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

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## **Introduction**

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

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

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

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

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

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

## A. Judgments

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

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

Some judgments are only available in French.

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

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

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

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

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

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

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

- **Grand chamber judgment**

**[Axel Springer AG v. Germany](#) (link to the judgment in French) (no. 39954/08) (Importance 1) – 7 February 2012 – Violation of Article 10 – Domestic courts' failure to establish a reasonable relationship of proportionality between, on the one hand the restrictions imposed by the national courts on the applicant company's right to freedom of expression and, on the other hand, the legitimate aim pursued**

The applicant company, Axel Springer AG ("Springer") is the publisher of the Bild, a national daily newspaper with a large circulation. In 2004 and 2005, it published two articles about a well-known television actor, being arrested at the Munich beer festival for possession of cocaine. The television actor brought injunction proceedings against Springer with the Hamburg Regional Court, which prohibited any further publication of the article and the photos. The applicant company complained about such a prohibition.

The Court noted in particular that the articles in question, about the arrest and conviction of the actor, concerned public judicial facts, of which the public had an interest in being informed. The Court also underlined that the actor had been arrested in public. The actor's expectation that his private life would be effectively protected had furthermore been reduced by the fact that he had previously revealed details about his private life in a number of interviews. The Court observed, moreover, that the articles had not revealed details about the actor's private life, but had mainly concerned the circumstances of his arrest and the outcome of the criminal proceedings against him. They contained no disparaging expression or unsubstantiated allegation, and the Government had not shown that the publication of the articles had resulted in serious consequences for the actor. There had accordingly been a violation of Article 10. Judge López Guerra expressed a dissenting opinion, joined by Judges Jungwiert, Jaeger, Villiger and Poalelungi. The Court held that Germany was to pay the applicant EUR 17,734 in respect of pecuniary damages and EUR 32,522 in respect of cost and expenses.

**[Von Hannover v. Germany \(no. 2\)](#) ([link to the judgment in French](#)) (nos. 40660/08 and 60641/08) (Importance 1) – No violation of Article 8 – Careful balance struck by domestic courts between, on the one hand, the publishing companies’ right to freedom of expression and on the other hand, the applicants’ right to respect for their private life**

Relying on a previous judgment from the Court (*Caroline von Hannover v. Germany, no. 59320/00*), the applicants, Princess Caroline and Prince Ernst August, brought, without success, several sets of proceedings before civil courts seeking an injunction against the publication of further photos showing them during a skiing holiday and taken without their consent, which had appeared in German magazines. They complained of the German courts’ refusal to prohibit any further publication of the photos in dispute. They alleged in particular that the courts had not taken sufficient account of the Court’s judgment in *Caroline von Hannover v. Germany* of 2004.

**First of all, the Court observed that it was not its task to examine whether Germany had satisfied its obligations in executing the Court’s judgment in *Caroline von Hannover v. Germany* of 2004, as that task was the responsibility of the Council of Europe’s Committee of Ministers.** The Court observed that following its 2004 judgment, the German Federal Court of Justice had made changes to its earlier case-law. In particular, it had stated that it was significant whether a report in the media contributed to a factual debate and whether its contents went beyond a mere desire to satisfy public curiosity. The Federal Court of Justice had noted that the greater the information value for the public the more the interest of a person in being protected against its publication had to yield, and vice versa, and that the reader’s interest in being entertained generally carried less weight than the interest in protecting the private sphere. Irrespective of the question to what extent Caroline von Hannover assumed official functions on behalf of the Principality of Monaco, it could not be claimed that the applicants, who were undeniably very well known, were ordinary private individuals. They had to be regarded as public figures. In conclusion, the German courts had carefully balanced the right of the publishing companies to freedom of expression against the right of the applicants to respect for their private life. In doing so, they had explicitly taken into account the Court’s case-law, including its 2004 judgment in *Caroline von Hannover v. Germany*. There had accordingly been no violation of Article 8.

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

**[I. M. v. France](#) (in French only) (no. 9152/09) (Importance 1) – 2 February 2012 – Violation of Article 13 taken together with Article 3 – Lack of an effective remedy to challenge domestic authorities’ decision to deport the applicant to Sudan**

The applicant is a Sudanese national. According to his submissions, on his arrival at the French border, he immediately said that he wished to apply for asylum but received no response. He was remanded in custody and sentenced to one month’s imprisonment for an offence under the aliens legislation. He was placed in administrative detention with a view to his deportation. **He was informed the same day of the possibility of applying for asylum, and lodged an application with the assistance of CIMADE, an association which assists foreign nationals, particularly those in administrative detention.** In February 2009 the applicant applied to the Court under Rule 39, seeking to have the order for his deportation suspended. The Court granted his request for the duration of the proceedings before it. In February 2011, the National Asylum Tribunal granted the applicant refugee status. He alleged that enforcement of the decision of the French authorities to deport him to Sudan would place him at risk of inhuman and degrading treatment and that no effective remedy had been available to him in France owing to the fact that his asylum application had been dealt with under the fast-track procedure. The Office of the United Nations High Commissioner for Refugees (UNHCR) submitted observations in its capacity as a third-party intervener in the proceedings.

Article 13

The Court observed, with regard to the effectiveness of the domestic legal arrangements as a whole, that while the remedies of which the applicant had made use had been available in theory, their accessibility in practice had been limited by the automatic registration of his application under the fast-track procedure, the short deadlines imposed and the practical and procedural difficulties in producing evidence, given that he had been in detention and applying for asylum for the first time. The applicant’s application to the administrative court had been adversely affected by the conditions in which he had had to prepare it and the inadequate legal and linguistic assistance provided. The Court further noted that the interview with OFPRA had been brief, lasting only 30 minutes, despite the fact that the case was complex and concerned a first-time asylum claim. Moreover, the resulting negative impact on the effectiveness of the remedies used by the applicant had not been offset at the appeal stage. Following the proceedings before OFPRA and the administrative court, his deportation, to

which no further obstacles remained, had been prevented only by the application of Rule 39. The Court therefore held that there had been a violation of Article 13 taken together with Article 3.

#### Rule 39 of the Rules of Court

The Court considered that the measures it had indicated to the French Government under Rule 39 – to refrain from deporting the applicant to Sudan – should remain in force until such time as the judgment became final or the Court gave another ruling on the subject.

#### Article 41 (just satisfaction)

The Court held that the finding of a violation constituted sufficient just satisfaction for the non-pecuniary damage sustained by the applicant. It held that France was to pay the applicant EUR 4,746 in respect of costs and expenses.

#### **Cara-Damiani v. Italy (in French only) (no. 2447/05) (Importance 2) – 7 February 2012 – Violation of Article 3 – Inhuman and degrading treatment on account of the detention of a disabled prisoner in a unit that lacked suitable facilities and appropriate medical treatment**

The applicant has been in prison since 1992, serving a sentence that is due to end in 2016. He suffers from flaccid paraparesis of the legs, a condition which causes mild paralysis of the lower half of the body, with partial loss of muscular strength in the legs. He complained that he had been kept in an ordinary prison unit that was incompatible with his disability and had thus made it impossible for him to move about independently or receive appropriate treatment.

The Court held that the detention of a disabled prisoner for a long period in an establishment where he or she could not move about independently was incompatible with the requirements of Article 3. It noted that the applicant had had to wait a long time before being granted hospital detention, that the doctors had systematically observed that prison was incompatible with the applicant's condition and that the authorities had failed to take action in that regard. The Court also observed that the applicant's prolonged detention in an establishment where he could not move about independently and had not received appropriate medical treatment had reached a level of seriousness that amounted to inhuman and degrading treatment in breach of Article 3. The Court held that Italy was to pay the applicant EUR 10,000 in respect of non-pecuniary damage and EUR 3,000 in respect of costs and expenses. Judges Jočienė, Berro-Lefèvre and Karakaş expressed a separate opinion.

- **Right to a fair trial**

#### **Kinský v. the Czech Republic (no. 42856/06) (Importance 2) – 9 February 2012 – Violation of Article 6 § 1 – Lack of a fair trial having regard to various public statements expressing disapproval of property being returned to people who had “demonstrably” been Nazis**

The applicant brought more than 100 civil lawsuits in the Czech Republic against the State seeking - mostly unsuccessfully - to recover properties he had allegedly owned, which had been confiscated by Czechoslovakia after the Second World War and whose total estimated value was over 2 billion euros. While the proceedings were pending before the courts, various members of the Government and Parliament made public statements expressing their disapproval of property being returned to people who had “demonstrably” been Nazis, and alleged that this applied to the applicant's family. The applicant thus complained that he did not have a fair trial.

The Court could understand that the media and politicians had been interested in the issue of returning property confiscated before 1990 by way of civil proceedings. While the Court saw no reason to speculate about what effect such interventions might have had on the course of the proceedings, it nevertheless observed that the statements had been made before the first-instance decision in the present case and that after 2003, none of the applicant's actions had been successful. In those circumstances, his concerns as to the independence and impartiality of the tribunals had not been unreasonable. Moreover, the Ministry of Justice had regularly received information on the development of the proceedings from the regional courts. In that context, the Court could not overlook the fact that the Ministry was entitled to bring disciplinary proceedings against judges. While noting the Government's assertion that the Ministry had only received general administrative information and that there was no indication of misuse, the Court underlined that the appearance of impartiality was at stake. The activities had undoubtedly alerted the judges that their steps were being closely monitored. In view of those considerations, the Court concluded that, taken as a whole, the proceedings had not satisfied the requirements of a fair trial, in violation of Article 6 § 1. Under Article 41, the Court held that the Czech Republic was to pay the applicant EUR 10,000 in respect of non-pecuniary damage and EUR 3,830 in respect of costs and expenses.

- **Freedom of expression**

**[Vejdeland and Others v. Sweden](#) (no. 1813/07) (Importance 1) – 9 February 2012 – No violation of Article 10 – The interference with the applicants’ exercise of their right to freedom of expression had reasonably been regarded by the Swedish authorities as necessary in a democratic society for the protection of the reputation and rights of others on account of the distribution of leaflets denouncing the alleged negative effects of homosexuality on society**

In December 2004 the applicants, together with three other persons, went to an upper secondary school and distributed approximately a hundred leaflets about homosexuality by an organisation called National Youth, by leaving them in or on the pupils’ lockers. In July 2006 the Supreme Court convicted the applicants of agitation against a national or ethnic group. The applicants alleged that such a conviction had constituted a violation of their freedom of expression. INTERIGHTS (the International Centre for the Legal Protection of Human Rights) and the International Commission of Jurists submitted observations in their capacity as third-party interveners in the proceedings.

The Court agreed with the Supreme Court that, even if the applicants’ objective to start a debate about the lack of objectivity of education in Swedish schools had been an acceptable aim, regard had to be paid to the wording of the leaflets. According to the leaflets, homosexuality was a “deviant sexual proclivity”, had “a morally destructive effect” on society and was responsible for the development of HIV and AIDS. The leaflets further alleged that the “homosexual lobby” tried to play down pedophilia. These statements had constituted serious and prejudicial allegations, even if they had not been a direct call to hateful acts. The Court stressed that discrimination based on sexual orientation was as serious as discrimination based on “race, origin or color”. Moreover, three of the applicants were given suspended sentences combined with fines ranging from approximately EUR 200 to EUR 2,000, and the fourth applicant was sentenced to probation. The Court did not find these penalties excessive in the circumstances as the crime of which they had been convicted had carried a penalty of up to two years’ imprisonment. The Court therefore considered that the interference with the applicants’ exercise of their right to freedom of expression had reasonably been regarded by the Swedish authorities as necessary in a democratic society for the protection of the reputation and rights of others. The Court concluded that there had been no violation of Article 10. Concurring opinions were expressed by: Judge Spielmann joined by Judge Nußberger; Judge Zupančič; and Judge Yudkivska joined by Judge Villiger.

- **Freedom of assembly**

**[Sindicatul “Pastorul cel Bun” v. Romania](#) (in French only) (no. 2330/09) (Importance 1) – 31 January 2012 – Violation of Article 11 – Domestic authorities’ disproportionate measure concerning the refusal to register a union defending the interests of clerics and lay members**

The applicant union, Păstorul cel Bun, defends the professional, economic, social and cultural interests of its members, both clerics and lay members, in their dealings with the Church hierarchy and the Ministry of Cultural and Religious Affairs. The union made an application to the district court to be granted legal personality and to be entered in the official register of trade unions. The county court rejected the application. It noted in particular that no reference to trade unions was contained in the Statute of the Orthodox Church. The applicant union complained that the refusal of its application for registration had infringed its members’ right to organise. The Archdiocese of Craiova and the non-governmental organisation the European Centre for Law and Justice submitted observations in their capacity as third-party interveners.

The Court noted that the county court had not established that the union’s programme was incompatible with a “democratic society”, still less that it represented a threat to democracy. The criteria defining a “pressing social need” had therefore not been met. In examining the Archdiocese’s appeal the court, referring only to the need to preserve the Church’s traditional hierarchy, had not considered the repercussions of the employment contract on the employer-employee relationship, the distinction between members of the clergy and lay employees of the Church or the issue whether the ecclesiastical rules prohibiting union membership were compatible with the domestic and international regulations enshrining the right in question; these issues, however, had been of crucial importance in balancing the various interests at stake. The Court observed that the refusal to register the applicant union had not been based on the clauses of the employment contracts but on the provisions of the Church’s Statute. The particular position occupied by the Orthodox religion in Romania, of which the Court was aware, could not in itself justify the refusal to register the union, particularly since the right of employees of the Orthodox Church to join a union had already been recognised by the Romanian courts. Accordingly, in the absence of a “pressing social need” or of sufficient grounds, a measure as radical as the refusal to register the applicant union had been disproportionate to the aim pursued and therefore not necessary in a democratic society, in breach of Article 11.



The Court held that Romania was to pay the applicant union EUR 10,000 to cover all heads of damage. Judges Ziemele and Tsotsoria expressed a joint dissenting opinion.

## 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 31 Jan. 2012: [here](#)
- Press release by the Registrar concerning the Chamber judgments issued on 02 Feb. 2012: [here](#)
- Press release by the Registrar concerning the Chamber judgments issued on 07 Feb. 2012: [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	07 Feb. 2012	Alimucaj (no. 20134/05) Imp. 2	No violation of Art. 7  Violation of Art. 7	Adequate qualification of the applicant's actions as criminal offence under national law A heavier penalty was imposed on the applicant than the one applicable at the time of the commission of the criminal offence	<a href="#">Link</a>
Bosnia and Herzegovina	07 Feb. 2012	Al Hamdani (no. 31098/10) Imp. 3  Al Husin (no. 3727/08) Imp. 2	Violation of Art. 5 § 1  No violation of Art. 5 § 1  Violation of Art. 3	Unlawful detention of the applicants (one period of detention) Lawful detention of the applicants from (one period of detention) Risk of ill-treatment in case of deportation to Syria	<a href="#">Link</a>  <a href="#">Link</a>
Bulgaria	31 Jan. 2012	Stoyanov (no. 39206/07) Imp. 2	Violation of Art. 6 § 1  No violation of Art. 5 § 1	Domestic authorities' failure to inform the applicant of prosecution brought against him and conviction of the applicant <i>in absentia</i> Lawful detention of the applicant	<a href="#">Link</a>
Portugal	31 Jan. 2012	Assunção Chaves (no. 61226/08) Imp. 2	Violation of Art. 6 § 1  No violation of Art. 8	Domestic authorities' failure to provide the applicant with clear, reliable and official information on procedural requirements Relevant and sufficiently reasoned domestic court' decision to place the applicant's daughter in an institution and to forfeit his parental rights	<a href="#">Link</a>
Romania	07 Feb. 2012	Diacenco (no. 124/04) Imp. 2	Violation of Art. 6 § 2	Infringement of the applicant's right to being presumed innocent	<a href="#">Link</a>
Russia	07 Feb. 2012	Proshkin (no. 28869/03) Imp. 2	Two violations of Art. 5 § 1  Violation of Art. 5 § 4  Violation of Art. 6 §§ 1 and 3 (c)	Unlawful detention of the applicant detention from for two periods of detention  Lack of an effective remedy Domestic courts' failure to hear the applicant in proceedings concerning his mental health	<a href="#">Link</a>
Russia	31 Jan. 2012	Slashchev (no. 24996/05) Imp. 2	Violation of Art. 6 § 1 taken together with Art. 6 § 3 (c)	Appeal hearings in absence of a defense lawyer; revision proceedings in absence of the applicant and that of the defense counsel	<a href="#">Link</a>
Serbia	07 Feb. 2012	Backović (no. 47997/06) Imp. 2	Violation of Art. 6 § 1	Denial of access to a court in the determination of the applicant's civil rights and obligations	<a href="#">Link</a>
the Czech	02	Růžový panter,	No violation of Art. 10	Justified and proportionate	<a href="#">Link</a>

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

Republic	Feb. 2012	o.s. (no. 20240/08) Imp. 2		conviction of the applicant on account of the publication of a press release containing allegedly defamatory remarks	
Turkey	31 Jan. 2012	Aşıcı (no. 2) (no. 26656/04) Imp. 2	Violation of Art. 11	Unjustified interference with the applicant's right to freedom of expression on account of domestic police forces' decision to prevent the applicant from reading a press release in front of the French consulate	<a href="#">Link</a>
Turkey	31 Jan. 2012	Karaman and Others (no. 60272/08) Imp. 3	Violation of Art. 3	Ill-treatment by police officers and lack of an effective investigation	<a href="#">Link</a>
Turkey	07 Feb. 2012	Cemal Yılmaz (no. 31298/05) Imp. 3	Idem.	Idem.	<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>
Greece	31 Jan. 2012	Ventouris and Others (no. 33252/08) <a href="#">link</a>	Violation of Art. 6 § 1 Violation of Art. 13	Domestic authorities' refusal to comply with a judgment delivered in the applicants' favor; lack of an effective remedy
Moldova	31 Jan. 2012	Pîrnău and Others (nos. 37225/07, 7456/08 and 12255/08) <a href="#">link</a>	Violation of Art. 6 § 1 Violation of Art. 1 of Prot. 1	Quashing of final decisions in the applicants' favor, following revision proceedings or appeals lodged out of time by third parties
Russia	31 Jan. 2012	Gadzhikhanov and Saukov (nos. 10511/08 and 5866/09) <a href="#">link</a>	No violation of Art. 6 § 1 No violation of Art. 1 of Prot. 1	Domestic authorities' justified refusal to enforce a judgment in the applicants' favour
Russia	07 Feb. 2012	Shanovy (no. 21834/05) <a href="#">link</a>	Violation of Art. 6 § 1 Violation of Art. 1 of Prot. 1	Quashing and delayed enforcement of a judgment in the applicant's favour by way of supervisory review
Turkey	07 Feb. 2012	Alkan (no. 17725/07) <a href="#">link</a>	Violation of Art. 6 § 1	Domestic courts' disproportionate refusal to grant the applicant legal aid

### 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 [Frydender v. France](#) [GC], no. 30979/96, § 43, ECHR 2000-VII).

<u>State</u>	<u>Date</u>	<u>Case Title</u>	<u>Link to the</u>

			<u>judgment</u>
Greece	07 Feb. 2012	Alevizou-Terzaki and Others (no. 31873/08)	<a href="#">Link</a>
Greece	07 Feb. 2012	Grypaios and Others (no. 10525/09)	<a href="#">Link</a>
Greece	07 Feb. 2012	Vogias (no. 51756/08)	<a href="#">Link</a>
Greece	07 Feb. 2012	Soulioti (no. 41447/08)	<a href="#">Link</a>
Greece	07 Feb. 2012	Vasilev Radev (no. 23211/08)	<a href="#">Link</a>
Italy	31 Jan. 2012	Follo and Others (nos. 28433/03, 28434/03, 28442/03, 28445/03 and 28451/03)	<a href="#">Link</a>
Poland	07 Feb. 2012	Gut (no. 32440/08)	<a href="#">Link</a>
Russia	07 Feb. 2012	Timoshin (no. 41643/04)	<a href="#">Link</a>
Turkey	31 Jan. 2012	Yavuzdođan (no. 8472/07)	<a href="#">Link</a>
Ukraine	02 Feb. 2012	Gerzhik (no. 40427/08)	<a href="#">Link</a>
Ukraine	02 Feb. 2012	Murdugova (no. 28325/04)	<a href="#">Link</a>
Ukraine	02 Feb. 2012	Onopko (no. 39878/05)	<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 16 to 29 January 2012**. They are aimed at providing the NHRs with potentially useful information on the reasons of the inadmissibility of certain applications addressed to the Court and/or on the friendly settlements reached.

<u>State</u>	<u>Date</u>	<u>Case Title</u>	<u>Alleged violations (Key Words)</u>	<u>Decision</u>
Bosnia and Herzegovina	17 Jan. 2012	Halilović (no 21206/07) <a href="#">link</a>	Alleged violation of Articles 6 § 1, 13 and Art. 1 of Prot. 1 (non-enforcement of a Constitutional Court's decision in the applicant's favour)	Inadmissible as manifestly ill-founded (the decision in issue had already been fully enforced when the applicant lodged his application)
Croatia	17 Jan. 2012	Plazibat (no 30224/10) <a href="#">link</a>	Alleged violation of Art. 6 § 1 (excessive length of proceedings)	Struck out of the list (friendly settlement reached)
Greece	17 Jan. 2012	Spanou and Palaiologos (no 62472/09) <a href="#">link</a>	Alleged violation of Art. 6 § 1 (unfairness of proceedings), Art. 1 of Prot 1 in conjunction with Articles 13 and 14 (domestic authorities' failure to award the applicants with a premium to their salary, amounting to an infringement of their right to property)	Idem.
Hungary	17 Jan. 2012	Plesó (no 41242/08) <a href="#">link</a>	Alleged violation of Art. 5 § 1 (involuntary hospitalisation of the applicant at a psychiatric department)	Admissible the applicant's complaint raises serious questions of fact and law which are of such complexity that their determination should depend on an examination of the merits
Latvia	17 Jan. 2012	Zablackis and Pimčenkova (no 5032/02) <a href="#">link</a>	Alleged violation of Art. 3 and 8 (unlawful searches)	Struck out of the list (the applicants no longer wished to pursue their application)
Poland	17 Jan. 2012	Bacza (no 10056/09) <a href="#">link</a>	Alleged violation of Art. 6 (lack of independence of the assessor, domestic judge's lack of impartiality)	Partly struck out of the list (unilateral declaration of the Government concerning the assessor's alleged lack of independence), partly inadmissible as manifestly ill-founded (failure to substantiate complaint)
Russia	17 Jan. 2012	Astapchik (no 39331/04) and othe applications <a href="#">link</a>	Alleged violation of Art. 6 and Art. 1 of Prot. 1 (domestic authorities' failure to enforce a court judgment in the applicants' favour in due time)	Struck out of the list (the applicants no longer wished to pursue their application)
Russia	17 Jan. 2012	Vinogradov (no 34075/05) <a href="#">link</a>	Alleged violation of Art. 6 (unlawful composition of a trial court, length of criminal proceedings, domestic authorities' failure to issue new charges against the applicant after	Struck out of the list (the applicant no longer wished to pursue his application)

			remittal of the case for additional investigation, inability to examine in court certain witnesses following their death in the course of the lengthy consideration of the case)	
Russia	17 Jan. 2012	Panov (no 21708/05) <a href="#">link</a>	Alleged violation of Articles 6 § 1 and Art. 1 of Prot. 1 (excessive length of enforcement proceedings) and Art. 13 (lack of an effective remedy)	Partly struck out of the list (unilateral declaration of the Government concerning the delayed in enforcing a judgment), partly inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention concerning the remainder of the application)
Russia	17 Jan. 2012	Chaykin (no 3190/08) <a href="#">link</a>	Alleged violation of Art. 3 (poor conditions of detention and lack of medical assistance in remand prison), Art. 5 (unlawful extension of detention), Art. 6 (unfairness of proceedings)	Struck out of the list (the applicant no longer wished to pursue his application)
Russia	17 Jan. 2012	Ushakov (no 22209/07) <a href="#">link</a>	Alleged violation of Art. 3 (poor conditions of detention), Art. 6 (unfairness of proceedings)	Idem.
Slovenia	17 Jan. 2012	Bevk (no 17480/06) <a href="#">link</a>	Alleged violation of Art. 6 § 1 (unfairness and excessive length of proceedings), Art. 13 (lack of an effective remedy)	Partly struck out of the list (matter has been resolved at the domestic level in respect of the length of proceedings and lack of an effective remedy), partly inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention concerning the remainder of the application)
Slovenia	17 Jan. 2012	Vršnak (no 28403/06) <a href="#">link</a>	Alleged violation of Art. 6 § 1 (excessive length of proceedings), Art. 13 (lack of an effective remedy)	Struck out of the list (friendly settlement reached)
Turkey	17 Jan. 2012	Kılıçaslan (no 6593/08) <a href="#">link</a>	Alleged violation of Articles 5 § 3 and 6 § 2 (alleged infringement of the applicant's right to being presumed innocent due to excessive length of detention), Art. 5 § 4 (lack of an effective remedy in respect of the detention), Art. 5 § 5 (lack of a compensation in respect of the unlawful detention), Art. 6 § 1 (unlawful proceedings), Art. 13 (lack of an effective remedy)	Partly adjourned (concerning the length of pre-trial detention and the length of proceedings), partly inadmissible for non-exhaustion of domestic remedies (concerning the remainder of the application)
Ukraine	17 Jan. 2012	Khristov (no 53565/07) <a href="#">link</a>	Alleged violation of Articles 6 § 1 and 13 (excessive length of proceedings and lack of an effective remedy), Articles 1, 4, 14, 15 and 17 and Art. 1 of Prot. 1 (unfairness and unfavourable outcome of the proceedings, domestic courts' refusal to refer the issue of the alleged unconstitutionality of certain provisions of the labour legislation to the Constitutional Court)	Partly struck out of the list (unilateral declaration of the Government concerning the length of proceedings), partly inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention concerning the remainder of the application)

### 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 6 February 2012: [link](#)
- on 13 February 2012: [link](#)

The list itself contains links to the statement of facts and the questions to the parties. This is a tool for NHRs 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 Directorate of Human Rights.

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 NHRs 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 6 February 2012 on the Court's Website and selected by the Directorate of Human Rights

*The batch of 6 February 2012 concerns the following States (some cases are however not selected in the table below): Austria, Belgium, Finland, France, Georgia, Greece, Italy, Latvia, Moldova, Poland, Portugal, Romania, Russia, Serbia, Slovakia, Sweden, Switzerland 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>
France	17 Jan. 2012	M. X. no 21580/10	Alleged violation of Art. 3 – Alleged risk for the applicant to be subjected to ill-treatment if expelled to Algeria
Greece	17 Jan. 2012	Dimitras and Gilbert no 36836/09	Alleged violation of Art. 9 – Unlawful obligation for the applicant to reveal that he was not Christian orthodox – Alleged violation of Art. 13 – Lack of an effective remedy – Alleged violation of Art. 6 § 1 – Unfairness of proceedings – Alleged violation of Art. 14 taken in conjunction with Art. 8 – Lack of domestic law provisions protecting racial or ethnic minorities against racial acts of violence
Moldova	19 Jan. 2012	Copoşciui no 41421/07	Alleged violations of Art. 1, 3, 5, 8 and 13 – Allegedly unlawful conviction of the applicant for organ trafficking – Poor conditions of detention – Lack of an effective remedy
Russia	17 Jan. 2012	Ognevenko no 44873/09	Alleged violations of Art. 6 § 1 – Was the applicant's case heard by a "tribunal established by law", as required by Article 6 § 1, in view of the applicant's allegation that a separate court decision declaring the strike unlawful had been required before the court could have examined the disciplinary sanction imposed on him, and the lawfulness of his dismissal? – Alleged violation of Art. 11 – Dismissal of the applicant from his job on account of his participation to a strike
Disappearance cases in Chechnya			
Russia	19 Jan. 2012	Baskhanova no 25088/11 and 14 other applications	Alleged violations of Art. 2 – Disappearance and presumed death of the applicants' close relatives – Alleged violations of Art. 3 – Mental suffering of the applicants on account of domestic authorities' indifference; lack of an effective remedy – Alleged violations of Art. 5 – Unacknowledged detention – Alleged violations of Art. 13 – Lack of an effective remedy – Alleged violations of Art. 8 – Alleged violation of the seventh and the eighth applicants' right to respect for home

**Communicated cases published on 13 February 2012 on the Court's Website and selected by the Directorate of Human Rights**

The batch of 13 February 2012 concerns the following States (some cases are however not selected in the table below): Denmark, Finland, France, Georgia, Latvia, Monaco, Poland, Romania, Russia, Serbia, Spain, Sweden, the Czech Republic, the Netherlands 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>
Latvia	26 Jan. 2012	Nagla no 73469/10	Alleged violation of Art. 10 – Interference with the applicant's right to freedom of expression on account of the obligation to disclose information enabling a journalistic source to be revealed
Romania	26 Jan. 2012	Flămînzeanu no 12717/09	Alleged violation of Art. 3 – Ill-treatment in the police custody – Lack of an effective investigation
Turkey	23 Jan. 2012	Sağaltıcı no 16927/10	Alleged violation of Art. 6 §§ 1, 2, 3 – Unfairness of proceedings – Alleged violation of Art. 7 – Unlawful decision to seize the applicant's book – Alleged violation of Art. 10 – Interference with the applicant right to freedom of expression on account of the seizure of his book – Alleged violation of Art. 13 – Lack of an effective remedy

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

**Relinquishment of jurisdiction (06.02.2012)**

The Chamber dealing with the case of *El-Masri v. "the former Yugoslav Republic of Macedonia"* has relinquished it to the Grand Chamber. The applicant in this case, a German national of Lebanese origin, complains that he was arrested and tortured in Skopje, because he was suspected of belonging to a terrorist organisation, and that he was handed over to the CIA which had kept him in a secret detention centre in Afghanistan.

## 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 (NHRs), 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.

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)

<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)

**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).

### 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)

### Enhanced procedure

#### *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.

#### *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).

#### 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](#)

#### 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

## **B. 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)

## Part III: General Agenda

The “General Agenda” presents events that either took place or were announced\* during the period under observation (30.01 – 12.02.2012) for this RSIF.

### February 2012

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- 2-4 February

> Working Group Meeting on legal amendments in the Turkish system ([Read more](#))

- 15-17 February

> MONEYVAL participated in the working groups meetings and the second Plenary meeting of FATF-XXIII held under the Italian Presidency ([Read more](#))

### March 2012

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- 5-9 March

> 38<sup>th</sup> Plenary meeting of MONEYVAL ([Read more](#))

- 19-23 March

> 257<sup>th</sup> session of the European Committee of Social Rights (Strasbourg)

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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)

#### Restrictions imposed on the activity of strike pickets constitute a violation of the Charter in Belgium (08.02.2012)

In its [decision on the merits](#) with regard to the case European Trade Union Confederation (ETUC), *Centrale Générale des Syndicats Libéraux de Belgique* (CGSLB), *Confédération des Syndicats chrétiens de Belgique* (CSC) and *Fédération Générale du Travail de Belgique* (FGTB) v. *Belgium*, No. 59/2009, which became public on 8 February, the European Committee rules that Belgium is not in conformity with Article 6 § 4 (right to strike) of the Revised Charter ([more information](#)).

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

#### The CPT visited Slovenia (09.02.2012)

A CPT delegation carried out a periodic visit to Slovenia from 31 January to 6 February 2012. This was the CPT's fourth visit to that country. During the visit, the CPT's delegation assessed progress made since previous visits and in particular the extent to which the Committee's recommendations have been implemented in the areas of police custody, imprisonment and involuntary placement in psychiatric establishments. In the course of the visit, the delegation held consultations with Mr Aleš ZALAR, Minister of Justice and Acting Minister of the Interior. It also met senior officials from the Ministries of the Interior, Justice, Health, Labour, Family and Social Affairs, Defence and Foreign Affairs. The delegation had discussions with **Ms Zdenka ČEBAŠEK – TRAVNIK, Ombudsman, together with other representatives of the national preventive mechanism established under the Optional Protocol to the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment** ([read more](#)).

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

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

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

#### Armenia, Bulgaria and Finland: adoption of Committee of Minister's Resolutions (01.02.2012)

- ♦ Resolution CM/ResCMN(2012)1 on the implementation of the Framework Convention for the Protection of National Minorities by [Armenia](#) (Adopted by the Committee of Ministers on 1 February 2012 at the 1132nd meeting of the Ministers' Deputies)
- ♦ Resolution CM/ResCMN(2012)2 on the implementation of the Framework Convention for the Protection of National Minorities by [Bulgaria](#) (Adopted by the Committee of Ministers on 1 February 2012 at the 1132nd meeting of the Ministers' Deputies)
- ♦ Resolution CM/ResCMN(2012)3 on the implementation of the Framework Convention for the Protection of National Minorities by [Finland](#) (Adopted by the Committee of Ministers on 1 February 2012 at the 1132nd meeting of the Ministers' Deputies)

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

#### GRECO called for rules on political funding and increased effectiveness of certain anti-corruption provisions in Switzerland (02.12.2012)

GRECO called for Switzerland to increase the effectiveness of criminal law particularly concerning bribery of foreign public officials and in the private sector, and to adopt legislation on political funding ([read more](#)).

#### **GRECO bid farewell to its President – Drago KOS – and elects a new President, Vice-President, and Bureau (09.12.2011)**

Drago KOS (Slovenia), GRECO's President since 2002, left this important function on the day of election of a new President, Vice-President and Bureau at GRECO's 53rd plenary meeting (5-9 December). Mr Kos' outstanding services to the Council of Europe and GRECO were honoured with the Organisation's Pro Merito Medal presented to him by Deputy Secretary General Maud DE BOER-BUQUICCHIO ([read more](#)).

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

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

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

##### **GRETA published report on Georgia (07.02.2012)**

GRETA has published on 7 February 2012 its first evaluation report on Georgia. In the report, GRETA notes the progress made by the Georgian authorities in combating trafficking in human beings, including through the adoption of a specific anti-trafficking law, the setting up of the Interagency Co-ordination Council against trafficking in human beings and a State Fund for the protection and assistance of victims of trafficking, as well as increasing the budgetary allocation for victim support. GRETA welcomes the efforts of the Georgian authorities to strengthen prevention through awareness raising, education and training. That said, GRETA stresses the importance of stepping up action to address the socio-economic vulnerability to trafficking of internally-displaced persons, potential migrants and children. Further, GRETA considers that the Georgian authorities should step up their efforts to improve the proactive detection and identification of victims of trafficking. In this context, increased attention should be paid to the trafficking of foreign nationals to or through Georgia, as well as to trafficking taking place within Georgia ([Read the report](#)).

## Part V: The inter-governmental work

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

COUNTRY	CONVENTION	RATIF.	SIGN.	DATE
BOSNIA AND HERZEGOVINA	The European Landscape Convention ( <a href="#">ETS No. 176</a> )	X		31 Jan. 2012
	The Council of Europe Convention on Access to Official Documents ( <a href="#">CETS No. 205</a> )	X		31 Jan. 2012
DENMARK	European Convention on the Adoption of Children (Revised) ( <a href="#">CETS No. 202</a> )		X	3 Feb. 2012
FRANCE	Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters  ( <a href="#">ETS No. 182</a> )	X		6 Feb. 2012
FINLAND	Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority ( <a href="#">CETS No. 207</a> )		X	10 Feb. 2012

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

**Resolution on the implementation of the Framework Convention for the Protection of National Minorities by Finland, Bulgaria and Armenia (01.02.2012)**

[CM/ResCMN\(2012\)3E](#) (Finland)

[CM/ResCMN\(2012\)2E](#) (Bulgaria)

[CM/ResCMN\(2012\)1E](#) (Armenia)

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

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

## Part VI: The parliamentary work

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

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

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

#### **Azerbaijan: ahead of elections, PACE rapporteurs stressed the need to improve political environment (02.02.2012)**

PACE rapporteurs on Azerbaijan, Pedro Agramunt (Spain, EPP/CD) and Joseph Debono Grech (Malta, SOC) visited Baku from 31 January to 2 February 2012 in the framework of the monitoring procedure. They held meetings with the Chairman of Milli Mejlis and the leadership of political parties represented in the Parliament, with the Minister of Justice, Prosecutor General and the Head of the Presidential Administration as well as with the Deputy Chair of the Supreme Court and the Ombudsperson. They also met representatives of some opposition parties, which have no seats in the Parliament, journalists and representatives of civil society. Moreover they held a meeting with Prof. Hasanli representing Fahhrad Alliev, a former Minister of Economy imprisoned since 2005, and his brother Rafiq Alliev. They visited prison nr 17 and met two people imprisoned following the demonstration of 2 April 2011. Furthermore, they visited the refugee and IDPs settlement in Baku and met a Deputy Head of the State Committee for Refugees and IDPs ([read more](#)).

#### **Syria: “The slaughter in Syria must cease immediately” PACE President said (02.02.2012)**

PACE President Jean-Claude Mignon unreservedly condemned on 2 February 2012 the repression and massacres perpetrated by the Syrian regime, and sent out a fervent appeal to the UN Security Council to take the requisite steps to put an end to the repression. “The situation in Syria has become intolerable, and urgent action is needed. We are appalled by the atrocities committed by the Syrian regime. It is vital that we have a resolution condemning this bloody repression and calling for immediate democratic transition in Damascus, as well as imposing sanctions in the event of non-compliance with the demands of the international community”, said the President of PACE ([read more](#)).

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

### **The right to conscientious objection to military service should be guaranteed in all parts of Europe (02.02.2012)**

People should not be imprisoned when their religious or other convictions prevent them from doing military service. Instead they should be offered a genuinely civilian alternative. This is now the established European standard, respected in most countries – but there are some unfortunate exceptions. The right to conscientious objection has been endorsed by the Council of Europe ever since 1967 when a first [Resolution](#) on the topic was adopted by the Parliamentary Assembly. The recognition of this right later became a requirement for states seeking accession to the organization ([read more](#)).

### **Iceland needs comprehensive anti-discrimination legislation and an equality body (10.02.2012)**

“Iceland should adopt comprehensive equal treatment legislation and set up an effective and independent national equality body to promote its implementation” said the Council of Europe Commissioner for Human Rights, Thomas Hammarberg, on 10 February 2012. The current non-discrimination provisions in Icelandic law do not protect all vulnerable groups of people to the same extent. People with disabilities, older persons, members of ethnic and religious minorities and transgender persons would benefit from stronger guarantees against discrimination. “Equal treatment legislation should cover all the relevant grounds of discrimination in all walks of life”, stressed the Commissioner ([read more](#)).

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

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