(2010)54	HUN / Bukta and Others	25691/04	17/10/2007 17/07/2007	Freedom of assembly: <i>Disproportionate restriction due to disbanding of a peaceful assembly solely because of the absence of the requisite prior notice, without any illegal conduct by the participants. (Article 11)</i>	Individual measures: The finding of a violation constituted sufficient just satisfaction for any non-pecuniary damage. General measures: The Constitutional Court repealed the provision concerning the prohibition of demonstrations organised without prior notice. Thus prior notice before holding demonstrations is no longer required. The judgment

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					was published, translated and disseminated.
CM/ResDH(2010)130	ITA / Annunziata and 1 other case	24423/03+	06/11/2009 07/07/2009	Protection of private life and correspondence: <i>Unlawful interference due to arbitrary monitoring of prisoners' correspondence based on a lack of a clear legal framework. (Article 8)</i>	Individual measures: The finding of violation in these cases constituted in itself sufficient just satisfaction in respect of the non-pecuniary damage. General measures: See ResDH(2005)55 in Calogero Diana and Others concerning the introduction, in 2004, of clear limits to the monitoring of detainees' correspondence in the Law on Prison Administration.
CM/ResDH(2010)201	ITA / Bagarella	15625/04	15/01/2008 07/07/2008	Protection of private life and correspondence: <i>Arbitrary monitoring of a prisoner's correspondence up to 2004, deriving from a lack of a clear legal framework. (Article 8)</i>	Individual measures: The finding of the violation constituted in itself sufficient just satisfaction for non-pecuniary damages. General measures: See ResDH(2005)55 in the cases of Calogero Diana and others after the introduction of limits to the monitoring of the detainees' correspondence in the Law on Prison Administration. Any limitations to correspondence are ordered by the judge with a motivated decree, which can be appealed.
CM/ResDH(2010)213	ITA / C.A.R. S.r.l.	23924/94	11/06/1998 (Committee of Ministers)	Protection of property and effective remedy: <i>Refusal to provide police assistance to evict a group of persons occupying illegally the applicant company's property despite an enforceable judgment and of the lack of any compensation for the pecuniary damages suffered.(Article 1 of Protocol No.1)</i>	Individual measures: Compensation of the pecuniary and non-pecuniary damage settled in a friendly settlement. General measures: Change of case-law of the Court of Cassation to grant compensation for the consequences of failures by the forces of order to enforce judicial eviction orders. Once the principle was accepted in 1988, the Court of Cassation progressively refined and applied it, defining the obligations of the administration with regard to compensation.
CM/ResDH(2010)213	ITA / Cianetti	55634/00	10/11/2004 22/04/2004	Access to and efficient functioning of justice: <i>Unfair criminal proceedings for abuse of the applicant's position as a civil servant and forgery of documents as two judges who had taken part at first instance</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant had received a suspended sentence and was therefore not imprisoned. The sentence was subsequently erased from his criminal record as he did not commit any further offence during the suspension

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>also took part in proceedings to re-examine the applicant's suspension from and in view of the fact that the Court of Appeal had refused to examine the case on its merits and the Court of Cassation had concentrated, almost exclusively, on the points of law. (Article 6 §1)</i>	period. <i>General measures:</i> The Constitutional Court, in 1996, declared the impugned provision of the Code of Criminal Procedure unconstitutional, insofar as it allowed judges having participated in decisions concerning precautionary measures also to participate in decisions on the merits.
CM/ResDH(2018)18	ITA / Citarella and 12 other cases	28466/03+	15/01/2008 15/04/2008	Protection of private and family life, electoral rights and effective remedy: <i>Illegitimate restrictions of various rights ordered in the framework of the bankruptcy proceedings, in particular: prohibition to exercise certain professional activities, suspension of voting rights, etc. (Articles 8 and 13 as well as 3 of Protocol No. 1)</i>	<i>Individual measures:</i> The finding of a violation constitutes sufficient just satisfaction for non-pecuniary damage. The restrictions were lifted by the reform of bankruptcy law of 2006. <i>General measures:</i> See CM/ResDH(2008)45 in Albanese Campagnano and Vitiello.
CM/ResDH(2010)101	ITA / Covezzi and Morselli	52763/99	24/09/2003 09/05/2003	Protection of family life: <i>Failure to involve parents adequately in the decision-making process concerning the removal of the applicants' children and the withdrawal of their parental rights and lack of an effective remedy. (Article 8)</i>	<i>Individual measures:</i> The finding of a violation constituted sufficient just satisfaction in respect of non-pecuniary damage suffered by the applicants who had been convicted of sexually abusing the children. <i>General measures:</i> A new law modified the provisions concerning adoption and placement of minors in public care in 2001 providing for greater involvement of parents at the beginning of emergency order proceedings, allowing them to participate, assisted by a lawyer, in enquiries ordered by the tribunal, to file their applications and to request the judge's authorisation to access the file. The judgement was published and circulated to all youth court judges.
CM/ResDH(2010)213	ITA / F.L.	25639/94	20/03/2002 20/12/2001	Lack of effective remedy <i>to claim payment of privileged debts or to challenge the acts of the liquidators during compulsory liquidation proceedings. (Article 13)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. After the final liquidation balance sheet and the scheme for distribution had been lodged in 1991, the applicant had made no claim although he was entitled to do

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					so. As a consequence, the final liquidation balance sheet and the scheme for distribution became incontestable as far as he was concerned. <i>General measures:</i> Case due to exceptional circumstances.
CM/ResDH(2010)213	ITA / Frascino	35227/97	11/03/2004 11/12/2003	Protection of property: <i>Unlawful interference on account of the failure of to comply with a final and enforceable judgment of the Council of State, which ordered the granting of a planning permission within 30 days. (Article 1 of Protocol No. 1).</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. A superintendent <i>ad acta</i> was appointed following the ECHR's judgment, with a view to ensuring enforcement of the Council of State's judgment of 1991. Having re-examined the law in force in 1970, the superintendent ad act found however in 2005 that the applicant could not obtain planning permission because the concerned area was not zoned for construction. Furthermore, the applicant had not obtained the necessary authorisation from the authority responsible for heritage protection. <i>General measures:</i> The measures needed to resolve the problem of the failure to enforce final domestic judgments, in particular with regard to housing and town-planning, are also under examination in other cases concerning various violations of the Convention (in particular, the cases concerning evictions of tenants – see Interim Resolution ResDH(2004)72 - and those concerning constructive expropriation). Certain remedies were available in case of failure to enforce a domestic judgment: under the Criminal Code, against public service agents failing to discharge their official duty and under the Civil Code, as interpreted by the Court of Cassation in September 2004 would allow compensation to any victim of unjust prejudice on the part of the state.
CM/ResDH(2010)199	ITA / Gennari, Perinati and Pierotti	32550/03	08/03/2010 08/12/2009	Protection of property and access to and efficient functioning of justice: <i>Disproportionate interference due to inadequate compensation awarded for the</i>	<i>Individual measures:</i> Just satisfaction for pecuniary (and non-pecuniary damage in one case) paid. No claims submitted in one case. As regards pecuniary damages, the Court awarded "an amount corresponding to the difference between the

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>expropriation of land and unfair judicial proceedings due to the retroactive application of a provision reducing compensation for expropriations to less than half the market value and taxing it. (Article 1 of Protocol No. 1 and 6 §1)</i>	value of the property at the time of expropriation [...] and the amount obtained at domestic level, plus indexation and interest". <i>General measures:</i> See CM/ResDH(2010)100 in Sarnelli and Matteoni and others.
CM/ResDH(2010)173	ITA / Grande Oriente d'Italia di Palazzo Giustiniani and Grande Oriente d'Italia di Palazzo Giustiniani No. 2	35972/97+	12/12/2001 02/08/2001	Freedom of association: <i>Disproportionate interference due to a regional law obliging candidates to public office to declare that they are not members of the applicant, an Italian Masonic association, and to a second regional law requiring, among members of non-secret associations, only members of Masonic associations to declare their membership when applying for certain posts in the regional government (Article 11 and 11 in conjunction with 14)</i>	<i>Individual measures:</i> The finding of the violation constituted in itself sufficient just satisfaction for non-pecuniary damages. The impugned provisions were abrogated and thus do not constitute restrictions any longer. (see below) <i>General measures:</i> The impugned provisions in both regional laws were abrogated. The judgment was published, translated and disseminated.
CM/ResDH(2010)129	ITA / Grasso and 6 other cases	29222/03+	13/02/2008 13/11/2007	Protection of private and family life: <i>Disproportionate interference due to restrictions of personal capacity and access restrictions to professional activities as a result of bankruptcy proceedings and lack of effective remedy. (Articles 8 and 13)</i>	<i>Individual measures:</i> Restrictions were lifted in the reform of bankruptcy law in 2006. The finding of violation in these cases constituted in itself sufficient just satisfaction in respect of the non-pecuniary damage. <i>General measures:</i> Seen CM/ResDH(2008)45 in Albanese, Campagnano and Vitiello.
CM/ResDH(2010)56	ITA / Guidi and 2 other cases	28320/02+	27/06/2008 27/03/2006	Protection of private life and correspondence: <i>Arbitrary monitoring of life prisoners' correspondence deriving from a lack of a clear legal and, at a later stage, from non-compliance with new legislation. (Article 8)</i>	<i>Individual measures:</i> The finding of the violation constituted in itself sufficient just satisfaction in respect of non-pecuniary damage. <i>General measures:</i> See CM/ResDH(2005)55 in Calogero Diana and Others referring to limits to the monitoring of detainees' correspondence introduced by amendments to the Prison Law in 2004: the length of monitoring is limited to 6 months (extensible by up to 3 months) and

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					correspondence with lawyers and international organisations for the protection of human rights cannot be subject to monitoring. Any limitations to correspondence are ordered by the judge with a motivated decree, which can be appealed. Despite this new legislative framework, the continuation of censorship in some of these cases cast doubt on its application. To raise awareness and prevent similar violations, the judgment was published, translated and disseminated.
CM/ResDH(2010)213	ITA / Leoni	43269/98	04/04/2001 26/10/2000	Access to and efficient functioning of justice: <i>Lack of access to a court due to the erroneous dismissal as being out of time of an appeal on a point of law lodged by the applicant before the Court of Cassation, to obtain compensation for damage resulting from the allegedly unfounded rejection of his application to be registered by the surveyors' professional body. (Article 6 §1)</i>	Individual measures: The finding of a violation in itself amounted to sufficient just satisfaction for non-pecuniary damage. General measures: The judgment was published, translated and disseminated.
CM/ResDH(2010)200	ITA / Melegari and 4 other cases	17712/03	02/06/2008 13/11/2007	Electoral rights and protection of family life / effective remedy: <i>Disproportionate interference on the basis of the Bankruptcy Act imposing automatic restrictions of various rights of the applicants, ordered in the framework of the bankruptcy proceedings (limits on their personal capacity, exclusion from a number of professional activities, suspension of electoral rights). (Article 3 of Protocol No. 1, Articles 8 and 13)</i>	Individual measures: The finding of the violation constituted in itself sufficient just satisfaction for non-pecuniary damages. In one case, just satisfaction for non-pecuniary damage awarded and paid. The restrictions were lifted with regard to all applicants by the bankruptcy law reform 2006. General measures: See CM/ResDH(2008)45 in the cases of Albanese, Campagnano and Vitiello.
CM/ResDH(2010)202	ITA / Montani	24950/06	19/04/2010 19/01/2010	Protection of private life and correspondence: <i>Arbitrary monitoring of the correspondence of a prisoner subject to</i>	Individual measures: The finding of the violation constituted in itself sufficient just satisfaction for non-pecuniary damages.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>the special regime applicable to those convicted for offences linked with the Mafia, deriving from non-compliance with new legislation providing a clearer legal framework. (Article 8)</i>	<i>General measures:</i> See CM/ResDH(2010)56 in the cases of Guidi, De Pace and Zara.
CM/ResDH(2010)213	ITA / Nordica Leasing S.p.a. ITA / S.B.F. S.p.a., Interim Resolution DH(97)599	51739/99 26426/95	14/01/2005 14/10/2004 15/12/1997 (Committee of Ministers)	Access to and efficient functioning of justice: <i>Lack of access to a court resulting in the applicant companies' inability to recover sums due to them in proceedings sought to obtain adjudications of bankruptcy against their debtors as by the time of the verdict, due to the financial police's delay in examining the actual date of the cessation of activity, the deadline provided for by law (a declaration of bankruptcy could be made within a year of the debtor's ceasing activity) had already expired. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicant companies could have recovered the sums through other remedies at their disposal, in particular individual enforcement proceedings. <i>General measures:</i> The Constitutional Court, in 2000, struck down the requirement that the deadline should run from the date of cessation of activities and decided on a formal starting point that is the date at which the enterprise concerned was struck out of the commercial register.
CM/ResDH(2018)27	ITA / Principe	44330/98	19/12/2000 Friendly settlement	Access to and efficient functioning of justice: <i>Excessive length of tax administrative proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> Friendly settlement <i>General measures:</i> see Resolutions DH(97)336 , DH(99)437 , DH(2000)135 , CM/ResDH(2007)2 and CM/ResDH(2009)42 .
CM/ResDH(2010)213	ITA / R.R.	42191/02	12/04/2006 09/05/2005	Access to and efficient functioning of justice: <i>Conviction in absentia, without the applicant being given any opportunity to defend himself in person and to set out his version of the facts before the Italian courts. (Article 6)</i>	<i>Individual measures:</i> The finding of the violation constituted in itself sufficient just satisfaction for non-pecuniary damages. No reopening envisaged by Italy as the facts of the case were clear. However, the Court reiterated that reopening represents in principle an appropriate means of providing redress. <i>General measures:</i> In 2005, the Code of Criminal Procedure was amended concerning reopening of in absentia proceedings. The deadline for appealing may be re-opened simply at the request of the person concerned except if the accused had had "effective knowledge" of the proceedings

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					against him. The burden of proof concerning “effective knowledge” and the wilful refusal to appear lies upon the authorities. Moreover, the deadline for appeal was increased from 10 to 30 days counting from the date the accused is delivered to the authorities.
CM/ResDH(2010)55	ITA / Riolo	42211/07	17/10/2008 17/07/2008	Freedom of expression: <i>Disproportionate interference due to conviction of a university teacher for defamation of a politician following the publication of an article in a journal. (Article 10)</i>	Individual measures: The finding of the violation constituted in itself sufficient just satisfaction in respect of non-pecuniary damage. Just satisfaction in respect of all counts of pecuniary damage sustained was paid (covering moral damages, legal interest, compensation and legal expenses paid by the applicant to the other party in the framework of the national proceedings). General measures: The judgment was published, translated and disseminated.
CM/ResDH(2010)213	ITA / Sannino	30961/03	13/09/2006 27/04/2006	Access to and efficient functioning of justice: <i>Unfair criminal proceedings due to lacking effective defence or representation of the applicant, accused of fraudulent insolvency. (Article 6 §1)</i>	Individual measures: The finding of a violation in itself amounted to sufficient just satisfaction for non-pecuniary damage. The applicant’s sentence was never enforced, but replaced in 2005 by probation supervised by social services. In the light of the development in the Court of Cassation’s case-law, new avenues of appeal are open to the applicant, in particular those by which he can obtain the erasure of his conviction and criminal record (see CM/ResDH(2007)83 in Dorigo). In 2008 the applicant lodged a claim for material and moral damages against the Minister of Justice. General measures: Erroneous application of the rules of court as the advocate appointed by the court was not informed and thus did not act. This oversight was not addressed by the competent authorities despite evident shortcomings of the replacement counsel. The Ministry of Justice sent out a circular to the competent courts recalling the principles of the judgment, as well as its implications in practice; the necessity of respecting the legislation in force and better supervision of its proper application by parties

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					and bodies with disciplinary powers. The judgment was translated and disseminated.
CM/ResDH(2010)213	ITA / Sardinias Albo	56271/00	17/05/2005 17/02/2005	Protection of rights in detention: Excessive length of pre-trial detention resulting from the excessive length of criminal proceedings. (Article 5§3)	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The period the applicant spent on remand was deducted from the sentence <i>General measures:</i> The judgment was published and disseminated to the Senior Judicial Board.
CM/ResDH(2010)100	ITA / Sarnelli and Matteoni and Others	37637/05+	17/10/2008 17/07/2008	Protection of property and access to and efficient functioning of justice: Disproportionate interference due to inadequate compensation awarded for the expropriation of land and unfair judicial proceedings due to the retroactive application of a provision reducing compensation for expropriations to less than half the market value and taxing it. (Article 1 of Protocol No. 1 and 6 §1)	<i>Individual measures:</i> Just satisfaction in respect of pecuniary and non-pecuniary damage paid. As regards the amount of pecuniary damages, the Court awarded “an amount corresponding to the difference between the value of the property at the time of expropriation and the amount obtained at domestic level, plus indexation and interests”. <i>General measures:</i> Under Article 46 in Scordino No. 1 and in the Mostacciolo group, the ECHR had considered that “the respondent State should, above all, remove every obstacle to the award of compensation bearing a reasonable relation to the value of the expropriated property, and thus ensure, by appropriate statutory, administrative and budgetary measures, that the right in question is guaranteed effectively and rapidly”. In 2007, the Constitutional Court declared the impugned provisions of the 1992 law unconstitutional. The Act on the 2008 Budget amended the Consolidated text on expropriation providing that compensation for expropriation of building land must be fixed at the level of the market value of the property. If the expropriation is carried out pursuing objectives of economic, social or political reform, compensation may be diminished by 25%. The provision at issue applies to all pending proceedings, with the exception of proceedings in which compensation for expropriation has been already accepted or finally fixed. The Court of Cassation confirmed the application of this criterion for compensation in its recent case-law.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2010)213	ITA / Somogyi	67972/01	10/11/2004 18/05/2004	Access to and efficient functioning of justice: <i>Conviction in absentia in unfair criminal proceedings, in which the accused disavowed the signature on the receipt for the summons to the preliminary hearing and denied all prior knowledge of the existence of criminal proceedings against him. (Article 6§1)</i>	Individual measures: The finding of the violation constituted in itself sufficient just satisfaction for non-pecuniary damages. In 2005 the rules concerning the reopening of in absentia proceedings were modified. In 2006, the Court of Cassation applied the new rules in the present case and reopened the deadline for appeal. The applicant will thus finally be able to contest the authenticity of the signature and the receipt for his summons. General measures: In 2005, the Code of Criminal Procedure was amended concerning reopening of in absentia proceedings. The deadline for appealing may be re-opened simply at the request of the person concerned except if the accused had had "effective knowledge" of the proceedings against him. The burden of proof concerning "effective knowledge" and the wilful refusal to appear lies upon the authorities. Moreover, the deadline for appeal was increased from 10 to 30 days counting from the date the accused is delivered to the authorities.
CM/ResDH(2010)172	ITA / Todorova	33932/06	13/04/2009 13/01/2009	Protection of family life: <i>Authorities' failure to ensure that the applicant's consent to giving up her children had been given in full knowledge of its implications and had been attended by the appropriate guarantees. (Article 8)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The children were adopted in 2005 General measures: In 2001, new rules concerning the adoption of minors were introduced, including the "declaration of adoptability" procedure. It provides greater involvement of parents since the beginning of the procedure, as well as clearer rules for the different steps of the procedure itself. Isolated case. The judgment was published, translated and disseminated.
CM/ResDH(2010)213	ITA / Vito Sante Santoro	36681/97	01/10/2004 01/07/2004	Freedom of movement and electoral rights: <i>Unlawful restriction of the applicant's liberty of movement and inability of the applicant to vote in the parliamentary elections 1996 and the regional council's election of 1995 due to</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant is no longer under police supervision. General measures: See CM/ResDH(2009)83 in Labita.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>the erroneous prolongation of the period of validity of a preventive measure (placement under special police supervision) and a belated disenfranchisement. (Articles 2 and 3 of Protocol No. 1)</i>	
CM/ResDH(2010)213	ITA Ambruosi	31227/96	19/01/2001 19/10/2001	Protection of property: <i>Disproportionate interference due to the termination of certain civil actions and, as a consequence, the offsetting, through a law-decree, of the legal costs relating to these actions, in which a lawyer acting as a counsel had previously requested from the relevant courts the direct discharge of her fees. (Article 1 of Protocol No. 1)</i>	<u>Individual measures:</u> The finding of a violation in itself amounted to sufficient just satisfaction for non-pecuniary damage. <u>General measures:</u> Isolated case. The judgment was published, translated and disseminated.
CM/ResDH(2010)174	LIT / Armoniene and Biriuk	36919/02+	25/02/2009 25/11/2008	Protection of private life: <i>Failure to protect private lives due to the award of only a derisory sum in respect of non-pecuniary damages in defamation proceedings brought in cases of flagrant abuse of press freedom. (Article 8)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. <u>General measures:</u> The new Civil Code of 2001 removed the ceiling on judicial awards of compensation contained in the Law on the Provisions of Information to the Public. The judgment was published, translated and disseminated.
CM/ResDH(2010)175	LIT / Gulijev	10425/03	16/03/2009 16/12/2008	Protection of private and family life: <i>Disproportionate interference due to rejection of the applicant's request to renew his residence permit and subsequent expulsion from Lithuania where his two children and wife live, on the basis of a report by the State Security Department, classified as "secret". (Article 8)</i>	<u>Individual measures:</u> In 2009 of the Migration Department of Lithuania removed the data concerning the applicant from the national list of aliens prohibited from entering the territory. The applicant is thus entitled to apply to the migration department for a temporary residence permit. The applicant, his wife and their two children currently reside in Austria. <u>General measures:</u> Erroneous application and interpretation of domestic law. New case-law of the Constitutional Court stating that "no court decision can be based entirely on information classified as secret and which is unknown to the

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					parties in the case". Isolated case. The judgment was published, translated and disseminated.
CM/ResDH(2010)176	LIT / Svencioniene	37259/04	25/02/2009 25/11/2008	Access to and efficient functioning of justice: <i>Unfair trial due to inability to attend an appeal hearing in divorce proceedings due to clerical error. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. <i>General measures:</i> The judgment was published, translated and disseminated to all relevant institutions and all courts.
CM/ResDH(2010)7	LUX / Mathony	15048/03	15/05/2007 15/02/2007	Access to and efficient functioning of justice: <i>Lack of objective impartiality of a criminal court, due to the fact that the judges who dismissed the applicant's appeal had already assessed his acts before, in other proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damages paid. <i>General measures:</i> Violation due to the special circumstances of the case. The judgment was published and disseminated.
CM/ResDH(2010)57	LVA / Vides Aizsardzibas Klubs	57829/00	27/08/2004 27/05/2004	Freedom of expression: <i>Disproportionate interference due to conviction of a non-governmental organisation to pay damages for the publication of defamatory allegations against a mayor. (Article 10)</i>	<i>Individual measures:</i> No claim in respect of pecuniary damage was made. Just satisfaction in respect of non-pecuniary damage was paid. <i>General measures:</i> Change of domestic courts' case-law. The judgment was published, translated and disseminated.
CM/ResDH(2010)204	MDA / Braga and Nistas GMBH	74154/01+	14/02/2007 14/11/2006	Access to and efficient functioning of justice and protection of property: <i>Disproportionate interference due to the quashing by the Supreme Court of Justice of final judgments delivered in the applicants' favour, following requests by the Prosecutor General as part of an extraordinary procedure. (Article 6 §1 and 1 of Protocol No. 1)</i>	<i>Individual measures:</i> Just satisfaction in respect of the pecuniary and non-pecuniary damages sustained as a result of the overturning of the original judgments, paid. <i>General measures:</i> See CM/ResDH(2007)56 in Rosca.
CM/ResDH(2010)102	MDA / Gurov	36455/02	11/10/2006 11/07/2006	Access to and efficient functioning of justice: <i>Denial of a fair trial before a tribunal "established by law" in that the</i>	<i>Individual measures:</i> The finding of a violation constituted sufficient just satisfaction in respect of non-pecuniary damage. In reopened proceedings, the Supreme Court of

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>appellate court was presided by a judge whose term of office had expired. (Article 6 §1)</i>	Justice referred the case for re-hearing to the Court of Appeal, which confirmed the decision of the first-instance court in the applicant's favour. <i>General measures:</i> On 22/07/2005 new provisions governing the appointment of judges were introduced in the Law on the status of judges of 1995. They provide that judges are first appointed for a 5-year term by the President of the Republic of Moldova at the proposal of the Supreme Council of Magistrates. At the end of this period, judges are appointed by the President until they reach 65 years. Candidatures of judges put forward by the Supreme Council of Magistrates, for 5-year term or for a term of office which expires when they reach the age-limit, may be rejected by the President within 30 days. However, the President may refuse a candidate only once and solely on grounds set forth in the law.
CM/ResDH(2010) 8	MDA / Metropolitan Church of Bessarabia and others and Biserica Adevarat Ortodoxa din Moldova and others	45701/99+	27/03/2002 13/12/2001	Freedom of religion and protection of property: <i>Failure to recognize the applicant Churches with the consequence that they could not defend their interests, including property claims and that its religious activities were considered illegal; absence of domestic remedy; delayed enforcement of a judgment ordering compensation payment for non-registration. (Articles 9, 13 and 1 of Protocol No. 1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damages paid. The applicant Churches were recognised and registered. Certain problems persisted concerning the registration of parishes or alleged negative campaigns. <i>General measures:</i> The first amendments to the Law on Religious Denominations were brought in 2002. These were, however, insufficient. A new Law entered into force on 17/08/2007. Subsequently, the former State Service for religious denominations was dissolved and all registration files were transferred to the Ministry of Justice. Simultaneously, the government abolished its order of 1994 which had made registration of component parts of recognised cults dependent on a certificate of presence from the local authorities. Finally, the registration procedure was clarified through a set of guidelines in February 2009. New laws (abolishing the sanction of expulsion in case of disrespect of the requirement of prior authorisation for certain religious activities in public by foreigners and limiting

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					the punishable activities) of November 2009 ensure judicial review of the registration procedure including refusal of registration, suspension of activities or liquidation. Together with the Law on Administrative Procedure, they also provide access to judicial review in case of absence of reply or unreasonable delay. The judgments were published and disseminated.
CM/ResDH(2010)203	MLT / Zarb	16631/04	04/10/2006 04/07/2006	Access to and efficient functioning of justice: Excessive length of criminal proceedings. (Article 6 §1)	Individual measures: Just satisfaction for non-pecuniary damage paid. Domestic proceedings concluded. General measures: See CM/ResDH(2007)9 in Calleja. The judgment was published and disseminated.
CM/ResDH(2010)103	NLD / A.B.	37328/97	29/04/2002 29/01/2002	Protection of correspondence: Unjustified interference due to the control of a detainee's correspondence with the European Commission of Human Rights by prison authorities of the Netherlands Antilles and interference with his correspondence with his lawyer, a former inmate and lack of an effective remedy. (Article 8 and 13)	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The applicant was released. General measures: The regulations governing the prison system of the Netherlands Antilles were changed and new Prison Rules adopted in 1999 providing that correspondence with addressees who are entitled to hear complaints or cases following a complaint shall not monitored and not be opened without the inmate's written consent. The blanket provision banning all correspondence with former inmates was lifted. The judgment of the Court was communicated to the Netherlands Antilles penitentiary authorities. Furthermore, the 2007 report by the CPT on the Netherlands Antilles highlights further improvement plans. The judgement was published in various law journals.
CM/ResDH(2010)109	NLD / Bocos-Cuesta	54789/00	10/02/2006 10/11/2005	Access to and efficient functioning of justice: Denial of a fair trial due to the impossibility for the accused to question pre-trial statements given by minors who were prosecution witnesses against him. (Article 6 §§1+3d)	Individual measures: Claims dismissed as domestic law allows reopening of proceedings. The applicant made no use of this opportunity. General measures: Since 2006, police makes audiovisual recordings of interviews with persons under 16 in case of serious offences or if the case involves sexual abuse in a dependent relationship. A respective instruction on "Audio

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					and audiovisual recording of the examination of informants, witnesses and suspects" was adopted in 2010. The judgement was published and circulated to the judiciary.
CM/ResDH(2010)145	NLD / El Majjaoui and Stichting Touba Moskee	25525/03	20/12/2007 Grand Chamber Strike out	Freedom of religion: Refusal to issue a work permit a Moroccan national to work as imam for the foundation Stichting Touba Moskee. (Articles 9 and 18)	Individual measures: Complaints remedied since a work permit was granted and the applicant is now lawfully employed by the applicant foundation. Cost and expenses paid.
CM/ResDH(2010)144	NLD / Goçer and Beumer	51392/99	21/05/2003 03/10/2002	Access to and efficient functioning of justice: Excessive length of proceedings concerning social security benefits. (Article 6 §1)	Individual measures: Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed. General measures: Isolated incidents. No specific general measures required.
CM/ResDH(2010)104	NLD / L.	45582/99	01/09/2004 01/06/2004	Protection of family life: Disproportionate interference due to denial of a father's access to his child born out of wedlock and not formally acknowledged despite existing family ties. (Article 8)	Individual measures: The domestic court took formal note of the judgment and the applicant initiated new proceedings to obtain visiting rights. General measures: Change of domestic case-law expected. The judgement was published in various law journals and disseminated to the judiciary.
CM/ResDH(2010)106	NLD / Marpa Zeeland B.V. and Metal Welding B.V.	46300/99	09/02/2005 09/11/2004	Access to and efficient functioning of justice: Denial of access to an appellate court for the applicant companies, which were promised by the Advocate General the recommendation of the remission of their sentence to no avail and excessive length of proceedings. (Article 6 §1)	Individual measures: Reopening may be requested. General measures: The judgement was published and circulated to courts. As regards length of proceedings, recognition by the domestic court of excessive length of criminal proceedings may result in a mitigation of the penalty. The Supreme Court set out general guidelines in this respect.
CM/ResDH(2010)132	NLD / Meulendijks	34549/97	14/08/2002 14/05/2002	Access to and efficient functioning of justice: Excessive length of proceedings before administrative bodies and tribunals. (Article 6 §1)	Individual measures: Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed. General measures: See CM/ResDH(96)21 in Schouten and Meldrum. The judgment was distributed to the authorities concerned.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2010)178	NLD / Ramsahai and Others	52391/99	15/05/2007 Grand Chamber	Right to life: Lack of an effective investigation into the killing of Moravia Ramsahai, son and grandson of the applicants by a police officer. (Article 2 procedural limb)	Individual measures: Just satisfaction for non-pecuniary damage paid. In the judgment, the ECHR held that the police officers' use of force was no more than absolutely necessary and that the shooting of the victim had not violated Article 2 in substance. Consequently, it appears that a further investigation at the domestic level would probably not produce a different result. General measures: The instruction of the Board of Prosecutors General on measures to be taken when use of firearms by police officers result in casualties: include immediate reporting to their superiors who must record it in writing, and the communication of this information within 48 hours to the public prosecutor. The duty system of the State Criminal Investigation Department was improved in order to ensure quick arrival at the place of incident. All investigations that cannot be carried out by the Department will be conducted by the Internal Investigations Bureau of the police region concerned or by members of a neighbouring police force. The judgment was published.
CM/ResDH(2010)177	NLD / Said	2345/02	05/10/2005 05/07/2005	Protection against ill-treatment: Risk of ill-treatment in case of expulsion to Eritrea (Article 3 conditional)	Individual measures: The applicant submitted no claim for sufficiently specified just satisfaction. The applicant was granted asylum and a permanent residence permit in 2005. General measures: When reviewing administrative decisions on asylum, domestic courts decide <i>ex nunc</i> on the basis of information available at the relevant time, deciding also on the admissibility of the new facts or circumstances alleged by the person concerned. New facts and circumstances may be adduced in a renewed asylum application. Implementation Guidelines for the Aliens Act 2000 were modified. A specific chapter on refugees from Eritrea was added, ensuring that Eritrean deserters and conscientious objectors are more readily considered eligible for a residence permit. The judgment was published.

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CM/ResDH(2010) 10	NLD / Salah Sheek	1948/04	23/05/2007 11/01/2007	Protection against ill-treatment: Risk of ill-treatment in case of expulsion to Somalia (Article 3 conditional)	Individual measures: The applicant was granted a renewable residence permit. No claim for just satisfaction submitted. General measures: The modalities of assessing an alleged risk of treatment contrary to Article 3 in asylum procedures were changed in 2007 by directive of the Minister of Justice. Individuals are still required to show that they have been singled out for persecution, but the overall situation in a country, including general circumstances (i.e. the fact of being a member of a minority) were included in the assessment. Furthermore, specific groups of asylum seekers ("vulnerable minority groups", including, inter alia, the Reer Hamar (Ashraf) in Somalia) were identified where the general situation in their country of origin suggested that upon their return they would be in risk of ill-treatment. These asylum seekers only have to adduce minor indications to qualify for a residence permit for asylum purposes under the Aliens Act 2000. Finally, assessment is no longer based solely on the country reports of the Ministry of Foreign Affairs but also increasingly on other sources.
CM/ResDH(2010) 107	NLD / Sezen	50252/99	01/07/2006 31/01/2006	Protection of family life: Disproportionate interference due to refusal of authorities to extend a husband's residence permit with the consequence of splitting up a family. (Article 8)	Individual measures: No claim for just satisfaction submitted. The applicant received a renewable residence permit valid until 2013. General measures: The judgement was published and circulated to courts.
CM/ResDH(2010) 108	NLD / Tuquabo-Tekle and Others	60665/00	01/03/2006 01/12/2005	Protection of family life: Disproportionate interference due to the refusal by authorities to allow the applicant's daughter by a previous marriage living in Eritrea, to join her mother and step-family in the Netherlands and thus develop a family life. (Article 8)	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The applicant's daughter was issued an entry visa. The applicant was issued a residence permit in 2010. General measures: A new policy on the right to family reunion of minors with a parent legally residing in the Netherlands was adopted in 2006. The criterion of "factual family ties" used to determine whether a right to family reunion exists is presumed if family life exists in the light of

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					the ECHR's interpretation of Article 8. The judgement was published and circulated to courts.
CM/ResDH(2018)26	NLD / Van Houten	25149/03	29/12/2005 29/06/2005 Friendly settlement	Access to and efficient functioning of justice: Excessive length of proceedings concerning a disability pension request. (Article 6 §1)	<u>Individual measures:</u> Friendly settlement
CM/ResDH(2010)105	NLD / Van Vondel	38258/03	25/01/2008 25/10/2007	Protection of private life and correspondence: Unlawful covert interception of a police man's telephone conversations by a private individual with the assistance of the police in the context of a fact-finding inquiry and their use in criminal proceedings. (Article 8)	<u>Individual measures:</u> No claim for just satisfaction submitted. In revised proceedings, the conditional term of imprisonment was reduced. The recordings and transcripts of the telephone conversations are no longer in the applicant's case file. <u>General measures:</u> See Resolution CM/ResDH(2007)130 in M.M. in the context of criminal proceedings. Here the incident is isolated. The judgement was published and circulated to courts.
CM/ResDH(2010)9	NLD / Venema	35731/97	17/03/2003 17/12/2002	Protection of family life: Unjustified failure to allow parents to participate in the decision-making process having led to a provisional placement of their daughter into public care. (Article 8)	<u>Individual measures:</u> Just satisfaction for non-pecuniary damages paid. The family was reunited after 5 months. <u>General measures:</u> The procedures followed by the Child Welfare Board were radically changed and new rules were laid down in a policy framework "Standards 2000", an updated version of which entered into force on 1/05/2003, as a binding instruction from the Minister of Justice to the Child Welfare Board. The new procedures provide inter alia the involvement of parents in the decision-making process concerning the placement of children into care as well as an intervention of a behavioural psychologist and a legal expert in child protection cases. The judgment was published and disseminated.
CM/ResDH(2010)58	NLD / Veraart	10807/04	28/02/2007 30/11/2006	Freedom of expression: Unnecessary interference due to admonition of a lawyer	<u>Individual measures:</u> The finding of the violation constituted sufficient just satisfaction for non-pecuniary damage.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>by the Bar Association's Disciplinary Appeal Tribunal based on an inadequate assessment of the facts of the case and irrelevant reasons. (Article 10)</i>	<i>General measures:</i> To inspire new case-law, the judgment was published, translated and disseminated. The Ministry of Justice is drafting a new law providing for revision of a finding of the Disciplinary Appeal Tribunal.
CM/ResDH(2010)131	NLD / Visser	26668/95	14/02/2002	Access to and efficient functioning of justice: <i>Unfair trial resulting in a conviction based on decisive extent on the use of an anonymous witness' statement as evidence. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. <i>General measures:</i> See ResDH(99)124 in Van Mechelen and Others.
CM/ResDH(2010)60	NLD/ Rodrigues da Silva and Hoogkamer	50435/99	03/07/2006 31/01/2006	Protection of family life: <i>Disproportionate interference due to refusal to grant a residence permit to the Brazilian mother of a Dutch child, following her separation from the child's father who obtained parental authority. (Article 8)</i>	<i>Individual measures:</i> The finding of a violation was held to be sufficient just satisfaction for the non-pecuniary damage. The first applicant was granted a residence permit with retroactive effect. <i>General measures:</i> The judgment was published, translated and disseminated.
CM/ResDH(2010)59	NLD/Del Latte	44760/98	09/02/2005 09/11/2004	Access to and efficient functioning of justice: <i>Breach of the presumption of innocence in compensation proceedings for detention on remand brought after acquittal. (Article 6 §2)</i>	<i>Individual measures:</i> The applicants refrained from renewing their requests for compensation. <i>General measures:</i> The judgment was published, translated and disseminated.
CM/ResDH(2010)11	NOR / Sanchez Cardenas	12148/03	04/01/2008 04/10/2007	Protection of private and family life: <i>Disproportionate and unjustified interference due to suspicions expressed in a court decision on the applicant's visiting rights that he had sexually abused on of his sons. (Article 8)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damages paid. <i>General measures:</i> The judgment was published, translated and disseminated to all courts by the National Court Administration. Training of new judges is also devoted to the examination of this judgment.
CM/ResDH(2018)19	POL / Bogulak and 3 other cases	33866/96	13/06/2006 13/09/2006	Protection of rights in detention: <i>Detention solely on the basis of a prosecutor's decision and impossibility for</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damages paid. In two cases, the finding of a violation constitutes sufficient just satisfaction for non-pecuniary

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>the applicants to take part in or to be represented at the hearings concerning the lawfulness of their detention on remand. (Article 5 §§3+4)</i>	damage. The applicants are no longer detained on remand. <i>General measures:</i> See ResDH(2002)124 in Niedbala following the entry into force of the new Code of Criminal Procedure.
CM/ResDH(2010)78	POL / Sildedzis	45214/99	24/08/2005 24/05/2005	Protection of property: <i>Arbitrary and disproportionate interference due to the administrative authorities' refusal to register a car bought at a public auction organised by the Tax Office on suspicion that it had been stolen. (Article 1 of Protocol No.1)</i>	<i>Individual measures:</i> Just satisfaction for pecuniary (lost business opportunities) and non-pecuniary damages awarded on an equitable basis paid. The applicant's car was registered on 19/07/1999, following the change of regulations. <i>General measures:</i> A new regulation of 1999 exempted car owners from the obligation to submit certain certificates if the car has been purchased at a public auction or from a person executing an order for forfeiture to the state treasury. A legislative amendment of 2002 provides that the registration of vehicles purchased at public auctions or from persons executing an order of forfeiture to the state treasury is governed by the Road Traffic Act. The owner of a vehicle thus acquired is exempted from the obligation to submit certain certificates and if the identification numbers of the vehicle have been removed or forged, the competent administrative body must allocate new ones with a view to the vehicle's registration.
CM/ResDH52010)61	PRT / Antunes and Pires and Ferreira Alves No. 3	7623/04 and 25053/05	21/09/2007 21/06/2007	Access to and efficient functioning of justice: <i>Failure to communicate to the applicants several documents presented by the public prosecutor and/or the memoranda prepared by the first-instance judge for the appellate court. (Article 6 §1)</i>	<i>Individual measures:</i> The finding of a violation was held to be sufficient just satisfaction for the non-pecuniary damage. In one case revision can be requested, in the first case no revision possible due to principle of legal certainty. <i>General measures:</i> The impugned provision of the Code of Civil Procedure was repealed. Change of case-law of domestic courts. The judgment was published, translated and disseminated.
CM/ResDH(2018)28	PRT / Cruz da Silva Coelho	9388/02	13/12/2005 Friendly	Right to life and discriminatory denial of access to court. <i>(Article 2 and 14 in</i>	<i>Individual measures:</i> Friendly settlement

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			settlement	<i>conjunction with 6)</i>	
CM/ResDH(2010)133	PRT / Ferreira Alves No. 5	30381/06	14/07/2009 14/04/2009	Access to and efficient functioning of justice: <i>Unfair trial due to the failure to communicate to the applicant the memoranda prepared by the first-instance judge for the appellate court in a labour related dispute. (Article 6 §1)</i>	Individual measures: The finding of violation in these cases constituted in itself sufficient just satisfaction in respect of the non-pecuniary damage. Reopening the proceedings at issue would seem to run up against the principle of legal certainty to which the other party to the civil proceedings is entitled. Previously, domestic courts had confirmed the legality of the applicant's dismissal by his employer. General measures: See CM/ResDH(2010)61 in Antunes and Pires and Ferreira Alves No. 3.
CM/ResDH(2010)179	PRT / Pijevschi	6830/05	13/02/2009 13/11/2008	Access to and efficient functioning of justice: <i>Denial of access to a court for review of the applicant's conviction, due to the Appeal Court's particularly strict interpretation of a procedural rule, conflicting with the interpretation given by the Court of First Instance. (Article 6 §1)</i>	Individual measures: The finding of the violation constituted in itself sufficient just satisfaction for non-pecuniary damages. Reopening of criminal proceedings following the finding of a violation by the ECHR is possible. General measures: Adaptation of the Constitutional Court's and the Supreme Court's case-law. The judgment was published, translated and disseminated.
CM/ResDH(2018)20	PRT / Urbino Rodrigues & Roseiro Bento	75088/01+	01/03/2006 29/11/2005	Freedom of expression: <i>Disproportionate interference due to convictions to pay fines or damages for defamation, following the publication of a response to polemical remarks published by another journalist in the first case and insults in the course of a debate in a municipal council in the second case. (Article 10)</i>	Individual measures: The amount of fines and damages paid by the applicants as a result of their conviction was awarded as just satisfaction for pecuniary damage. General measures: See CM/ResDH(2007)131 in Lopes Gomes da Silva.
CM/ResDH(2010)181	ROM / Albina	57808/00	28/07/2005 28/04/2005	Access to and efficient functioning of justice: <i>Unfair civil proceedings for recovery of property nationalised during the communist regime as the court of last instance failed to address the applicant's submissions in support of his appeal.</i>	Individual measures: Just satisfaction under all heads of damage including loss of chance, awarded on an equitable basis, paid. In a fresh action, the applicant recovered part of his property. A second action to recover the remaining part was still pending at the time of the judgment. General measures: Failure of domestic court to observe

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>(Article 6 §1)</i>	applicable legal provisions. The judgment was published, translated and disseminated.
CM/ResDH(2010)205	ROM / Ban	46639/99	07/03/2007 07/12/2006	Access to and efficient functioning of justice: <i>Lack of access to a court to claim restitution of a nationalised building. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. Reopening of proceedings possible. General measures: See CM/ResDH(2008)79 in Canciovici and others, in particular concerning legal and case-law changes recognising the right of access to a court for former owners of nationalised property.
CM/ResDH(2018)21	ROM / Cornelia Eufrosina Radu	65402/01	12/10/2007 12/07/2007	Access to and efficient functioning of justice: <i>Denial of access to court in order to claim the restitution of a nationalised building. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damages paid. Reopening of the impugned proceedings possible. General measures: CM/ResDH(2008)79 in Canciovici and Others.
CM/ResDH(2010)180	ROM / Cotlet	38565/97	03/09/2003 03/06/2003	Protection of correspondence with Convention organs: <i>Prison authorities' interference with right to correspondence with the Convention organs and the right to individual application. (Articles 8 and 34)</i>	Individual measures: Just satisfaction for pecuniary and non-pecuniary damage awarded on an equitable basis paid. General measures: See CM/ResDH(2007)92 in Petra. The Director of the National Prisons Administration issued several circular letters instructing the prison staff to respect the confidentiality of prisoners' correspondence and petitions and to take various measures for the effective exercise of these rights (e.g. daily access of the prisoners to mail boxes, remittal of the correspondence and reply to petitions under signature, access of the mail service providers inside prisons to collect the prisoners' correspondence). The law on the execution of sentences of 2006 guarantees the prisoners the confidentiality of their correspondence and petitions. The prison administration is obliged to notify the prisoners of their rights and obligations. Interception may be ordered only by the detention judge in a reasoned decision. However, such restrictions cannot be imposed on the correspondence with prisoners' legal counsel, human rights NGOs or international courts and

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					organisations. Prisoners may apply to the detention judge for review of measures taken by the prison administration affecting the exercise of their rights. Dismissals may be appealed against before the court of first instance under the jurisdiction of which the prison is placed. The judgment was published, translated and disseminated.
CM/ResDH(2010)206	ROM / Cretu and 8 other cases	32925/96+	09/10/2002 09/07/2002	Access to and efficient functioning of justice and protection of property: <i>Quashing by the Supreme Court of Justice of final judgments delivered in the applicants' favour, following requests by the Prosecutor General, in certain cases leading to disproportionate interference with property rights. (Article 6 §1 and/or Article 1 of Protocol No. 1)</i>	Individual measures: Just satisfaction for the pecuniary damage incurred as a result of the quashing of the final decision paid, as awarded. In some cases, no claims had been submitted. In most cases, just satisfaction for non-pecuniary damages was also awarded and paid. General measures: See CM/ResDH(2007)90 in the Brumărescu group of cases.
CM/ResDH(2010)182	ROM / Dima	58472/00	26/03/2007 16/11/2006	Access to and efficient functioning of justice: <i>Unfair certain civil proceedings in that the Supreme Court of Justice failed to address one of the applicant's grounds for appeal based on the invalidity of an expert report relied upon by domestic courts when rejecting his claims. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The impugned proceedings were reopened and domestic courts found against the applicant's claim in substance. General measures: Failure of the Supreme Court of Justice to observe the relevant legal provisions. The judgment was published, translated and disseminated.
CM/ResDH(2010)134	ROM / Segal and 11 other cases	32927/96	17/03/2003 17/12/2002 (Merits) 27/10/2004 27/07/2004 (Just satisfaction)	Access to and efficient functioning of justice and protection of property: <i>Quashing of final court decisions by the Supreme Court following applications for nullity lodged by the Procurator General. (Article 6 §1 and/or Article 1 of Protocol No. 1)</i>	Individual measures: Just satisfaction for pecuniary and non-pecuniary damage paid as awarded. In two cases pecuniary damage was refused for lack of quantification. In 1 case no pecuniary damage was suffered. General measures: See CM/ResDH(2007)90 in the Brumărescu group concerning the revocation in the Code of Civil Procedure of the possibility of applications for nullity by the Procurator General.
CM/ResDH(2010)	ROM / Stere	25632/02+	03/08/2006	Protection of property: <i>Breach of the</i>	Individual measures: Just satisfaction for non-pecuniary

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
70	and Others and 1 other cases		23/02/2006	<i>principle of legal certainty due to annulment of final court decisions concerning tax exemptions following an application for nullity lodged by the Prosecutor General. (Article 1 of Protocol No. 1)</i>	damages paid. Enforcement proceedings had been dropped or the executed sums returned to the applicants. <i>General measures:</i> See CM/ResDH(2007)90 in Brumărescu in particular concerning the abolition of the Prosecutor General's possibility to challenge a final court decisions in 2003.
CM/ResDH(2010)114	SUI / Jaggi	58757/00	13/10/2006 13/07/2006	Protection of private life: <i>Failure by the domestic courts to allow the applicant to obtain DNA analyse from the remains of his alleged father to establish his paternity with certainty. (Article 8)</i>	<i>Individual measures:</i> The finding of a violation constituted sufficient just satisfaction in respect of non-pecuniary damage. In reopened proceedings the applicant was authorised to proceed with the DNA test on the body of his alleged father. <i>General measures:</i> The Federal Court referred in its case-law to the present judgment, which was published and disseminated to all authorities concerned.
CM/ResDH(2010)113	SUI / Verein gegen Tierfabriken (VgT) (No. 2)	32772/02	30/06/2009 Grand Chamber	Freedom of expression: <i>Failure to comply with positive obligation due to the continued prohibition on broadcasting a television commercial despite a first ECHR judgment of 2001, amounting to a fresh violation. (Article 10)</i>	<i>Individual measures:</i> No claim for just satisfaction submitted. The Federal Court granted the applicant's request for review and held the Swiss radio and television company and Publisuisse to broadcast the commercial in question. <i>General measures:</i> The judgment was published and disseminated to all authorities and agencies concerned.
CM/ResDH(2010)62	SVK / Kanala	57239/00	30/01/2008 10/07/2007 (Merits) 06/04/2009 14/10/2008	Protection of property: <i>Disproportionate interference due to acquisition in execution proceedings of the applicant's share in a property by the co-owner, exercising a pre-emptory right, at a price less than the market value. (Article 1 of Protocol No. 1)</i>	<i>Individual measures:</i> A lump sum was awarded to the applicant in respect of all heads of damage taken together. <i>General measures:</i> In 1999, the Executions Order of 1995 was amended to the effect that the lowest bid at a sale by auction of immovable property must be equal to its market value. The general value of property is its final value determined in an objective manner by an expert and corresponding to a price for which the property could be realised in normal circumstances. As from 1999, the price which a co-owner shall pay in exercising a pre-emptive right must equal the market value of the property. Previously, the Supreme Court had held in 1997 that courts should take into

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					account the general value of property and that the general value should also be applied where a co-owner availed him or herself of the pre-emptory right to buy the property.
CM/ResDH(2010)111	SVK / Komanicky	32106/96	04/09/2002 04/06/2002	Access to and efficient functioning of justice: Denial of a fair trial on account of an appeal court's decision to proceed with a case in the absence of the party concerned despite due advance notification of the non-attendance for health reasons. (Article 6 §1)	Individual measures: Reopening not required as the procedural shortcomings were not of such gravity that a serious doubt is cast on the outcome of the domestic proceedings. In 2005, the provisions on the reopening of the proceedings were modified: the request for reopening must be lodged within a time-limit of six months following the moment when the interested party learns about the ground for reopening; in addition, under the Code Criminal Procedure, the request following a judgment of the European Court can be made after the expiration of the maximum time-limit of three years from the date of the final domestic judgment. General measures: The judgment was translated, published and disseminated.
CM/ResDH(2010)69	SVK / Pavlik and 1 other case	74827/01+	30/04/2007 30/01/2007	Access to and efficient functioning of justice: Excessive length of criminal proceedings and lack of compensation award by the Constitutional Court. (Article 6 §1)	Individual measures: Just satisfaction for non-pecuniary damages paid. Domestic proceedings closed. General measures: See CM/ResDH(2007)10 in Krumpel and Krumpelová group. A number of Constitutional Court cases for excessive length of criminal proceedings resulted in an award of damages and legal costs, and, where applicable, an order to the relevant authorities to proceed without undue delay.
CM/ResDH(2018)29	SVK / Rosival and Others	17684/02	23/08/2008 Friendly settlement	Protection of property and access to and efficient functioning of justice: Alleged unfair proceedings for the restitution of real property confiscated by the state after the Second World War, based on retroactive application of legislation limiting the applicants' claims (Articles 6	Individual measures: Friendly settlement

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>and 1 Protocol No. 1, as well as 14 in conjunction with Article 1 Protocol No. 1)</i>	
CM/ResDH(2010)112	SWE / Bader and Kanbor	13284/04	08/02/2006 08/11/2005	Right to life and protection against ill-treatment: <i>Dismissal of the asylum application of a Syrian husband, his wife and their children and adoption of a decision ordering their deportation to Syria despite the husband's death sentence in absentia decided by a Syrian Court. (Article 2 and 3 conditional)</i>	<i>Individual measures:</i> The applicants were granted permanent residence permit. <i>General measures:</i> The appeal procedure in cases concerning aliens was changed in 2006. The former appeal organ, the Aliens Appeal Board, was replaced by special Migration Courts, thus creating a three-level appeal system. Moreover, a new Aliens Act of 2006 provides clearer rules on the issue of residence permits and places more emphasis on grounds for protection. The judgment was translated, published and disseminated.
CM/ResDH(2018)30	SWE / Synnelius and Edsbergs Taxi AB	44298/02	30/06/2009 Friendly settlement	Access to and efficient functioning of justice: <i>Excessive length of taxation proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> Friendly settlement
CM/ResDH(2018)22	SWE / The Estate of Nitschke	6301/05	27/12/2007 27/09/2007	Access to and efficient functioning of justice: <i>Excessive length of tax administrative proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damages paid. Domestic proceedings ended. <i>General measures:</i> See CM/ResDH(2007)59 in Janosevic concerning the Swedish Tax Agency's guidelines concerning time-limits for the reconsideration of taxation decisions. The judgment was translated, published and disseminated.
CM/ResDH(2010)12	TUR / Adali	38187/97	12/10/2005 31/03/2005	Right to life and freedom of assembly: <i>Lack of an effective investigation into the death of the applicant's husband shot in the northern part of Cyprus; refusal by the authorities to grant the applicant permission to cross from northern Cyprus into southern Cyprus, to attend a bi-communal meeting. (Articles 2 procedural limb and 13 as well as 11)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damages paid. After additional investigations, the authorities concluded that there was no further evidence to bring charges. No period of limitation applies to proceedings in this case. <i>General measures:</i> As concerns the investigation, the violation stems from practice not from legislation. Nevertheless the "Act on the Law Office" was amended in 2006 to enhance the role of the Attorney General in police

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					investigations. Concerning freedom of assembly, see CM/ResDH(2008)59 in Djavit An. To provide a legal basis regulating the crossing from the northern part to the southern part, the "Council of Ministers of the TRNC" adopted several decisions in order: The crossing from the north to the south requires an identity card or a passport. Each person may carry personal effects. Moreover, the provisions requiring passage on a day-trip basis with the return before midnight were repealed in 2004. The judgment was translated, published and disseminated.
CM/ResDH(2010)64	TUR / Arslan and 22 other cases	75836/01+	19/03/2007 19/12/2006	Access to and efficient functioning of justice: <i>Unfairness of criminal proceedings due to the failure to hold hearings in cases in which small fines were adopted by "sentence orders" only on the basis of an examination of the file. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damages paid, where awarded. Reopening not necessary in view of the insignificant amounts of the fines. General measures: The provision preventing the holding of public hearings was declared unconstitutional by the Constitutional Court in 2004. The new Code of Criminal Procedure, which came into force in June 2005, contains no provision on "sentence orders".
CM/ResDH(2010)207	TUR / Atca and Others and 1 other case	41316/98+	06/05/2003 06/02/2003	Access to and efficient functioning of justice: <i>Lacking independence and impartiality of court due to the presence of a military judge on the bench of the state security court. (Article 6 §1)</i>	Individual measures: The finding of the violation constituted in itself sufficient just satisfaction for non-pecuniary damages. The applicants were released after having served their prison sentence. General measures: See DH(99)555 in Çıraklar following legislative amendments in 1999 ending the role of military judges on state security courts. Furthermore, in 2004 Parliament adopted a constitutional amendment abolishing state security courts.
CM/ResDH(2010)72	TUR / Bozlak and Others	34740/03	13/04/2009 13/01/2009	Access to and efficient functioning of justice: <i>Excessive length of criminal proceedings before a State security court. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damages paid. Domestic proceedings closed. General measures: See CM/ResDH(2008)83 in Sertkaya and Others, in particular concerning the abolition of State

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					security courts.
CM/ResDH(2010)211	TUR / Bulbul	47297/99	22/08/2007 22/05/2007	Protection of rights in detention: Lack of independence and impartiality of a military judge who ordered the applicant's detention on remand as well as of a state security court which decided on his appeal against the detention order. (Article 5 §3+4)	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant is no longer detained. General measures: See DH(99)555 in Çıraklar following legislative amendments in 1999 ending the role of military judges on state security courts. Furthermore, in 2004 Parliament adopted a constitutional amendment abolishing state security courts.
CM/ResDH(2010)209	TUR / Ceyran and 1 other case	17534/03+	13/01/2010 13/10/2009	Access to and efficient functioning of justice: Excessive length of proceedings before state security courts	Individual measures: No claim for just satisfaction submitted. Proceedings closed. General measures: See CM/ResDH(2008)83 in Sertkaya group in following the abolition of the state security courts in 2004 by constitutional amendment. The jurisdiction of these courts was transferred to the Assize Courts following a modification of the Code of Criminal Procedure.
CM/ResDH(2010)210	TUR / Coskun and 2 other cases	15360/05+	06/01/2010 06/10/2009	Access to and efficient functioning of justice: Unfair criminal proceedings due to the failure to hold hearings in cases in which the applicants were ordered to pay small fines by "sentence orders" adopted on the basis of an examination of the file. (Article 6 §1)	Individual measures: No claim for just satisfaction submitted. General measures: See CM/ResDH(2010)64 in Arslan and Others. The new Code of Criminal Procedure, which came into force in June 2005, contains no provision on "sentence orders".
CM/ResDH(2010)73	TUR / Imret	42572/98	10/04/2006 10/01/2006	Protection of rights in detention and access to and efficient functioning of justice: Excessive length of detention in police custody and lack of an independent and impartial court in criminal proceedings due to the presence of a military judge on the bench of the state security court. (Articles 5 §3 and 6 §1)	Individual measures: Just satisfaction for non-pecuniary damages paid. The applicant was released after having served his sentence. General measures: Concerning Article 5 §3, see ResDH(2002)110 in Sakik and Others. Concerning Article 6 §1, see DH(99)555 in Çıraklar following the legislative and constitutional amendments changing the composition of state security courts and ending the functions of military

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					judges and military prosecutors in these courts.
CM/ResDH(2010)184	TUR / Kavakci, Silay, Ilicak and Sobaci	71907/01+	05/07/2007 05/04/2007	Electoral rights: <i>Imposition of disproportionate sanctions on the applicants resulting in temporary limitations of their political rights following the dissolution of their party by the Constitutional Court, resulting in the deposition of their parliamentary mandate. (Article 3 of Protocol No. 1)</i>	Individual measures: The finding of the violation constituted in itself sufficient just satisfaction for non-pecuniary damages. General measures: The impugned provision of the Turkish Constitution was amended in 2001 specifying the circumstances under which actions or statements of party members may be attributed to the political party: "A political party shall be deemed to have become the centre of activities [against Constitutional principles of independence of the state, of human rights, of equality and of the rule of law, of sovereignty of the nation, of democracy and secularism] only when such activities are carried out intensively by the members of that party or condoned implicitly or explicitly by the grand assembly, chairmanship or the central decision-making or administrative organs of that party or by the group's general meeting or executive board at the Turkish Grand National Assembly or when these activities are carried out in co-ordination with the above-mentioned party organs directly". Less stringent sanctions than dissolution of a party, which would automatically lead to restrictions of those members' political rights whose their actions and/or statements had been attributed to that party, were added.
CM/ResDH(2010)74	TUR / Mehmet Siddik Eren and Others and 1 other case	7860/02		Protection of rights in detention: <i>Excessive length of detention in police custody and lack of an effective remedy to challenge the lawfulness of continued police custody and absence of a right to compensation. (Article 5 §3+4+5)</i>	Individual measures: Just satisfaction for non-pecuniary damages paid. The applicants were released from police custody. General measures: Following constitutional and legislative reforms, the law related to police custody were brought into conformity with ECHR requirements: see ResDH(2002)110 in Sakik and others and CM/ResDH(2008)29 in Ayaz and others.
CM/ResDH(2010)	TUR / Odabasi	50959/99	03/07/2006	Freedom of expression: <i>Unjustified and</i>	Individual measures: Just satisfaction for non-pecuniary

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
63	and Kocak		21/02/2006	<i>unnecessary interference due to criminal conviction for publishing a book allegedly defaming the memory of Atatürk. (Article 10)</i>	damages paid. The applicants' sentences were suspended and their criminal records deleted. <u>General measures:</u> Change of practice by the prosecution deciding not to prosecute crimes against the memory of Atatürk. These decisions consider debate on historical issues, including Atatürk and his personality, as falling outside the scope of defamation or insulting the founder of the Turkish Republic. The judgment was published, translated and disseminated.
CM/ResDH(2010)71	TUR / Omer Aydin and 2 other cases	34813/02+	25/02/2009 25/11/2008	Right to life: <i>Authorities failure in their obligation to secure the right to life of the applicants' son or relative who killed themselves (Ömer Aydın and Beker) or seriously injured themselves (Yürekli) during their military service and lack of efficient investigations. (Article 2 substantive and procedural limb)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary (and in 1 case pecuniary) damages paid. <u>General measures:</u> See Resolution CM/ResDH(2007)99 in the case Abdurrahman Kılıç: The regulatory framework concerning the conditions to be fit for military service was gradually revised and the supervision of conditions during military service and the duties of those responsible for supervising the situation of conscripts who are considered to be fit for military service was reformed.
CM/ResDH(2010)115	TUR / Selcuk	21768/02	10/04/2006 10/01/2006	Protection of rights in detention: <i>Excessive length of detention of a minor. (Article 5 §3)</i>	<u>Individual measures:</u> The applicant was released. Just satisfaction in respect of non-pecuniary damage paid. <u>General measures:</u> The protection of minors was legally reinforced in 2005 by the determination of guiding principles and procedures safeguarding the rights and health of minors who have committed an offence, and by the establishment of juvenile courts. Specifically, measures restricting freedom including prison sentences must be applied as a last resort to minors. The decision to hold a minor in detention is moreover subject to strict conditions that must be observed by the judges who in turn receive special training in child rights and psychology. Thus a remand decision can only be taken if it is proved that no result can be achieved through alternative measures or if the minors do not comply with these measures. Judges have to give a detailed statement of

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					grounds for the need to place and to keep minors in detention. The judgment was published and disseminated.
CM/ResDH(2010)208	TUR / Selim Sadak	25142/94	08/04/2004	Protection of rights in detention: Excessive length of detention in police custody. (Article 5 §3)	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant is no longer detained. General measures: See ResDH(2002)110 in Sakik and others and CM/ResDH(2008)29 in Ayaz and others following the reform of the police custody legislation.
CM/ResDH(2010)117	TUR / Tum Haber Sen and Cinar	28602/95	21/05/2006 21/02/2006	Freedom of association: Dissolution of the applicant trade union on the sole ground that it had been founded by civil servants. (Article 11)	Individual measures: No claim for just satisfaction submitted. Under the new law on civil service unions (see below), the applicant trade union may be re-established. General measures: A number of constitutional and legislative amendments have been made with the aim of allowing civil servants to form trade unions. The Law on civil service unions, as amended in 2004, guarantees trade union freedom to civil servants so that they may “defend their economic, social and professional interests”. It imposes general prohibition against any discriminatory act by employers which undermine union freedom in employment matters: In particular, dismissal on the ground of his/her affiliation to a union or participation in union activities outside working hours (or with the employer’s consent, within working hours). The judgment was translated, published and disseminated.
CM/ResDH(2010)116	TUR / Tunceli Kultur ve Dayanisma Dernegi	61353/00	12/02/2007 10/10/2006	Freedom of association: Dissolution of a cultural association by the authorities due to convictions of its chairperson and a member on the ground of statements made or authorised by the association’s board of management and considered to be contrary to its social objective. (Article 11)	Individual measures: The application association made no new request for registration. General measures: The impugned Associations Act was repealed and replaced. According to the provisions of the new law, the criminal conviction of members of an association for having carried out activities against the social aim of their association does not entail the dissolution of the latter.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2018)23	TUR / Yakisir and 4 other cases	51965/99+	30/09/2008 30/12/2008	Protection of property: <i>Disproportionate interference due to the administration's delay in paying additional compensation granted by domestic courts for expropriation and on account of the considerable difference between the rate of default interest applicable and the average inflation rate. (Article 1 of Protocol No. 1)</i>	<i>Individual measures:</i> Just satisfaction for pecuniary damages paid. <i>General measures:</i> See CMResDH(2001)70 in Aka and CMResDH(2001)71 in Akkus referring to Law No. 4489 of 2000 which aligned the legal rate of default interest with the annual discount rate applied by the Turkish Central Bank to short-term debt.
CM/ResDH(2010)212	TUR / Yilmaz and Kilic	6851/01	17/10/2008 17/07/2008	Freedom of expression and access to and efficient functioning of justice: <i>Conviction for having participated in a demonstration to protest against the arrest of Abdullah Öcalan and for having spread propaganda for a terrorist organisation and lack of independence and impartiality of the state security court on account of the presence of a military judge. (Articles 10 and 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The convictions under the Anti-Terrorism Law and all of their consequences such as restrictions to the civil and political rights, were erased ex officio under the new Criminal Code of 2005. <i>General measures:</i> Concerning freedom of expression see CM/ResDH(2009)17 in Emir: the phrase "facilitating the activities of [a gang or an armed organisation]" was deleted from the new Criminal Code of 2005. Article 8 of the Anti-terrorism Law was abrogated in 2003 in the framework of an extensive programme of reforms aimed at compliance with freedom of expression (see ResDH(2006)79 , and CM/Inf/DH(2008)26). Concerning state security courts: The rules on the composition of state security courts were amended in 1999 and the functions of the military judges and military prosecutors ended. (see CM/ResDH(99)555 in Çiraklar. Parliament approved a constitutional amendment abolishing state security courts in 2004. The judgment was translated and disseminated to judicial authorities.
CM/ResDH(2010)81	UK / Henworth and 1 other case	515/02+	02/02/2005 02/11/2004	Access to and efficient functioning of justice: <i>Excessive length of criminal proceedings</i>	<i>Individual measures:</i> No claims submitted in one case. Just satisfaction for non-pecuniary damages paid in the second case. Domestic proceedings closed. <i>General measures:</i> The judgments were published and brought to the attention of all judges.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2010)118	UK / A.D.T.	35765/97	31/10/2000 31/07/2000	Protection of private: Prohibition by law of homosexual acts between several consenting men in private and conviction of the applicant for gross indecency in respect of such acts which had taken place at the applicant's home, which was searched; as a result certain items were seized and destroyed. (Article 8)	Individual measures: Just satisfaction in respect of non-pecuniary and pecuniary (value of the items confiscated and destroyed) damage paid. Under new legislation of 2004 (see General Measures below), persons convicted under the same circumstances, may request the removal of restrictions attached to this type of conviction. General measures: New legislation of 2004 repealed the sections 12 (buggery offence) and 13 (gross indecency) of the Sexual Offences Act 1956, as well as section 1 of the Sexual Offences Act 1967 which provided that a homosexual act "in private" shall not be an offence, except when more than two persons took part. The new law operates around the concept of consent and there are no specific offences for any homosexual activity in private between consenting adults. Persons subject to the obligation to report to the police as a result of a conviction, finding or caution in respect of the provisions at issue can henceforth apply to the Secretary of State to cease to be subject to these requirements. The judgment was published.
CM/ResDH(2010)187	UK / B. and L.	36536/02	13/12/2005 13/09/2005	Right to marry: Prohibition of marriage between a father-in-law and daughter-in-law by legislation unless both their former spouses had die. (Article 12)	Individual measures: The finding of the violation constituted in itself sufficient just satisfaction for non-pecuniary damages. The applicants are free to marry. See general measures; General measures: In 2005, the UK government set out its intention to amend the Marriage Act 1949. The offending provisions have since been repealed. England and Wales, the Marriage Act 1949 was amended by way of a remedial Order under section 10 of the Human Rights Act 1998 in 2007. In Scotland, the Family Law 2006 removed this prohibition. Northern Ireland, the prohibition was lifted by Law Reform Order in 2006. The judgment was published.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2010)214	UK / Beckles	44652/98	08/01/2003 08/10/2002	Access to and efficient functioning of justice: <i>Unfair hearing in criminal proceedings since the judge at the applicant's trial left the jury with the option of drawing an adverse inference from his silence during police questioning. (Article 6 §1)</i>	<i>Individual measures:</i> The finding of a violation in itself amounted to sufficient just satisfaction for non-pecuniary damage. The applicant can ask for the re-examination of the case by the Criminal Cases Review Commission. <i>General measures:</i> Following the judgment in Condron, the domestic case-law evolved towards strengthening the right to silence of the accused persons. The guidelines for judges from 2001 refer when directing the jury on the inferences that can be drawn from the silence of an accused person, specifically to the situation when legal advice is relied upon to justify silence and that no conclusions should be drawn against the defendant if the jury considered that he had or may have had an answer to give, but reasonably relied on the legal advice to remain silent. The judgment was published.
CM/ResDH(2010)140	UK / Beet and Others and Lloyd and Others	47676/99+	06/07/2005 01/03/2005	Protection of rights in detention: <i>Unlawful detention of the applicants for failure to pay local tax or court fines, absence of any enforceable right to redress in respect of that detention and the absence of legal aid or representation. (Articles 5 §§1+5 and 6 §§1+3c).</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage (and for pecuniary damage in one case) paid. <i>General measures:</i> Unlawful detentions were due to an erroneous application by the magistrate courts of domestic legislation and established case-law. The judicial orders detaining the applicants were quashed by the High Court. As from 02/10/2000 the Human Rights Act 1998 provides anyone unlawfully imprisoned a right to claim compensation (see ResDH(2001)119 in Chahal). The Legal Advice and Assistance Regulations were amended in 1997 (see DH(97)506 in Benham) providing that any person whose financial resources are such as to make them eligible is entitled to assistance by way of representation in proceedings before a magistrates' court. The judgment was published. Guidance was also issued to magistrates' courts via Her Majesty's Courts Service and the Justices' Clerks' Society indicating that imprisonment for non-payment is a remedy of last resort.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2010)186	UK / Benjamin and Wilson	28212/95	26/12/2002 26/09/2002	Protection of rights in detention: <i>Absence of a right to bring proceedings to review the lawfulness of detention on mental health grounds due to the lacking power of the Mental Health Review Tribunal to order release. (Article 5 §4)</i>	Individual measures: The finding of the violation constituted in itself sufficient just satisfaction for non-pecuniary damages. Both applicants were released. General measures: The detention of all life sentence prisoners transferred from prison to hospital is subject to review by the First Tier Tribunal under the Mental Health Act 1983. If not released at this point, they will be returned to prison unless the Tribunal has recommended that they remain in hospital. In either case, provided they have served their tariff, their detention is subject to review by the Parole Board, which, as a result of the legislative amendments introduced in the Criminal Justice Act 2003, is now competent to rule on the release of both life sentence prisoners and transferred prisoners who remain in hospital; the Secretary of State is not free to depart from its decisions. The technical lifer scheme was abolished in 2005. The judgment was published.
CM/ResDH(2010)214	UK / Bhandari	42341/04	31/03/2008 02/10/2007	Access to and efficient functioning of justice: <i>Excessive length of civil proceedings before the High Court of the Isle of Man. (Article 6 §1)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. Domestic proceedings closed. General measures: One-off case. The Isle of Man Courts' Rules of Procedure have been updated. The judgment was published and disseminated.
CM/ResDH(2010)135	UK / Blackgrove and 10 other cases	2895/07+	28/07/2009 28/04/2009	Protection of property and discrimination: <i>Discriminatory treatment on grounds of gender between widows and widowers regarding social security benefits and/or an income tax allowance (Article 14 in conjunction with 1 of Protocol No. 1)</i>	Individual measures: Just satisfaction for pecuniary damage awarded in 4 cases. General measures: The Welfare Reform and Pensions Act 1999 granted equal treatment to widows and widowers in respect of social security benefits as from 09/04/2001 (see ResDH(2002)95 in Cornwell, ResDH(2003)130 in Willis and ResDH(2002)96 in Leary). An amendment of the Finance Act 1999 abolished the Widow's Bereavement Tax Allowance in relation to deaths occurring on or after 06/04/2000: see Resolution ResDH(2000)81 in Crossland.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2010)214	UK / Blake	68890/01	26/12/2006 26/09/2006	Access to and efficient functioning of justice: Excessive length of civil proceedings. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. Domestic proceedings closed. <i>General measures:</i> See CM/ResDH(2006)28 in Davies and 3 other cases.
CM/ResDH(2010)214	UK / Condron and others	35718/97	02/08/2000 02/05/2000	Access to and efficient functioning of justice: Unfair criminal proceedings due to denial of access to legal advice during the first 24 to 48 hours of detention in combination with the provisions in national law whereby the choice of the accused to remain silent could result in a court's or a jury's drawing unfavourable conclusions. (Article 6 §3c combined with Article 6 §1 in one case)	<i>Individual measures:</i> The finding of a violation in itself amounted to sufficient just satisfaction for non-pecuniary damage. <i>General measures:</i> See CM/ResDH(2010)120 in John Murray group.
CM/ResDH(2010)79	UK / Copland	62617/00	03/07/2007 03/04/2007	Protection of private life and correspondence: Arbitrary interference due to monitoring of the applicant's telephone, e-mail and internet usage during the course of her employment by a public body without her knowledge and with no domestic law in place to regulate such monitoring. (Article 8)	<i>Individual measures:</i> Just satisfaction for non-pecuniary damages paid. <i>General measures:</i> The Regulation of Investigatory Powers Act 2000 provides for the regulation of interception of communications. The Telecommunications Regulations 2000 set out the circumstances in which employers may record or monitor employee's communications (such as e-mail or telephone) without the consent of the employee or the other party to the communication. Guidance on monitoring staff usage of technology was put in place and includes the requirement to inform staff of interceptions made under the Regulations without consent. For interceptions outside the scope of the Regulations, the consent of the sender and recipient is required and may be obtained by inserting a clause in staff contracts and by call operators stating that calls might be monitored or recorded unless third parties object. The judgment was published and disseminated.
CM/ResDH(2010)	UK / Crowth	53741/00	06/07/2005	Access to and efficient functioning of	<i>Individual measures:</i> No claim submitted. Domestic

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
214			01/02/2005	<i>justice: Excessively lengthy enforcement of a confiscation order imposed on the applicant by the Customs and Excise in the context of criminal. (Article 6 §1)</i>	proceedings closed. <i>General measures:</i> In June 2002 the Concerted Inter-Agency Criminal Finance Action Group (CICFA) was created. It consists of senior representatives of the main government agencies involved in asset recovery, monitors performance and considers what measures could be put in place to increase the efficiency of the enforcement process. In 2003 CICFA established an Enforcement Task Force in order to clear a backlog of confiscation orders and improve efficiency. The National Best Practice Guide to Confiscation Order Enforcement was published in 2003 setting out the minimum acceptable standards for the enforcement process (updated annually). In 2004 CICFA created the Joint Asset Recovery Database. The data are regularly analysed by CICFA to monitor performance. Finally, in April 2005 Her Majesty's Customs and Excise merged with the Inland Revenue to form Her Majesty's Revenue and Customs (HMRC). At the same time the Revenue and Customs Prosecutions Office (RCPO) was created as an independent prosecuting authority, conducting criminal cases for HMRC.
CM/ResDH(2010)214	UK / Eastaway	74976/01	20/10/2004 20/07/2004	<i>Access to and efficient functioning of justice: Excessive length of civil proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. Domestic proceedings closed. <i>General measures:</i> See CM/ResDH(2006)28 in Davies and 3 other cases.
CM/ResDH(2010)214	UK / Easterbrook	48015/99	12/09/2003 12/06/2003	<i>Access to and efficient functioning of justice: Unfair criminal proceedings due to the determination of the applicant's tariff following sentencing to life-imprisonment, after an unreasonable delay and without public hearing by a member of the executive. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> In accordance with the Criminal Justice Act 2003, the fixing of the minimum term to be served by mandatory life-sentence prisoners now falls to the courts. The length of the minimum term is to be determined by the court by reference to a new statutory framework set out in the Act. Existing prisoners can apply to the High Court for it to fix such a term, which may not be more than the tariff

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					initially fixed. The judgment was published.
CM/ResDH(2010)136	UK / Elahi and Lewis	30034/04+	20/09/2006 20/06/2006	Protection of private life: <i>Unlawful production of tape recordings made from covert listening equipment in the homes of the applicants and, in one case, lack of an effective remedy. (Article 8 and Article 13)</i>	Individual measures: The recordings in the Elahi case are admissible as evidence in proceedings and held in safe storage. The finding of violation constituted in itself sufficient just satisfaction for non-pecuniary damage. In the second case, no claim for just satisfaction was submitted. General measures: See ResDH(2005)68 in the Govell group. The Police Act 1997 as amended in 1999, the Code of Practice on Intrusive Surveillance Work 2000 and the Regulation of Investigatory Powers Act 2000 now regulate the installation of covert listening devices in residential premises and places of work. Concerning Article 13, the Regulation of Investigatory Powers Act 2000 provides for the independent oversight of police powers by a Chief Surveillance Commissioner and establishes an independent tribunal to consider complaints concerning the use of surveillance powers. The Elahi judgment was published.
CM/ResDH(2010)214	UK / Faulkner	30308/96	30/11/1999	Access to and efficient functioning of justice: <i>Inability to pursue a civil action in Guernsey, as legal aid could not be granted for that purpose. (Article 6§1)</i>	Individual measures: Amount determined in friendly settlement paid. General measures: An interim Criminal Legal Aid Scheme and an interim Civil Legal Aid Scheme were introduced in 2002. In the light of the lessons which are being learned operating these schemes, legislation will be drafted.
CM/ResDH(2010)214	UK / Foxley	33274/96	20/09/2000 20/06/2000	Protection of private life and correspondence: <i>Disproportionate interference due to interception of the applicant's correspondence, including correspondence with his legal advisers, by the Post Office on behalf of the Trustee in Bankruptcy. (Article 8)</i>	Individual measures: The finding of a violation in itself amounted to sufficient just satisfaction for non-pecuniary damage. General measures: Violation due to the particular circumstances of the case. The judgment was published.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2010)214	UK / G.W.	34155/96	15/09/2004 15/06/2004	<p>Access to and efficient functioning of justice: <i>Unfair criminal proceedings due to lack of independence and impartiality of the court-martial system convened under the 1957 Act. (Article 6 §1)</i></p>	<p><i>Individual measures:</i> The finding of a violation in itself amounted to sufficient just satisfaction for non-pecuniary damage. It does not appear from the information available that any serious doubt exists as to the outcome of the proceedings such as to require reopening under the terms of the Committees' Recommendation Rec(2000)2.</p> <p><i>General measures:</i> See ResDH(2000)91 in B.E.V. and ResDH(2000)92 in Lane as well as ResDH(98)11 in Findlay. A right of appeal against sentence to the Courts-Martial Appeal Court was introduced by the Armed Forces Act 1996. Under the Naval Discipline Act 1957 (Remedial) Order 2004, the responsibility of appointing judge advocates was transferred to the Judge Advocate of the Fleet, a civilian, who appointed as judge advocates civilian barristers, solicitors and other individuals holding judicial appointments. The briefing notes prepared for ordinary members of naval courts martial were amended in 2002 to include appropriate instructions as to the need to function independently and free from outside pressure, and amended again in 2004 to reflect the appointment of civilian judge advocates and to ensure maximum possible consistency with those of the Army and Royal Air Force. Some changes have been made to ensure the balance between the role of the president and that of the judge advocate in 2005. The relevant provisions of the Armed Forces Act 2006 will come into force in January 2009 setting up up a single, standing Court Martial for all three branches of the armed forces (army, navy, air force), which, rather like the Crown Court, may sit in more than one place at the same time. Different judge advocates and service personnel may make up the court for different trials. The Armed Forces Act 2006 does not disturb the measures taken above with respect to the appointment of civilian judge advocates, the level of detail and clarity in briefing notes provided for members of courts-martial and the possibility of appeal to a judicial authority against sentence in the event</p>

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					that a guilty plea is entered. The judgment was published.
CM/ResDH(2010)66	UK / Gault	1271/05	20/02/2008 20/11/2007	Protection of rights in detention: <i>Absence of reasons for maintaining detention on remand pending retrial, due to a refusal to grant bail. (Article 5 §3)</i>	Individual measures: Just satisfaction for non-pecuniary damages paid. The applicant was acquitted and released. General measures: The grant of bail in Northern Ireland is governed by common law rather than statute. Courts have a degree of discretion. To influence the application of the common law provisions, the judgment was published and disseminated.
CM/ResDH(2010)138	UK / Hilal	45276/99	06/06/2001 06/03/2001	Protection against ill-treatment: <i>Serious risk for the applicant of being subjected to torture or inhuman and degrading treatment in case of deportation to Tanzania. (Article 3 conditional)</i>	Individual measures: The finding of violation constituted in itself sufficient just satisfaction for non-pecuniary damage. The applicant was granted “indefinite leave” to stay and was joined by his wife in 1999. General measures: See ResDH(2001)119 in Chahal. The judgment was published and circulated within the Immigration and Nationality Directorate.
CM/ResDH(2010)119	UK / Hirst and Blackstock	40787/98+	24/10/2001 24/07/2001	Protection of rights in detention: <i>Excessive interval between the reviews concerning the applicants’ continued detention as discretionary life prisoners and absence of possibility of obtaining compensation. (Article 5 §§4+5)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. General measures: Cases present similarities to A.T. and Oldham (see resolutions DH(98)202 and ResDH(2001)160). Those cases were closed on the basis of the Crime Sentence Act 1997, which prescribes periods of maximum two years between reviews of prison conditions. An internal circular was issued in 2002 and a reminder notice in 2003, underlining that the two-year period interval between reviews must be the maximum and not the norm for tariff-expired lifers and that all decisions on timing of the next review must be based on the individual circumstances of the case. An enforceable right to compensation now exists following the entry into force of the Human Rights Act 1998 in October 2000. The judgements were published.
CM/ResDH(2010)	UK / Hooper	42317/98	16/02/2005	Access to and efficient functioning of	Individual measures: Just satisfaction in respect of non-

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
214			16/11/2004	<i>justice: Unfair criminal proceedings due to the failure to allow the applicant or his legal representative to address the magistrates' court prior to the imposition of a binding-over order in respect of which he had later been committed to prison for failure to comply with its terms. (Article 6 §§1+ 3c)</i>	pecuniary damage for loss of opportunity due to the violation paid. The High Court found in 1998 that the procedural guarantees to which the applicant had been entitled had not been respected and that the binding-over order was procedurally irregular. <i>General measures:</i> The Home Office issued a Practice Direction aiming to ensure that the terms of binding-over orders are more specific; adequate notice is given in order to allow proper time for preparation and making representations, and the legal representative is heard. See also CM/ResDH(2011)180 in Hashman and Harrup. The judgment was published.
CM/ResDH(2010)31	UK / Hunt and Miller	10578/05	23/06/2009 Friendly settlement	Protection of private life and effective remedy: <i>Investigations conducted into the applicants' sexual orientation, dismissal from the armed forces and the lack of an effective domestic remedy in this respect. (Articles 8 and 13)</i>	<i>Individual measures:</i> Friendly settlement
CM/ResDH(2010)214	UK / Hutchison Reid	50272/99	20/05/2003 20/02/2003	Protection of rights in detention: <i>Delays in determining the applicant's request for release from a mental hospital and burden of proof placed on the applicant in his appeal to establish that his continued detention did not satisfy the conditions of lawfulness. (Article 5 §4 twice)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> The Mental Health (Public Safety and Appeals) Scotland Act 1999 now makes it clear that in proceedings regarding review of detention of a mentally handicapped person, the burden of proof lies on the authorities. The application of the above legislation by the Sheriff Court is demonstrated. Furthermore, the number of judges in the Court of Session has been increased to speed up proceedings. The judgment was forwarded to the competent Scottish judicial authorities and published.
CM/ResDH(2010)120	UK / John Murray and 4 other cases	23496/94+	08/02/1996	Access to and efficient functioning of justice: <i>Unfair criminal proceedings due to denial of access to legal advice during the</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid where awarded. In 4 cases, the courts' drawing adverse inferences from the silence of the

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>first 24 to 48 hours of detention in combination with the provisions in national law whereby the choice of the accused to remain silent could result in a court's or a jury's drawing unfavourable conclusions. (Article 6 §3c combined with Article 6 §1 in one case)</i>	accused did not lead to a violation of Article 6 §1 given the safeguards in place and the weight of the evidence in each case. In 1 case, the applicant's conviction was quashed. General measures: New guidance was given to police officers and prosecutors to ensure legal advice for suspects and not to draw inferences from silence. In England and Wales, rules on non-permissible inferences from silence of suspects prior to access to legal advice came into force on 01/04/2003 setting out that provisions of a previous law permitting a court to draw inferences from the silence of an accused do not apply where the accused was at an authorised place of detention and did not have prior access to legal advice. The Code of Practice of 2003 covered the detention, treatment and questioning of persons by police officers. In Northern Ireland, the relevant provision on non-permissible inferences from silence of suspects prior to access to legal advice of the Criminal Evidence (Northern Ireland) Order 1999 came into force on in 2007.
CM/ResDH(2010)139	UK / Johnson and Kolanis	22520/93	24/10/1997	Protection of rights in detention: <i>Unlawful continued detention in a psychiatric hospital of an individual who was no longer suffering from mental illness and absence of prompt review of the lawfulness of keeping the applicant in psychiatric detention; lack of a right to compensation. (Article 5 §§1+4+5)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. Both applicants were discharged from hospital. General measures: In 2002, change in case-law with respect to the respective provisions of the Mental Health Act 1983 when the courts overruled previous authority that was perceived to conflict with the requirements of Article 5. The House of Lords also gave guidance as to how the authorities should avoid breaches in the future: If the conditions fixed in a decision to direct a conditional discharge by a mental health review tribunal cannot be immediately implemented, then that decision should be considered to be a provisional decision and the tribunal should monitor progress in implementing the conditions and vary the conditions or modify its decision. An enforceable right to compensation was introduced by the Human Rights Act 1998 which entered into force in 2000.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2010)146	UK / Kansal	21413/02	10/11/2004 27/04/2004	Access to and efficient functioning of justice: Denial of fair criminal proceedings due to breach of right not to incriminate oneself, in view of the use made by the prosecution at trial of incriminatory statements which were given under statutory compulsion to the official receiver in bankruptcy proceedings. (Article 6 §1)	Individual measures: The finding of violation in these cases constituted in itself sufficient just satisfaction in respect of the non-pecuniary damage. General measures: At the relevant time, the use at trial of evidence given under compulsion in bankruptcy proceedings was explicitly allowed by provisions of the Insolvency Act 1986. Following the ECHR's Saunders judgment 1996 with respect to a similar provision in the Companies Act 1986 interim measures were adopted by the Attorney General in the form of a guidance note to prosecuting authorities according to which answers obtained pursuant to a procedure which included the power to compel answers, whatever the investigative or regulatory regime, could not be used in subsequent criminal proceedings as part of the prosecution case. This measure was later put on a statutory footing in the Youth Justice and Criminal Evidence Act 1999. The judgment was published.
CM/ResDH(2010)80	UK / King	13881/02	16/02/2005 16/11/2004	Access to and efficient functioning of justice: Excessive length of criminal proceedings before the tax authorities (Article 6 §1)	Individual measures: The finding of a violation constitutes in itself sufficient just satisfaction for any non-pecuniary damage. Domestic proceedings closed. General measures: There is now a two-month target set for the production and release of a written decision after a hearing. Instructions were issued to officers of HMRC (Her Majesty's Revenue and Customs) to advise a taxpayer of his rights as soon as the possibility of a penalty arises, to make penalty determinations as soon as practicable and to review files every six months to ensure that a matter is progressing at an appropriate rate. The judgment was published and disseminated.
CM/ResDH(2010)214	UK / Kingsley	35605/97	28/05/2002 07/11/2000	Access to and efficient functioning of justice: Unfair civil proceedings due to the lack of independence and impartiality of the Gaming Board which revoked the	Individual measures: The finding of a violation in itself amounted to sufficient just satisfaction for non-pecuniary damage. The applicant applied to the Gaming Board for a new license. In a letter dated 10/03/2003, the Board

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<p><i>applicant's licence to hold a management position in the gaming industry and that the subsequent judicial reviews of the Panel's decision were too limited to rectify the shortcomings. (Article 6§1)</i></p>	<p>informed him that it would be minded to grant the application if he obtained employment or the formal offer of employment in a British casino operation. The criterion for the approval would be the applicant's sufficient knowledge of current casino operation. The decision would also be subject to a check by the Criminal Records Bureau. On 25/03/2003, the applicant wrote and thanked the Board for its helpful co-operation and has not been in further contact since.</p> <p><u>General measures:</u> New legislation (the Gambling Bill) was enacted in 2004 replacing the Gaming Board by a new Gambling Commission whose decisions will be subject to appeal by a special Gambling Appeal Tribunal. This Tribunal's decisions will be subject to judicial review by the High Court. Interim measures include the increase of the Gaming Board's membership from five to eight. This gives the Board greater ability to ensure that no member who has been involved in any way with decisions relating to making objections to the licence has any involvement in decisions relating to the Section 19 certificate, and vice versa. Also, if a decision were to be quashed by the court and referred back to the Gaming Board, the Board would be able to field a new panel of members to make the decision. In addition, following the entry into force of the Human Rights Act in October 2000, judicial review of the same decision by the Board is possible before the High Court, which may remedy defects arising under Article 6§1. The judgment was published.</p>
<p>CM/ResDH(2010)137</p>	<p>UK / M.G.</p>	<p>39393/98</p>	<p>24/12/2002 24/09/2002</p>	<p>Protection of private and family life: <i>Failure to grant the applicant full access to his social service records relating to the time he had spent as a child in the care of the local authority. (Article 8)</i></p>	<p><u>Individual measures:</u> Just satisfaction for non-pecuniary damage awarded on an equitable basis, paid. <u>General measures:</u> See ResDH(2000)106 adopted in the case of Gaskin. In particular, the Data Protection Act entering into force in 2000 repealed the provisions prohibiting access to records created before 1989. The new law provided a statutory right of access for a "data subject" to his/her</p>

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					personal files.
CM/ResDH(2010)214	UK / Mellors	57836/00	17/10/2003 17/07/2003	Access to and efficient functioning of justice: Excessive length of appeal proceedings. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> The judgment was published.
CM/ResDH(2010)214	UK / Miller	45825/99	26/01/2005 26/10/2005	Access to and efficient functioning of justice: Unfair proceedings due to the lack of independence and impartiality of the Army court-martial which judged the applicant, on account of various structural problems. (Article 6§1)	<i>Individual measures:</i> No claim for just satisfaction submitted. <i>General measures:</i> The case present similarities to the Findlay case (see Resolution DH(98)12) following which the Army Act 1996 was adopted. In the present case, the Court questioned some of the new provisions included in this Act. It noted in particular that the safeguards surrounding the independence of the ordinary members of the court-martial were not sufficient to exclude the risk of outside pressure and that the Reviewing Authority, which was a non-judicial body, had the power to vary the finding and sentence imposed by the court-martial. According to new information submitted in the Cooper case, the final decision would however always lie with a judicial body, which was not bound by the advice to or the decision of the Reviewing Authority. There were sufficient safeguards surrounding the ordinary members of the court-martial to ensure their independence. Although the Cooper case dealt with an RAF court-martial, it was not disputed that the relevant regulatory frameworks governing Army and RAF courts-martial were the same in all material respects. The judgment was published.
CM/ResDH(2010)214	UK / Morris	38784/97	26/05/2002 02/02/2002	Access to and efficient functioning of justice: Unfair proceedings due to the lack of independence and impartiality of the Army court-martial which judged the applicant, on account of various structural problems. (Article 6§1)	<i>Individual measures:</i> The finding of a violation in itself amounted to sufficient just satisfaction for non-pecuniary damage. <i>General measures:</i> The case present similarities to the Findlay case (see Resolution DH(98)12) following which the Army Act 1996 was adopted. In the present case, the Court questioned some of the new provisions included in this Act.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					It noted in particular that the safeguards surrounding the independence of the ordinary members of the court-martial were not sufficient to exclude the risk of outside pressure and that the Reviewing Authority, which was a non-judicial body, had the power to vary the finding and sentence imposed by the court-martial. According to new information submitted in the Cooper case, the final decision would however always lie with a judicial body, which was not bound by the advice to or the decision of the Reviewing Authority. There were sufficient safeguards surrounding the ordinary members of the court-martial to ensure their independence. Although the Cooper case dealt with an RAF court-martial, it was not disputed that the relevant regulatory frameworks governing Army and RAF courts-martial were the same in all material respects. The judgment was published.
CM/ResDH(2018)24	UK / Nelson and 8 other cases	74961/01+	01/07/2008+ 01/04/2008	Discrimination and protection of property: <i>Discriminatory interference due to authorities' refusal to pay widowers social security benefits available to women in a similar position (some cases concern entitlement to widowed mother's allowance, others concern entitlement to widow's payment). (Article 14 in conjunction with 1 of Protocol No. 1)</i>	Individual measures: Just satisfaction for pecuniary damages paid in 2 cases. In 8 cases, no claim was submitted to the ECHR. General measures: See ResDH(2002)95 in Cornwell concluded by friendly settlement. See also CMResDH(2003)130 in the Willis case and CMResDH(2002)96 in the Leary case concerning legislative amendments introduced in the Welfare Reform and Pensions Act 1999 granting equal treatment to widows and widowers in respect of social security as from 2001.
CM/ResDH(2010)214	UK / O'Hara	37555/97	16/01/2002 16/10/2001	Protection of rights in detention: <i>Lacking promptness for being brought before a judge upon arrest and the lack of availability of an enforceable right to compensation. (Article 5 §§3+5)</i>	Individual measures: The finding of a violation in itself amounted to sufficient just satisfaction for non-pecuniary damage. The applicant was released after 6 days. General measures: The case presents similarities with that of Brogan and others (Resolution DH(90)23). The judgment was published and circulated to the Secretary of State and the courts.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2010)214	UK / P.C. and S.	56547/00	16/10/2002 16/07/2002	Protection of family life and access to and efficient functioning of justice: <i>Interference due to the removal of the applicants' child shortly after birth without relevant and sufficient reasons and lack of legal representation of the parents in proceedings concerning the local authority's application for a child care order and an order freeing for adoption. (Article 8 and 6 §1)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The applicants' daughter was adopted in 2002. General measures: The Adoption and Children Act 2002 received Royal Assent. The Department of Health will ensure that the issues raised by this case are kept carefully in mind as part of the implementation of the Act, in particular in relation to the development of guidance to local authorities and voluntary adoption agencies. The judgment was published and disseminated.
CM/ResDH(2018)25	UK / R.K. and A.K.	38000/05	30/12/2008 30/09/2008	Lack of an effective remedy to establish a local authority's responsibility for damage suffered and to obtain compensation for taking the applicants' daughter into short-term state care. (Article 13)	Individual measures: Just satisfaction for pecuniary damages paid. The daughter was returned to their parents. General measures: See CM/ResDH(2007)101 in Bubbins. Following the entry into force on 02/10/2000 of the Human Rights Act 1998, a person in the situation of the applicants could bring a claim against a local authority.
CM/ResDH(2010)214	UK / Rowe and Davis and 2 other cases (Dowsett and Atlan)	28901/95	16/02/2000 Grand Chamber	Access to and efficient functioning of justice: <i>Unfair criminal proceedings due to non-disclosure by prosecution of relevant evidence on the ground of public interest immunity. (Article 6 §1)</i>	Individual measures: The finding of a violation in itself amounted to sufficient just satisfaction for non-pecuniary damage. General measures: The entitlement to disclosure of relevant evidence is not an absolute right. The judgment was published.
CM/ResDH(2010)214	UK / S.B.C.	39360/98	19/09/2001 19/06/2001	Protection of rights in detention: <i>Automatic pre-trial detention, under the Criminal Justice and Public Order Act 1994, and the lack of availability of an enforceable right to compensation. (Article 5 §§3+5)</i>	Individual measures: The finding of a violation in itself amounted to sufficient just satisfaction for non-pecuniary damage. General measures: See CM/ResDH(2002)41 in Caballero concerning legislative amendments of the impugned provision by the Crime and Disorder Act 1998 and dissemination of the judgment to the authorities directly concerned.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2010)67	UK / Saadi	13229/03	29/01/2008 Grand Chamber	Protection of rights in detention: <i>Non-information about the reasons for his arrest of an Iraqi asylum-seeker held in a detention facility for asylum-seekers. (Article 5 §2)</i>	<i>Individual measures:</i> The finding of a violation constituted in itself sufficient just satisfaction. <i>General measures:</i> The reasons for detention of asylum-seekers upon arrival are listed in form IS91R ("Reasons for Detention and Bail Rights" notice). The form was changed in April 2002 to include a box indicating that detention was authorised for applications "which may be decided using the fast-track procedures" and a new instruction was circulated in 2004 to Immigration Officers responsible for filling in the forms. Following these changes, asylum-seekers who are detained due to their application being processed under the fast-track procedure, are notified immediately of the reason for their detention. The judgment was published and disseminated.
CM/ResDH(2010)214	UK / Stephen Jordan No.2	49771/99	10/03/2003 10/12/2002	Access to and efficient functioning of justice: <i>Excessive length of criminal proceedings before a court-martial. (Article 6 §1)</i>	<i>Individual measures:</i> The finding of a violation in itself amounted to sufficient just satisfaction for non-pecuniary damage. Domestic proceedings closed. <i>General measures:</i> In 2000, an independent internal regulatory body in the Army, the Office for Standards and Casework (Army), was created to monitor the progress of cases subject to the court-martial system. This body has the tasks, <i>inter alia</i> , of promoting a sense of urgency and priority in handling administrative and disciplinary casework, and of identifying causes of unnecessary delay. It does not oversee the Army Prosecuting Authority, which remains an independent authority under the Attorney General, to whom it is accountable for any delays. Furthermore, the grant of legal aid has been expedited and may be granted at an earlier stage of proceedings. When section 23 of the Armed Forces Act 2001 came into force in 2003, the right to judicial review before the High Court was removed in order to put military personnel in the same position as civilian defendants with respect to Crown Court proceedings. Moreover, under the Courts-Martial (Appeals) Act 1968, persons tried by

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					court-martial have a right of appeal against a court-martial verdict to the Courts-Martial Appeals Court, which is composed of civilian judges. From the CMAC, an appeal may be made to the House of Lords if a point of law of general public importance is involved. The Judge Advocate General introduced Directions Hearings as standard practice. In early 2006, the Adjutant General's Delay Action Group was established, which is attended by representatives of all parts of the military justice system who have an interest in its expeditious process. The group produces statistics and discusses procedures. The judgment was published and disseminated.
CM/ResDH(2010)75	UK / Tsfayo	60680/00	10/10/2007 14/11/2006	Access to and efficient functioning of justice: <i>Lack of independence and impartiality of the (Housing Benefit Review Board (HBRB)) due to its composition and to the absence of subsequent control by a judicial body with full jurisdiction and providing all the required guarantees. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damages paid. No allegation of actual bias in the present case. Thus, the High Court, in refusing the applicant's application for leave to apply for judicial review, also had dismissed the application on the merits on the grounds that the Board's decision was neither unreasonable nor irrational. General measures: A claim for housing benefit was first considered by the local authority housing department. The claimant was entitled to a review of a refusal, first by the local authority itself, then by a HBRB comprising up to five elected councillors from the local authority. In 2001, HBRBs were replaced by tribunals set up under the Child Support, Pensions and Social Security Act 2000. The judgment was published and disseminated.
CM/ResDH(2010)214	UK / Waite	53236/99	10/03/2003 10/12/2002	Protection of rights in detention: <i>Lack of an oral hearing and an adversarial procedure before the Parole Board in proceedings concerning the revocation of the applicant's licence and his recall to prison on the basis of his sentence to detention and lack of a right to seek</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The applicant at the time of the judgment was detained after infringing domestic law. His detention was subject to periodic review by the Parole Board. General measures: The Parole Board Rules of 1997 provide for oral hearings in the context of an adversarial procedure

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				<i>compensation for this violation under domestic law. (Article 5 §§ 3+5).</i>	(involving legal representation and the possibility of calling and questioning witnesses). As regards the right to seek compensation, the case presents similarities to that of O'Hara (see above).
CM/ResDH(2010)32	UK / Wood	4744/99	15/03/2005 Friendly settlement	Protection of rights in detention and access to and efficient functioning of justice: <i>Detention by order of the magistrates' court following proceedings for neglect to pay a community charge and lack of legal aid. (Article 5 §1, and Article 6 §§1+ 3c)</i>	<u>Individual measures:</u> Friendly settlement
CM/ResDH(2010)65	UK / Yassar Hussain	8866/04	07/06/2006 07/03/2006	Access to and efficient functioning of justice: <i>Breach of the presumption of innocence due to the judge's refusal to grant the applicant a defendant's costs order on the ground of his guilt even though the applicant had just been acquitted. (Article 6 §2)</i>	<u>Individual measures:</u> No claim for non-pecuniary damages made. <u>General measures:</u> The legal framework and practice concerning the granting of defendants' costs orders was not called into question. The judgment was published and disseminated.
CM/ResDH(2010)185	UKR / Gurepka	61406/00	06/12/2005 06/09/2005	Access to and efficient functioning of justice: <i>Lack of an ordinary appeal against a court's decision finding guilty of an administrative offence. (Article 2 of Protocol No. 7)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. The applicant is no longer detained. <u>General measures:</u> The Code on Administrative Offences was amended in 2008 providing for the possibility of parties to the proceedings to appeal against court decisions in respect of administrative offences. The judgment was published, translated and disseminated.
CM/ResDH(2010)219	UKR / Volovik	15123/03	31/03/2008 06/12/2007	Access to and efficient functioning of justice: <i>Denial of justice due to the first instance court's repeated over-formalistic refusals to grant leave to appeal. (Article 6 §1)</i>	<u>Individual measures:</u> The finding of a violation constituted in itself sufficient just satisfaction for the non-pecuniary damage. The applicant did not request reopening of the proceedings in due time. <u>General measures:</u> The new Code of Civil Procedure of 2005 abolished the first instance courts' power to filter appeals

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					against their decisions; the courts of appeal are competent to decide on the admissibility and merits of such appeals. The judgment was published, translated and disseminated.