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“Promoting independent national non-judicial mechanisms for the protection of human rights,
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*The **selection** of the information contained in this Issue and deemed relevant to NHRs
is made under the responsibility of the NHRs Unit*

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Introduction

This Issue is part of the "Regular Selective Information Flow" (RSIF). Its purpose is to keep the National Human Rights Structures permanently updated of Council of Europe norms and activities by way of regular transfer of information, which the National Human Rights Structures Unit of the DG-Human Rights and Rule of Law (NHRS Unit) carefully selects and tries to present in a user-friendly manner. The information is sent to the Contact Persons in the NHRSSs who are kindly asked to dispatch it within their offices.

Each issue covers two weeks and is sent by the NHRS Unit to the Contact Persons a fortnight after the end of each observation period. This means that all information contained in any given issue is between two and four weeks old.

Unfortunately, the issues are available in English only for the time being due to limited means. However, the majority of the documents referred to exists in English and French and can be consulted on the websites that are indicated in the Issues.

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

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

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

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

A. Judgments

1. Judgments deemed of particular interest to NHRs

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

Some judgments are only available in French.

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

Note on the Importance Level:

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

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

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

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

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

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

[Archip v. Romania](#) (no. 49608/08) (Importance 2) – 27 September 2011 – Two violations of Article 3 (substantive and procedural) – (i) Ill-treatment of the applicant in police station – (ii) Lack of an effective investigation in that respect

The applicant, who suffered from coxarthrose, alleged that he had been handcuffed at a police station to a tree in the courtyard for almost three hours in the cold and wet. The police station being located in the centre of the village, he was in full view of anyone passing by. Relying on Article 3, the applicant complained that his handcuffing had been gratuitous and humiliating. He also alleged that the ensuing investigation into his complaint had been inadequate.

Article 3 (substantive)

The Court considered that handcuffing the applicant to a tree in the clearly visible courtyard of the police station had to have caused him feelings of anguish and inferiority capable of humiliating and debasing him beyond what was reasonable. From the physical point of view, handcuffing someone in perfectly good health – let alone someone suffering from coxarthrose – outdoors on a cold and wet day in November could be intensely painful. It therefore concluded that the applicant had been subjected to inhuman and degrading treatment, in violation of Article 3.

Article 3 (procedural)

The Court noted that the judicial authorities had concluded, without providing much detail or carefully considering the actual circumstances of the incident, that the applicant’s handcuffing had been lawful and necessary. In particular, the domestic courts’ conclusions had mainly only been based on the Chief of Police’s report and statements given by police officers and the mayor. No explanation was given as to why the police had not tried other less extreme means. The Court therefore found that the

investigation into the applicant's allegations had not been thorough, adequate or effective, in further violation of Article 3.

Article 41 (just satisfaction)

The Court held that Romania was to pay EUR 10,000 to the applicant in respect of non pecuniary damage.

H.R. v. France (no. 64780/09) (Importance 2) – 22 September 2011 – Violation of Article 3 (substantive) – France would violate this provision if it returned to Algerian Nationals to Algeria

The applicant came to France in 2000. He had two asylum applications refused by the French Office for the Protection of Refugees and Stateless Persons (OFPRA) and the Refugee Appeals Board (CRR); in addition, his application for territorial asylum was rejected by the Ministry of the Interior. The applicant was ordered to leave France within one month but did not comply. On 4 February 2010 he was sentenced by the Lyon Criminal Court to 15 months' imprisonment for producing counterfeit currency, fraudulent possession and use of forged administrative documents. He was detained in Lyons Prison and released on an unspecified date after having served his sentence.

Relying on Article 3, the applicant complained that the enforcement of the order for his removal to Algeria would place him at risk of ill-treatment.

Article 3

The Court noted that there had been little change in the situation in Algeria between its judgment in the case of Daoudi (no. 19576/08) on 3 December 2009 and 23 February 2011 (the date on which the Government lifted the state of emergency), as various international reports had confirmed. However, the Court took note of the fact that the applicant had been tried in absentia by the Algerian courts in 1999 and sentenced to life imprisonment for "establishment of a terrorist group and attempted murder of national security officials". The Court further noted that the fight against terrorism in Algeria was now conducted exclusively by the army.

In view of the applicant's past (the heavy sentence imposed on him by the Algerian courts for terrorist links), the Court considered that he faced a real risk of being subjected by the Algerian authorities to ill-treatment contrary to Article 3 should the order for his removal be enforced.

Article 41 (just satisfaction)

The Court held that France was to pay the applicant EUR 1,500 in respect of costs and expenses.

- **Right to fair trial**

Ullens de Schooten and Rezabek v. Belgium (nos. 3989/07 and 38353/07) (Importance 1) – 27 September 2011 – No violation of Article 6 § 1 – Domestic courts' refusal to refer questions to the European Court of Justice did not breach the Convention

The applicants were directors of an accredited laboratory. Proceedings were brought against both applicants for, among other offences, forgery and failure to comply with Article 3 of Belgian Royal Decree no. 143 of 30 December 1982. In 2000, Brussels Court of Appeal sentenced the applicants to imprisonment and to pay fines, and dismissed one of the applicant's argument that Article 3 of the decree had been incompatible with the Treaty establishing an European Community. In 2002 the European Commission held that Article 3 of the decree was incompatible with Article 43 of the Treaty.

The applicants complained that the Court of Cassation and Conseil d'Etat had refused their request to obtain a preliminary ruling from the Court of Justice.

Article 6 § 1

The Court reiterated that the European Convention on Human Rights did not guarantee any right to have a case referred by a domestic court to another national or international authority for a preliminary ruling. Nonetheless, it observed that Article 6 § 1 imposed an obligation on the national courts to give reasons for any decision refusing to refer a question. In the context of the Treaty establishing the European Community (Article 234), that meant that the highest courts were obliged to give reasons for a refusal to refer, based on the exceptions in the case-law of the Court of Justice. However, the Court further noted that the national courts were not required to refer the question where they had established that it was "irrelevant" or that the EU provision in question had already been interpreted by the Court of Justice, or where the correct application of EU law was "so obvious as to leave no scope for any reasonable doubt".

In the light of the reasons given by those the two domestic courts, and having regard to the proceedings as a whole, the Court held that there had been no violation of the applicants' right to a fair hearing under Article 6 § 1.

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

[Bah v. the United Kingdom](#) (no. 56328/07) (Importance 1) – 27 September 2011 – No violation of Article 14 taken in conjunction with Article 8 – Domestic authorities' refusal to treat with priority a social housing request by an immigrant, whose son was conditionally allowed to stay in the UK, did not violate the Convention

In 2005, the applicant was granted indefinite leave to remain in the UK. Her son was allowed to enter and remain in the UK on the condition that he did not have recourse to public funds. Shortly after her son arrived, the applicant was asked to leave the room she was renting. She applied for priority treatment in obtaining social housing. However, because her son had only been granted leave to remain in the United Kingdom on the condition that he did not have recourse to public funds, he could not be taken into account in assessing whether she had a priority need for housing assistance.

Relying on Article 14 in conjunction with Article 8, the applicant complained that she had been discriminated against by not being treated with priority for social housing.

Article 14 taken in conjunction with Article 8

The Court recalled that where a State decides to provide with social housing, it must under Article 8 do so in a way that is not discriminatory. The applicant's son had been allowed to enter and remain in the UK on the explicit condition that he would not use public funds. It had therefore been because of his conditional immigration status, and not because he was a Sierra Leone national, that his mother had been denied priority treatment under the housing legislation. Given the shortage of social housing, it was legitimate for the national authorities to put in place criteria for its allocation, as long as the criteria were not arbitrary or discriminatory.

The Court concluded that the UK authorities had reasonably and objectively justified their refusal to treat the applicant with priority when providing social housing assistance. There had therefore not been a violation of Article 14 taken in conjunction with Article 8.

[Diamante and Pelliccioni v. San Marino](#) (no. 32250/08) (Importance 2) – 27 September 2011 – No violation of Article 8 – Custody proceedings before domestic courts respected the applicants' family life – No violation of Article 2 of Protocol No. 4 – Measure taken pursued the maintenance of public order and the protection of the rights of others

The applicants – a mother and her daughter – complained that the care and custody proceedings following the separation of the mother and the child's father had violated their rights under Article 8. They alleged that at the relevant hearing the mother had not been duly represented, that the judge had based his decision only on statements by the authorities and the father, despite his having previously abducted the child, that the entire proceedings had been excessively long and that the judicial authorities and children's services had been biased. The mother further complained, in particular, that the decision of a domestic court to forbid her daughter to leave San Marino from February to August 2008, to prevent her from being removed by her mother, violated Article 2 of Protocol No. 4.

Article 8

The Court underlined that the national authorities, having the benefit of direct contact with all those concerned, were better placed than the international judge to assess the relevant needs. The measures adopted did not appear manifestly arbitrary or unfair. In consequence, it was not for the Court to enter into a detailed assessment of the most appropriate contact arrangements. It sufficed to note that the rights of those concerned had not been denied, the applicants having maintained constant and regular contact with each other, and the mother having retained joint custody.

While Article 8 contained no explicit procedural requirements, the Court had to determine whether the decision-making process as a whole had provided the mother with the requisite protection of her interest. She had been represented by counsel throughout the proceedings and had had the opportunity to present her arguments.

As to the complaint that the proceedings had been unreasonably lengthy, while the Court found it reprehensible that the appeal against the custody decision had taken three years to be decided, it noted that various orders had been delivered and arrangements made in the meantime, that the mother's access rights had been regularly maintained and the calendar of visits had been adjusted

regularly. There had not been any significant lapses of inactivity. The Court thus considered that overall the domestic courts appeared to have dealt with the proceedings with the requisite diligence.

The Court concluded that there had been no violation of Article 8.

Article 2 of Protocol No. 4

The Court considered that the mother's daughter had been restricted in her right to liberty of movement in a manner amounting to interference, within the meaning of Article 2 of Protocol No. 4, by the domestic court's decisions banning travel and dispossessing her of her passport. However, while the Court did not find that there had been objective grounds for fear that the mother might kidnap the child, it recognised that, bearing in mind that at the relevant time San Marino was not a party to the Hague Convention, the domestic courts had felt bound to issue directions which could provide alternative protection against any such eventuality. The Court was therefore ready to accept that the measure had pursued the maintenance of public order and the protection of the rights of others.

There had accordingly been no violation of Article 2 of Protocol No. 4.

• **Protection of Property**

AO Neftyanaya Kompaniya YUKOS v. Russia (no. 14902/04) (Importance 1) – 20 September 2011 - Violation of Article 6 §§ 1 and 3 (b) – Domestic authorities' failure to provide the applicant company with sufficient time to prepare its case - Violation of Article 1 of Protocol No. 1 – Retroactive application of criminal laws and domestic authorities' failure to strike a fair balance between the legitimate aims sought and the measures employed – Violation of Article 1 of Protocol No. 1 – The enforcement proceedings were disproportionate – No violation of Article 14 – Lack of evidence of discrimination – No violation of Article 18 – Lack of evidence of "disguised expropriation"

The applicant, OAO Neftyanaya kompaniya YUKOS, (YUKOS), was an oil company and one of Russia's largest and most successful businesses. In late 2002, YUKOS became the subject of a series of tax audits and tax proceedings, as a result of which it was found guilty of repeated tax fraud, in particular for using an illegal tax evasion scheme involving the creation of sham companies in 2000-2003.

YUKOS complained of irregularities in the proceedings concerning its tax liability and about the unlawfulness and lack of proportionality of tax assessments and their subsequent enforcement. It maintained that the enforcement of its tax liability had been deliberately orchestrated to prevent it from repaying its debts. YUKOS further argued that the courts' interpretation of the relevant laws had been selective and unique, since many other Russian companies had also used domestic tax havens. It submitted that the authorities had tolerated and even endorsed the "tax optimization" techniques it had used. It further argued that the legislative framework had allowed it to use such techniques.

Article 6 §§ 1 and 3 (b)

The Court found in particular that the applicant did not have sufficient time to study the case file (at least 43,000 pages) at first instance (four days). Moreover, the short interval (21 days) between the end of the proceedings before the first instance court and the beginning of the appeal proceedings restricted YUKOS's ability to advance its arguments and, more generally, to prepare for the appeal hearings.

There had accordingly been a violation of Articles 6 §§ 1 and 3 (b).

Article 1 of Protocol No. 1

Noting that the tax assessment proceedings against YUKOS were criminal in character, the Court recalled that only law could define a crime and its corresponding penalty and that laws had to be accessible and foreseeable. One decision changed the applicable rules on the statutory time-bar by introducing an exception which affected the outcome of the 2000 tax assessment proceedings. The Court therefore found that there had been a violation of Article 1 of Protocol No. 1.

The Court further noted that the enforcement of the debt resulting from the 2000-2003 tax assessments involved: the seizure of YUKOS's assets; an enforcement fee amounting to 7% of the total debt; and, the forced sale of OAO Yuganskneftegaz. The Court recalled that YUKOS was one of the largest taxpayers in Russia and that it had been suspected and subsequently found guilty of running a tax evasion scheme from 2000-2003.

The Court considered that the Russian authorities were obliged to take careful and explicit account of all relevant factors in the enforcement process, but that they had failed to do so.

The Court accepted that the bailiffs were bound to follow the applicable Russian legislation which might have limited the available options in the enforcement procedure. Nonetheless, the bailiffs still had a decisive level of freedom of choice, concerning whether or not YUKOS stayed afloat.

Given the pace of the enforcement proceedings, the obligation to pay the full enforcement fee and the authorities' failure to take proper account of the consequences of their actions, the Court found that the Russian authorities had failed to strike a fair balance between the legitimate aims sought and the measures employed, in violation of Article 1 of Protocol No. 1.

Article 14

The Court reiterated, in particular, that nothing in the case file suggested that YUKOS's tax arrangements during the years 2000-2003, taken in their entirety, including the use of fraudulently-registered trading companies, were known to the tax authorities or the national courts or that they had previously upheld them as lawful.

The Court therefore concluded that there had been no violation of Article 14, taken in conjunction with Article 1 of Protocol No. 1.

Article 18

The Court found that YUKOS's debt in the enforcement proceedings resulted from legitimate actions by the Russian Government to counter the company's tax evasion.

The Court therefore found no violation of Article 18, taken in conjunction with Article 1 of Protocol No. 1, on account of the alleged disguised expropriation of YUKOS's property and the alleged intentional destruction of YUKOS itself.

Separate opinions

Judges Jebens expressed a partly dissenting opinion; Judge Bushev expressed a partly dissenting opinion, joined in part by Judge Hajiyev.

- **Cases concerning Chechnya**

[Beksultanova v. Russia](#) (no. 31564/07) (Importance 2) – 27 September 2011– Violations of Article 2 (substantive and procedural) – (i) Disappearance and presumed death of the applicant's son; and (ii) lack of an effective investigation – Violation of Article 3 – The applicants' mental suffering – Violation of Article 5 – Unacknowledged detention of the applicants' son – Violation of Article 13 in conjunction with Article 2 – Lack of an effective remedy

2. Other judgments issued in the period under observation

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

- Press release by the Registrar concerning the Chamber judgments issued on 20 Sep. 2011: [here](#)
- Press release by the Registrar concerning the Chamber judgments issued on 22 Sep. 2011: [here](#)
- Press release by the Registrar concerning the Chamber judgments issued on 27 Sep. 2011: [here](#)
- Press release by the Registrar concerning the Chamber judgments issued on 29 Sep. 2011: [here](#)

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

<u>State</u>	<u>Date</u>	<u>Case Title and Importance of the case</u>	<u>Conclusion</u>	<u>Key Words</u>	<u>Link to the case</u>
Bulgaria	20 Sept. 2011	Shesti Mai Engineering OOD and Others (no. 17854/04) Imp. 2	Violation of Article 1 of Protocol No. 1	Unlawful interference with the applicants' possessions ; State's ensuing failure effectively to undo its consequences	Link
Croatia	27	Hrdalo (no.	Violation of Article 6 §	Unfairness of proceedings	Link

* The "Key Words" in the various tables of the RSIF are elaborated under the sole responsibility of the NHRS Unit of the DG-HL

	Sept. 2011	23272/07) Imp. 2	1		
France	22 Sept. 2011	A.S.P.A.S. and Lasgrezas (no. 29953/08) Imp. 3	No violation of Article 1 of Protocol No. 1 No violation of Article 11	No interference with the right to property and to freedom of association on account of the obligation to transfer hunting rights over land to an association and to adhere to it	Link
Hungary	20 Sept. 2011	Lokpo and Touré (no. 10816/10) Imp. 3	Violation of Article 5 § 1	Unlawfulness of the applicant's detention from April to September 2009 pending asylum proceedings	Link
Italy	27 Sept. 2011	A. Menarini Diagnostics S.R.L. (no. 43509/08) Imp. 2	No violation of Article 6 § 1	Effective access to a court with full jurisdiction or to judicial review of an administrative decision	Link
Moldova	27 Sept. 2011	Cristina Boicenco (no. 25688/09) Imp. 3	Violation of Article 5 §§ 1 and 5	Unlawful detention and inadequate compensation in that respect	Link
Poland	27 Sept. 2011	Karbowiczek (no. 22339/08) Imp. 3	Violation of Article 3	Ill-treatment of the applicant by police officers	Link
Romania	27 Sept. 2011	Demian (no. 5614/05) Imp. 2	Violation of Article 3	Poor conditions of detention	Link
Romania	20 Sept. 2011	Bolovan (no. 64541/01) Imp. 3	Revision	Revision of the judgment delivered on 24 November 2009	Link
Romania	20 Sept. 2011	I.D. (no. 3271/04) Imp. 2	Revision	Revision of the judgment of 23 March 2010	Link
Russia	20 Sept. 2011	Fedorenko (no. 39602/05) Imp. 2	Violation of Article 5 §§ 1 (c) and 3 Violation of Article 6 § 2	Unlawful and excessively length of detention (1 year, 11 months, 20 days) Infringement of presumption of innocence on account of the applicant's placement in pre-trial detention	Link
Russia	27 Sept. 2011	Alim (no. 39417/07) Imp. 2	No violation of Article 5 § 1 (f) Violation of Article 8	Lawfulness of detention Risk of interference with the applicant's family life if deported to Russia	Link
Slovenia	29 Sept. 2011	Flisar (no. 3127/09) Imp. 3	Violation of Article 6 § 1	Unfairness of proceedings	Link
the United Kingdom	20 Sept. 2011	A.A. (no. 8000/08) Imp. 2	Violation of Article 8	Risk of interference with the applicant's right to private life if expelled to Nigeria	Link
Turkey	27 Sept. 2011	Veysel Şahin (no. 4631/05) Imp. 2	Violation of Article 5 § 1	Unlawful detention	Link
Ukraine	29 Sept. 2011	Tretyakov (no. 16698/05) Imp. 3	Violation of Article 5 §§ 1 (c), 3 and 4 Violation of Article 6 § 1	Unlawfulness and excessive length of detention (4 years and almost 2 months), lack of an effective remedy ; excessive length of proceedings (five years, nine months)	Link

3. Repetitive cases

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

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

<u>State</u>	<u>Date</u>	<u>Case Title</u>	<u>Conclusion</u>	<u>Key words</u>
Bulgaria	20 Sept. 2011	Balezdrovi (no. 36772/06) link	Violation of Article 1 of Protocol No. 1	Domestic authorities' failure to provide the applicant with an adequate compensation for expropriated property in good time
Moldova	20 Sept. 2011	Vartic and Others (nos. 12674/07, 13012/07, 13339/07, 13355/07 and 13368/07) link	Violation of Article 6 § 1 (unfairness) Violation of Article 1 of Protocol No. 1	Delayed enforcement of final judgments in the applicants' favor
Moldova	27 Sept. 2011	Agurdino S.R.L. (no. 7359/06) link	Violation of Article 6 § 1 Violation of Article 1 of Protocol No. 1	Quashing of a final judgment in the applicant company's favor concerning the payment of value-added tax
Poland	20 Sept. 2011	Mirosław Zieliński (no. 3390/05) link	Violation of Article 3 Violation of Article 8	Inadequate conditions of detention and prison authorities' monitoring of the applicant's correspondence
Romania	27 Sept. 2011	Gotcu and Others (nos. 35430/03, 21472/04, 44361/05, 472/08, 9421/08 and 18304/08) link	Violation of Article 6 § 1 Violation of Article 1 of Protocol No. 1	Domestic authorities' failure to enforce, or the delayed enforcement of, final domestic court judgments in the applicants' favor
Romania	27 Sept. 2011	Lipanescu and Others v. (17139/04, 19852/04, 36487/04, 45197/04, 14391/05, 1359/06 and 50718/06) link	Violation of Article 6 § 1 Violation of Article 1 of Protocol No. 1	Final decisions set aside on appeal for judicial review lodged by the Principal State Prosecutor
Russia	20 Sept. 2011	Lapin (no. 16152/03) link	Violation of Article 6 Violation of Article 1 of Protocol No. 1	Lengthy non-enforcement of a final judgment in the applicant's favor
Turkey	20 Sept. 2011	Gölünç (no. 47695/09) link Sapan (no. 17252/09) link	Violation of Article 6 § 3 (c) in conjunction with Article 6 § 1 in both cases; Violation of Article 6 § 1 (length) in both cases; Violation of Article 13 in the case of Sapan.	Domestic authorities' refusal to provide the applicants with legal assistance during their detention in police custody and excessive length of the criminal proceedings against them Lack of an effective remedy
Turkey	27 Sept. 2011	Erciyas (no. 10971/05) link	Two violations of Article 6 § 1	Unlawfulness and excessive length proceedings before the Supreme Administrative Court
Turkey	27 Sept. 2011	Tongün v. Turkey (no. 8622/05) link	Violation of Article 1 of Protocol No. 1	Deprivation of property in Gebze to the advantage of the State Treasury without any compensation

4. Length of proceedings cases

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

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

With respect to the length of non criminal proceedings cases, the reasonableness of the length of proceedings is assessed in the light of the circumstances of the case and with reference to the

following criteria: the complexity of the case, the conduct of the applicant and the relevant authorities and what was at stake for the applicant in the dispute (See for instance [Cocchiarella v. Italy](#) [GC], no. 64886/01, § 68, published in ECHR 2006, and [Frydlender v. France](#) [GC], no. 30979/96, § 43, ECHR 2000-VII).

<u>State</u>	<u>Date</u>	<u>Case Title</u>	<u>Link to the judgment</u>
France	22 Sept. 2011	Tetu (no. 60983/09)	Link
Germany	22 Sept. 2011	Otto (no. 28348/09)	Link
Germany	29 Sept. 2011	Mianowicz (no. 37111/04)	Link
Germany	29 Sept. 2011	Späth (no. 854/07)	Link
Germany	22 Sept. 2011	von Koester (no. 17019/08)	Link
Italy	20 Sept. 2011	Pascarella and Others (nos. 23704/03, 23747/03, etc.)	Link
Italy	27 Sept. 2011	CE.DI.SA Fortore S.N.C. Diagnostica Medica Chirurgica (nos. 41107/02 and 22405/03)	Link
Poland	27 Sept. 2011	Tarnowski and Others (no. 43939/07)	Link
Portugal	20 Sept. 2011	Cunha Oliveira (no. 15601/09)	Link
Portugal	20 Sept. 2011	Ferreira Alves (no. 55113/08)	Link
Spain	27 Sept. 2011	Ortuño Ortuño (no. 30350/07)	Link
Ukraine	22 Sept. 2011	Omelyanenko (no. 36758/08)	Link
Ukraine	22 Sept. 2011	Shapovalova (no. 18508/07)	Link
Ukraine	22 Sept. 2011	Sobolev (no. 55326/07)	Link
Ukraine	22 Sept. 2011	Volchkova (no. 17059/07)	Link
Ukraine	29 Sept. 2011	Skorokhod (no. 47305/06)	Link

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

Those decisions are published with a slight delay of two to three weeks on the Court's Website. Therefore the decisions listed below cover **the period from 12 to 25 September 2011**.

They are aimed at providing the NHRs with potentially useful information on the reasons of the inadmissibility of certain applications addressed to the Court and/or on the friendly settlements reached.

<u>State</u>	<u>Date</u>	<u>Case Title</u>	<u>Alleged violations (Key Words)</u>	<u>Decision</u>
Azerbaijan	13 Sept. 2011	Zahidi (no 29676/07) link	Alleged violation of Art. 5 (unlawful detention), and Art. 6 (unfairness of proceedings)	Struck out of the list (friendly settlement reached)
Germany	13 Sept. 2011	Köktas (no 23674/08) link	Alleged violation of Art. 6 § 3 (a) and (b) (domestic court's failure to summon certain witnesses ; applicant's criminal conviction based on evidence which had not been properly introduced into the proceedings)	Inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention)
Greece	13 Sept. 2011	Shpetim (no 52589/09) link	Alleged violation of Art. 6 § 1 (excessive length of criminal proceedings)	Struck out of the list (friendly settlement reached)
Greece	13 Sept. 2011	Ioannis Pittas A.E. (no 64008/09) link	Alleged violation of Art. 6 § 1 (excessive length of civil proceedings) and Art. 1 of Prot. 1 (violation of the applicant's right to property on account of domestic authorities' failure to grant him an investment subsidy)	Idem.
Hungary	13 Sept. 2011	Kovács (no 8666/08) link	Alleged violation of Art. 6 § 1 (excessive length of civil proceedings)	Idem.
Hungary	13 Sept. 2011	Kollár (no 32251/08) link	Alleged violation of Art. 6 § 1 (excessive length of criminal proceedings)	Idem.
Hungary	13 Sept. 2011	Tisza-Tavi KFT (no 49962/08) link	Alleged violation of Art. 6 § 1 (excessive length of civil proceedings)	Idem.
Poland	13 Sept. 2011	Staszewski (no 20139/08) link	Alleged violation of Art. 3 (poor conditions of detention)	Idem.

Poland	13 Sept. 2011	Zapał (no 57694/08) link	Alleged violation of Art. 5 §§ 1 and 3 (unlawfulness and excessive length of detention)	Partly struck out of list (unilateral declaration of the Government concerning excessive length of detention) and partly inadmissible as manifestly ill-founded (concerning the remainder of the application)
Poland	13 Sept. 2011	Wędzicki (no 2479/10) link	Alleged violation of Art. 3 (poor conditions of detention)	Struck out of the list (friendly settlement reached)
Poland	13 Sept. 2011	Baranowski (no 28255/10) link	Idem.	Idem.
Poland	13 Sept. 2011	Andrukianiec (no 17575/10) link	Idem.	Idem.
Poland	13 Sept. 2011	Skerda (no 22/08) link	Idem.	Idem.
Poland	13 Sept. 2011	Cisler (no 3572/08) link	Alleged violation of Art. 3 (poor conditions of detention) and Art. 6 § 1 (excessive length of proceedings)	Idem.
Poland	13 Sept. 2011	Petka (no 3736/08) link	Alleged violation of Art. 3 (poor conditions of detention)	Idem.
Poland	13 Sept. 2011	Pieczykolan (no 11565/10) link	Alleged violation of Art. 3 (poor conditions of detention in Chełm Prison)	Idem.
Poland	13 Sept. 2011	Gryczuk (no 30686/09) link	Alleged violation of Art. 5 (unlawful detention) and Art. 8 (restrictions on family life)	Idem.
Romania	13 Sept. 2011	Vlad Bellamy (no 2228/04) link	Alleged violation of Art. 5 (unlawful detention), Art. 6 (unfair proceedings), Art. 7 (criminal proceedings for an act which is not a criminal offense according to domestic law), Art. 8 (unlawful search of the applicant's home and interception of his phone calls), Articles 9 (interference of the criminal proceedings with applicant's freedom of thought in so far as they had been designed to compromise him and his family) and 13 (lack of an effective remedy to appeal the final judgment of the Court of Appeal).	Partly adjourned (unfairness of proceedings) and partly inadmissible as manifestly ill-founded (concerning the remainder of the application)
Russia	13 Sept. 2011	Yun (no 42286/06) link	Alleged violation of Articles 6, 7, 13 and 17 and Art. 1 of Prot. 1 (the Russian courts' decision on confiscation of the applicant's money did not have a sufficiently clear and precise legal basis ; the confiscation measure was inappropriate in the circumstances where the criminal proceedings against the applicant had been discontinued by virtue of a general amnesty act)	Struck out of the list (the applicant no longer wished to pursue her application)
Russia	13 Sept. 2011	Vorobyev (no 30989/05) link	Alleged violation of Art. 3 (poor conditions of detention), Art. 6 § 1 (unfairness and excessive length of proceedings)	Struck out of the list (the applicant no longer wished to pursue his application)
Serbia	13 Sept. 2011	Živković (no 29514/08) link	Alleged violation of Articles 6 and 13 (excessive length of proceedings and lack of an effective remedy in that respect), Art. 1 of Prot. 1 (violation of the applicant's right to property).	Partly struck out of list (having regard to the admissions contained in a Government's declaration and to the amount of compensation proposed, the Court held that it is no longer justified to continue examination of the complaints concerning excessive

				length of proceedings and lack of an effective remedy in that respect) and partly inadmissible as manifestly ill-founded (concerning the remainder of the application)
Slovenia	13 Sept. 2011	Šeremet (no 42949/04) link	Alleged violation of Art. 6 (unfairness and excessive length of proceedings), Art. 13 (lack of an effective remedy),	Idem.
“the Former Yugoslav Republic Of Macedonia”	13 Sept. 2011	Atanasova (no 36712/07) link	Alleged violation of Art. 3 (ill-treatment by the police and humiliation by domestic judges), Art. 5 (unlawful detention), Art. 13 (lack of an effective remedy), Art. 6 § 1 (unfairness and excessive length of proceedings), Art. 8 (domestic authorities’ failure to protect the applicant’s right to private and family life), Art. 14 (discrimination against the applicant) and Art. 1 of Prot. 1.	Partly struck out of list (unilateral declaration of the Government concerning excessive length of proceedings) and partly inadmissible as manifestly ill-founded (concerning the remainder of the application)
the Netherlands	13 Sept. 2011	Cisse (no 61751/08) link	Alleged violation of Art. 8 (obligation for the applicant to leave the Netherlands before applying for a residence permit)	Struck out of the list (it is no longer justified to continue examination of the application since the applicant does not need anymore to stay in the Netherlands)
Turkey	13 Sept. 2011	Köksal (no 19466/09) link	Alleged violation of Art. 6 § 1 (excessive length of civil proceedings)	Struck out of the list (friendly settlement reached)
Turkey	13 Sept. 2011	Akbaş and Others (no 51829/09) link	Alleged violation of Articles 5 §§ 3 and 4, 6 § 1 and 13 (excessive length of pre-trial detention and criminal proceedings ; lack of effective domestic remedies in that respect)	Idem.
Turkey	13 Sept. 2011	Aslan and Others (no 18506/06) link	Alleged violation of Art. 6 (excessive length of proceedings concerning the registration of certain plots of land following cadastral surveys)	Idem.
Turkey	13 Sept. 2011	Ayten and Aykut (no 36418/06) link	Idem.	Idem.
Turkey	13 Sept. 2011	Yeksatan and Others (no 34350/06) link	Idem.	Idem.

C. The communicated cases

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

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

- on 26 September 2011: [link](#)

The list itself contains links to the statement of facts and the questions to the parties. This is a tool for NHRSs to be aware of issues involving their countries but also of other issues brought before the Court which may reveal structural problems. Below you will find a list of cases of particular interest identified by the NHRS Unit.

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

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

Communicated cases published on 26 September 2011 on the Court's Website and selected by the NHRS Unit

The batch of 26 September 2011 concerns the following States (some cases are however not selected in the table below): Armenia, Austria, Bulgaria, Croatia, Denmark, France, Georgia, Greece, Hungary, Moldova, Monaco, Poland, Russia, Slovakia, Spain, Turkey and Ukraine.

<u>State</u>	<u>Date of Decision to Communicate</u>	<u>Case Title</u>	<u>Key Words of questions submitted to the parties</u>
Armenia	06 Sept. 2011	Ayvazyan no 56717/08	Alleged violations of Art. 2 (substantive and procedural) – Killing of the applicant's brother by the police in circumstances in which this was allegedly not absolutely necessary ; domestic authorities' failure to conduct an effective investigation into his death
Austria	09 Sept. 2011	Nurmatov no 49602/09	Alleged violation of Art. 8 – Alleged violation of the applicant's right to family life, whose wife is severely disabled, if deported to Russia
Bulgaria	05 Sept. 2011	Kerim and Others no 28787/11	Alleged violation of Art. 3 – If expelled to Greece, risk of being expelled to Iraq where the applicants risk to be subjected to ill-treatment
Croatia	05 Sept. 2011	Hrvatski Liječnički Sindikat no 36701/09	Alleged violation of Art. 11 – Domestic courts' decision to prohibit to hold a strike
Croatia	06 Sept. 2011	Plačković no 29716/11	Alleged violation of Articles 3 and 5 §§ 1 and 4 – Domestic authorities' decision to place the applicant in a psychiatric institution without a proper order and without possibility to complain about that measure ; inhuman conditions of stay in that institution
Turkey	07 Sept. 2011	Sakar and Others no 38062/08	Alleged violation of Art. 3 – Inhuman conditions of detention in Osmaniye Prison

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

Statistics by State (19.09.2011)

Statistics on the Court's judgments for the period 1959-2010, are available. They show the violations most frequently found, the type of judgments pronounced by the Court and the proportion of judgments and decisions in respect of each State Party to the Convention ([Statistics on judgments by State](#))

Part II: The execution of the judgments of the Court

A. General overview of the twin-track supervision system for the execution of the judgments of the Court

Reflections have started since the adoption of Protocol No. 14 to the European Convention of Human Rights (ECHR), which was introduced to enable the Court to alleviate its workload that had become difficult to manage due to a large number of repetitive cases and some structural reasons that needed to be addressed. The 2010 Interlaken Declaration and its Action Plan were the culminating points in the reflection of how to address this problem. The message therein was clear: the European Court of Human Rights' (ECtHR) efforts should focus on the most efficient way to deal with the "priority cases" (in particular pilot judgments, cases revealing major structural/systemic shortcomings or requiring urgent individual measures). The need for prioritization concerned both the ECtHR and the Committee of Ministers in view of implementing judgments at national level in order to prevent new violations :

"B. Implementation of the Convention at the national level"

4. The Conference recalls that it is first and foremost the responsibility of the States Parties to guarantee the application and implementation of the Convention and consequently calls upon the States Parties to commit themselves to:

a) continuing to increase, where appropriate in co-operation with national human rights institutions or other relevant bodies, the awareness of national authorities of the Convention standards and to ensure their application;

[...]

F. Supervision of execution of judgments

11. The Conference stresses the urgent need for the Committee of Ministers to:

a) develop the means which will render its supervision of the execution of the Court's judgments more effective and transparent. In this regard, it invites the Committee of Ministers to strengthen this supervision by giving increased priority and visibility not only to cases requiring urgent individual measures, but also to cases disclosing major structural problems, attaching particular importance to the need to establish effective domestic remedies;

b) review its working methods and its rules to ensure that they are better adapted to present-day realities and more effective for dealing with the variety of questions that arise."

The Committee of Ministers contributed to this collective goal by the adoption in December 2010 of its new working methods on supervision of execution of judgments (entered in force on 1/1/2011). Based on the principles of continuous supervision (detached from the schedule of "Human Rights" meetings) and prioritization of cases, the new working methods should help the Committee of Ministers master the significant case load related to the supervision of execution and in particular contribute to finding a more efficient solution to the persisting problem of the so-called "clone" and "repetitive cases".

As it was highlighted on several occasions, including – expressly - in the abovementioned Interlaken Action Plan, National Human Rights Structures (NHRSSs), as independent state authorities, have a key role to play in order to identify possibilities for improvements in the respect for human rights at national level and encourage those to be made. They can in fact bridge the international and the national level, making it easier for national authorities to understand the human rights issues at stake.

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

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

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

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

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

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

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

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

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

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

- **Procedures outlines**

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

1. Standard procedure

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

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

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

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

More information :

Action plans and/or reports are published here :

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

2. Enhanced procedure

a. *Indicators*

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

b. *Procedure*

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

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

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

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

3. Cases currently pending before the Committee of Ministers

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

More information :

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

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

4. Just satisfaction

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

More information :

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

See the last decision of the Committee of Ministers regarding Just Satisfaction :

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

- **Useful documents and websites on new working methods**

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

<http://www.coe.int/t/e/human%5Frights/execution/03%5FCases/>

For more information on the specific question of the execution of judgments including the Committee of Ministers' annual report for 2010 on its supervision of judgments, please refer to the Council of Europe's web site dedicated to the execution of judgments of the European Court of Human Rights:

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

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

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

B. Relevant decisions adopted by the Committee of Ministers at its last “Human Rights” meeting held on 13-14 September 2011

Classification of new judgments

Classification of new judgments which became final before 10 June 2011 (1120 DH meeting, 13-14 September 2011)

See the decision : [CM/Del/Dec\(2011\)1120/item1 / 12 September 2011](#)

Action plans received for the new cases

List of cases which became final after the entry into force of the new working method and for which an action plan has been received since the last meeting 1120 DH meeting, 13-14 September 2011)

See the decision : [CM/Del/Dec\(2011\)1120/iteme / 12 September 2011](#)

Other decisions and interim resolutions adopted by the Committee of Ministers

The documents adopted during the meeting are the following :

- [CM/Del/Dec\(2011\)1120E / 16 September 2011](#)
1120th (DH) meeting, 13-14 September 2011 - Decisions adopted at the meeting
- [CM/Del/Dec\(2011\)1120/1 / 12 September 2011](#)
1120 (DH) meeting, 13-14 September 2011 - Decision cases No. 1 - Cases against Albania
- [CM/Del/Dec\(2011\)1120/2 / 12 September 2011](#)
1120 (DH) meeting, 13-14 September 2011 - Decision cases No. 2 - M.S.S against Belgium and Greece
- [CM/Del/Dec\(2011\)1120/3 / 12 September 2011](#)

- 1120 (DH) meeting, 13-14 September 2011 - Decision cases No. 3 - Athanasiou and others and Manios group against Greece
- [CM/Del/Dec\(2011\)1120/4 / 12 September 2011](#)
1120 (DH) meeting/réunion, 13-14 September - Decision cases No. 4 - A. B. and C. against Ireland
 - [CM/Del/Dec\(2011\)1120/5 / 12 September 2011](#)
1120 (DH) meeting, 13-14 September 2011 - Decision cases No. 5 - Olaru and others against Moldova
 - [CM/Del/Dec\(2011\)1120/6 / 12 September 2011](#)
1120 (DH) meeting, 13-14 September 2011 - Decision cases No. 6 - Kaprykowski group against Poland
 - [CM/Del/Dec\(2011\)1120/7 / 12 September 2011](#)
1120 (DH) meeting 13-14 September 2011 - Decision cases No. 7 - Orchowski and Sikorski against Poland
 - [CM/Del/Dec\(2011\)1120/8 / 12 September 2011](#)
1120 (DH) meeting, 13-14 September 2011 - Decision cases No. 8 - Moldovan and others group against Romania
 - [CM/Del/Dec\(2011\)1120/9 / 12 September 2011](#)
1120 (DH) meeting, 13-14 September 2011 - Decision cases No. 9 - Khashiyev and Akayeva group against Russian Federation
 - [CM/Del/Dec\(2011\)1120/10 / 12 September 2011](#)
1120 (DH) meeting, 13-14 September - Decision cases No. 10 - Burdov No. 2 against Russian Federation
 - [CM/Del/Dec\(2011\)1120/11 / 12 September 2011](#)
1120 (DH) meeting, 13-14 September 2011 - Decision cases No. 11 - EVT group against Serbia
 - [CM/Del/Dec\(2011\)1120/11.1E / 12 September 2011](#)
Budget Committee – Replacement of a member in respect of the Russian Federation
 - [CM/Del/Dec\(2011\)1120/12 / 12 September 2011](#)
1120 (DH) meeting, 13-14 September 2011 - Decision cases No. 12 - Hulki Güneş and others against Turkey
 - [CM/Del/Dec\(2011\)1120/13 / 12 September 2011](#)
1120 (DH) meeting, 13-14 September - Decision cases No. 13 - Ülke against Turkey
 - [CM/Del/Dec\(2011\)1120/14 / 12 September 2011](#)
1120 (DH) meeting, 13-14 September - Decision cases No. 14 - Yuriy Nikolayevich Ivanov and Zhovner group against Ukraine
 - [CM/Del/Dec\(2011\)1120/15 / 12 September 2011](#)
1120 (DH) meeting/réunion, 13-14 September/septembre 2011 - Decision cases No. 15 / Décision affaires n°15 - Kharchenko against Ukraine / Kharchenko contre Ukraine
 - [CM/Del/Dec\(2011\)1120/16 / 12 September 2011](#)
1120 (DH) meeting, 13-14 September 2011 - Decision cases No. 16 - Hirst No. 2; Greens and M.T against the United Kingdom
 - [CM/ResDH\(2011\)184E / 16 September 2011](#)
Interim Resolution CM/ResDH(2011)184 in Yuriy Nikolayevich Ivanov against Ukraine and of 386 cases against Ukraine concerning the failure or serious delay in abiding by final domestic courts' decisions delivered against the state and its entities as well as the absence of an effective remedy - adopted by the Committee of Ministers on 14 September 2011 at the 1120th meeting of the Ministers' Deputies

Part III : General Agenda

The “General Agenda” presents events that either took place or were announced* during the period under observation (19.09 – 02.10.2011) for this RSIF.

September 2011

- 21-22 September : Round Table on the potential role of the National Human Rights Structures of Council of Europe member States in ensuring the sustainability of the efficient functioning of the European Convention on Human Rights system ([Read more](#)).
- 23-26 September : Jean-Charles Gardetto (Monaco, EPP/CD), rapporteur for the Parliamentary Assembly of the Council of Europe (PACE) on co-operation with the emerging democracies in the Arab world, and Konstantinos Vrettos (Greece, SOC), rapporteur on the situation in the Middle East, visited Egypt ([Read more](#)).
- 28-29 September : Workshop on the role of National Human Rights Structures in protecting against all forms of discrimination ([Read more](#)).

October 2011

- 3-7 October : Autumn Plenary Session of the Parliamentary Assembly of the Council of Europe. Highlights : address by the President of the Palestinian National Authority, Mahmoud Abbas ; address by representatives of several Egyptian Political Parties
- 5-6 October : 4th Regional Conference with the Russian Public Monitoring Committees (PMCs) of places of detention ([Read more](#)).
- 6 October : Launching of the EU-funded Project “Strengthening the Court Management System (Phase II)” in Ankara ([Read more](#)).
- 11-14 October : Study visit for judges from Ukraine to the Council of Europe ([Read more](#)).

December 2011

- 6-9 December : GRETA 12th Meeting

* These are subsequently due to take place.

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

A. European Social Charter (ESC)

A complaint has been lodged against France (21.09.2011)

The complaint *Syndicat de Défense des Fonctionnaires v. France* concerns the situation of so-called "redeployed" civil servants, employed by France Télécom and La Poste ([more information](#)) ; [Complaint n°73/2011](#)

Decisions on admissibility (26.09.2011)

The decisions on admissibility of the European Committee on Social Rights in the cases *Médecins du Monde International v. France* (Complaint n°67/2001) and *CESP v. France* (Complaint n°68/2011) are now available on line : [Decision on admissibility \(Complaint n°67/2011\)](#) ; [Decision on admissibility \(Complaint n°68/2011\)](#).

Seminar in Kyiv (Ukraine) to mark the 50th anniversary of the European Social Charter (28.09.2011)

A meeting on non-accepted provisions of the Revised Charter by Ukraine, provided an occasion to mark the 50th anniversary of the European Social Charter was held at the Ministry for Labour and Social Policy, Kyiv, from 29 to 30 September 2011. Mr Luis Jimena-Quesada, President of the European Committee of Social Rights and Mr Andrzej Swiatkowski, member of the Committee, attended this event, as well as Mr Henrik Kristensen, Deputy head of the Department of the European Social Charter and Ms Nino Chitashvili, administrator.

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

CPT visited Latvia (19.09.2011)

A delegation of CPT carried out a periodic visit to Latvia from 5 to 15 September 2011. CPT's delegation reviewed the measures taken by the Latvian authorities following the recommendations made by the Committee after previous visits to the country. In this connection, particular attention was paid to the safeguards against ill-treatment offered to persons deprived of their liberty by the police as well as to conditions of detention in police stations. The delegation also examined various issues related to prisons, including the activities offered to prisoners, health-care services, and the regime and security measures applied to life-sentenced prisoners. In addition, the delegation looked into the treatment of patients at a psychiatric clinic, and of residents at a social care home.

C. European Committee against Racism and Intolerance (ECRI)

ECRI launches guidelines for governments to combat anti-Gypsyism (19.09.2011)

ECRI issued guidelines – contained in its thirteenth General Policy Recommendation – to the Council of Europe's 47 member States to fight a rising tide of anti-Gypsyism and discrimination against Roma. It proposes more than a dozen concrete measures in areas such as housing, education, health care, access to public services or the fight against racist crime ([more information](#))

ECRI to prepare report on Andorra (26.09.2011)

A delegation of ECRI visited Andorra from 14 to 16 September 2011 as the first step in the preparation of a monitoring report. During its visit, ECRI's delegation gathered information on the implementation of the recommendations it made to the authorities in its previous report of 2008 and discussed new issues that had emerged since ([more information](#))

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

Cyprus: adoption of Committee of Ministers' Resolution (21.09.2011)

Resolution [CM/ResCMN\(2011\)16](#) on the implementation of the Framework Convention for the Protection of National Minorities by Cyprus (Adopted by the Committee of Ministers on 21 September 2011 at the 1121st meeting of the Ministers' Deputies)

Lithuania: receipt of the third cycle State Report (21.09.2011)

Lithuania submitted on 21 September 2011 its third [state report](#) in English (and [Lithuanian](#)), pursuant to Article 25, paragraph 2, of the Framework Convention for the Protection of National Minorities. It is now up to the Advisory Committee to consider it and adopt an opinion intended for the Committee of Ministers

E. Group of States against Corruption (GRECO)

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

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

GRETA published report on Slovak Republic (19.09.2011)

In its report, GRETA notes the efforts of the Slovak authorities to combat trafficking in human beings. As regards prevention, the Slovak authorities have taken measures to raise public awareness and train relevant professionals on trafficking in human beings, in co-operation with non-governmental and international organisations. Moreover, GRETA considers that the identification of victims of trafficking, including child victims, should be improved, in particular by setting up of a coherent national mechanism for this purpose and adopting a proactive approach to the identification of victims ([read the report](#)).

GRETA 11th Meeting (20-23.09.2011)

GRETA held its 11th meeting on 20-23 September 2011 at the Council of Europe in Strasbourg. GRETA adopted its final evaluation reports on Albania, Bulgaria, Croatia and Denmark as amended in the light of the comments received from the respective authorities. GRETA also examined the draft reports on Georgia, Moldova and Romania, and decided to transmit them to the national authorities concerned and to ask them to submit their comments within one month. Further, GRETA decided to hold an exchange of views with international non-governmental organisations active in the area of action against trafficking in human being at its 12th meeting (6-9 December 2011) ; ([see the decisions adopted at the GRETA 11th Meeting](#))

The Committee of the Parties elected a new member of GRETA (26.09.2011)

The Committee of the Parties elected Ms Leonor Ladron de Guevara y Guerrero (Spanish) as a new member of GRETA. The Committee of the Parties also elected Ambassador Alain Cools (Belgium) as its new Vice-Chair.

* No work deemed relevant for the NHRs for the period under observation

Part V: The inter-governmental work

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

21 September 2011

Turkey ratified: the Additional Protocol to the Convention on Human Rights and Biomedicine, concerning Biomedical Research ([CETS No. 195](#)).

Switzerland ratified: the Convention on Cybercrime ([ETS No. 185](#)).

Croatia ratified: the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse ([CETS No. 201](#)).

27 September 2011

Moldova ratified: the European Convention on Cinematographic Co-Production ([ETS No. 147](#)).

28 September 2011

Moldova ratified: the Additional Protocol to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, regarding supervisory authorities and transborder data flows ([ETS No. 181](#)).

29 September 2011

Korea acceded to: the European Convention on Extradition ([ETS No. 24](#)) ; the European Convention on Mutual Assistance in Criminal Matters ([ETS No. 30](#)) ; the Additional Protocol to the European Convention on Extradition ([ETS No. 86](#)) ; the Second Additional Protocol to the European Convention on Extradition ([ETS No. 98](#)), and . the Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters ([ETS No. 99](#)).

B. Recommendations and Resolutions adopted by the Committee of Ministers

Recommendations & Resolutions adopted on 21 September 2011 at the 1121st meeting of the Ministers' Deputies :

[CM/Rec\(2011\)7E / 21 September 2011](#) : Recommendation of the Committee of Ministers to member states on a new notion of media (Adopted by the Committee of Ministers on 21 September 2011 at the 1121st meeting of the Ministers' Deputies)

[CM/Rec\(2011\)8E / 21 September 2011](#) : Recommendation of the Committee of Ministers to member states on the protection and promotion of the universality, integrity and openness of the Internet (Adopted by the Committee of Ministers on 21 September 2011 at the 1121st meeting of the Ministers' Deputies)

[CM/Rec\(2011\)9E / 21 September 2011](#) : Recommendation of the Committee of Ministers to member states on fostering social mobility as a contribution to social cohesion

[CM/ResCMN\(2011\)16E / 21 September 2011](#) : Resolution on the implementation of the Framework Convention for the Protection of National Minorities by Cyprus

[CM/ResCSS\(2011\)20E / 21 September 2011](#) : Resolution on the application of the European Code of Social Security by Greece (Period from 1 July 2009 to 30 June 2010)

Recommendations & Resolutions adopted on 28 & 30 September 2011 at the 1122nd meeting of the Ministers' Deputies :

[CM/Rec\(2011\)10E / 28 September 2011](#) : Recommendation of the Committee of Ministers to member states on promotion of the integrity of sport against manipulation of results notably match-fixing

[CM/ResCPT\(2011\)4E / 30 September 2011](#) : Resolution - Election of members of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) in respect of Belgium, Greece, Lithuania and Portugal

C. Other news of the Committee of Ministers

Council of Europe looks to nip human rights violations in the bud (19.09.2011)

Reinforcing means and machinery helping States to identify and prevent human rights violations before they can happen will be the theme of a conference organised by the Council of Europe on 20 and 21 September in Kyiv, within the framework of the Ukrainian Chairmanship of its Committee of Ministers

Statement by Kostyantyn Gryshchenko, Chairman of the Committee of Ministers of the Council of Europe (14.09.2011)

Over the last thirty years, the International Day of Peace has been observed worldwide every 21 September. This year, the theme was "Peace and Democracy: make your voice heard" which has a particular echo for the Council of Europe. Our Organisation was established precisely to build after World War II a continent of peace based on the values of human rights, democracy and the rule of law. We have gone a long way but the task is not over. We must address new challenges such as rising intolerance, which undermines the cohesion and peace of our societies. The Ukrainian Chairmanship is determined to bring the work of the organisation forward, together with all member states, to ensure that peace and democracy prevail".

Statement by the Committee of Ministers of the Council of Europe on Troy Davis' death sentence (21.09.2011)

The Committee of Ministers of the Council of Europe, meeting on 21 September 2011, was informed that the Board of Pardons and Paroles in the US state of Georgia has rejected the appeal for clemency lodged by Troy Davis against his death sentence, while there are serious doubts as to his guilt. Recalling its unwavering opposition to the death penalty, the Committee of Ministers joined the Secretary General's call for Mr Davis' death sentence to be urgently commuted.

Terrorist attacks in Ankara and Siirt - Statement by Kostyantyn Gryshchenko, Chairman of the Committee of Ministers, Minister for Foreign Affairs of Ukraine (21.09.2011)

Following the bombing in the capital of the Republic of Turkey, Ankara, and in the city of Siirt on 20 September 2011, the Chairman of the Committee of Ministers of the Council of Europe, Minister for Foreign Affairs of Ukraine Kostyantyn Gryshchenko made the following statement: "The Ukrainian Chairmanship reiterates its strong condemnation of terrorism. I firmly denounce the terrorist attacks which took place in Ankara and Siirt yesterday. No cause can justify such barbaric acts. I want to express my condolences to the families of the victims and my sympathy to those who have been injured as well as to the Turkish people and government".

OSCE and Council of Europe leaders discussed joint efforts to fight terrorism and human trafficking, promote minority rights and support democratic transition processes in the Southern Mediterranean (21.09.2011)

The OSCE Chairperson-in-Office, Lithuanian Foreign Minister Audronius Ažubalis, and OSCE Secretary General Lamberto Zannier met the Council of Europe's Chairperson of the Committee of Ministers, Ukraine's Minister for Foreign Affairs Kostyantyn Gryshchenko, and Council of Europe Secretary General Thorbjorn Jagland in New York on 21 September 2011. The meeting was the 20th between the OSCE and the Council of Europe in the "2+2" format that brings together the two organizations' Chairs and Secretaries General. The participants strongly condemned the terrorist attacks in Ankara and Siirt in Turkey, underlining that terrorism is an assault on the common values of the two Organizations.

Council of Europe highlights the role of education in building a culture of “living together”
(23.09.2011)

The Council of Europe discussed the role of education in building a culture of living together at a Forum organised on 22 and 23 September in Kyiv, under the Ukrainian Chairmanship of the Organisation’s Committee of Ministers ([Read the Final declaration](#))

Council of Europe calls for state cooperation to respond to disruptions to the Internet
(23.09.2011)

The Committee of Ministers has adopted on 21 September two recommendations and two declarations that call on states to uphold free speech online, including when it is threatened by disruptions or interferences to the Internet. In a Recommendation on the protection and promotion of the universality, integrity and openness of the Internet, the Committee laid out a framework of co-operation for member states with a view to preserve a global, stable and open Internet as a means of safeguarding freedom of expression and access to information.

Match-fixing: exchange of views with Michel Platini and Serbian Minister Samardžić-Marković
(28.09.2011)

In the framework of the activities of the Enlarged Partial Agreement on Sport, the Ministers’ Deputies of the Council of Europe held an exchange of views on Wednesday, September 28th with Michel Platini (UEFA President) and Snežana Samardžić-Marković (Minister of Youth and Sport of Serbia). Chantal Jouanno, as outgoing Minister of Sport of France, addressed a written statement to the Ministers’ Deputies ([Read more](#)).

Part VI : The parliamentary work

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

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

➤ *Countries*

PACE rapporteur: 'Focus on people and not politics in dealing with the humanitarian consequences of the war between Georgia and Russia' (22.09.2011)

"Keep the focus on the people and do not be side-tracked by politics when dealing with the humanitarian consequences of the war between Georgia and Russia." This was the plea of Tina Acketoft (Sweden, ALDE), rapporteur of the Migration Committee of PACE, ending a three-day visit to Georgia as part of a fact-finding visit for her report "Follow-up on the humanitarian consequences of the war between Georgia and Russia: the humanitarian situation in the war-affected areas" ([Read more](#))

PACE rapporteur praises 'clear progress' for IDPs in the North Caucasus (26.09.2011)

"I was impressed by the progress made by the Russian Federal and local authorities in the North Caucasus in terms of construction and security in favour of the general population and IDPs," said Nikolaos Dendias (Greece, EPP/CD), rapporteur of the Migration Committee of PACE, ending a five-day visit to Moscow and the Republics of North Ossetia-Alania, Chechnya and Ingushetia as part of a fact-finding visit for his report on the "Situation of IDPs and returnees in the North Caucasus region" ([Read more](#))

Serbia remains on the right track, effective implementation of reforms now to be secured (27.09.2011)

We welcome Serbia's recent achievements and the adoption of an impressive number of laws that bring Serbia closer to European standards," said Davit Harutyunyan (Armenia, EDG) and Indrek Saar (Estonia, SOC), monitoring co-rapporteurs of PACE, at the end of a visit to Serbia from 19-22 September 2011 ([Read more](#))

➤ *Themes*

Reinforcing parliamentary follow-up to ensure implementation of Strasbourg Court judgments (21.09.2011)

"Effective parliamentary supervision at the national level is important to ensure the implementation of Strasbourg Court judgments," said in Kyiv PACE Chairperson of the Committee on Legal Affairs and Human Rights Christos Pourgourides (Cyprus, EPP/CD), in a conference on "The prevention of human rights violations" organised by Ukraine's Justice Ministry. ([Read the speech](#))

* No work deemed relevant for the NHRs for the period under observation

Increased co-operation between PACE and the European Parliament (22.09.2011)

PACE President Mevlüt Cavusoglu called for increased co-ordination between PACE and the European Parliament (EP). At a meeting of the PACE Presidential Committee and the Conference of Presidents of the European Parliament, he welcomed “good progress with regard to the accession of the European Union to the European Convention on Human Rights, in particular the agreement reached on the modalities of participation of EP representatives in PACE meetings when the Assembly elects judges onto the European Court of Human Rights.” ([Read more](#)) ; ([Read the speech](#))

Parliaments play an important role as guarantors of social rights (23.09.2011)

“Parliamentarians have an important role to play in ensuring that governments take all necessary measures to secure fundamental social rights,” said Carina Ohlsson (Sweden, SOC), addressing a colloquium marking the 50th anniversary of the European Social Charter in Paris. “Europe’s social achievements must be protected,” she stressed. “The strength of European society lies in the social protection of the individual, including through access to decent jobs, education, public health systems and social protection for the elderly.” Therefore, she added, “parliaments should insist on regular reviews of how governments implement social rights.” ([Read more](#)) ; ([Read the speech](#))

For children's right of access to health care of the highest quality (29.09.2011)

"Children should have the right of access to health care of the highest quality, as well as the right to protection and to participation in decisions concerning them," said Bernard Marquet (Monaco, ALDE) in Lisbon, where he is representing PACE at the 9th Council of Europe Conference of Health Ministers, on the theme of "Child-Friendly Health Care: Building a Healthy Future for and with Children" ([Read more](#)) ; ([Read the speech](#))

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

A. Country work

Serbia: “Further progress needed to foster reconciliation and social inclusion” (22.09.2011)

“Important steps have been taken to overcome the legacy of the violent past. Sustained efforts are however necessary in order to achieve post-war justice and reconciliation, eradicate discrimination and enhance freedom of the media” said the Council of Europe Commissioner for Human Rights, Thomas Hammarberg, releasing a [report](#) following his visit to Serbia from 12 to 15 June 2011. ([more](#))

Azerbaijan: “Worrying clampdown on journalists and human rights activists” (29.09.2011)

In recent years, some of the leading investigative journalists in Europe have fallen victim to brutal killings: Hrant Dink in Turkey, Georgyi Gongadze in Ukraine and Elmar Huseynov in Azerbaijan. On 7 October 2011 it will be five years since Anna Politkovskaya was murdered in Russia. No effort must be spared to apprehend and bring to justice not only the actual killers, but also those who ordered these murders, says Thomas Hammarberg, Council of Europe Commissioner for Human Rights, in his latest Human Rights Comment published today. But these are far from the only cases of violence directed towards journalists. ([more](#))

B. Thematic work

Schools must stop spreading homophobic and transphobic messages (27.09.2011)

In schools across Europe young persons are being harassed because of their sexual orientation or gender identity. Homophobic and transphobic bullying is an every day reality in the lives of many. It is time to react – especially in view of several national studies and reports warning that there have been a number of suicides among young lesbian, gay, bisexual and transgender (LGBT) persons feeling rejected by their peers and families, says Thomas Hammarberg, Council of Europe Commissioner for Human Rights in his latest Human Rights Comment published today. The scope of this problem appears to be large. ([more](#))

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

Denmark supports Russian PMC Pre-Project (22.09.2011)

The Russian Public Monitoring Committee (PMC) Pre-Project is entering into a decisive phase in which the findings produced and needs identified by the Pre-Project are being used to formulate an anticipated multi-annual Full PMC Project, by means of which the professional capacities of the Russian PMCs will be strengthened and the overall system of public oversight of places in detention in the Russian Federation will be improved in co-operation with all relevant stakeholders. A signing ceremony took place on 22 September 2011 at which Ambassador Claus von Barnekow, Permanent Representative of Denmark to the Council of Europe and Ms Marja Ruotanen, Director of Co-operation within the Council of Europe Directorate General of Human Rights and Legal Affairs, signed a contract whereby Denmark supports the Russian Pre-Project with a EUR 50 000 voluntary contribution.