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*The **selection** of the information contained in this Issue and deemed relevant to NHRs  
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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

We invite you to read the [INFORMATION NOTE No. 145](#) (provisional version) on the Court's case-law. This information note, compiled by the Registry's Case-Law Information and Publications Division, contains summaries of cases which the Jurisconsult, the Section Registrars and the Head of the aforementioned Division examined in October 2011 and sorted out as being of particular interest

### A. Judgments

#### 1. Judgments deemed of particular interest to NHRs

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

Some judgments are only available in French.

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

#### **Note on the Importance Level:**

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

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

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

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

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

- **Grand Chamber judgments**

**[Nejdet Şahin and Perihan Şahin v. Turkey](#) (link to the judgment in French) (no. 13279/05) (Importance 1) – 20 October 2011 - No violation of Article 6 § 1 – No interference with the right to a fair trial on account of the inconsistency of national courts' decisions**

The applicants' son, an army pilot, died on duty during an anti-terrorist operation. Following their son's death, the applicants unsuccessfully applied to domestic authorities and courts for a supplementary monthly pension payable under the Anti-Terrorism Act. Relying on Article 6 § 1, they complained that the proceedings before the domestic courts had been unfair and that the possibility that the same fact could give rise to differing legal assessments from one court to another was in breach of the principles of equality before the law and consistency of the law.

The Court observed that **in a legal system such as the Turkish one, in which several Supreme Courts operated without being subject to a common judicial hierarchy, the absence of a vertical review mechanism for their decisions was not, in itself, in breach of the Convention**. The judgments in respect of the applicants had been duly reasoned and the interpretation by the Supreme Military Administrative Court had not been arbitrary, unreasonable or capable of affecting the fairness of the proceedings. **Responsibility for the consistency of national courts' decisions lied**

**primarily with the national courts** and any intervention by the Court had to remain exceptional. Therefore, there had been no violation of Article 6 § 1.

#### Separate opinion

Judges Bratza, Casadevall, Vajić, Spielmann, Rozakis, Kovler and Mijović expressed a joint dissenting opinion, which is annexed to the judgment.

- **Right to life**

**Acet and Others v. Turkey (no. 22427/06) (Importance 2) – 18 October 2011 - Violation of Article 2 – Domestic authorities’ failure to take necessary measures to prevent a young soldier from committing suicide during military service**

The applicants are close relatives of a young soldier deceased during military service. The soldier was diagnosed as anti-social and suffering from an anxiety disorder. He was examined on several occasions by a psychiatrist, who confirmed that he had an anti-social personality and observed that he was under the influence of drugs, but according to the military authorities, this “minor psychological problem” did not dispense him from performing his compulsory military service. At the age of 21, while he was on guard duty, the young soldier shot himself in the head with his service weapon. Relying on Article 2, the soldier’s family alleged that the military authorities had failed to protect his life.

The Court observed in particular that **in the specific sphere of compulsory military service a solid legislative and administrative framework was needed, comprising rules that reflected the potential risk to life both from the nature of military activities and missions and from the human element that entered into play when a State decided to call up its citizens for military service.** The Court noted that there was a system of measures put in place by Turkey with a view to protecting physical and psychical integrity of soldiers, but that **it should have exempted the young soldier from duties which entailed handling weapons.** The Court then unanimously held that there had been a violation of Article 2 of the Convention.

#### Just satisfaction (Article 41)

The Court held that Turkey was to pay the deceased’s mother EUR 18,000 and EUR 15,000 jointly to the remaining applicants in respect of non-pecuniary damage. It dismissed the claims in respect of pecuniary damage and costs and expenses.

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

**Ahorugeze v. Sweden (no. 37075/09) (Importance 1) – 27 October 2011 – There would not be a violation of Article 3 (risk of ill-treatment or death) or of Article 6 (right to a fair trial) if the applicant was expelled to Rwanda**

Relying on Article 3, the applicant complained that if extradited to Rwanda he would risk being tortured or otherwise ill-treated. He further argued that he would not be able to get heart surgery in Rwanda and would risk persecution because he is a Hutu. Under Article 6, he alleged that he would not get a fair trial in Rwanda.

#### Ill-treatment (Article 3)

The Court noted that there was no evidence that the applicant would need heart surgery and that there had been no information leading to the conclusion that Hutus generally were persecuted or ill-treated in Rwanda. Moreover, **the International Criminal Tribunal for Rwanda, the Netherlands Government and the Oslo District Court had confirmed that conditions in the prison in which the applicant would be detained and, if convicted, would serve his sentence, were satisfactory.** Finally, there was nothing to suggest that he would be ill-treated in Rwanda. Consequently, Sweden would not breach the prohibition of ill-treatment under Article 3 of the Convention, if it extradited the applicant to Rwanda.

#### Fair trial (Article 6)

It was true that the International Criminal Tribunal for Rwanda (ICTR) and several countries had refused to transfer genocide suspects to Rwanda due to concerns that the suspects would not receive a fair trial. However, since then, **the Rwandan laws had been changed and legal practice had improved. Considering in detail the changes in legislation and practice, the Court concluded that the Rwandan courts were expected to act in a manner compatible with the Convention requirements for fair trial.** Consequently, if extradited to stand trial in Rwanda, the applicant would not risk a flagrant denial of justice. There would, therefore, be no violation of Article 6 in that event.

**[Mandić and Jović v. Slovenia](#) (nos. 5774/10 and 5985/10), [Štrucl and others v. Slovenia](#) (nos. 5903/10, 6003/10 and 6544/10) (Importance 2) – 20 October 2011 – Violation of Article 3 (substantive) – Poor conditions of detention in Ljubljana Prison, Slovenia – Violation of Article 13 - Lack of an effective remedy**

The applicants were all detained in Ljubljana Prison for several months in 2009 and 2010. In particular, they complained of severe overcrowding (six inmates in 16.28 m<sup>2</sup> cells), inadequate ventilation (average temperature of 28°C in August, no artificial ventilation), poor sanitary conditions (cells equipped with a sanitary annex, separated by floor-to-ceiling walls, containing a basin and a toilet, shower available for daily use) and excessive restrictions on out-of-cell time (prisoners could leave the cells only for scheduled activities, such as visits or exercising). They further argued, in particular, that they did not have an effective remedy as regards those complaints.

Article 3

The Court observed that the applicants had each for several months been held in a **cell in which the personal space available to them was 2.7 square metres. That state of affairs in itself raised an issue under Article 3.** Their situation had further been exacerbated, in particular, by the fact that they had been confined to their cell day and night, save for two hours of daily exercise. The Court further took note of the applicants' complaints about the high temperatures in the cells, which were supported by reports by the Slovenian Human Rights Ombudsman. It had therefore amounted to degrading treatment, in violation of Article 3.

Article 13

The Court found that none of the remedies which the applicants could have used, according to the Slovenian Government, could be regarded, with a sufficient degree of certainty, as constituting an effective remedy for them. **The Court further observed that a civil remedy under the Civil Code was merely of a compensatory nature** and no domestic court had so far imposed an injunction in order to change the situation which had given rise to the infringement of a prisoner's personal rights. Furthermore, as regards supervision by the president of a district court, no formal procedure for dealing with complaints was provided in the legislation, nor could the president issue decisions which would be legally enforceable. Likewise, **a petition to the Human Rights Ombudsman could only lead to recommendations and had not been considered by the Court to constitute an effective remedy.** Finally, as the Government had acknowledged, the applicants had **no direct access to the Constitutional Court**, but could have lodged a constitutional appeal only after they had pursued the previously mentioned legal avenues. The Court therefore concluded that there had been a violation of Article 13.

**[Alboreo v. France](#) (no. 51019/08) (Importance 2) – 20 October 2011 – Violation of Article 3 (substantive) – Ill-treatment inflicted to a detainee placed in solitary confinement – Violation of Article 13 taken together with Article 3 – Lack of an effective remedy against security transfer measures.**

The applicant, sentenced to a 20-year imprisonment, was registered by the prison authorities as a "high-risk prisoner". He was therefore placed under a security regime. Relying in particular on Article 3, he complained of the security rotations to which he had been subject during his imprisonment and the ill-treatment to which he had been subjected during his time in solitary confinement and, more particularly, while in the punishment block. Relying on Article 13 taken together with Article 3, the applicant further complained of the lack of an effective remedy by which to challenge the security rotation regime to which he had been subject.

Article 3

The Court reiterated in particular that, in respect of a person deprived of his liberty, recourse to physical force not made strictly necessary by his own conduct diminished human dignity and was in principle an infringement of the right guaranteed under Article 3. **The Court was of the view that the applicant's claims were plausible given the way in which the operations had been conducted and, in particular, the fact that the applicant, who was 1.72m tall and weighed 66kg, had been overpowered by four officers of the regional intervention and security team and pinned to the ground on two occasions.** As to the applicant's complaints concerning the security rotations and being placed in solitary confinement, the Court considered that given the applicant's profile and history and the danger he represented, the prison authorities had struck a fair balance between security requirements and the need to ensure that the prisoner was held in conditions compatible with human dignity.

### Article 13 taken together with Article 3

The Court considered that the effectiveness of the remedy referred to by the Government in relation to the applicant's transfers during the period of his imprisonment had not been established. In fact, it was after the imprisonment of the applicant that the Conseil d'Etat had acknowledged that a decision subjecting a detainee to a security regime did not constitute an internal regulatory measure, but an administrative decision amenable to judicial review. Therefore, at the material time no effective remedy had been available to the applicant to assert his rights under Article 3. There had therefore been a violation of Article 13 of the Convention taken together with Article 3.

### Just satisfaction (Article 41)

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

### **Naboyschikov v. Russia (no. 21240/05) (Importance 2) – 27 October 2011 - Two violations of Article 3 (substantive and procedural) – (i) Domestic authorities' excessive use of firearms against a mentally-ill man, resulting in amputation of his leg – (ii) Lack of an effective investigation**

Suffering from a maniac mental disorder, the applicant suspected that railway guards were aiding terrorists and claimed that he had seen a road police inspector being bribed for permission to enter the restricted zone. He decided to investigate independently the number of cars that were allowed to pass through a restricted zone. The applicant alleged that railway security guards had beaten him brutally when he had entered the zone and had shot at his legs with a Kalashnikov. Relying on Article 3, he complained that he had been tortured by the railway guards and that the ensuing investigation into his allegation had been inadequate.

### Article 3 (substantive)

The government claimed self-defense, but the Court observed in particular that the guard had returned to the building after the applicant's first attack, thus putting himself at risk of another attack, which he had then presumably had to repel by firing at the applicant's legs. The Court concluded that the applicant had been subjected to inhuman and degrading treatment, in so far as the shots were concerned, in violation of Article 3. At the same time, the Court was unable to find a violation of Article 3 in respect of the alleged beating.

### Article 3 (procedural)

As to the investigation, the Court observed that the applicant had an arguable claim that he had been seriously ill-treated, which had merited a thorough investigation. While the Court acknowledged that a criminal investigation had been opened immediately after the incident and most essential investigative steps had been taken within three months, it agreed with the applicant that there had been a number of omissions: in particular, the guards failed to find the knife with which the applicant had allegedly threatened their lives and the amputated leg had been disposed of in a careless manner. The Court therefore concluded that there has been a violation of Article 3.

### Just Satisfaction (Article 41)

The Court ordered Russia to pay the applicant EUR 23,000 in respect of non pecuniary damage.

### **Stanimirović v. Serbia (no. 26088/06) (Importance 2) – 18 October 2011 - Violations of Article 3 (substantive and procedural) – (i) Ill-treatment of a detainee – (ii) lack of an effective investigation – Violation of Article 6§1 – Evidence obtained under ill-treatment**

The applicant lodged a criminal complaint against unidentified police officers, complaining that he had been beaten with a baseball bat, punched repeatedly, given electric shocks to his genitals and threatened with death by the police. However, the prosecutor decided not to prosecute. On 27 December 2004, a district court found that the applicant was guilty of murder and gave him a 40-year imprisonment sentence. However, as the court also found that he had been beaten by the police, it declared inadmissible two of the five confessions the applicant had made in the police station and before the investigating judge. Relying on Article 3, the applicant complained that he had been ill-treated by the police and that no effective investigation had been carried out into his related complaints. Relying further on Article 5, he complained that he had been detained pending trial for too long. Finally, relying on Article 6, he complained that the courts had relied on his confession obtained as a result of torture in convicting him.



### Investigation into the applicant's ill-treatment (Article 3)

The Court observed that although the Serbian courts had established that the applicant had been ill-treated in February 2001, no criminal investigation had been carried out. Therefore, there had been a violation of Article 3.

### Evidence obtained under ill-treatment (Article 6§1)

It is well established in the Court's case law that the admission of statements obtained as a result of ill-treatment rendered the proceedings as a whole unfair. The applicant had been brutally beaten and had confessed before the investigating judge shortly before and after that. Consequently, the Court concluded that he had confessed fearing further ill-treatment by the police.

### Just satisfaction (Article 41)

The Court held that Serbia was to pay the applicant EUR 13,000 in respect of non-pecuniary damage and EUR 5,000 for costs and expenses.

### **Stasi v. France (no. 25001/07) (Importance 2) – 20 October 2011 – No violation of Article 3 – No failure of prison authorities to take all necessary measures to protect a detainee**

During his imprisonment the applicant was the victim of violent acts: he was pushed down the stairs by an unidentified inmate, a prisoner stubbed a cigarette under his left eye, another inmate assaulted him in the shower. In 2008, the newspaper Libération published an article about the applicant, reporting the rapes, assaults and bullying to which he had been subjected during his two periods of imprisonment. Relying on Article 3, the applicant alleged that he had been the victim of ill-treatment by other inmates, in particular because of his homosexuality, and he alleged that the authorities had not taken the necessary measures to ensure his protection.

The Court observed in particular that on his arrival at Villefranche-sur-Saône Prison the applicant had mentioned his homosexuality and reported the acts of violence against him during his first period of imprisonment. He had thus been placed in a corridor reserved for vulnerable inmates. As regards the alleged acts of violence, **the Court noted that the applicant either had never complained of them to the prison authorities or had refused to cooperate with the authorities to identify the authors of those acts.** The Court further noted that the applicant had been transferred to another cell, that he had been allowed to take a shower alone at a different time to other inmates and that he was systematically accompanied by a warder when he moved around. Lastly, the Court noted that the prison authorities had taken the appropriate measures both when the applicant was on hunger strike and when he tried to commit suicide. The Court thus arrived at the conclusion that domestic law provided the applicant with effective and sufficient protection against physical harm.

### Separate opinion

Judges Spielmann and Nussberger expressed a joint dissenting opinion, which is annexed to the judgment.

### **Ibram v. Greece (no. 39606/09) (Importance 2) – 25 October 2011 – Violation of Article 3 (substantive) – Domestic authorities' failure to ensure adequate conditions of detention in the Thessaloniki police headquarters' facilities**

According to the applicant, the area where he was detained at the Thessaloniki police headquarters' facilities did not have sufficient fresh air or sunlight. The air was dank and there was an obnoxious smell. As there was no inner courtyard, there was no space for walks and so he could not leave his cell. The toilets and showers were unhygienic. The prison service did not provide catering for inmates and they each had only 5.87 euros per day to order meals, which were delivered to them from outside – a sum that was insufficient to cover their daily food needs. Relying on Article 3, the applicant complained that the conditions of his detention had constituted inhuman and degrading treatment.

The Court observed in particular that **the conditions of detention in the facilities of the Thessaloniki police headquarters had already been the subject of judgments in which the Court had found a violation of Article 3 of the Convention. It recalled that the applicant's allegations were moreover corroborated by the reports of the Greek Ombudsman.** The Court noted that the conditions, in which the applicant had been held in those facilities, together with the duration of his detention, four months and five days, amounted to inhuman and degrading treatment in breach of Article 3.

#### Just satisfaction (Article 41)

The Court ordered Greece to pay the applicant EUR 7,000 in respect of non pecuniary damage and rejected the claim for costs and expenses.

- **Prohibition of forced labour**

**Graziani-Weiss v. Austria (no. 31950/06) (Importance 1) – 18 October 2011 – No violation of Article 4 – No violation of Article 14 taken in conjunction with Article 4 – Lawyer’s obligation to act as unpaid legal guardian of mentally-ill persons does not constitute forced labour**

A practising lawyer, the applicant was informed that the Austrian courts planned to appoint him as legal guardian to a mentally ill person. According to the courts, neither the association of guardians nor any known relative could take over guardianship of that person. Relying on Article 4, the applicant alleged that being obliged to act as a legal guardian amounted to forced or compulsory labour. He also alleged under Article 14 that such an obligation was discriminatory since it concerned no legally trained professional but practising lawyers and public notaries.

#### Prohibition of forced labour (Article 4)

The Court observed that the applicant had to have been aware that he might be obliged to act as a guardian when he decided to become a practising lawyer and that this contained an element of prior consent. Moreover, **it was acceptable that, in certain circumstances where the person concerned lacked sufficient means, guardians did not receive remuneration.** In this context it had to be born in mind that practicing lawyers and public notaries had privileges vis-à-vis other professional groups, such as the right to represent parties in certain kinds of court proceedings. Accordingly, there had been no violation of Article 4.

#### Prohibition of discrimination (Article 14)

The Court observed in particular that there was **a significant difference between the professional groups of practising lawyers, and the other categories of persons who had studied law or had legal training but were not working as practising lawyers.** Practising lawyers have rights and duties which are governed by specific laws and regulations. They are also subject to disciplinary law and exempt from the duty to be represented by counsel before courts. Limiting the duty to act as legal guardian to public notaries and practising lawyers was not therefore discriminatory as they were not in a relevantly similar situation to other persons with legal training. There had therefore been no violation of Article 14 in conjunction with Article 4.

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

**Khelili v. Switzerland (no. 16188/07) (Importance 2) – 18 October 2011 – Violation of Article 8 – Domestic authorities’ failure to respect a woman’s private life by classifying her in security records as a “prostitute”**

During a police check in Geneva, the police found the applicant to be carrying calling cards which read: “Nice, pretty woman, late thirties, would like to meet a man to have a drink together or go out from time to time. Tel. no. ...” Following this discovery the applicant alleged that the Geneva police entered her name in their records as a prostitute, despite her insistence that she had never been one. The police attested that they were basing their work on the cantonal law on data protection.

The Court agreed that the interference with the applicant’s rights had a legal basis in domestic law. The Court also recognised that the applicant’s data was retained for the purpose of the prevention of disorder or crime and the protection of the rights of others. However, the Court observed in particular that the word at issue could damage the applicant’s reputation and make her day to day life more problematic, given that the data contained in the police records might be transferred to the authorities. The Court moreover stated that the allegation of unlawful prostitution appeared to be very vague and general. It further noted the contradictory behaviour of the authorities; despite confirmation from the police that the word “prostitute” had been corrected, the applicant learned that that word had been retained on the police computer records. Consequently, the Court concluded that the storage in the police records of allegedly false data concerning the applicant’s private life had breached Article 8

#### Just satisfaction (Article 41)

The Court ordered Switzerland to pay the applicant EUR 15,000 in respect of non-pecuniary damage and rejected the application in respect of costs and expenses.

**[Lyubenova v. Bulgaria](#) (no. 13786/04) (Importance 2) – 18 October 2011 - Violation of Article 8 – Domestic authorities’ failure to protect the family life of a separated mother and her son**

Separated from her husband, who lived in the United States and with whom she had a child, the applicant was deprived of her parental rights by her in-laws, who accepted to look after their grand-son but resisted when she wanted to see him. Domestic Courts firstly ordered the applicant’s in-laws to hand over the child to her. But a Regional Court quashed that judgment on account of the fact that the provision of law that authorized parents to seek a court order for the return of their children not living in their home applied only in cases where both parents had reached a mutual agreement as to their children’s residence. Relying in particular on Article 8, the applicant alleged that she had been the victim of discriminatory treatment on the part of the judicial authorities.

The Court observed that it had been possible for social services, through the imposition of fines, to ensure compliance with the mandatory instructions given to the parties, but that they had failed to make use of such measures. Neither had the authorities explained the inaction of the social services. More active steps should have been taken as a matter of urgency particularly as the child was only six years old at the time of the separation. **The Court noted that the Regional Court tended to protect the rights and interests of the absent father but further observed that other circumstances should have been taken into account. Accordingly, when only one of the parents was in a position to exercise effective parental rights in respect of the child as a result of the continued absence of his or her spouse, the interest of the parent assuming the responsibility for raising the child should be considered**, but also the safety and well-being of the child. Therefore, there has been a violation of article 8.

- **Freedom of expression**

**[Altuğ Taner Akçam v. Turkey](#) (no. 27520/07) (Importance 2) – 25 October 2011 – Violation of Article 10 – Domestic authorities’ failure to guarantee that people expressing their views on the Armenian issue would no be prosecuted**

A professor of history, the applicant researched and published extensively on the historical events of 1915 concerning the Armenian population in the Ottoman Empire. Following the publication of an editorial on that issue, three criminal complaints were filed against him by individuals under Article 301 of the Criminal Code alleging that he had denigrated “Turkishness”. According to the applicant, the tangible fear of prosecution had not only cast a shadow over his professional activities but had caused him considerable stress and anxiety. Relying on Article 10 the he alleged that the Government could not guarantee that he would not face investigation and prosecution in the future for his views on the Armenian issue.

In the Court’s opinion, **while the legislator’s aim of protecting and preserving values and State institutions from public denigration could be accepted to a certain extent, the wording of Article 301 of the Criminal Code, as interpreted by the judiciary, was too wide and vague and did not enable individuals to regulate their conduct or to foresee the consequences of their acts**. Despite the replacement of the term “Turkishness” by “the Turkish Nation”, there was apparently no change in the interpretation of these concepts. Thus Article 301 constituted a continuing threat to the exercise of the right to freedom of expression. In view of that lack of foreseeability, the Court concluded that the interference with the applicant’s freedom of expression had not been “prescribed by law”, in violation of Article 10.

Just satisfaction (Article 41)

The Court held that the finding of a violation was sufficient just satisfaction under Article 41 in the circumstances of the case.

- **Freedom of assembly and association**

**[United Macedonian Organisation Ilinden and Others v. Bulgaria](#) (no. 2) (no. 34960/04), [Singartiyski and Others v. Bulgaria](#) (no. 48284/07), [United Macedonian Organisation Ilinden and Ivanov v. Bulgaria](#) (no. 2) (no. 37586/04), [United Macedonian Organisation Ilinden – PIRIN and Others v. Bulgaria](#) (no. 2) (nos. 41561/07 and 20972/08) (Importance 2) – 18 October 2011 - Three violations of Article 11 – Domestic authorities’ refusal to register an association and to allow peaceful assemblies of supporters of that association**

The cases concerned refusals by the Bulgarian authorities’ to register an association (UMO) and a political party (UMO linden – PIRIN), and to allow peaceful rallies by supporters of the two organisations. The applicants relied in particular on Article 11. In the first and third cases the

applicants also alleged, under Article 14, that the refusal to register an organization had been motivated by the fact that they asserted their Macedonian ethnicity.

The Court had already found in previous judgments in respect of Bulgaria that **professing separatist ideas and pursuing political aims, which had been the two main reasons given by the Bulgarian courts to refuse to register the association, did not amount to sufficient grounds to refuse the registration of an organization.** The Court also reiterated that even when there had not been outright bans, restrictions on peaceful gatherings could be regarded as an interference with the freedom to assemble. Even a prior ban could have a chilling effect on the people who intended to gather, and therefore could be seen as an interference, even if the authorities did not disrupt the assembly. Therefore, domestic authorities' refusal, in particular, to register UMO as an association and to authorize UMO assemblies and pacific gatherings violated article 11.

As to the refusal to re-register UMO Ilinden – PIRIN as a political party, the Court noted that the Bulgarian Supreme Court of Cassation had explained the two refusals to re-register the party with the failure of the party's founders to comply with the relevant legal requirements. The Court was therefore satisfied that the refusals had been lawful. Accordingly, there had been no violation of Article 11.

#### Just satisfaction (Article 41)

The Court held that Bulgaria was to pay the applicants in each case EUR 9,000 in respect of non-pecuniary damage and sums ranging between EUR 1,443.47 and EUR 1,513.29 for costs and expenses.

- **Protection of property**

**Valkov and Others v. Bulgaria (nos. 2033/04, 19125/04, 19475/04, 19490/04, 19495/04, 19497/04, 24729/04, 171/05 and 2041/05) (Importance 2) – 25 October 2011 - No violation of Article 1 of Protocol No. 1 – Domestic law provision that caps Bulgarian retirement pensions does not interfere with property rights – No violation of Article 14 – Such a provision is not discriminatory**

The applicants are nine Bulgarian nationals who retired on various dates between 1979 and 2002. Relying on Article 1 of Protocol No 1 to the Convention, and on Article 14, the applicants complained that the cap on their retirement pensions had breached their rights to protection of their property and not to be discriminated.

#### Protection of property (Article 1 of Protocol No 1)

The Court found that the cap pursued a legitimate aim in the public interest and had obviously resulted in savings for the Bulgarian pension system. The Constitutional Court, when deciding on the cap in 1998, had found that it reflected “the requirements of social justice”. The regard for social considerations of the Bulgarian legislature and judiciary had been reasonably justified. According to international studies, the pension systems of different countries varied and ceilings on public pensions were not a uniquely Bulgarian phenomenon. **The system to follow in each country is a matter for the national authorities, which are better placed than an international court to evaluate local needs and conditions.** In addition, the Court held in particular that **public pension schemes were based on the principle of solidarity between contributors and beneficiaries. Like other social security schemes, they were an expression of a society's solidarity with its vulnerable members and were thus not to be compared to private insurance schemes.** Moreover, the amount of the cap had gradually changed, with the effect that the maximum amount of pension had increased over the years. There had therefore been no violation of Article 1 of Protocol 1.

#### Prohibition of discrimination (Article 14)

The Court noted that the aim pursued by the Bulgarian authorities was legitimate. It also found that it was not its role to compare the applicants with pensioners such as the President or Vice-President of the Republic, to whom the pension cap did not apply. The Court concluded that there had been no violation of Article 14.

#### Separate opinion

Judge Panova expressed a partly dissenting opinion the text of which is annexed to the judgment.

- **Cases concerning Chechnya**

**Tashukhadzhiyev v. Russia (no. 33251/04) (Importance 3) – 25 October 2011 – Violation of Article 2 – Disappearance of a young man in Chechnya after having been detained by a group of military**

servicemen in 1996 – Violation of Article 13 – Russian authorities’ failure to effectively investigate young man’s disappearance in Chechnya – Violation of Article 5 – Unacknowledged detention

## 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 18 Oct. 2011: [here](#)
- Press release by the Registrar concerning the Chamber judgments issued on 20 Oct. 2011: [here](#)
- Press release by the Registrar concerning the Chamber judgments issued on 25 Oct. 2011: [here](#)
- Press release by the Registrar concerning the Chamber judgments issued on 27 Oct. 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>
Albania	18 Oct. 2011	Mullai and Others (no. 9074/07) Imp. 2	Just satisfaction	Judgment on merits in respect of the judgment of 2 March 2010	<a href="#">Link</a>
Austria	18 Oct. 2011	Penias and Ortmaier (nos. 35109/06 and 38112/06) Imp. 2	Non-violation of Art. 6 § 1 Violation of Art. 6 § 1 Violation of Art. 13	Fairness of proceedings Excessive length of proceedings in respect of second applicant (4 years, 8 months at 4 levels of jurisdiction) Lack of an effective remedy in respect of the second applicant	<a href="#">Link</a>
Austria	18 Oct. 2011	Tuma (no. 22833/07) Imp. 3	Violation of Art. 6 § 1	Excessive length of criminal proceedings against the applicant for fraud (5 years and 8 and half months at one level of jurisdiction)	<a href="#">Link</a>
Croatia	18 Oct. 2011	Šarić and Others (nos. 38767/07, 45971/07 etc.) Imp. 3	Violation of Art. 1 of Prot. 1 (protection of property)	Croatian courts’ refusal to grant the applicants’ claims for special daily allowances to which they were entitled	<a href="#">Link</a>
Croatia	18 Oct. 2011	Tomasović (no. 53785/09) Imp. 3	Violation of Art. 4 of Prot. 7	Repeated convictions of the applicant for one and the same offense (possession of heroin)	<a href="#">Link</a>
Moldova	18 Oct. 2011	Rassohin (no. 11373/05) Imp. 3	Violation of Art. 6 § 1	Unfairness of proceedings (in particular, case examined in the absence of the applicant)	<a href="#">Link</a>
Poland	18 Oct. 2011	Sosinowska (no. 10247/09) Imp. 3	Violation of Art. 10	Disproportionate interference with the applicant’s freedom of expression on account of disciplinary proceedings, amounting to a reprimand, for having discredited another doctor	<a href="#">Link</a>
Romania	18 Oct. 2011	Lăutaru (no. 13099/04) Imp. 3	Violation of Art. 3	Poor conditions of detention in Colibași Prison	<a href="#">Link</a>
Romania	18 Oct. 2011	Pavalache (no. 38746/03) Imp. 2	Violation of Art. 3 Violation of Art. 6 § 2	Poor conditions of detention Domestic authorities’ infringement of the applicant’s right to be presumed innocent	<a href="#">Link</a>
Russia	18 Oct. 2011	Buldashev (no. 46793/06) Imp. 3	Violation of Art. 13 Three violations of Art. 3	Lack of an effective remedy Poor conditions of detention, lack of an effective investigation into	<a href="#">Link</a>

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

			No violation of Art. 5 § 3 and Art. 6 § 1	alleged ill-treatment Reasonable length of pre-trial detention (1 year and 4 and a half months) and proceedings (3 years and 8 and a half months)	
Russia	18 Oct. 2011	Cherkasov (no. 7039/04) Imp. 3	Two violations of Art. 3	Ill-treatment by police officers and lack of an effective remedy	<a href="#">Link</a>
Russia	18 Oct. 2011	G.O. (no. 39249/03) Imp. 3	Violation of Art. 3 Violation of Art. 5 § 1 Violation of Art. 5 § 3 Violation of Art. 5 § 4  Violation of Art. 6 § 1 (length)	Poor conditions of detention Unlawful detention Excessive length of pre-trial detention (3 years and 2 days) Lack of an effective remedy to challenge the unlawfulness of detention  Unfairness of proceedings	<a href="#">Link</a>
Russia	18 Oct. 2011	Shuvalov (no. 38047/04) Imp. 2	Two violations of Art. 3	Ill-treatment by police officers and lack of an effective remedy	<a href="#">Link</a>
Sweden	20 Oct. 2011	Samina (no. 55463/09) Imp. 3	No violation of Art. 3	No risk of being subjected to ill treatment if expelled to Pakistan	<a href="#">Link</a>
the Czech Republic	27 Oct. 2011	Bergmann (no. 8857/08) Imp. 2	Violation of Art. 8	Deprivation of the applicant's right to visit his son	<a href="#">Link</a>
Ukraine	20 Oct. 2011	Rysovskyy (no. 29979/04) Imp. 3	Violation of Art. 6 § 1 Violation of Art. 1 of Prot. 1  Violation of Art. 13	Domestic authorities' failure to enforce a court judgment allocating a plot of land to the applicant  Lack of an effective remedy	<a href="#">Link</a>

### 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>
Poland	18 Oct. 2011	Dombrowski (no. 9566/10) <a href="#">link</a>	Violation of Art. 6 § 1 in conjunction with Art. 6 § 3 (c)	Lawyer's refusal to bring a cassation appeal in the applicant's case
Romania	18 Oct. 2011	Avram (no. 25339/03) <a href="#">link</a>	Violation of Art. 5 § 1	Unfairness of proceedings
Spain	18 Oct. 2011	Martínez Martínez (no. 21532/08) <a href="#">link</a>	Violation of Art. 8	Domestic authorities' failure to stop the disturbance caused by the noise from a music bar located a few meters from the applicant's home
Turkey	18 Oct. 2011	Adem Yılmaz Doğan and Others (no. 25700/05) <a href="#">link</a>	Just satisfaction	Judgment on merits in respect of the judgment of 15 June 2010
Ukraine	20 Oct. 2011	Kolesnikov (no. 697/07) <a href="#">link</a>  Miroshnichenko (no. 19805/08) <a href="#">link</a>	Violation of Art. 5 § 3  Violation of Art. 6 § 1 (first case)	Excessive length of pre-trial detention (5 years, 2 months and 12 days)  Unfairness of proceedings

#### 4. Length of proceedings cases

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

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

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

<u>State</u>	<u>Date</u>	<u>Case Title</u>	<u>Link to the judgment</u>
Greece	18 Oct. 2011	Fellas (no. 46400/09)	<a href="#">Link</a>
Greece	18 Oct. 2011	Garyfallia Chatzi and Others (no. 14817/09)	<a href="#">Link</a>
Greece	18 Oct. 2011	Ioannis Aggelakis (no. 51640/08)	<a href="#">Link</a>
Greece	18 Oct. 2011	Tsalapatas and Others (no. 6667/09)	<a href="#">Link</a>
Germany	20 Oct. 2011	Kurczveil (no. 53550/09)	<a href="#">Link</a>
Italy	18 Oct. 2011	Giusti (no. 13175/03)	<a href="#">Link</a>
Italy	18 Oct. 2011	Selvaggio and Others (nos. 39438/03, 39440/03, etc.)	<a href="#">Link</a>

#### 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 23 October 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>
Bosnia and Herzegovina	18 Oct. 2011	Alisic and Others (no 60642/08) <a href="#">link</a>	Alleged violation of Art. 1 Prot. 1 taken alone or in conjunction with Art.13 and 14 (inability of the applicant to withdraw their "old" foreign-currency savings)	Admissible
Georgia	18 Oct. 2011	Tchanturia (no 2225/08) <a href="#">link</a>	Alleged violation of Art. 3 and 6 §§ 1 and 3 (c) (ill-treatment by police officers ; unfairness of the criminal proceedings conducted against the applicant)	Struck out of the list (friendly settlement reached)
Georgia	18 Oct. 2011	Tsetskhladze (no 50613/06) <a href="#">link</a>	Alleged violation of Art. 3 (lack of an adequate medical care in prison for the applicant's viral hepatitis C)	Struck out of the list (the applicant no longer wished to pursue his application)
Germany	18 Oct. 2011	Graf (no 53783/09) <a href="#">link</a>	Alleged violation of Art. 5 § 1 (unlawfully confinement in a psychiatric hospital), of Art. 5 § 4 and 6 § 1 (unfairness of proceedings), and of Art. 2 (continuing proposals to treat the applicant with medication amounted to torture)	Inadmissible (partly for non-exhaustion of domestic remedies and partly for no violation of the rights and freedoms protected by the Convention)
Hungary	18 Oct. 2011	Dianovszki (no 48103/07) <a href="#">link</a>	Alleged violation of Art. 6 § 1 (excessive length of civil proceedings)	Struck out of the list (friendly settlement reached)
Latvia	18 Oct. 2011	Gvozdeckis (no 25460/04) <a href="#">link</a>	Alleged violation of Art. 3 (ill-treatment by police officers)	Struck out of the list (it is no longer justified to continue the examination of the application)
Lithuania	18 Oct. 2011	Loveika (no 31244/06) <a href="#">link</a>	Alleged violation of Art. 5 and 6 (unlawfulness of detention and unfairness of proceedings)	Inadmissible (partly for non-respect of the six-month requirement, and partly for no violation of the rights and

				freedoms protected by the Convention)
Lithuania	18 Oct. 2011	Sanian (no 23562/05) <a href="#">link</a>	Alleged violation of Art. 6 and 13 (unfairness of proceedings)	Struck out of the list (the applicant no longer wished to pursue his application)
Lithuania	18 Oct. 2011	Zuher Alzuhari (no 16688/06) <a href="#">link</a>	Alleged violation of Art. 5 §§ 1 and 4	Idem.
Moldova	18 Oct. 2011	Paerele (no 14704/07) <a href="#">link</a>	Alleged violation of Art. 6 § 1 and Art. 1 of Prot. 1 (unfairness of civil proceedings), Art. 13 (lack of an effective remedy)	Struck out of the list (the applicant no longer wished to pursue her application)
Poland	18 Oct. 2011	Martyniak (no 37831/09) <a href="#">link</a>	Alleged violation of Art. 3 (poor conditions of his detention in Czarne Prison)	Struck out of the list (friendly settlement reached)
Poland	18 Oct. 2011	Wolosowicz (no 40509/09) <a href="#">link</a>	Alleged violation of Art. 3 (poor conditions of his detention in Białystok Remand Centre)	Idem.
Poland	18 Oct. 2011	Starosta (no 37737/10) <a href="#">link</a>	Alleged violation of Art. 5 § 3 (excessive length of detention)	Idem.
Romania	18 Oct. 2011	Medesan (no 11950/06) <a href="#">link</a>	Alleged violation of Art. 6 and Art. 1 of Prot. 1 (quashing of a judgment in the applicant's favor)	Idem.
Romania	18 Oct. 2011	Necsefor (no 9361/04) <a href="#">link</a>	Alleged violation of Art. 5 (unlawful detention) and Art. 6 (unfairness of criminal proceedings)	Struck out of the list (the applicant no longer wished to pursue his application)
Serbia	18 Oct. 2011	Petrovic (no 56551/11; 56650/11 etc.) <a href="#">link</a>	Alleged failure of domestic authorities' to provide the applicant with compensation for the lost earnings incurred whilst he was preparing the applications in the present cases, specifically the loss allegedly due to his "inability to represent other clients during this time"	Inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention)
Slovakia	18 Oct. 2011	Safarik (no 380/08) <a href="#">link</a>	Alleged violation of Art. 1 of Prot. 1 in conjunction with Art. 14 (domestic authorities' dismissal of the applicant's claim for remuneration while acting as a legal-aid lawyer), Art. 6 § 1 (unfairness of proceedings)	Idem.
the Czech Republic	18 Oct. 2011	Svobodova (no 13970/09) <a href="#">link</a>	Alleged violation of Art. 5 §§ 1 and 4 (unlawfulness and lack of judicial review of the applicant's psychiatric confinement)	Struck out of the list (friendly settlement reached)
the Netherlands	18 Oct. 2011	H. (no 37833/10) <a href="#">link</a>	Alleged violation of Art. 3 (risk of being subjected to ill-treatment if expelled to Turkey), Art. 8 (continued denial to grant the applicant a residence title)	Partly adjourned (concerning the continued denial to grant the applicant a residence title), partly inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention concerning the remainder of the application)
Turkey	18 Oct. 2011	Seyhan (no 13865/10) <a href="#">link</a>	Alleged violation of Art. 5, 10, 13 and 14 (on account of the applicant's conviction and sentence for speaking in Kurdish during an election campaign)	Struck out of the list (friendly settlement reached)
Turkey	18 Oct. 2011	Celik (no 23455/07) <a href="#">link</a>	Alleged violation of Art. 3, 6, 8 and 10 (domestic authorities' refusal to give the applicant some publications in the prison)	Struck out of the list (the applicant no longer wished to pursue his application)
Ukraine	18 Oct. 2011	Tereshchenko (no 39213/05) <a href="#">link</a>	Alleged violations of Art. 3 (ill-treatment by the police and lack of an effective remedy), Art. 5 §§ 1, 2 and 5 (unlawful detention, authorities' refusal to inform the applicant of the reasons for her arrest and lack of an adequate	Inadmissible (partly for non-respect of the six-month requirement, partly incompatible ratione materiae and partly for no violation of the rights and freedoms protected by the Convention)



			compensation in that respect), Art. 13 (lack of an effective remedy)	
Ukraine	18 Oct. 2011	Vasylenko (no 25129/03) <a href="#">link</a>	Alleged violation of Art. 6 § 1 (unfairness of proceedings as the hearings held in the applicant's absence)	Inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention)

### 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 24 October 2011: [link](#)
- on 02 November 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](mailto:dhogan@ihrc.ie)).

#### Communicated cases published on 24 October 2011 on the Court's Website and selected by the NHRS Unit

*The batch of 24 October 2011 concerns the following States (some cases are however not selected in the table below): Armenia, Croatia, France, Georgia, Latvia, Moldova, Poland, Romania, Russia, Slovakia, Sweden, the Czech Republic, "the former Yugoslav Republic of Macedonia" and Turkey.*

<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	05 Oct. 2011	Dareskizb LTD no 61737/08	Alleged violation of Art. 6 § 1 – Infringement of the applicant's right to access to a court – Unfairness of proceedings – Alleged violation of Art. 10 – Inability of the applicant's company to receive and impart information because of a presidential decree declaring a state of emergency and imposing a limitation on mass media publications
Georgia	05 Oct. 2011	X. no 30030/07 and 4 other applications	Alleged violation of Art. 3 – Domestic authorities' failure to provide the applicants with the requisite antiretroviral drugs for his HIV/AIDS during their stay in prison
Romania	06 Oct. 2011	Chiş no 55396/07	Alleged violation of Art. 8 – Domestic authorities' failure to prevent disorders arising from a bar and a billiard club located in the applicant's residence

**Communicated cases published on 2 November 2011 on the Court's Website and selected by the NHRS Unit**

*The batch of 2 November 2011 concerns the following States (some cases are however not selected in the table below): France, Germany, Hungary, Serbia, Spain, Sweden, the Czech Republic, 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>
France	10 Oct. 2011	Henry de Lesquen Du Plessis-Casso no 34400/10	Alleged violation of Art. 10 – Conviction of the applicant on account of the publication of an open letter on the internet
Serbia	11 Oct. 2011	Radovanović and Petrović nos. 17079/07 and 32824/07	Alleged violation of Art. 1 of Prot. 12 – Discriminatory application of the Pension and Disability Insurance Act on account of the applicants status as common-law partners.
Sweden	10 Oct. 2011	Lönn no 49801/08	Alleged violation of Art. 1 of Prot. 1 – Discriminatory nature of a gender-based Swedish legislation concerning child allowances

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

**Information by State (18.10.2011)**

The Court has published factsheets for each of the 47 European countries which have ratified the European Convention on Human Rights. These “country profiles” provide wide-ranging information regarding the human rights issues which have been and will be dealt with by the Court for each State.

[Country profiles](#)

[Press Release](#)

[Statistics on judgments by State](#)

**Admissibility Guide (25.10.2011)**

The Practical Guide on Admissibility Criteria, describing the conditions applications must meet, has been translated into German thanks to a voluntary contribution from the Principality of Liechtenstein. Bulgarian, Greek and Italian translations of the Guide have also been made available with the help of the Bulgarian Supreme Bar Council, the Greek Ministry of Foreign Affairs and the Italian Ministry of Justice. [Guide on Admissibility Criteria](#)

## Part II: The execution of the judgments of the Court

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

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

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

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

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

[...]

#### *F. Supervision of execution of judgments*

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

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

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

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

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

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

<sup>\*</sup> 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](http://www.echr.coe.int/NR/ronlyres/AA56DA0F-DEE5-4FB6-BDD3-A5B34123FFAE/0/2010_Priority_policy_Public_communication.pdf)

<sup>†</sup> 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](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](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](http://www.coe.int/t/dghl/monitoring/execution/Themes/Add_info/Info_cases_en.asp)

## 2. Enhanced procedure

### a. *Indicators*

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

### b. *Procedure*

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

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

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

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

## 3. Cases currently pending before the Committee of Ministers

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

### *More information :*

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

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

## 4. Just satisfaction

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

More information :

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

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

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

[http://www.coe.int/t/dghl/monitoring/execution/Reports/pendingCases\\_en.asp](http://www.coe.int/t/dghl/monitoring/execution/Reports/pendingCases_en.asp)

For more information on the specific question of the execution of judgments including the Committee of Ministers' annual report for 2010 on its supervision of judgments, please refer to the Council of Europe's web site dedicated to the execution of judgments of the European Court of Human Rights: [http://www.coe.int/t/dghl/monitoring/execution/Default\\_en.asp](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](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 (17.10 – 30.10.2011) for this RSIF.

### October 2011

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• 17-21 October:

> 52<sup>nd</sup> Plenary Meeting of the Group of States against Corruption ([Read the adopted decisions](#))

• 18 October:

> European Anti-Trafficking Day ([Read more](#))

• 24-28 October:

> FATF Working Groups and Plenary Meetings. MONEYVAL participated in the working groups meetings and the first Plenary meeting held under the Italian Presidency ([Read more](#))

### November 2011

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• 5-6 November :

> Working Group Meeting to discuss legislation on Parole Boards ([Read more](#))

• 17 November :

> Final Meeting within the Russian PMC Project ([Read more](#))

• 20-21 November :

> "Building a child-friendly Europe: Turning a vision into reality" : Conference (Monaco) in the framework of the Council of Europe's Strategy for the Rights of the Child 2012-2015 ([Read more](#))

> Fundamental Rights Conference in Warsaw on migrants' rights : The European Union Agency for Fundamental Rights is holding a conference in Warsaw (Poland) to address the issue of access to fundamental rights for migrants with an irregular migration status who are living in the European Union ([Read more](#))

• 22-23 November :

> Annual Round Table of Russian Regional Ombudsmen ([Read more in Russian](#))

### December 2011

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• 5-9 December : European Committee of Social Rights 254<sup>th</sup> Session

• 6-9 December : GRETA 12th Meeting

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\* These are subsequently due to take place.



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

### **A. European Social Charter (ESC)**

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

#### **CPT visited Switzerland (26.10.2011)**

A delegation of CPT carried out a periodic visit to Switzerland from 10 to 20 October 2011. The delegation re-examined in particular the implementation of fundamental safeguards against police ill-treatment following the entry into force of the unified Code of Criminal Procedure. In the area of prisons, particular attention was paid to the situation of inmates suffering from psychiatric disorders and persons subject to preventive detention or to institutional therapeutic measures. In this context, the delegation also visited a forensic psychiatric clinic ([Read more](#))

#### **CPT visited Netherlands (28.10.2011)**

A delegation of CPT carried out a visit to the Netherlands from 10 to 21 October 2011. During the visit, the CPT's delegation reviewed the situation of persons subjected to a TBS measure (i.e. a measure providing for involuntary psychiatric treatment in a special hospital) as well as the treatment of irregular migrants held in detention centers for aliens. It also examined for the first time the situation of the so-called "VRIS" prisoners (sentenced foreigners awaiting deportation) and the expulsion procedures in place. The delegation also reviewed the treatment of persons in police custody, including the safeguards applicable to them.

### **C. European Committee against Racism and Intolerance (ECRI)**

#### **ECRI to prepare report on Denmark (17.10.2011)**

An ECRI delegation visited Denmark from 19 to 23 September 2011. Following this visit, ECRI will adopt a report in which it will make a fresh set of recommendations on measures to be taken by the authorities to address racism, racial discrimination, xenophobia, antisemitism and intolerance in the country. Among these, three will be revisited two years after the publication of the report as part of an interim follow-up procedure ([more information](#))

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

#### **Romania: visit of the FCNM Advisory Committee (17.10.2011)**

The FCNM Advisory Committee visited Bucharest, Cluj and Baia Mare from 17 to 21 October 2011 in the context of the monitoring of the implementation of this convention in Romania. This was the third visit of the Advisory Committee to Romania. The Delegation had meetings with the representatives of all relevant ministries, public officials; the Ombudsman, NGOs, as well as national minority organisations ([Read more](#)).

### **E. Group of States against Corruption (GRECO)**

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\* No work deemed relevant for the NHRs for the period under observation. Events announcements are reported in the General Agenda (Part III).

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

### **Outcome of the 36th Plenary Meeting (26-30 September 2011)**

MONEYVAL, at its 36th plenary meeting, achieved several significant results: - discussed and adopted the mutual evaluation reports on the 4th assessment visits of Cyprus, San Marino and the Slovak Republic; - examined and adopted the second progress reports submitted by the Russian Federation ([report/ annexes](#)) and "the former Yugoslav Republic of Macedonia "([report/ annexes](#)); - noted the status of work under the typologies project on Criminal money flows on the internet: methods, trends and multi-stakeholder counteraction and on The use of internet gambling for ML and TF purposes; - heard an update on the organisation of the annual typologies exercise which took place in Tel Aviv, Israel, from 31 October to 2 November 2011 ([Read more](#))

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

### **1st evaluation round : GRETA visited Armenia (25.10.2011)**

A GRETA Delegation carried out a country visit to Armenia from 17 to 20 October 2011, in order to prepare its first monitoring report on the fight against human trafficking in this country ([Read more](#)).

## Part V: The inter-governmental work

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

**18 October 2011**

**Georgia acceded:** to the European Support Fund for the Co-Production and Distribution of Creative Cinematographic and Audiovisual Works ([Eurimages](#))

**19 October 2011**

**Albania ratified** the European Convention on the Exercise of Children's Rights ([ETS No. 160](#))

**20 October 2011**

**Ukraine signed:** the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority ([CETS n°207](#))

**28 October 2011**

**Austria, Cyprus, Finland, France, Germany, Iceland, Italy Portugal, Russia, Switzerland and Ukraine signed:** the Council of Europe Convention on the counterfeiting of medical products and similar crimes involving threats to public health ([CETS No.211](#))

**Iceland ratified:** Protocol No.3 to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities concerning Euroregional Co-operation Grouping ([CETS No.206](#))

### B. Recommendations and Resolutions adopted by the Committee of Ministers

**Resolutions adopted on 26 October 2011 at the 1124<sup>th</sup> meeting of the Ministers' Deputies :**

[CM/Res\(2011\)23E / 26 October 2011](#) : Resolution on the Partial Agreement on the Co-operation Group to combat drug abuse and illicit trafficking in drugs (Pompidou Group).

[CM/Res\(2011\)22E / 26 October 2011](#) : Resolution concerning the financial statements and the budgetary management accounts of the Partial Agreement of the European Support Fund for the co-production and distribution of creative cinematographic and audiovisual works "Eurimages" for the year ended 31 December 2010.

[CM/Res\(2011\)21E / 26 October 2011](#) : Resolution concerning the financial statements and the budgetary management accounts of the Partial Agreement establishing the European Centre for Global Interdependence and Solidarity for the year ended 31 December 2010.

[CM/Res\(2011\)20E / 26 October 2011](#) : Resolution concerning the budgetary management accounts of the Enlarged Partial Agreement on Sport (EPAS) for the year ended 31 December 2010.

[CM/Res\(2011\)19E / 26 October 2011](#) : Resolution concerning the budgetary management accounts of the Enlarged Partial Agreement on the "Group of States against Corruption – GRECO" for the year ended 31 December 2010.

[CM/Res\(2011\)18E / 26 October 2011](#) : Resolution concerning the budgetary management accounts of the Enlarged Partial Agreement establishing the European Centre for Modern Languages (Graz) for the year ended 31 December 2010.

[CM/Res\(2011\)17E / 26 October 2011](#) : Resolution concerning the budgetary management accounts of

the Partial Agreement on Youth Mobility through the Youth Card for the year ended 31 December 2010.

[CM/Res\(2011\)16E / 26 October 2011](#) : Resolution concerning the budgetary management accounts of the Enlarged Agreement on the European Commission for Democracy through Law (Venice Commission) for the year ended 31 December 2010.

[CM/Res\(2011\)15E / 26 October 2011](#) : Resolution concerning the budgetary management accounts of the Partial Agreement on the Co-operation Group for the prevention of, protection against, and organisation of relief in major natural and technological disasters (EUR-OPA) for the year ended 31 December 2010.

[CM/Res\(2011\)14E / 26 October 2011](#) : Resolution concerning the budgetary management accounts of the Partial Agreement on the Co-operation Group to combat drug abuse and illicit trafficking in drugs (Pompidou Group) for the year ended 31 December 2010.

[CM/Res\(2011\)13E / 26 October 2011](#) : Resolution concerning the budgetary management accounts of the Partial Agreement on the Council of Europe Development Bank for the year ended 31 December 2010.

[CM/Res\(2011\)12E / 26 October 2011](#) : Resolution concerning the budgetary management accounts of the European Pharmacopoeia for the year ended 31 December 2010.

[CM/Res\(2011\)11E / 26 October 2011](#) : Resolution concerning the budgetary management accounts of the General Budget of the Council of Europe for the year ended 31 December 2010.

[CM/Res\(2011\)10E / 26 October 2011](#) : Resolution concerning the consolidated financial statements of the Council of Europe for the year ended 31 December 2010.

### **C. Other news of the Committee of Ministers**

#### **Kostyantyn Gryshchenko and Mevlüt Çavuşoğlu express shock at terrorist attacks in Turkey(19.10.2011)**

Kostyantyn Gryshchenko, Chairman of the Committee of Ministers of the Council of Europe, and Mevlüt Çavuşoğlu, President of the PACE issued on 19 October 2011 the following joint statement: "We are outraged by the terrorist attacks in south-east Turkey, which have resulted in the deaths of at least 26 Turkish soldiers. We condemn in the strongest terms the authors of these horrendous acts, as well as yesterday's attack on police officers. Terrorists will never achieve their ends through violence and bloodshed. They do not defend ideas, they seek only to propagate hatred and barbarity. Their acts are a crime against us all".

#### **Council of Europe expresses solidarity following earthquake in Turkey (24.10.2011)**

Following earthquake in Turkey on 24 October 2011, Kostyantyn Gryshchenko and Mevlüt Çavuşoğlu, made the following statement: "On behalf of the Council of Europe, we would like to express our profound sympathy to the people and government of the Republic of Turkey following the earthquake which hit the south east of the country on Sunday, one of the strongest in recent decades. At this difficult moment, we would like to convey to the families of the victims and those who have been injured our expression of great solidarity and sympathy, as well as to encourage the assistance teams engaged in the ongoing relief effort."

## 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 President : “Norway is strong and solid partner” (21.10.2011)**

At the end of a three-day official visit, the PACE President has welcomed Norway's permanent support to the work of the Assembly and the Council of Europe. "We have in your country a strong and solid partner," Mevlut Cavusoglu said ([Read more](#))

#### **Statement by the PACE mission to observe the election of the constituent National Assembly of Tunisia (24.10.2011)**

"The observer delegation from PACE congratulated the citizens of Tunisia for having achieved this rendez-vous with history. For the first time, they have freely elected their constituent National Assembly, laying the foundations of their democracy. They have thus transformed the revolutionary dynamic into a legal and legitimate institution, thereby setting an example for the entire region ([Read more](#))

#### **Presidential election in Bulgaria: statement by PACE observer delegation (24.10.2011)**

"The observer delegation of PACE welcomes Bulgaria's continuous progress towards the implementation of its commitments vis-à-vis the Council of Europe in the field of democratic elections. In this connection, the delegation notes, in particular, Bulgaria's co-operation with PACE in the framework of post-monitoring dialogue as well as with the Venice Commission of the Council of Europe ([Read more](#))

#### **PACE President: 'The Federation Council is a long-standing constructive partner' (27.10.2011)**

The PACE President met with the Speaker of Russia's Federation Council, Valentina Matvienko, in Moscow on 27 October 2011. "The Federation Council is a longstanding constructive partner and our co-operation has always been very fruitful," Mr Cavusoglu said. He also expressed PACE's support for ongoing reforms aiming at modernising Russia's political system and strengthening the rule of law, in line with European democratic standards ([Read more](#))

#### ➤ *Themes*

#### **Dialogue, integration and interaction between different communities start at local level (18.10.2011)**

"A truly intercultural model of 'living together', which allows culturally different groups within society to interact, is the most effective response to intolerance, extremism and xenophobia - the worst evils our societies have to face today," said the PACE President on 18 October 2011, addressing the 21st Session of the Congress of Local and Regional Authorities of the Council of Europe ([Speech by PACE President](#))

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

**'No more excuses' for not ratifying the Social Charter, says PACE President (18.10.2011)**

"It is no longer acceptable to make excuses when it comes to ratification of the European Social Charter," said PACE President Mevlut Cavusoglu, speaking on 18 October 2011 at a ceremony in Strasbourg to mark the Charter's 50th anniversary ([Speech by PACE President](#))

**The Assembly and national parliaments have a responsibility for implementation of ECHR judgments (20.10.2011)**

"Our Assembly and national parliaments have a responsibility for rapid and effective implementation of Strasbourg Court judgments", PACE President Mevlut Cavusoglu said on 20 October 2011 addressing the Norwegian Center for Human Rights in Oslo. "The Committee of Ministers, which holds the principal responsibility for the supervision of the execution of the Court's judgments, has itself acknowledged the benefit of greater parliamentary involvement", he added ([Speech by PACE President](#))

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

### A. Country work

#### **Moldova: time has come to strengthen protection of the rights of people with disabilities, Roma and other vulnerable groups (21.10.2011)**

"A prompt adoption of a comprehensive anti-discrimination legislation will be an important step towards a more effective protection of the rights of the vulnerable groups in Moldova", said the Council of Europe Commissioner for Human Rights at the end of a three-day visit to Moldova. "It should be accompanied by an education and public awareness campaign to ensure efficient implementation of the legislation in question". During the visit, the Commissioner focused on non-discrimination and promotion of tolerance in society, as well as human rights issues related to the events of April 2009 ([Read more](#))

### B. Thematic work

#### **Access to justice for persons with disabilities: Commissioner Hammarberg intervenes before the Strasbourg Court (18.10.2011)**

"Persons with disabilities are all too often denied access to justice on an equal basis with others", said the Council of Europe Commissioner for Human Rights, Thomas Hammarberg, submitting written [observations](#) to the European Court of Human Rights on a case concerning the treatment of a person with disability in Romania ([Read 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)**

### **Study visit to Poland for the representatives of the Ukrainian institutions (24.10.2011)**

Organised by the Joint Programme between the European Union and the Council of Europe entitled "Transparency and Efficiency of the Judicial System in Ukraine" (TEJSU Project), the representatives of the Ukrainian institutions paid a visit to both the National Council of the Judiciary and the School of Judiciary and Public Prosecution of the Republic of Poland. This study visit aimed at familiarising the representatives of the High Qualification Commission of Judges and the National School of Judges of Ukraine with the Polish experience as regards to the appointment, the disciplinary liability and the training procedures for judges

### **European NPM Project:**

October proved a particularly intensive period in terms of NPM events:

### **European NPM Project Inter-NPM Onsite: joint visit by representatives of the Albanian, the former Yugoslav Republic of Macedonia and Slovenian NPMs, Ljubljana, 2 - 5 October 2011**

This additional Project activity, the first small inter-NPM onsite, to be hosted and prepared by the NPM of Slovenia, saw the participation of three NPMs and focused on exchanging good practices on monitoring. The first day comprised joint preparations for the joint visit to a prison scheduled for the second day, including a focus on the methodology of the visit, presentation of facility details and role of each NPM expert, along with an analysis of the relevant documents and information about the visit, conducted in a Roundtable with all NPM participants. The final day comprised the debriefing on the initial talk with prison head, on interviews with inmates, staff and documentation; on analysis of general findings as well as the exchange of experiences between the NPM participants on drafting reports and recommendations. A Debriefing Paper is available for reference on the Council of Europe's NHRS Unit website.

See link for more details :

[http://www.coe.int/t/dghl/cooperation/capacitybuilding/nhrs\\_archiveSelectYear\\_en.asp](http://www.coe.int/t/dghl/cooperation/capacitybuilding/nhrs_archiveSelectYear_en.asp)

### **European NPM Project: Roundtable discussions on the establishment of the NPM in Ukraine Kyiv, 18 October 2011**

Next, Roundtable discussions were held on 18 October with the Ukrainian Ombudsperson's office, Ukrainian civil society and the Ukrainian authorities respectively on the one hand, and the European NPM Project partners on the other. The purpose of this inter-active meeting was to offer interested national stakeholders involved in discussions concerning the establishment of the Ukrainian NPM an occasion to meet and discuss the current NPM situation and future options with members of the European NPM Network and international experts in the field of torture prevention the different operating models of NPMs, along with the European Committee for the Prevention of Torture (CPT), the United Nations Sub-Committee on Prevention of Torture (SPT) and specialised NGOs such as the Association for the Prevention of Torture (APT). The ultimate aim was to discuss the prospects of eventually setting up an OPCAT-compliant NPM in Ukraine. The sudden decision to create an NPM in Ukraine by Presidential decree changed the context of these meetings in Ukraine, though the initiative to discuss the technical and policy oriented questions linked to the establishment of an NPM had initially been taken by the Ukrainian Ombudsperson office, which invited a small team from the Council of Europe National Human Rights Structures Unit to come to Kyiv for consultative discussions. A debriefing paper in English and Ukrainian will be circulated to all participants shortly.

See link for more details:

[http://www.coe.int/t/dghl/cooperation/capacitybuilding/nhrs\\_archiveSelectYear\\_en.asp](http://www.coe.int/t/dghl/cooperation/capacitybuilding/nhrs_archiveSelectYear_en.asp)

### **European NPM Project: NPM Thematic Workshop on "the protection of person belonging to particularly vulnerable groups in places of deprivation of liberty", Baku, 20-21 October 2011**

Shortly after the talks in Kyiv, the 6<sup>th</sup> NPM Thematic Workshop was held in Baku, from 20 to 21 October 2011, on "the Protection of persons belonging to particularly vulnerable groups in places of



deprivation of liberty". Hosted by the Commissioner for Human Rights of the Republic of Azerbaijan (the NPM of Azerbaijan) within the framework of the European NPM Project this sixth thematic workshop for the attention of specialised staff from 16 NPMs from the European NPM Network, brought those together with SPT, CPT, APT and specialised thematic experts to discuss good practice methodologies and challenges encountered when monitoring places of detention and risk of ill-treatment faced by vulnerable groups within detention during an NPM visit. National and international perspectives and experiences were shared on key issues and ill-treatment risk areas affecting such groups including: women, children / juveniles, "dangerous" prisoners; long term prisoners (including lifers); minorities; LGBT persons and those suffering from disabilities in detention. For the second time, a small number of members of Russian Public Monitoring Committees of places of detention (PMCs) attended as observers and shared their perspectives and experiences on this area with the European NPM Network.

See link for more details:

[http://www.coe.int/t/dghl/cooperation/capacitybuilding/nhrs\\_archiveSelectYear\\_en.asp](http://www.coe.int/t/dghl/cooperation/capacitybuilding/nhrs_archiveSelectYear_en.asp)

#### **European NPM Project On-site Exchange of Experiences with the Armenian NPM, Yerevan, 24 - 27 October 2011**

Finally, the last NPM activity under the period covered by this RSIF, was an NPM On-site Exchange of Experiences, held from 24 to 27 October 2011, with the NPM of Armenia hosting and experts of the UN SPT and Council of Europe CPT providing constructive feedback on the working methodology of the hosting institution. This four-day intensive meeting was the fifth On-site Exchange of Experiences held with a hosting member of the European NPM Network since the start of the European NPM Project. It involved 24 participants from the NPM of Armenia and associated experts working together with members of the SPT, the CPT, APT (NGO) and the European NPM Project Team. On the first day of the meeting the general working methods of the Armenian NPM in the light of the OPCAT prescriptions were discussed and examined, in addition to joint preparation for a common on-site visiting exercise on the second day to two places of deprivation of liberty at which the participants split into small groups and the international experts 'shadowed' their respective monitoring teams. On the third and fourth days the international and national NPM experts jointly discussed in plenary their observations on the overall working methods.

See link for more details:

[http://www.coe.int/t/dghl/cooperation/capacitybuilding/nhrs\\_archiveSelectYear\\_en.asp](http://www.coe.int/t/dghl/cooperation/capacitybuilding/nhrs_archiveSelectYear_en.asp)