

## Index by Countries

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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 judgments**

#### **[Boulois v. Luxembourg](#) (application no. 37575/04) (Importance 1) – 3 April 2012 – Violation of Article 6 – Lack of an effective remedy by which to review prison authorities’ decision to reject a prisoner’s requests for prison leave**

The case concerned the refusal to grant temporary leave of absence (“prison leave”) to a prisoner who had requested it several times, and the lack of a remedy by which to contest the authorities’ decisions refusing the requests. In its [judgment of 14 September 2010](#), the Chamber had held that Article 6 of the Convention was applicable and that there had been a violation of that provision, on the grounds that the Prison Board did not satisfy the requirements of a “tribunal” within the meaning of Article 6 § 1 and that the lack of any decision on the merits had nullified the effect of the administrative courts’ review.

The Court reiterated that, since the dispute over the decisions taken in respect of the applicant has to be regarded as a dispute relating to “civil rights and obligations”, he was entitled to have his case heard by a “tribunal” satisfying the conditions laid down in Article 6 § 1. In the present case, domestic law makes clear that decisions on requests for prison leave are taken by the Attorney General or his or her representative, in accordance with the majority decision of a board comprising, in addition to the Attorney General or his or her representative, a judge and a public prosecutor. The board is convened by the Attorney General or his or her representative and is chaired by the judge. The domestic law does not provide for public hearings before the Prison Board. The Court further reiterated that even where an adjudicatory body determining, like the Prison Board, disputes over “civil rights and obligations” does not comply with Article 6 § 1 in some respect, no violation of the Convention can be found if the proceedings before that body are subject to subsequent control by a judicial body that has full jurisdiction and does provide the guarantees of Article 6. In the instant case the applicant had applied for judicial review of the Prison Board’s first two refusals, but both the Administrative Court and

the Higher Administrative Court found that they did not have jurisdiction to examine the matter. Hence, the administrative courts did not rule on the merits of the application for judicial review lodged by the applicant. **Lastly, the Court took note of Recommendation No. 30 by the Ombudsman of the Grand Duchy of Luxembourg, who considered that the system of execution of sentences should be thoroughly overhauled and who advocated the creation of a function of post-sentencing judge akin to that found in other countries such as France. The Court also noted that the Ombudsman recently welcomed the Minister's intention to act upon his recommendation.** In view of the foregoing, the Court concluded that there has been a violation of Article 6. The Court held that Luxembourg was to pay the applicant EUR 5,000 in respect of non-pecuniary damage.

*Judge Tulkens (Belgium) and Judge Yudkivska (Ukraine) expressed a joint separate opinion.*

**Kotov v. Russia (application no. 54522/00) (Importance 1) – 3 April 2012 – No violation of Art. 1 of Prot. 1 – The domestic legal framework had provided the applicant with a mechanism to have his property rights protected**

In April 1994, the applicant deposited a sum of money in a savings account with a commercial bank. In August of the same year he sought to close his account after the bank had changed the interest rate. However, the bank informed him that, owing to a lack of funds, it could not return to him the original deposit and the interest due on it. The total of bank's debts exceeded its available assets. The relevant legislation provided that in such situations the claims of individual deposit-holders had first priority. Despite that, the creditor's committee decided to give priority in sharing out the bank's assets to certain other categories of people. The applicant complained that, as a result of the unlawful distribution of the bank's assets, he had been unable to obtain effective repayment of the debt owed to him by the bank. In its [Chamber Judgment](#) of 14 January 2010 (see [RSIF No.32](#), p.21), the Court held that there had been a violation of Article 1 of Protocol No. 1.

The Court found in particular that the State had the duty to set up a minimum legislative framework making it possible for people to assert their property rights and to have them enforced. But the Court also agreed with the Government's argument that, as a matter of principle, suing the liquidator before the end of the liquidation procedure, as the applicant did, created a danger of creditors being compensated twice for what was, essentially, the same financial loss. The argument given by the Government was therefore reasonable. The Court thus found that an aggrieved creditor had to wait until the debtor company had ceased to exist before they could claim damages from the liquidator in person. The applicant had failed to sue the liquidator at that later moment, namely after the end of the liquidation proceedings. He had only been unable to bring proceedings against the liquidator while the liquidation procedure was still ongoing. The liquidation had been completed only several days after the delivery of the 9 June 1999 judgment dismissing the applicant's claim against the liquidator. Consequently, the Court concluded that the temporary limitation of his capacity to have his pecuniary rights restored had not affected the essence of his rights under Article 1 of Protocol No 1 and had remained within the State's discretion. Consequently, the Russian legal framework had provided the applicant with a mechanism to have his property rights protected. There had, therefore, been no violation of Article 1 of Protocol No 1.

**Gillberg v. Sweden (application no. 41723/06) (Importance 1) – 3 April 2012 – No violation of Article 8 – The obligation made to a University Professor to grant access to his researches does not concern his right to respect for private life – No violation of Article 10 – The “negative” right to freedom of expression does not allow a University Professor to refuse to grant access to information that belong to a public University**

The applicant is a professor and Head of the Department of Child and Adolescent Psychiatry at the University of Gothenburg. For several years, he was responsible for a long-term research project on hyperactivity and attention-deficit disorders in children. Certain assurances were made to the children's parents, and later to the young people themselves, concerning confidentiality. In 2002, requests by a sociological researcher and a pediatrician to be granted access to the research material were refused. Both researchers appealed against the decisions and the Administrative Court of Appeal found that they should be granted access to the material. Those decisions were upheld, and, in its [Chamber judgment](#) of 2 November 2010 (see [RSIF No.51](#), p.18), the Court held that there had been no violation of Articles 8 and 10. On 11 April 2011, the case was referred to the Grand Chamber at the request of the applicant.

The Court noted in particular that the applicant's conviction for misuse of office in his capacity as a public official under the penal code had not been the result of an unforeseeable application of the relevant provisions. The offence in question had no obvious bearing on his right to respect for private life, as it concerned professional acts and omissions by public officials in the exercise of their duties. The applicant had furthermore not pointed to any concrete repercussions on his private life directly linked to his conviction, nor had he defined the nature and extent of his suffering connected to it. However, he had pointed out that he had chosen to refuse to comply with the court rulings obliging him to grant access to the research material, with the risk that he would be convicted of misuse of office. His conviction and the suffering it might have entailed were therefore foreseeable consequences of his committing the criminal offence. Likewise, the fact that the applicant might have lost income as a consequence of the criminal conviction, as he had argued, had been a foreseeable consequence of committing a criminal offence. The Court therefore concluded that Article 8 was not applicable to the applicant's case.

#### Article 10

The Court did not rule out that a "negative" right to freedom of expression, as relied on by the applicant, was protected under Article 10. However, as regards the circumstances of his case, the Court noted in particular that the material he had refused to make available belonged to the University of Gothenburg. It accordingly consisted of public documents subject to the principle of public access under the applicable Swedish legislation. Furthermore, the applicant had not been prevented from complying with the administrative courts' judgments by any statutory duty of secrecy or any order from his public employer. Finally, the Court found that the applicant's situation could not be compared to that of journalists protecting their sources or that of a lawyer bound by a duty vis-à-vis his clients. The information diffused by a journalist based on his or her source generally belonged to the journalist or the media, whereas in the applicant's case the research material was owned by the university and thus in the public domain. The Court therefore concluded that Article 10 was not applicable to the applicant's case.

#### **Van der Heijden v. the Netherlands (application no. 42857/05) (Importance 1) – 3 April 2012 – No violation of Article 8 – Domestic court's refusal to grant the applicant, a non-married woman who cohabited for 18 years with her partner, immunity reserved to married women, constitutes a proportionate interference with the applicant's right to respect for private life**

In May 2004, the applicant was summoned as a witness in criminal proceedings against her partner, accused of shooting and killing a man. She appeared but refused to testify before the investigating judge. She explained that, although not married or in a registered partnership, she and her partner had been cohabiting for 18 years and had two children together, and that she should therefore be entitled to immunity from testifying as spouses and registered partners would be. The national courts rejected her claim. The applicant thus complained that respect for private life should not be dependent on a purely formal requirement such as a marriage license. She argued that she should be entitled to the privilege of exemption from testifying as her relationship with her long-term partner was to all intents and purposes identical to marriage or a registered partnership.

The Court found that the attempt to compel the applicant to give evidence against her long-term partner had "interfered" with her right to respect for her family life. That interference, provided for under the Netherlands Code of Criminal Procedure, had been "in accordance with law" and had pursued the "legitimate aim" of prosecuting crime. The Court notably observed that the Netherlands was among the many Council of Europe member States that had opted for a statutory testimonial privilege for certain categories of witnesses. The Court considered that the right to be exempt from a normal civic duty such as giving evidence had to be made subject to certain conditions and formalities, with categories of its beneficiaries clearly set out. Moreover, the Court agreed that member States were entitled to set boundaries to the scope of the testimonial privilege and to draw the line at marriage or registered partnerships. It did not accept that the applicant relationship with her partner, albeit equal to a marriage or a registered partnership in societal terms, could have the same legal consequences as formalized unions. The Court therefore held, by ten votes to seven, that there had been no violation of Article 8.

*Judge Costa, joined by Judges Hajiyev and Malinverni expressed a concurring opinion. Judges Tulkens, Spielmann, Zupančič and Lafranque expressed a dissenting opinion. Judges Casadevall and López Guerra expressed a joined dissenting opinion.*

- **Right to life**

**[Akhmadova v. Russia](#) (application no. 25548/07) (Importance 3) – 3 April 2012 – Two violations of Article 2 (substantive and procedural) – (i) Death of the applicant’s son after an attack in an area under the full control of domestic authorities; and (ii) lack of an effective investigation – Violation of Article 13 – Lack of an effective remedy**

The case concerned the killing of a police officer in Chechnya in gunfire opened on him by a large group of armed men who, according to his mother’s complaint, were Russian servicemen.

Article 2 (substantive)

The Court noted that it was undisputed that the applicant’s son had been shot in November 2004 and subsequently died in hospital. The applicant’s allegations that State agents were responsible for her son death were supported by a number of witness statements. The Court also observed that at the time of the events the area where the applicant’s son was stopped was under the full control of the authorities. The Court therefore found that the available evidence permitted it to establish to the requisite standard of proof that Russian servicemen were responsible for the death of the applicant’s son, and it underlined that the Russian Government had not put forward any justification for his death.

Article 2 (procedural)

The Court noted that authorities had immediately been made aware of the incident and the criminal investigation had been instituted a week later. Although the documents submitted to the Court showed that the investigators had been informed from the beginning of the proceedings about the alleged involvement of law-enforcement officers in the killing, they had not apparently taken any steps to examine that allegation. A number of key investigative measures, which should have been taken immediately after the crime had been reported, such as questioning key witnesses or taking steps to establish the owners of the cars used by the perpetrators, had not been taken at all. The Court therefore found a violation of Article 2 in its procedural limb.

Article 13

The Court underlined that where a criminal investigation into a murder had been ineffective and the effectiveness of any other remedy that might have existed had consequently been undermined, the State had failed in its obligations under Article 13.

Article 41 (just satisfaction)

The Court held that Russia was to pay the applicant EUR 60,000 in respect of non-pecuniary damage.

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

**[Mannai v. Italy](#) (in French only) (application no. 9961/10) (Importance 2) – 27 March 2012 – Violation of Article 3 – Risk of being tortured after deportation to Tunisia – Violation of Article 34 – Domestic authorities’ failure to comply with interim measures indicated by the Court**

The applicant complained that his deportation from Italy to Tunisia had placed him at risk of being tortured. He also contended that his deportation had infringed his right of individual petition.

Article 3

The Court noted that the applicant had been deported while the proceedings to contest the deportation order had been pending before domestic courts. With regard to the situation in Tunisia at the relevant time, the Court pointed out that the relevant international materials had documented numerous and regular cases of torture and ill-treatment of persons found guilty of or suspected of terrorist offences, and that the reports by the International Committee of the Red Cross on its visits to Tunisian places of detention spoke of a risk of treatment contrary to Article 3 of the Convention. This worrying situation had been confirmed by Amnesty International’s 2008 report on Tunisia and by the United Nations Special Rapporteur. The Court accordingly considered that substantial grounds had been shown for concluding that the applicant faced a real risk of being subjected to treatment contrary to Article 3 following his deportation to Tunisia.

Article 34

On 19 February 2010, at the applicant’s request, the President of the Second Section of the Court decided to indicate to the Italian Government, under Rule 39 of the Rules of Court, that the applicant should not be deported to Tunisia until further notice. By failing to comply with that interim measures, the Court judged that Italy had been in breach of its obligations under Article 34.

Article 41 (just satisfaction)

The Court held that Italy was to pay the applicant EUR 15,000 in respect of non-pecuniary damage and EUR 6,500 in respect of cost and expenses.

- **Right to a fair trial**

**[Michelioudakis v. Greece](#) (in French only) (application no. 54447/10) (Importance 1) – 3 April 2012 – Violation of Article 6 § 1 – Excessive length of criminal proceedings – Violation of Article 13 – Lack of an effective remedy in domestic law – Article 46 – Measures to be implemented by domestic authorities to address the systemic problem of excessive length of criminal proceedings and lack of an effective remedy**

The case concerned a Greek applicant who complained about the excessive length of criminal proceedings and the lack of a remedy in domestic law by which to obtain redress for his complaint.

Article 6 § 1

After reiterating that the reasonableness of the length of proceedings should be assessed with reference to criteria including 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, the Court reaffirmed that the Contracting States were required to organize their legal systems in such a way that their courts could guarantee everyone the right to a final decision determining a criminal charge against him or her within a reasonable time. The Court observed that although the present case had not raised any complex issues, the overall length of the proceedings had exceeded seven years, thus failing to satisfy the “reasonable time” requirement. The Court thus held that there had been a violation of Article 6 § 1.

Article 13

The applicant also complained that no court in Greece had jurisdiction to deal with complaints about the excessive length of criminal proceedings. The Court reiterated, firstly, that Article 13 required an effective remedy before a national authority in respect of the excessive length of proceedings and, secondly, that it had previously held that the Greek legal system did not provide an effective remedy within the meaning of Article 13 of the Convention for complaints about the length of criminal proceedings. In the present case, although the Greek Government argued that the applicant could have applied to the administrative courts on the basis of the Introductory Law to the Civil Code, it had not been shown that that remedy was effective and available in theory and in practice and thus satisfied the requirements of Article 13. The Court held that there had been a violation of Article 13.

Article 46

The Court found that the systemic nature of the problem identified in the present case was borne out by the fact that, firstly, **the Court had delivered more than 40 judgments against Greece since 2007 in which it had found a violation of Article 6 § 1 on account of the length of criminal proceedings and, secondly, more than 250 length-of-proceedings cases against Greece were currently pending before the Court, more than 50 of which related solely to criminal proceedings.** While leaving it to the Greek State to choose the specific measures to take and while acknowledging recent developments in the Greek legal system, the Court considered that **the national authorities should, within one year, introduce a remedy or a set of effective domestic remedies capable of affording adequate and sufficient redress for the unreasonable length of criminal proceedings.** The Court further considered that pending the adoption by the Greek authorities of the necessary measures at national level, adversarial proceedings in all cases before it relating solely to the length of criminal proceedings in the Greek courts should be adjourned for a period of one year from the date on which this judgment became final.

Article 41 (just satisfaction)

The Court held that Greece was to pay the applicant EUR 3,000 in respect of non-pecuniary damage and EUR 1,230 in respect of costs and expenses.

**[Chambaz v. Switzerland](#) (application no. 11663/04) (Importance 2) – 5 April 2012 – Two violations of Article 6 § 1 – Infringement of the applicant’s right not to incriminate himself on account of fines imposed on him because he refused to deliver tax information; breach of the equality of arms on account of domestic authorities’ refusal to provide the applicant with information on tax investigation launched against him**

The applicant is a Swiss national who currently lives in Bermuda. He has been the subject of several sets of proceedings for tax evasion, also involving a number of companies to which he was connected. During those proceedings, he was asked to pay two fines because he refused to furnish information on his situation. The applicant also asked to consult the file on the investigation launched against him,



but his request was refused. He complained that his right not to incriminate himself has been infringed. He also complained about the refusal to allow him to consult all the information in the federal tax authorities' possession.

The Court first observed that by fining the applicant for refusing to produce all the items requested, the authorities had put him under pressure to furnish documents which would have provided information on his income and assets for tax assessment purposes. By upholding the fines while an investigation was ongoing into alleged tax evasion concerning matters linked to those in respect of which the applicant had exercised his right to remain silent, the Swiss courts had obliged him to incriminate himself. The Court also noted that the restrictions imposed in the applicant's case had not pursued the aims of protecting vital national interests or preserving the fundamental rights of others since he had been refused access to the documents on account of his "attitude", in particular his lack of explanations. The Court further noted that the defects in the first-instance proceedings had not been redressed by Federal Court, which had not conducted its own examination of the matter. The Court concluded that the right to equality of arms had not been respected, in breach of Article 6 § 1.

Under Article 41, the Court held that Switzerland was to pay the applicant EUR 3,599 in respect of pecuniary damage and EUR 7,198 in respect of costs and expenses.

- **Freedom of expression**

**Kaperzynski v. Poland (application no. 43206/07) (Importance 2) – 3 April 2012 – Violation of Article 10 – Domestic courts' unnecessary interference with the applicant's right to freedom of expression on account of his criminal conviction for having refused to publish a reply by the mayor of a municipality to an article concerning the local sewage system**

The case concerned a journalist's criminal conviction for not having published a reply by the mayor of a municipality to an article which criticized the authorities' dealing with deficiencies of the local sewage system.

The Court noted that it was not in dispute between the parties that the sanction imposed on the applicant interfered with his right to freedom of expression. At the relevant time, that interference had been prescribed by the Polish law. However, the Court considered it significant for assessing the case that the relevant sections of the Press Act had subsequently been found to be incompatible with the Constitution. The Court considered that the obligation to publish a rectification was a normal element of the legal framework governing the exercise of freedom of expression by the media. It could not, as such, be regarded as excessive or unreasonable. However, it was not only the obligation to publish a reply but also the imposition of a criminal sanction that was at issue in the case. That sanction had been imposed on the applicant for an offence of an essentially procedural nature. The domestic courts had imposed a criminal penalty on the applicant on grounds which were unrelated to the substance of the article in question. The Court therefore found that the sanction imposed on the applicant had not been necessary in a democratic society. There had accordingly been a violation of Article 10.

**Sessa Francesco v. Italy (application no. 28790/08) (Importance 1) – 3 April 2012 – No violation of Article 9 – Domestic courts' refusal to adjourn a hearing listed for the date of a Jewish holiday does not infringe the applicant's right to freely manifest his faith**

The applicant complained that the judicial authority had refused to adjourn a hearing listed for the date of a Jewish holiday.

The judge had refused to allow the applicant's request for an adjournment, basing his decision on the provision of the Code of Criminal Procedure which provided that an adjournment of hearings concerning the immediate production of evidence was justified only where the prosecutor or counsel for the defendant was absent. The Court was not convinced that holding the hearing in question on the date of a Jewish holiday and refusing to adjourn it to a later date amounted to a restriction on the applicant's right to freely manifest his faith. Firstly, it was not in dispute between the parties that he had been able to carry out his religious duties. Furthermore, he should have known that his request would be refused on the basis of the statutory provisions in force and could have arranged to be replaced at the hearing in order to comply with his religious obligations. The Court noted, lastly, that the applicant had not shown that pressure had been exerted on him to change his religious beliefs or to prevent him from manifesting his religion or beliefs. Even supposing that there had been an interference with the applicant's right under Article 9 § 1, the Court considered that such interference, prescribed by law, was justified on grounds of the protection of the rights and freedoms of others – and in particular the public's right to the proper administration of justice – and the principle that cases be heard within a reasonable time.

- **Prohibition of discrimination**

**[Manzanas Martin v. Spain](#) (in French only) (application no. 17966/10) (Importance 2) – 3 April 2012 – Violation of Article 14 taken together with Article 1 of Protocol No.1 – Unjustified difference of treatment between priests of the Catholic Church and Evangelical ministers regarding retirement pensions**

The applicant complained that whilst priests could have their previous years of religious service taken into account in calculating their retirement pension – by paying the corresponding contributions – Evangelical ministers could not bring into account their years of service prior to joining the social-security scheme.

The Court observed that, prior to the promulgation of the Constitution of 1978, the Royal Decree of 27 August 1977 had provided that priests and ministers of churches registered with the Ministry of the Interior had to be treated as salaried employees and brought within the general social-security scheme. Ministers were brought within the general social-security scheme twenty-two years later, in 1999, following the conclusion of an agreement between the State and the Federation of Evangelical Religious Entities of Spain. According to the Government, it was because Evangelical churches were not particularly deeply rooted in Spain that a certain period of time had been necessary for these negotiations. The Court agreed with the Government that there had been objective and non-discriminatory reasons for integrating religious ministers into the general social-security scheme at different times. However, the refusal to recognise the applicant’s right to receive a retirement pension and to count his earlier years of service towards the minimum period of pensionable service amounted to a different treatment from that applied, by law, to other situations which appeared to be similar, the only difference here being one of religious faith. The Court therefore held that there had been a violation of Article 14 taken in conjunction with Article 1 of Protocol No.1.

Under Article 41 (just satisfaction), the Court held that Spain was to pay the applicant EUR 3,000 in respect of non-pecuniary damage and EUR 6,000 in respect of costs and expenses.

- **Cases in Chechnya**

**[Inderbiyeva v. Russia](#) (application no. 56705/08) (Importance 3) – 27 March 2012 – Violation of Article 2 (substantive and procedural) – (i) Killing of the applicant’s sister in an area under the control of domestic authorities and (ii) lack of an effective investigation in that respect – Violation of Article 13 – Lack of an effective investigation into the applicant’s sister’s death**

**[Kadirova and Others v. Russia](#) (application no. 5432/07) (Importance 3) – 27 March 2012 – Violation of Article 2 (substantive and procedural) – (i) Presumed death of the applicants’ relatives following their unacknowledged detention by State servicemen and (ii) lack of an effective investigation in that respect – Violation of Article 3 (substantive and procedural) – (i) Mental suffering as a result of the applicants’ relatives’ disappearance and State’s failure to investigate it properly and (ii) lack of an effective investigation in that respect – Violation of Article 5 – Unacknowledged detention of the applicants’ relatives – Violation of Article 13 – Lack of an effective remedy**

## 2. Other judgments issued in the period under observation

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

- Press release by the Registrar concerning the Chamber judgments issued on 27 Mar. 2012: [here](#)
- Press release by the Registrar concerning the Chamber judgments issued on 3 Apr. 2012: [here](#)
- Press release by the Registrar concerning the Chamber judgments issued on 5 Apr. 2012: [here](#)

STATE	DATE	CASE TITLE	IMP.	CONCLUSION	KEY WORDS

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

BULGARIA	27 Mar. 2012	<a href="#">Lolova-Karadzova</a> (no. 17835/07)	2	Violation of Art. 5 § 1	Domestic authorities' failure to strike a fair balance between the need to ensure the fulfillment of the applicant's obligation to attend a court hearing and <b>her right to liberty</b>
				Violation of Art. 5 § 5	Domestic authorities' failure to compensate the applicant for unlawful detention
	3 Apr. 2012	<a href="#">Dimitar Dimitrov</a> (no. 18059/05) (in French only)	3	Violation of Art. 3 (substantive and procedural)	Disproportionate use of force by police officers during a prison transfer and lack of an effective investigation
<a href="#">Fileva</a> (no. 3503/06)		2	Violation of Art. 6 § 1	Impairing of the applicant's right of access to a court on account of the discretion of the prosecution authorities to resume criminal proceedings	
POLAND	3 Apr. 2012	<a href="#">Chmura</a> (no. 18475/05)	3	No violation of Articles 6 §§1 and 3	No infringement to the right to a fair trial on account of the hearing of a witness before the prosecution had filed the bill of indictment with the court
PORTUGAL	27 Mar. 2012	<a href="#">Sociedad Agricola Vale de Ouro S.A.</a> (no. 44051/07) (in French only)	3	Just satisfaction	Just satisfaction in respect of the judgment of 11 April 2011
ROMANIA	3 Apr. 2012	<a href="#">Nicoleta Gheorghe</a> (no. 23470/05) (in French only)	2	No violation of Art. 6	No infringement of the applicant's right to presumption of innocence on account of police reports' presumption of legality
		<a href="#">Riccardi</a> (no. 3048/04)	2	No violation of Art. 5 § 1	Lawfulness of pre-trial detention
				Violation of Art. 5 § 3	Domestic authorities' failure to justify the extension of the applicant's pre-trial detention
				Violation of Art. 6 § 1	Excessive length of proceedings (over 9 years)
<a href="#">Verbint</a> (no. 7842/04)	3	No violation of Art. 3 (substantive)	Applicant's failure to demonstrate that the conditions of his detention were particularly difficult		
RUSSIA	27 Mar. 2012	<a href="#">Geld</a> (no. 1900/04)	3	Violation of Art. 3	Inhuman and degrading condition of detention
		<a href="#">Syngayevskiy</a> (no. 17628/03)	3	Violation of Art. 5 § 3	Domestic authorities' failure to display "special diligence" in the conduct of the proceedings against the applicant
	Violation of Art. 6 § 1			Excessive length of proceedings (two years and 6 months)	
	3 Apr. 2012	<a href="#">Kazantsev</a> (no. 14880/05)	3	Violation of Art. 3 (substantive and procedural)	Ill-treatment in a police station and lack of an effective investigation
		<a href="#">Mukharev</a> (no. 22921/05)	3	Violation of Art. 5 § 1	Detention without judicial authorisation
Violation of Art. 5 § 4	Lack of effective proceedings to challenge the lawfulness of the detention				
SWEDEN	5 Apr. 2012	<a href="#">Strömblad</a> (no. 3684/07)	3	Violation of Art. 8	Domestic courts' failure to deal diligently with the applicant's request to <b>grant him custody of his daughter</b>
				No violation of Art. 8	Tax authorities' decision to register a child at a specific address has no bearing on the outcome of a custody case

THE CZECH REPUBLIC	5 Apr. 2012	<a href="#">Jirsák</a> (no. 8968/08)	3	No violation of Art. 3	Acceptable conditions of detention (in particular, a one-day delay in treating the applicant's injury did not reach the necessary minimum level of severity to amount to inhuman or degrading treatment)
TURKEY	3 Apr. 2012	<a href="#">Erişen and others</a> (no. 7067/06)	3	No violation of Art. 3 (substantive) concerning applicant A.	Lack of decisive evidence in support of the allegations of ill-treatment in detention
				Violation of Art. 3 (procedural) concerning applicant A.	Lack of an effective investigation into allegations of ill-treatment
				Violation of Art. 3 (procedural and substantive) concerning applicant B.	Ill-treatment in detention and lack of an effective investigation
				Violation of Art. 5 § 4	Infringement of the applicants' right to be heard at regular intervals on account of the fact that they did not have a right to appear before a court during the pre-trial stage, after their detention was initially ordered

### 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.

State	Date	Case Title	Conclusion	Key words
Bulgaria	27 Mar. 2012	Nikolay Gerdjikov (no. 27061/04)	Violation of Art. 5 § 4 Violation of Art. 5 §	Domestic authorities' failure to review the lawfulness of the applicant's detention Domestic authorities' failure to compensate the applicant for the unlawfulness of his detention
Poland	27 Mar. 2012	Nowaszewski (no. 7272/09)	Violation of Art. 6 § 1 in conjunction with Art. 6 § 3 (c)	Deprivation of the applicant's right of access to a court on account of his legal-aid lawyers' refusal to draft a cassation appeal
Romania	27 Mar. 2012	S.C. Aectra Agrochemicals S.A. and Others (no. 13111/05)	Violation of Articles 6 § 1 and 1 of Prot. 1	Non-enforcement of a judgment in the applicants' favor
Turkey	27 Mar. 2012	Sarar (no. 1947/09)	Violation of Articles 5 §§ 3 and 4	Excessive length of pre-trial detention
Ukraine	5 Apr. 2012	Lutsenko (no. 37645/10)	Violation of Art. 5 § 1	Unlawful detention

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

State	Date	Case Title	Link to the judgment

Ukraine	5 Apr. 2012	Lobatska (no. 44674/05)	<a href="#">Link</a>
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## B. The decisions on admissibility / inadmissibility / striking out of the list

Those decisions are published with a slight delay of two to three weeks on the Court's Website. Therefore the decisions listed below cover **the period from 12 to 25 March 2012**. They are aimed at providing the NHRs with potentially useful information on the reasons of the inadmissibility of certain applications addressed to the Court and/or on the friendly settlements reached.

STATE	DATE	CASE TITLE	ALLEGED VIOLATIONS (KEY WORDS)	DECISION
ANDORRA	20 Mar. 2012	<a href="#">Solanelles Molar</a> (no. 37090/08)	Articles 6 and 8 (domestic courts' refusal to consider the applicants as parties to proceedings despite the fact that they were directly concerned by the evidence produced during these proceedings)	Inadmissible as manifestly ill-founded
AUSTRIA	13 Mar. 2012	<a href="#">Efferl</a> (no. 13556/07)	Art. 6 (lack of independence and non-judicial nature of administrative courts, lack of public hearings), Art. 1 of Prot. 1 (inability of the applicant to build on his land because of domestic regulation declaring it a landscape protected zone)	Inadmissible as manifestly ill-founded
AZERBAIJAN	13 Mar. 2012	<a href="#">Agamirzayev</a> (no. 51326/07)	Articles 6, 8 and 13 (alleged unfairness of proceedings concerning the establishment of the applicant's paternity over his life partner's child born during their cohabitation)	Struck out of the list (the applicant no longer wished to pursue the application)
		<a href="#">Hamidov</a> (no. 29441/06)	Articles 6 and 11 (domestic authorities' allegedly arbitrary refusal to register a political party; allegedly unfair judicial proceedings against the relevant authorities)	Struck out of the list (the applicant no longer wished to pursue the application)
BELGIUM	13 Mar. 2012	<a href="#">Alouch</a> (no. 21437/11)	Art. 3 (domestic authorities' alleged failure to take into consideration the risk for the applicant to be expelled to his country of origin if deported to Cyprus), Art. 13 (lack of an effective remedy in that respect)	Struck out of the list (it is no longer justified to continue the examination of the application)
	20 Mar. 2012	<a href="#">Boelens</a> (no. 20007/09 and 3 others)	Art. 7 § 1 in conjunction with Articles 6 §1 and 14 (arbitrariness of electoral code's article conditioning the refusal to participate to election to the evidence of a "just cause"), Art. 6 (domestic authorities' alleged failure to prove the lack of a just cause), Articles 6 and 7 (domestic authorities' failure to take into consideration a decision declaring the elections unconstitutional)	Inadmissible for non-respect of the six-month requirement

BULGARIA	20 Mar. 2012	<a href="#">Bochukov and Others</a> (no. 6942/07)	Articles 6 § 1 and 13 (excessive length of civil proceedings and lack of an effective remedy)	Struck out of the list (friendly settlement reached)
		<a href="#">Frenkov</a> (no. 7100/07 and 8 others)	Idem.	Idem.
		<a href="#">Yanchev</a> (no. 16403/07)	Art. 6 § 1 (excessive length of civil proceedings), Art. 1 of Prot. 1 (impact of excessive length of proceedings on property rights), Art. 13 (lack of effective remedies)	Struck out of the list (it is no longer justified to continue the examination of the application)
CROATIA	13 Mar. 2012	<a href="#">Gashi and Salihu</a> (no. 51380/10)	Articles 3, 5, 8 and 14 (overnight detention of the applicants in a police station allegedly to collect evidence about an attack against them during the "gay pride")	Struck out of the list (the applicant no longer wished to pursue the application)
FINLAND	20 Mar. 2012	<a href="#">Majuri</a> (no. 21989/08)	Art. 2 of Prot. 4 (violation of the applicant's freedom to choose his residence)	Struck out of the list (friendly settlement reached)
FRANCE	13 Mar. 2012	<a href="#">Société Bouygues Telecom</a> (no. 2324/08)	Art. 6 § 1 (alleged breach of the principle of equality of arms on account of the participation of the <i>Conseil de la Concurrence</i> to proceedings against its own decision), Art. 6 § 2 (alleged breach of the applicant right to be presumed innocent)	Inadmissible as manifestly ill-founded
	20 Mar. 2012	<a href="#">Rado and Maury</a> (no. 25363/09)	Articles 6 § 1 and 1 of Prot. 1 (default interests requested on ground of a law passed after the facts occurred)	Inadmissible as manifestly ill-founded
		<a href="#">X.T.</a> (no. 50751/08)	Art. 3 (risk of ill-treatment in case of deportation to Guinea, ill-treatment by police officers during the first removal process), Art. 13 (lack of suspensive effect of asylum proceedings)	Inadmissible as manifestly ill-founded
GEORGIA (AND RUSSIA)	13 Mar. 2012	<a href="#">Beniashvili</a> (no. 39549/02)	Articles 3, 4, 5 §§ 1 (f), 2 and 4 and 6 § 1 (material conditions of detention)	Inadmissible for non-respect of the six-month requirement
GEORGIA	13 Mar. 2012	<a href="#">Napishvili</a> (no. 44303/05)	Art. 6 § 1 (length of proceedings), Art. 1 of Prot. 1 (deprivation of the applicant's possession on account of domestic courts' refusal to compensate him for the pecuniary and non-pecuniary damages allegedly caused by his participation to the liquidation work at Chernobyl)	Partly inadmissible as manifestly ill-founded (concerning Art. 6 § 1), partly inadmissible for non-exhaustion of domestic remedies (concerning the remainder of the application)
GERMANY	13 Mar. 2012	<a href="#">Axel Springer</a> (no. 44585/10)	Articles 10 and 14 (discrimination on account of the way journalists are selected to be entitled to attend to hearings in criminal proceedings)	Inadmissible as manifestly ill-founded

HUNGARY	20 Mar. 2012	<a href="#">Balint</a> (no. 29086/09)	Art. 6 § 1 (excessive length of criminal proceedings)	Struck out of the list (friendly settlement reached)
		<a href="#">Berenyi</a> (no. 30288/06)		
		<a href="#">Bodnar</a> (no. 48345/09)		
		<a href="#">Fodor</a> (no. 14551/09)		
		<a href="#">Kodrean</a> (no. 17687/09)		
		<a href="#">Lengyel</a> (no. 39202/09)	Articles 6 § 1 and 8 (length, outcome and alleged unfairness of civil proceedings)	Partly struck out of the list (unilateral declaration of the government concerning the excessive length of proceedings), partly inadmissible as manifestly ill-founded (concerning the remainder of the application)
		<a href="#">Malzone Walter</a> (no. 44350/07)	Art. 6 § 1 (excessive length of criminal proceedings)	Struck out of the list (friendly settlement reached)
		<a href="#">Pekarine</a> (no. 31353/09)	Idem.	Idem.
<a href="#">Suli</a> (no. 29137/09)	Idem.	Idem.		
ITALY (AND THE UNITED KINGDOM)	13 Mar. 2012	<a href="#">M. and S.</a> (no. 2584/11)	Art. 6 (unfairness of proceedings), Art. 8 (unnecessary decision to force one of the applicant to return to Italy), Art. 2 of Prot. 4 (deprivation of one of the applicant's passport and identity card)	Partly inadmissible as manifestly ill-founded (concerning Articles 6 and 8), partly incompatible <i>ratione materiae</i> with the provisions of the Convention (concerning Article 2 of Prot. 4)
ITALY	13 Mar. 2012	<a href="#">Saccomanno</a> (no. 11583/08 and 13 Others)	In particular, Art. 3 of Prot. 1 (infringement of the Italian people's right to freedom of expression and sovereignty by the new electoral system of blocked lists)	Inadmissible as manifestly ill-founded
LATVIA	13 Mar. 2012	<a href="#">Dementjeva</a> (no. 17458/10)	Art. 6 § 1 (excessive length of criminal proceedings), Articles 3, 6, 8, 14 and Prot. 12 (criminal proceedings brought against the applicant, without further specifications)	Partly inadmissible as manifestly ill-founded (concerning excessive length of proceedings), partly inadmissible (no violation of the rights and freedoms protected by the Convention concerning the remainder of the application)

MOLDOVA	13 Mar. 2012	<a href="#">Demcenco</a> (no. 21274/05)	Articles 6 § 1 and 1 of Prot. 1 (non-enforcement of a judgment in the applicant's favour)	Struck out of the list (friendly settlement reached)
		<a href="#">Interdnestrcom</a> (no. 48814/06)	Art. 6 § 1 (deprivation of the applicant's right of access to a court on account of the fact that his company was not registered), Art. 1 of Prot. 1 (domestic authorities' failure to refund the applicant the money he paid for a license)	Partly inadmissible (no rights and obligations recognized under domestic law concerning claim under Art. 6 § 1), partly inadmissible for non-respect of the six-month requirement (concerning the remainder of the application)
		<a href="#">Munteanu</a> (no. 30735/07)	Articles 6 § 1, 14 and 1 of Prot. 1 (non-enforcement of a judgment in the applicant's favour)	Struck out of the list (the applicant no longer wished to pursue the application)
		<a href="#">Plate</a> (no. 56608/08)	Articles 6 and 1 of Prot. 1 (non-enforcement of a judgment in the applicant's favour)	Struck out of the list (friendly settlement reached)
	20 Mar. 2012	<a href="#">Daniel-P. S. A.</a> (no. 32846/07)	Art. 1 of Prot. 1 (allegedly unjust deprivation of the applicant's property on account of the privatization of his company)	Inadmissible (the applicant lost his victim status in relation to the application)
POLAND	13 Mar. 2012	<a href="#">Adamska</a> (no. 5031/08)	Art. 6 (infringement of the applicant's right of access to a court on account of the allegedly inadequate amount of fees paid by him to appeal a decision)	Struck out of the list (friendly settlement reached)
		<a href="#">Kozielec</a> (no. 13199/07)	Art. 6 § 1 (lack of access to Constitutional court)	Struck out of the list (friendly settlement reached)
	20 Mar. 2012	<a href="#">Bulatowicz</a> (no. 17719/10)	Art. 6 § 1 (deprivation of the applicant's right of access to a Court on account of the refusal of the legal-aid lawyer to lodge a cassation appeal with the Supreme Court)	Struck out of the list (friendly settlement reached)
		<a href="#">Dryzek</a> (no. 12285/09)	In particular, Art. 6 § 1 (unfairness of proceedings on account of domestic court's failure to give adequate reasons for the dismissal of the applicant's arguments concerning the unlawful composition of the first-instance court)	Inadmissible as manifestly ill-founded
		<a href="#">Dziekanski</a> (no. 34454/10)	Art. 6 § 1 (excessive length of civil proceedings), Art. 13 (lack of an effective remedy)	Struck out of the list (friendly settlement reached)
		<a href="#">Jedruch</a> (no. 35846/06)	Art. 5 § 3 (excessive length of pre-trial detention)	Struck out of the list (the applicant no longer wished to pursue the application)
		<a href="#">Kasprzak</a> (no. 51054/08)	Art. 3 (poor conditions of detention)	Struck out of the list (friendly settlement reached)
		<a href="#">Narewski</a> (no. 36960/10)	6 § 1 (excessive length of criminal proceedings)	Idem.



		<a href="#">Schlabs</a> (no. 32931/11)	Art. 3 (poor conditions of detention)	Idem.
		<a href="#">Wojcik</a> (no. 16853/10)	Art. 6 § 1 (excessive length of civil proceedings)	Struck out of the list (unilateral declaration of the Government)
		<a href="#">Wolska</a> (no. 36707/04)	Art. 6 § 1 (deprivation of the applicant's right of access to a court on account of gross negligence of her legal-aid lawyer and actions of the courts)	Struck out of the list (friendly settlement reached)
ROMANIA	13 Mar. 2012	<a href="#">Calmuc</a> (no. 25177/06)	Art. 10 (disproportionate and unnecessary interference with the applicant's right to freedom of expression on account of his conviction for defamation)	Struck out of the list (the applicant no longer wished to pursue the application)
		<a href="#">Copil</a> (no. 27194/03)	Art. 6 (infringement of the applicant's right to a fair trial), Art. 8 (alleged refusal of prison authorities to grant the applicant with the leave to attend his mother's funeral or to sit university exams)	Struck out of the list (the applicant no longer wished to pursue the application)
		<a href="#">Cotoi</a> (no. 18987/05)	Art. 14 read in conjunction with Art. 1 of Prot. 1 (gender discrimination in the calculation of old age pensions)	Struck out of the list (the applicant no longer wished to pursue the application)
		<a href="#">Fodorean and Diacon</a> (no. 7120/05 and 25803/08)	Art. 6 (no further details)	Struck out of the list (the applicant no longer wished to pursue the application)
		<a href="#">Haiducu</a> (no. 7034/07 and 16 others)	Art. 6 (hindrance to the applicant's right to a fair trial on account of the obligation to rebut traffic law fines' presumption of lawfulness)	Inadmissible as manifestly ill-founded
		<a href="#">Marin</a> (no. 18590/08)	Art. 3 (ill-treatment in a police officer's office), Art. 5 (unlawful deprivation of liberty), Art. 6 §§1 and 3 d) (unfair trial)	Struck out of the list (the applicant no longer wished to pursue the application)
		<a href="#">Peanci</a> (no. 12441/05)	Art. 5 §§ 3 and 4 (lack of prompt and effective judicial review of measures of pre-trial detention), Art. 6 § 1 (unfairness of proceedings before military tribunals)	
		<a href="#">Prodan</a> (no. 15671/05)	Articles 6 § 1 and 3 (Inequity of criminal proceedings on account of the unlawful conviction of the applicant)	
		<a href="#">Racea</a> (no. 42020/06)	Art. 3 (ill-treatment in detention and lack of an effective investigation in that respect), Art. 6 (excessive length of damages proceedings for ill-treatment)	
		<a href="#">Tatu</a> (no. 1282/05)	Ill-treatment by the police (no article specified)	Struck out of the list (it is no longer justified to continue the examination of the application)
		<a href="#">Zarafim</a> (no. 24082/03)	Art. 3 (diseases allegedly caused and aggravated by inhuman condition of detention, lack of adequate medical care in	Partly inadmissible (the applicant failed to substantiate his claim regarding alleged

			detention, ill-treatment by prosecutor during criminal investigation), Art. 6 § 1 (unfairness of criminal proceedings), Art. 34 (prison authorities' refusal to allow the applicant to photocopy documents)	violation of Art. 3), partly inadmissible as manifestly ill-founded (concerning the remainder of the application)
ROMANIA	20 Mar. 2012	<a href="#">Panfile</a> (no. 13902/11)	Articles 6, 14, 1 of Prot. 1, 1 of Prot. 12 (deprivation of the applicant's right to receive a pension and a salary on account of the obligation imposed on him to choose between having his pension suspended while he worked for a State-run institution or having his employment terminated)	Inadmissible as manifestly ill-founded
RUSSIA (AND GEORGIA)	13 Mar. 2012	<a href="#">Beniashvili</a> (no. 39549/02)	In particular, Art. 3 (degrading conditions of the applicant's extradition), Art. 5 § 1 f) (arbitrary extradition proceedings in Georgia), Art. 5 § 2 (delayed communication of criminal charges to the applicant), Art. 6 §§ 1 and 3 b), c), d) (domestic court's refusal to allow the applicant to study the criminal case materials, to have his girlfriend appointed as his legal counsel and to examine the witnesses for the prosecution during the trial), Art. 12 (Domestic court's refusal to allow the applicant to register his civil marriage with his girlfriend)	Inadmissible as manifestly ill-founded
RUSSIA	13 Mar. 2012	<a href="#">Gerotodov</a> (no. 22800/05)	Articles 3 and 13 (conditions of detention and lack of effective remedy)	Struck out of the list (the applicant no longer wished to pursue the application)
		<a href="#">Kovaleva</a> (no. 23880/06)	Art. 8 (domestic courts' rejection of the applicant's claims for establishing paternity)	
		<a href="#">Mazulyan</a> (no. 18977/06)	In particular, Articles 6 and 1 of Prot. 1 (Non-enforcement of judgment in the applicant's favour)	Struck out of the list (it is no longer justified to continue the examination of the application)
		<a href="#">Shefer</a> (no. 45175/04)	Articles 6 § 1 and 1 of Prot. 1 (non-enforcement of a judgment against a private party)	Inadmissible (no significant disadvantage suffered by the applicant)
		<a href="#">Zabotin</a> (no. 39185/09)	In part. Articles 6 and 13 (domestic authorities' excessively long failure to enforce a domestic judgment awarding damages to the applicants for injures and death caused to their son during his military service in Chechnya)	Inadmissible as manifestly ill-founded

RUSSIA	13 Mar. 2012	<a href="#">Zemlyanskiy</a> (no. 18969/06 and 4 others)	Articles 6 and 1 of Prot. 1 (non-enforcement of judgments' in the applicant's favour), Art. 13 (lack of an effective remedy)	Partly struck out of the list (unilateral declaration of the Government concerning Article 6 and Art. 1 of Prot. 1), partly incompatible <i>ratione materiae</i> with the provisions of the Convention (concerning the remainder of the application)
	20 Mar. 2012	<a href="#">Arslanbekov</a> (no. 67471/09 and 2 others)	In particular, Art. 1 of Prot. 1 (allegedly unlawful refusal by domestic courts to index-link a judicial award due to delayed execution of the judgment delivered in the applicant's favour)	Struck out of the list (unilateral declaration of the Government)
<a href="#">Kokurkhoyev</a> (no. 4352/09)				
SERBIA	20 Mar. 2012	<a href="#">A.</a> (no. 50780/06)	Articles 6 § 1, 13 and 1 of Prot. 1 (failure of the respondent party to enforce a final judgment rendered against a socially owned company)	Struck out of the list (friendly settlement reached)
		<a href="#">Arsenovic</a> (no. 19682/08)	Art. 6 § 1 (excessive length of civil proceedings)	
		<a href="#">Dokic</a> (no. 33086/07)	Articles 6 § 1, 13 and 1 of Prot. 1 (failure of the respondent party to enforce a final judgment rendered against a socially owned company)	
		<a href="#">Henjelic</a> (no. 34619/08)	Failure of the respondent party to enforce a final domestic judgment rendered against the Customs Administration (no article specified)	
		<a href="#">Jeremic</a> (no. 31178/08)	Articles 6 § 1, 13 and 1 of Prot. 1 (Failure of the respondent Party to enforce a final judgment rendered against a socially owned company)	
		<a href="#">Ljubisavljevic</a> (no. 40411/07)		
		<a href="#">Vujcin-Pavlicic</a> (no. 19378/07)	Art. 6 § 1 (excessive length of civil proceedings)	
		<a href="#">Predic-Joksic</a> (no. 19424/07)	In particular, Art. 6 (excessive length of two sets of civil proceedings)	

SLOVENIA	13 Mar. 2012	<a href="#">Ferenc</a> (no. 6682/10)	Articles 3 and 8 (poor conditions of detention, including inadequate medical treatment, overcrowding, poor sanitary conditions, restrictions on visits, telephone conversations and correspondence), Art. 13 (lack of an effective remedy)	Partly inadmissible (the applicant failed to substantiate his claim concerning inadequate medical treatment), partly inadmissible as manifestly ill-founded (concerning the remainder of the application)
	20 Mar. 2012	<a href="#">Arh</a> (no. 6118/10 and 9 others)	Articles 3 and 8 (poor conditions of detention, including overcrowding, poor sanitary conditions, excessive restrictions on time spent outside the cells, restrictions on visits, telephone conversations and correspondence), Art. 13 (lack of an effective remedy)	Inadmissible as manifestly ill-founded
		<a href="#">Aristovnik and Others</a> (no. 2467/05)	Articles 6 § 1 and 13 (excessive length of civil proceedings, lack of an effective remedy)	Incompatible <i>ratione personae</i> with the provisions of the Convention
		<a href="#">Lorbek</a> (no. 6980/10 and 9 others)	Articles 3 and 8 (poor conditions of detention, including overcrowding, poor sanitary conditions, excessive restrictions on time spent outside the cells, restrictions on visits, telephone conversations and correspondence), Art. 13 (lack of an effective remedy)	Inadmissible as manifestly ill-founded
		<a href="#">Reich Crnogorac</a> (no. 7706/06)	Art. 6 § 1 (excessive length of civil proceedings)	Idem.
"THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA"	13 Mar. 2012	<a href="#">Jovanova</a> (no. 29880/07)	Art. 6 (employment related proceedings)	Struck out of the list (friendly settlement reached)
	13 Mar. 2012	<a href="#">Veljanovski</a> (no. 11190/07)	Art. 6 (unreasonable time to hear the applicant's case, errors on facts and laws about the assessment and admissibility of evidence, domestic courts' judges biased)	Partly struck out of the list (it is no longer justified to pursue the examination of the application concerning unreasonable time), partly inadmissible (the applicant failed to sustain his complained concerning the remainder of the application)
THE NETHERLANDS	13 Mar. 2012	<a href="#">Brbryan</a> (no. 33319/11)	Art. 3 (ill-treatment on account of the refusal of applicant's request for asylum and his threatened forced return to Iraq)	Struck out of the list (it is no longer justified to continue the examination of the application)
	20 Mar. 2012	<a href="#">Bingol</a> (no. 18450/07)	Art. 6 § 2 (infringement of the applicant's right to being presumed innocent on account of domestic authorities' refusal to grant him an operating license because of his criminal antecedents)	Incompatible <i>ratione materiae</i> with the provisions of the Convention
THE UNITED	20 Mar.	<a href="#">Fox</a> (no.	Art. 3 (lack of independent	Inadmissible for non-

KINGDOM	2012	61319/09)	investigation into the applicant's allegation that excessive force was used in arresting him)	exhaustion of domestic remedies
		<a href="#">Wandless</a> (no. 53414/09)	Art. 5 § 1 (allegedly unlawful committal of the applicant to prison), Art. 5 § 5 (lack of enforceable right to compensation), Art. 6 § 1 (perfunctory nature of hearings), Art. 6 § 3 (lack of legal representation)	Struck out of the list (friendly settlement reached)
TURKEY	13 Mar. 2012	<a href="#">Aydin</a> (no. 47201/09)	Articles 5, 6 and 10 (deprivation of the applicant's liberty by his military hierarchy and not by a independent tribunal)	Struck out of the list (the applicant no longer wished to pursue the application)
		<a href="#">Baday</a> (no. 38622/10)	Art. 5 § 3 (excessive length of detention, domestic courts' decision to extend the detention using identical, stereotyped terms), Art. 5 § 5 (lack of enforceable right to compensation under domestic law), Art. 6 § 1 (excessive length of criminal proceedings), Art. 6 § 3 c) and d) (denial of access to legal assistance, lack of opportunity for the applicant to question the complainants during domestic proceedings), Art. 13 (lack of effective remedy)	Partly adjourned (concerning the length of the applicant's detention, the absence of a right to compensation for the alleged breach of Art. 5 § 3, the length of the criminal proceedings against him and the absence of a remedy for the allegedly excessive length of the proceedings), partly inadmissible as manifestly ill-founded (concerning the lack of effective remedy concerning the length of detention), partly inadmissible for non-exhaustion of domestic remedies (concerning the lack of legal assistance)
		<a href="#">Durmus</a> (no. 5676/06)	Art. 6 (restriction of the applicant's right of access to a court in disciplinary proceedings)	Struck out of the list (the applicant no longer wished to pursue the application)
		<a href="#">Donmez et al.</a> (no. 34769/07)	Articles 3, 6 § 1, 10 and 11	Struck out of the list (friendly settlement reached)
	20 Mar. 2012	<a href="#">Demir</a> (no. 13431/11)	Art. 5 § 4 (unlawful decision to extend the applicant's detention and excessive length of detention given the fact that the applicant was minor), Art. 6 § 3 e) (domestic authorities' failure to provide the applicant with an interpret)	Partly adjourned (concerning the length of detention), partly inadmissible as manifestly ill-founded (concerning the decision to extend the detention), partly inadmissible for non-exhaustion of domestic remedies (concerning the remainder of the application)

		<a href="#">Hosgoren</a> (no. 43534/07)	Delayed enforcement of a judgment in the applicant's favour (no article specified)	Struck out of the list (the applicant no longer wished to pursue the application)
		<a href="#">Narin</a> (no. 1769/08)	Art. 6 § 1 (excessive length of civil proceedings)	Struck out of the list (friendly settlement reached)
		<a href="#">Okyay</a> (no. 38685)	Art. 1 of Prot. 1 (deprivation of the applicant's registered shares following the termination of a concession contract)	Inadmissible as manifestly ill-founded
		<a href="#">Zorlu et al.</a> (no. 25827/08)	Art. 1 of Prot. 1 (inadequate compensation paid for expropriation), Art. 6 (excessive length of proceedings)	Partly struck out of the list (unilateral declaration of the Government concerning the length of proceedings), partly inadmissible (no violation of the rights and freedoms protected by the Convention concerning the remainder of the application)
		<a href="#">Ozturk</a> (no. 45001/08)	Articles 2 § 1, 5, 6, 8 § 2 and 12	Inadmissible for non-respect of the six-month requirement
UKRAINE	13 Mar. 2012	<a href="#">Kravchuk</a> (no. 30793/06)	Lengthy enforcement of judgment in the applicant's favour (no article specified)	Struck out of the list (the applicant no longer wished to pursue the application)
		<a href="#">Kuziomko</a> (no. 55940/09)	Articles 6 § 1 and 13 (excessive length of proceedings relating to a pension dispute, lack of effective remedy)	Struck out of the list (friendly settlement reached)
		<a href="#">Mikhaylov</a> (no. 26447/07)	Articles 6 § 1 and 1 of Prot. 1 (non-enforcement of a judgment in the applicant's favour)	Struck out of the list (friendly settlement reached)
		<a href="#">Vodotovka</a> (no. 14467/05 and 5 others)	Art. 2 (lack of an effective investigation into the alleged murder of the applicant's son and lack of access to the case file in the course of pre-investigative inquiries carried out in respect of that accident), Art. 3 (in particular, conditions of the applicant's detention, ill-treatment by prison authorities and lack of an effective investigation into his complaints about the above), Art. 6 §§ 1 and 3 c) (breach of the applicant's defense rights and unfairness of the criminal proceedings against him)	Struck out of the list (the applicant no longer wished to pursue 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 26 March 2012: [link](#)
- on 2 April 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 26 March 2012 on the Court's Website and selected by the Directorate of Human Rights

*The batch of 26 March 2012 concerns the following States (some cases are however not selected in the table below): Azerbaijan, Belgium, Croatia, France, Georgia, Greece, Romania, Russia, Serbia, Spain, Sweden, Switzerland, the Netherlands, the United Kingdom and Turkey*

STATE	DATE OF DECISION TO COMMUNICATE	CASE TITLE	KEY WORDS OF QUESTIONS SUBMITTED TO THE PARTIES
AZERBAIJAN	9 March 2012	<a href="#">Aliyeva and Aliyev</a> (no. 35587/08)	Alleged violation of Articles 2, 6 and 13 – Ineffectiveness of criminal investigation conducted by Azerbaijani prosecution authorities in connection with the applicants' son's murder; lack of independence and impartiality of the Azerbaijani courts and prosecution authorities
BELGIUM	7 March 2012	<a href="#">Bouyid</a> (no. 23380/09)	Alleged violation of Art. 3 – Slap given to the applicant by a police officer – Alleged violation of Art. 13 – Lack of an effective investigation
BELGIUM	7 March 2012	<a href="#">Hakobyan and Sargsyan</a> (no. 67429/10)	Alleged violation of Art. 3 – Detention of the applicant despite her severe psychological distress – Alleged violation of Art. 8 – Infringement of the applicants' right to respect for their private and family life on account of domestic authorities' decision to reject their application for asylum while one of their parents lives in Belgium and one of the applicant suffers from severe post-traumatic syndrome – Alleged violation of Art. 5 § 1 f) – Inadequate conditions of detention – Alleged violation of Art. 5 § 4 – Lack of judicial review of the detention
RUSSIA	9 March 2012	<a href="#">Seltsov</a> (no. 244334/07)	Alleged violation of Art. 3 – Ill-treatment by police officers who allegedly made the applicant confess to a murder; lack of medical attention after the alleged beatings; HIV infection of the applicant during his detention – Alleged violation of Art. 6 – Shortcomings in the criminal proceedings – Alleged violations of Articles 8 and 34 – Persecution of the applicant by prison authorities after he lodged his complaint to the Court; prison authorities' failure to send some documents to the Court; disclosure by domestic courts, without the consent of the applicant, that he was infected with HIV

SPAIN	5 March 2012	<a href="#">Arribas Anton</a> (no. 16563/11)	Alleged violation of Art. 6 § 1 – Alleged infringement of the applicant's right of access to a court on account of the obligation to prove the "specific constitutional importance" of an <i>amparo</i> action (individual action before the Constitutional Court) for that action to be admissible
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**Communicated cases published on 13 February 2012 on the Court's Website and selected by the Directorate of Human Rights**

*The batch of 2 April 2012 concerns the following States (some cases are however not selected in the table below): Croatia, France, Greece, Hungary, Italy, Malta, Poland, Russia, Sweden, the United Kingdom, Turkey and Ukraine.*

STATE	DATE OF DECISION TO COMMUNICATE	CASE TITLE	KEY WORDS OF QUESTIONS SUBMITTED TO THE PARTIES
HUNGARY	14 March 2012	<a href="#">Bor</a> (no. 50474/08)	Alleged violations of Articles 6 § 1, 8, 17, 1 of Prot. 1 and 1 of Prot. No.12 – Domestic authorities' failure to enforce effectively and timely the State Railway Company's obligation to keep the noise level of its trains under control
ITALY	15 March 2012	<a href="#">Giutary</a> (no. 42733/07)	Alleged violations of Articles 8 and 13 – Unlawful searches in the applicant's office at the State Ministry; applicant's inability to get back the computer medias on which the domestic authorities copied some of his files – Alleged violation of Art. 3 – Inhuman and degrading treatment resulting from the proceedings launched against the applicant
MALTA	14 March 2012	<a href="#">Deguara Caruana Gatto</a> (no. 14796/11)	Alleged violation of Art. 1 of Prot. 1 – Retroactive legislative interference with the applicants' right to compensation for the expropriation of their lands – Alleged violation of Art. 6 – Excessive length (more than 20 years) of compensation proceedings
POLAND	13 March 2012	<a href="#">Szwed</a> (no. 36646/09)	Alleged violation of Art. 3 – Inadequate conditions of detention (lack of proper ventilation and lighting, toilet not separated from the living area, failure to provide the inmates with a minimum of 3m <sup>2</sup> per person) – Alleged violation of Art. 14 – Discrimination on account of prison authorities' failure to provide the applicant with a vegetarian diet
RUSSIA	16 March 2012	<a href="#">Makhnychev</a> (no. 15357/07)	Alleged violation of Art. 3 – Ill-treatment by investigative authorities – Alleged violation of Art. 5 – Unacknowledged, detention – Alleged violation of Art. 6 and 6 § 3 c) – Use of self-incriminated statements obtained under torture by domestic courts – Alleged violation of Art. 6 § 2 – Breach of the applicant's presumption of innocence on account of numerous comments made on his participation to the facts he was then convicted for – Alleged violation of Art. 1 of Prot. 1 – Police officers' failure to give back to the applicant or to his family the car he was arrested in
RUSSIA	16 March 2012	<a href="#">Tsakhigov</a> (no. 21511/07)	Alleged violation of Art. 3 – Heavy and repeated ill-treatment by police officers – Alleged violation of Art. 14 – Discrimination of the applicant due to his Chechen ethnicity – Alleged violation of Article 6 and Art. 4 of Prot. 7 – Unfair and unjustified conviction of the applicant for terrorism-related crimes

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

*[No information deemed relevant for the NHRSs for the period under observation]*



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

### Decisions on execution of European Court of Human Rights judgments

The Committee of Ministers of the Council of Europe published the [decisions and resolutions](#) adopted at its first special human rights meeting for 2012. Those decisions and resolutions concern the following states : Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Croatia, Czech Republic, Finland, France, Georgia, Greece, Hungary, Latvia, Moldova, Poland, Portugal, Romania, San Marino, Slovak Republic, Spain, Switzerland, Turkey and the United Kingdom

More information on the execution process and on the state of execution in cases pending for supervision as well as important reference texts (including the new working methods) can be found on the website of the [Committee of Ministers](#), on the special website of the [Department for the execution of the judgments of the European Court of Human Rights](#), and in the Committee of Ministers' [Annual Reports](#) on its execution supervision. The 2011 report is due to be issued on 12 April 2012. **Please note that some of the decisions and resolutions adopted by the Committee of Ministers will be analysed in forthcoming issues of the RSIF.**

## Part III: General Agenda

The “General Agenda” presents events that either took place or were announced\* during the period under observation (26.03 – 08.04.2012) for this RSIF.

### April 2012

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- 2-4 April:
  - > Fact-finding visit to Albania by PACE co-rapporteurs for the monitoring of obligations and commitments ([Read more](#))
  
- 2-5 April:
  - > Official visit to the Republic of Moldova by PACE President Jean-Claude Mignon ([Read more](#))
  
- 4 April:
  - > Post-electoral visit to Russia by PACE delegation ([Read more](#))
  
- 18-20 April:
  - > High Level Conference on the future of the European Court of Human Rights (Brighton, UK)
  
- 23-27 April:
  - > Council of Europe Parliamentary Assembly – 2<sup>nd</sup> Part of 2012 Session

### May 2012

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- 7-11 May:
  - > Visit of the Commissioner for Human Rights to Portugal
  
- 21-24 May:
  - > 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)

#### Exchange of views with the President of the Committee and the Ombudswoman (Defensor del Pueblo), Spain (02.04.2012)

Mr Luis Jimena Quesada, President of the European Committee of Social Rights held an exchange of views on 30 March 2012, with Mrs Maria Luisa Cava de Llano, *Defensor del Pueblo*, Spain, at the institution headquarters in Madrid. The exchange concerned possible means of collaboration between this institution and the Committee ([Go to the website](#))

#### ETUC General Secretary Bernadette Ségol confirmed ETUC's commitment to the promotion and protection of fundamental social rights (03.04.2012)

In a recent meeting with the Secretary General of the Council of Europe, Bernadette Ségol, General Secretary of ETUC, stated that the Revised European Social Charter, together with its Protocols, constitute the main tools for guaranteeing the protection of fundamental social rights in Europe. ETUC urged the European Union and the States Parties to the Charter who have not done so to ratify the Revised Charter as soon as possible, stressing that it is equally important that all member States adhere to the Collective Complaint Procedure ([Read the press release](#))

#### The Czech Republic ratified the Additional Protocol providing a system of collective complaints (04.04.2012)

Ambassador Tomáš Boček, Permanent Representative of the Czech Republic, transmitted the instrument of ratification of the Additional Protocol providing for a system of collective complaints to Mrs Maud de Boer-Buquicchio, Deputy Secretary General of the Council of Europe, today. This instrument will enter into force on 1 June 2012. Czech Republic is the 15th State Party to the Charter to accept to be bound by the collective complaints procedure.

#### The Committee of Ministers adopted a resolution with regard to Complaint No. 59/2009 concerning the restrictions on the activity of strike pickets in Belgium (04.04.2012)

Further to the [decision on the merits](#) of the European Committee of Social Rights adopted on 13 September 2011 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 (Complaint No. 59/2009), the Committee of Ministers adopted [Resolution Res/CM/ChS\(2012\)3](#) on 4 April 2012. ([more information](#))

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

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

### 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)

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

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

### **Council of Europe called on Monaco to reinforce its legislation on bribery and to regulate political financing (29.03.2012)**

In its report on Monaco published on 29 March 2012, GRECO highlighted that the incriminations of bribery and trading in influence suffer from significant deficiencies with regard to the Criminal Law Convention on Corruption. ([Read more](#))

### **GRECO's first decade: some lessons to be learnt through eight thematic articles (03.04.2012)**

GRECO published on 3 April 2012 a compendium on the themes that have been dealt with over the first decade of its existence (from 2000 to 2011). GRECO has learned some key lessons from the analyses conducted on the spot, during the evaluations carried out in its member States, and has assembled them in a compendium which ranges from the fight against corruption within public administration to the independence of party funding monitoring, also covering revolving doors/pantouflage and the protection of whistleblowers, just to cite a few titles. This compendium is intended for any reader wishing to widen his / her knowledge relating to the fight against corruption and to the safeguarding of public integrity, be it for personal reasons or in the framework of his / her professional or civic activities ([Read the Compendium](#) – [Link to the different activity reports](#))

## **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)**

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

## Part V: The inter-governmental work

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

COUNTRY	CONVENTION	RATIF.	SIGN.	DATE
THE CZECH REPUBLIC	Third Additional Protocol to the European Convention on Extradition ( <a href="#">CETS No. 209</a> )		X	4 April 2012
	Additional Protocol to the European Social Charter Providing for a System of Collective Complaints ( <a href="#">ETS No. 158</a> )	X		4 April 2012
KOREA	Convention on Mutual Administrative Assistance in Tax Matters ( <a href="#">ETS No. 127</a> )	X		26 March 2012
	Protocol amending the Convention on Mutual Administrative Assistance in Tax Matters ( <a href="#">CETS No. 208</a> )	X		26 March 2012
MALTA	Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters ( <a href="#">ETS No. 99</a> )	X		29 March 2012
MOLDOVA	Partial Agreement on Youth Mobility through the Youth Card		X	28 March 2012
SERBIA	Council of Europe Convention on Preventing and combating violence against women and domestic violence ( <a href="#">CETS No. 210</a> )		X	4 April 2012
TAJIKISTAN	Convention on the Recognition of Qualifications concerning Higher Education in the European Region ( <a href="#">ETS No. 165</a> )	X		28 March 2012

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

NATURE OF THE TEXT	TEXT NUMBER	OBJECT	DATE
Recommendations	<a href="#">CM/Rec(2012)2E</a>	Participation of children and young people under the age of 18	28 March 2012
	<a href="#">CM/Rec(2012)3E</a>	Protection of human rights with regard to search engine	4 April 2012
	<a href="#">CM/Rec(2012)4E</a>	Protection of human rights with regard to social networking services	4 April 2012
Resolutions	<a href="#">CM/Res(2012)3E</a>	Partial Agreement on the Co-operation to Combat Drug Abuse and Illicit Trafficking in Drugs (Pompidou Group) – Revision of the Budget	28 March 2012
Resolutions	<a href="#">CM/ResCPT(2012)1E</a>	Election of members of the European Committee for the Prevention of	4 April 2012

		Torture and Inhuman or Degrading Treatment or Punishment (CPT) in respect of Latvia and Montenegro	
	<a href="#">CM/ResChS(2012)/3E</a>	Collective Complaint No. 59/2009 by the 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) against Belgium	4 April 2012

### 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

#### ➤ Countries

#### **PACE rapporteur invited Monaco to remove the obstacles to honouring the final commitments (28.03.2012)**

On her return from her visit to Monaco for the purposes of the preparation of a report on post-monitoring dialogue (26-27 March 2012), Anne Brasseur (Luxembourg, ALDE) welcomed the efforts made by the Principality to combat money laundering and corruption. "The co-operation established with the Council of Europe in this field should encourage the Monegasque authorities to examine the scope for ratifying the revised European Social Charter and Protocols 1 and 12 to the European Convention on Human Rights – which are among the commitments entered into by Monaco when it joined the Council of Europe in 2004. Monaco can rely on the expertise of the Council of Europe, which will be able to take account of the specific character of Monaco, the only member State whose citizens are a minority in their own country" ([Read more](#)).

#### **PACE Monitoring co-rapporteurs met Yuriy Lutsenko in prison (29.03.2012)**

Mailis Reps (Estonia, ALDE) and Marietta de Pourbaix-Lundin (Sweden, EPP/CD), co-rapporteurs for the monitoring of Ukraine by PACE, met in prison former Ukrainian Minister of Interior Yuriy Lutsenko. Noting the concerns about his health, the co-rapporteurs called on the authorities to provide all necessary expertise to properly diagnose and treat his illness. The co-rapporteurs expressed their will to continue searching for a solution for the former government members who have been detained and whose trials have been a matter of great concern for the Parliamentary Assembly, as expressed in [Resolution 1862](#) (2012) on "the functioning of democratic institutions in Ukraine", passed in January ([Read more](#)).

#### **Ukraine: authorities' plans to address deficiencies in justice system welcomed, but should now lead to concrete results (02.04.2012)**

Mailis Reps (Estonia, ALDE) and Marietta de Pourbaix-Lundin (Sweden, EPP/CD), monitoring co-rapporteurs for Ukraine of PACE, have welcomed plans to address structural deficiencies in the Ukrainian justice system, such as the draft Code of Criminal Procedure, but stressed that these plans now need to be adopted and, most importantly, implemented. They were speaking at the end of a visit to Kyiv from 26 to 30 March 2012 to discuss the follow-up given by the authorities to [Resolution 1862 \(2012\)](#), which the Assembly adopted in response to its concerns regarding the prosecution of several members of the previous government. Referring to imprisoned former government officials, the co-rapporteurs stressed that the authorities should not only address the underlying deficiencies, but also the questionable legal processes that are the result of them. "Not doing so would violate the right to a fair trial as spelled out in the European Convention on Human Rights," they said ([Read more](#)).

### **Republic of Moldova: PACE President welcomed the end of the institutional deadlock (03.04.2012)**

In his meetings on 3 April 2012 in Chisinau with senior Moldovan officials, PACE President Jean-Claude Mignon welcomed the end of the political deadlock in which the country has been immersed for three years and called on all those involved in Moldovan politics to look to the future constructively. "I have conveyed to the President of the Republic, Mr Timofti, my wishes for his success. His election marks a new start in Moldovan political life. In this context, all players must now show responsibility by accepting the democratic legitimacy of institutions, in particular the legitimacy of a president elected in accordance with constitutional requirements," he said ([Read more](#)).

### **PACE President in Transnistria: frozen conflicts must not cause any more killing (04.04.2012)**

It is totally unacceptable that in the 21st century so-called frozen conflicts can still cause terrible human tragedies," said PACE President Jean-Claude Mignon following his meeting on 4 April with the family of Vadim Pisar, a citizen of the Republic of Moldova killed on 1 January 2012 when crossing a checkpoint on the boundary with the Transnistrian region. "This awful misunderstanding shows the potentially lethal consequences of the mere existence of this type of conflict, which is a throwback to the past. After my talks with the highest authorities of the Republic of the Moldova and the leaders of Transnistria, I am convinced that PACE could step up its contribution to resolving the conflict in Transnistria. The election of Mr Shevchuk and the resuming of negotiations within the 5+2 framework are creating the right conditions for real progress," said Mr Mignon ([Read more](#)).

#### ➤ *Themes*

### **PACE Committee found a "catalog of failures" that led to deaths of 63 people fleeing Libyan conflict by sea (29.03.2012)**

A failure to react to distress calls and a "vacuum of responsibility" for search and rescue are among a "catalogue of failures" which led to the deaths of 63 people fleeing the conflict in Libya by sea during a tragic 15-day voyage in March 2011, according to a PACE committee. [A report](#) by Tineke Strik (Netherlands, SOC), adopted on 29 March 2012 in Brussels by PACE's Committee on Migration, Refugees and Displaced Persons, said Italian search and rescue authorities, NATO, the flag states of naval vessels in the area, the Libyan authorities and reckless smugglers are among those who share responsibility ([Read more](#)).



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

### **Nils Muižnieks took up office as Commissioner for Human Rights (01.04.2012)**

Nils Muižnieks took up on 1 April 2012 the post of Council of Europe Commissioner for Human Rights. Elected in January 2012 by the Parliamentary Assembly, Muižnieks is the third Commissioner, succeeding Thomas Hammarberg (2006-2012) and Alvaro Gil-Robles (1999-2006). "I intend to build on the work done so far in order to develop the contribution of the Commissioner's Office to the effective observance and full enjoyment of human rights in member states" said Muižnieks. "One essential element in this endeavour is maintaining the independence and impartiality of the Office. I will also continue the country and thematic work, with a particular focus on the most vulnerable groups, such as children, the elderly and persons with disabilities. This is all the more important in a period when the economic crisis may undermine the protection of human rights" ([Read more](#)).

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