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(DIRECTORATE GENERAL OF HUMAN RIGHTS AND RULE OF LAW)  
&  
DIRECTORATE OF HUMAN RIGHTS AND ANTI-DISCRIMINATION  
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**REGULAR SELECTIVE INFORMATION FLOW  
(RSIF)  
FOR THE ATTENTION OF THE NATIONAL HUMAN RIGHTS STRUCTURES (NHRSS)**

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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 (DG I)*

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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 (DG I) 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 (including Ombudsman Institutions, National Human Rights Commissions and Institutes, Anti-discrimination Bodies). 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.

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

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### 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.

- **Right to life**

**COSELAV V. TURKEY (no. 1413/07) – Importance 3 – 9 October 2012 – Violation of Article 2 (substantive and procedural) – (i) Domestic authorities’ failure to prevent the suicide of a prisoner; (ii) lack of an effective investigation in that respect**

The applicants are the mother and father of 16-year-old boy who hanged himself from the iron bars of his prison cell with his bed sheets. They complained that the domestic authorities had been responsible for the suicide of their son, and that the ensuing investigation into his death had been inadequate.

The Court found in particular that the domestic authorities had not only been indifferent to the applicants’ son’s grave psychological problems, even threatening him with disciplinary sanctions for previous suicide attempts, but had been responsible also for a deterioration of his state of mind by detaining him in a prison with adults without providing any medical or specialist care, thus leading to his suicide. There had therefore been a violation of Article 2 in both its substantive and procedural limbs.

Under Article 41 (just satisfaction), the Court held that Turkey was to pay the applicants EUR 45,000 in respect of non-pecuniary damage and EUR 4,000 for costs and expenses

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

**VIRABYAN V. ARMENIA (no. 40094/05) – Importance 1 – 2 October 2012 – Violation of Article 3 (substantive and procedural) – (i) Torture in police custody; (ii) lack of an effective investigation in that respect – Violation of Article 6 § 2 – Termination of criminal proceedings on ground of domestic disposition, which presupposed that the alleged offence had been an undisputed fact – No violation of Article 14 – Ill-treatment not inflicted for political motives – Violation of Article 14 – Lack of an effective investigation into the allegations of ill-treatment for political motives**

The case concerned the torture of an opposition activist in police custody. He had in particular been repeatedly kicked and punched in the groin during his custody. He complained that he had been tortured and that this ill-treatment had been politically motivated. He also alleged that the authorities had failed to carry out an effective investigation into either of those allegations. Lastly, he complained that the grounds on which the criminal proceedings against him had been terminated breached his right to be presumed innocent.

Article 3

The Court observed in particular that the ill-treatment, repeated kicking and punching with metal objects to the groin resulting in the applicant's testicle being so badly smashed that it had to be removed, had to have caused him severe physical and mental pain and suffering and had had lasting consequences for his health. Given the nature and degree of the ill-treatment as well as the fact that it had to have been inflicted on the applicant intentionally either to punish or to intimidate him or both, the Court found that it could be characterised as torture, in violation of Article 3.

The Court also found that the authorities' investigation into the applicant's allegations of ill-treatment had been ineffective, inadequate and fundamentally flawed. Notably, the explanation given for his injuries – that they were the result of a fall – had been based entirely on the statements of police officers, who could stand accused of ill-treatment and could not possibly be impartial witnesses. Moreover, the official medical reports, which had never actually ruled out the possibility that the applicant's injuries had been the result of ill-treatment, had been seriously deficient. The Court therefore found a further violation of Article 3 as concerned the investigation.

Article 6 § 2

The decision sentencing the applicant had been couched in terms, which had left no doubt as to the prosecutor's view that the applicant had committed an offence. Nor did the ensuing domestic courts' decisions disagree in substance with that finding. Lastly, the ground for termination of the criminal proceedings presupposed that the alleged offence had been an undisputed fact. The Court therefore held that the reasons given for terminating the criminal case against the applicant by the prosecutor and upheld by the domestic courts had breached his presumption of innocence, in violation of Article 6 § 2.

Article 14 in conjunction with Article 3

The Court noted in particular that the applicant's arrest had been politically motivated and called for strong criticism. However, that was not sufficient to conclude that the ill-treatment had *per se* similarly been inflicted for political motives. On the other hand, the investigating authorities had had enough information in their possession to alert them to the need to at least verify the possibility that the applicant had been ill-treated on account of his political affiliation. However, the only verification made was to ask just two of the police officers (and no others) involved in the incident whether they had been aware of the applicant's political affiliation. That hardly counted as a real attempt to investigate such a serious allegation. The Court therefore concluded that the authorities had failed to take all possible steps to investigate whether discrimination might have played a role in the applicant's ill-treatment, in violation of Article 14 in conjunction with Article 3.

Article 41 (just satisfaction)

The court held that Armenia was to pay the applicant EUR 25,000 in respect of non-pecuniary damage and EUR 6,000 for costs and expenses.

**NAJAFLI V. AZERBAIJAN (no. 2594/07) – Importance 2 – 2 October 2012 – Violation of Article 3 (substantive and procedural) – (i) Ill-treatment by police officers during the dispersion of a demonstration; (ii) Delegation of the identification of those allegedly responsible for ill-treatment to the same authority whose agents had allegedly committed the offense – Violation of Article 10 – Unjustified interference with the right to freedom of expression on account of ill-treatment of a journalist, even though there had been no actual intention to interfere with the applicant’s journalist activities**

The case concerned a journalist who had been beaten by the police while covering an unauthorised demonstration in Baku.

Article 3

The Court found that the applicant had produced sufficiently strong and consistent evidence to establish at least a presumption that he had been beaten with truncheons by police officers during the dispersal of the demonstration. As to whether the use of force against him had been excessive, the Court noted that the applicant had not used violence against the police or posed a threat to them. Nor had the authorities given any other reasons justifying the use of force, which had therefore been unnecessary, excessive and unacceptable. Moreover, the Court observed that the identification of those responsible for the applicant’s beating had been delegated to the same authority whose agents had allegedly committed the offence. Therefore, there had been a violation of Article 3 in its substantive and procedural limbs.

Article 10

The Court considered in particular that the physical ill-treatment by State agents of journalists performing their professional duties had seriously hampered the exercise of their right to receive and impart information. Irrespective of whether there had been any actual intention to interfere with the applicant’s journalistic activity, he had been subjected to unnecessary and excessive use of force, in breach of Article 3, despite having made clear efforts to identify himself as a journalist at work. Accordingly, there had been an interference with his rights under Article 10, which had not been “necessary in a democratic society”. Consequently, there had been a violation of Article 10.

Article 41 (just satisfaction)

The Court held that Azerbaijan was to pay the applicant EUR 10,000 in respect of non-pecuniary damage and EUR 3,000 for costs and expenses.

**ABDULKHAKOV V. RUSSIA (no. 14743/11) – Importance 2 – 2 October 2012 – Violation of Article 3 – Risk of ill-treatment following the applicant’s extradition to Tajikistan and Uzbekistan – Violation of Article 5 § 1 – Unlawful detention pending extradition – Two violations of Article 5 § 4 – Excessive length of proceedings – Violation of Article 34 – Domestic authorities’ failure to respect the Court’s interim measure indicating that no extradition should take place**

The case concerned the secret transfer of an Uzbek national, detained in Russia with a view to his extradition to his country of origin, despite the Court’s indication to the Russian Government that no extradition should take place until further notice. The applicant complained that his secret transfer to Tajikistan put him at real risk of extradition to Uzbekistan where he would be exposed to the threat of torture and religious persecution and that it had been in breach of the interim measure indicated by the Court not to extradite him. He also made a number of complaints about the unlawfulness and excessive length of his detention pending extradition in Russia, without effective judicial review.

Article 3

The Court found in particular that the applicant was wanted by the Uzbek authorities on charges of membership of an extremist religious organisation and attempted overthrow of the constitutional order. Those charges constituted the basis of his extradition request. His situation was therefore similar to those Muslims charged with membership of banned religious organisations who the Court had found to be at an increased risk of ill-treatment. Moreover, the criminal proceedings against him had been opened in the aftermath of terrorist attacks in the summer of 2009, a period during which international NGOs, in particular Amnesty International, had reported a wave of arbitrary arrests of Muslims attending unregistered mosques in Uzbekistan, followed by their incommunicado detentions, charges of religious extremism and their ill-treatment to obtain confessions. The Court added that the applicant’s transfer to Tajikistan, which was not a party to the Convention, had removed him from the protection guaranteed by the Convention. In such circumstances, the Russian authorities should have reviewed Tajikistan’s legislation and practice relating to the evaluation of the risks of ill-treatment faced by asylum seekers with particular scrutiny. Finally, the Court observed that any extra-judicial transfer

or extraordinary rendition, by its deliberate circumvention of due process, was contrary to the rule of law and the values protected by the Convention. The applicant's transfer to Tajikistan had therefore been in violation of Article 3.

#### Article 5

The Court observed in particular that until the Russian authorities received the extradition request from Uzbekistan, his detention had not been covered by Russian law, as it did not contain any specific legal provision for ordering detention pending the receipt of an extradition request. Even after the receipt of that request, his detention had been based on a provision of the Russian Code of Criminal Procedure which, due to a lack of clear procedural rules, was neither precise nor foreseeable in its application. The Court also found two violations of Article 5 § 4 on account of the length of the proceedings concerning the applicant's appeals against two of the detention orders, 82 days and 35 days respectively, and on account of his inability to obtain a review of his detention.

#### Article 34

The applicant had been transferred to Tajikistan five months after the Court had indicated to the Russian Government that he should not be extradited to Uzbekistan until further notice. It was true that he had not been transferred to Uzbekistan. However, by his removal to a State which was not a party to the Convention, the Court was prevented from securing the applicant the benefit of the Convention rights on which he relied and the purpose of the interim measure - to maintain the status quo pending the Court's examination of the application and to allow its final judgment to be effectively enforced – had been frustrated. There had therefore been a violation of Article 34.

#### Article 41 (just satisfaction)

The court held that Russia was to pay the applicant EUR 30,000 euros in respect of non-pecuniary damage and EUR 7,800 in respect of costs and expenses.

### **X. v. TURKEY ([in French only](#)) (no. 24626/09) – Importance 1 – 9 October 2012 – Violation of Article 3 (substantive and procedural) – (i) Poor condition of detention; (ii) lack of an effective investigation in that respect – Violation of Article 14 taken together with Article 3 – Solitary confinement based on the applicant's sexual orientation**

The case concerned a homosexual prisoner who, after complaining about acts of intimidation and bullying by his fellow inmates, was placed in solitary confinement for over 8 months in total. The applicant complained about the harsh conditions of his solitary confinement and the damaging effects on his physical and mental health. He further alleged that this treatment had been inflicted on him on account of his sexual orientation.

#### Article 3

The Court observed that the applicant had remained in solitary confinement for a total of more than eight months in a cell of 7 sq. m. with living space not exceeding half of that surface area. The Government had not disputed the fact that it was very poorly lit, very dirty and visited by rats. Noting that his complaints had been unsuccessful, the Court found that the applicant had been deprived of any effective domestic remedy in respect of his complaint concerning the conditions of his detention and that he had not been held in conditions that were appropriate or respectful of his dignity. The Court found that in the present case the conditions of the applicant's detention in solitary confinement had been such as to cause him both mental and physical suffering and a strong feeling of being stripped of his dignity. Those conditions, aggravated by the lack of an effective remedy, thus constituted "inhuman or degrading treatment", in breach of Article 3.

#### Article 14

The Court observed that the applicant had constantly challenged the measures taken against him, emphasising among other things that they had been imposed "on the basis solely of his sexual orientation, supposedly to protect him from bodily harm". He had requested to be treated on an equal footing with the other inmates and to be granted measures that would have the specific effect of protecting him from harm. Those requests had not been taken into account. The Court considered that the authorities had had an obligation to take all possible measures to ascertain whether or not a discriminatory attitude had played a role in the applicant's total exclusion from prison life. As a result, the applicant had sustained discrimination on grounds of sexual orientation and there had therefore been a violation of Article 14 taken together with Article 3.

#### Article 41 (just satisfaction)

The Court held that Turkey was to pay the applicant EUR 18,000 in respect of non-pecuniary damage and EUR 4,000 in respect of costs and expenses.

**MAKHMUDZHAN ERGASHEV V. RUSSIA (no. 49747/11) – Importance 2 – 16 October 2012 – Violation of Article 3 – Risk of torture and ill-treatment in case of extradition to Kyrgyzstan**

The applicant, an ethnic Uzbek, is a Kyrgyzstani national who lived in the southern part of Kyrgyzstan before he left for Russia. After he was charged *in absentia* in Kyrgyzstan for embezzlement of State funds, he was arrested in Russia and detained with a view to his extradition. The applicant complained that he would be subjected to torture or inhuman or degrading treatment in case of extradition.

The Court observed in particular that domestic courts had not had any regard to sources cited by the applicant, which showed that he would face a serious risk of torture in Kyrgyzstan, where violent inter-ethnic clashes took place in 2010. Even though a new Constitution was adopted and parliamentary and presidential elections were held, the Court ruled that, in the south of the country, torture and ill-treatment of ethnic Uzbeks by law-enforcement officers had increased. For those reasons, the Court found it substantiated that the applicant would face a real risk of ill-treatment if returned to Kyrgyzstan. The execution of his extradition order would thus be in violation of Article 3.

Under Article 41 (just satisfaction), the Court held that Russia was to pay the applicant EUR 7,500 in respect of costs and expenses. It also considered that its finding that the applicant's extradition would be in violation of Article 3 constituted sufficient just satisfaction.

**OTAMENDI EGIUREN V. SPAIN (in French only) (no. 47303/08) – Importance 3 – 16 October 2012 – Violation of Article 3 (procedural) – Lack of an effective investigation into allegation of ill-treatment**

The applicant is Spanish journalist who, at the material time, was the publication director of a Basque daily newspaper. He was arrested during the night in the course of an investigation into the offences of membership of and collaboration with the terrorist organisation ETA. He complained, in particular, of the lack of an effective investigation into his alleged ill-treatment while being held *incommunicado* in police custody.

The Court observed that the first investigating judge had taken no action in response to the claims of ill-treatment, which the applicant had made when he appeared before him. As to the investigating judge who had ordered the investigation, she had merely examined the forensic doctor's reports and heard evidence from the latter. The Court therefore considered that the investigation carried out had not been thorough or effective enough to satisfy the requirements of Article 3 of the Convention.

Under Article 41 (just satisfaction), the Court held that Spain was to pay the applicant EUR 20,000 in respect of non-pecuniary damage and EUR 4,000 in respect of costs and expenses.

- **Prohibition of slavery and forced labour**

**C.N. AND V. V. FRANCE (in French only) (no. 67724/09) – Importance 2 – 11 October 2012 – Violation of Article 4 (substantive) concerning one of the applicants – Domestic authorities' failure to put in place adequate legislative and administrative framework to combat servitude and forced labour effectively – No violation of Article 4 (procedural) concerning the same applicant – No failure of domestic authorities to investigate effectively into allegations of servitude and forced labour – No violation of Article 4 concerning the other applicant – No evidence that the applicant had been subjected to forced labour and servitude**

The applicants, two sisters, are French nationals born in Burundi. After the killing of their parents during the civil war, their uncle, who lived in France, had been entrusted with guardianship and custody of them. They were accommodated in the basement of their uncle's house and alleged that they were obliged to carry out all household and domestic chores, without remuneration or any days off. One of the applicant claimed that she had also been required to take care of her uncle's disabled son, including occasionally at night. The applicants alleged that they lived in unhygienic conditions (no bathroom, makeshift toilets), were not allowed to share family meals and were subjected to daily physical and verbal harassment. The applicants submitted that they had been held in servitude and required to perform forced or compulsory labour.

The Court concluded, in particular, that one of the applicant had been subjected to forced or compulsory labour, as she had had to perform, under threat of being returned to Burundi, activities that would have been described as work if performed by a remunerated professional – "forced labour"



was to be distinguished from activities related to mutual family assistance or cohabitation, particular regard being had to the nature and volume of the activity in question. The Court also considered that the same applicant had been held in servitude, since she had felt that her situation was unchanging and unlikely to alter. The Court did not reach such a conclusion with regard to the other applicant, who did not provide evidence that she had contributed in a disproportionate manner to the upkeep and cleaning of the house. Finally, the Court found that France had failed to meet its obligations under Article 4 of the Convention to combat forced labour. The Court observed in particular that on the one hand, the relevant criminal-law provisions and their interpretation had not provided the victim with practical and effective protection and, on the other, the appeal to the Court of Cassation had concerned only the civil aspect of the case, since the public prosecutor had not appealed on points of law against the Court of Appeal's judgment.

Under Article 41 (just satisfaction), the Court held that France was to pay the applicant EUR 30,000 to cover all heads of damage.

- **Right to liberty and security**

**L.B. v. BELGIUM (in French only) (no. 22831/08) – Importance 1 – 2 October 2012 – Violation of Article 5 § 1 – Detention of a mentally healthy person for 7 years in an institution ill-adapted to his condition and re-adaptation**

The case concerned the virtually continuous detention of a man suffering from mental health problems in psychiatric wings of two Belgian prisons between 2004 and 2011.

The Court emphasised that the maintaining in a psychiatric wing was supposed to be temporary, while the authorities looked for an institution that was better adapted to the applicant's condition and re-adaptation. An inpatient placement had in fact been suggested by the authorities as early as 2005. The Court found that the place of detention was inappropriate and noted in particular that his therapeutic care was very limited in prison. Such conditions of detention were therefore incompatible with the disposition of Article 5§ 1.

Under Article 41 (just satisfaction), the Court held that Belgium was to pay the applicant EUR 15,000 in respect of non-pecuniary damage, and EUR 9,000 in respect of costs and expenses.

**PLESO V. HUNGARY (no. 41242/08) – Importance 2 – 2 October 2012 – Violation of Article 5 § 1 – Unjustified forced committal to a psychiatric hospital to prevent deterioration of health**

The case concerned a young man's hospitalisation and psychiatric treatment, for one month, against his will.

The Court held in particular that the domestic courts had failed to take into consideration that the applicant did not represent an imminent danger to himself or to others. When ordering his psychiatric detention, the Hungarian courts had given no in-depth consideration to the following factors: the reasons of his choice to refuse hospitalisation; the actual nature of the envisaged involuntary treatment or the medical benefits which could be achieved through it; or the possibilities of applying a period of observation or requiring him to pursue outpatient care. There had therefore been a violation of Article 5 § 1.

Under Article 41 (just satisfaction), the Court held that Hungary was to pay the applicant EUR 10,000 in respect of non-pecuniary damage and EUR 2,500 in respect of costs and expenses.

- **Right to a fair trial**

**VESELOV AND OTHERS V. RUSSIA (nos. 23200/10 and 556/10) – Importance 2 – 2 October 2012 – Violation of Article 6 § 1 – Lack of proper regulation concerning undercover test purchases of drugs by the police**

The applicants were each targeted in undercover operations conducted by the police in the form of a test purchase of drugs, which led to their criminal conviction for drug dealing. All applicants are currently serving prison sentences. They complained that they had been unfairly convicted of drug offences incited by the police and that their plea of entrapment had not been properly examined in the domestic proceedings. About 150 similar cases against Russia are currently pending before the Court.

The Court held in particular that under Russian law there was no clear and foreseeable procedure for authorising test purchases of drugs by the police or for their proper supervision. It underlined in particular that the test purchases had been ordered by simple administrative decisions of the

respective body which later carried out the operation. The respective decisions contained very little information as to the reasons for and purposes of the planned test purchases, and the operations had not been subjected to judicial review or any other independent supervision. The Court thus noted that this situation constituted a systemic problem.

Under Article 41 (just satisfaction), the Court held that Russia was to pay each applicant EUR 3,000 in respect of non-pecuniary damage and up to EUR 4,000 in respect of costs and expenses.

**ABDELALI V. FRANCE ([in French only](#)) (no. 43353/07) – Importance 3 – 11 October 2012 – Violation of Article 6 § 1 – Domestic court’s refusal to allow the applicant to raise a plea of nullity on account of the fact that he was on the run when the investigation concerning his case was concluded**

The case concerned the objection lodged by the applicant against his conviction in his absence and sentencing to six years’ imprisonment for drug trafficking. The domestic courts had refused to allow him to raise a plea of nullity, holding that he had been on the run when the investigation was concluded.

The Court found that allowing the applicant to bring objection proceedings so that he could be tried again in person, without however authorising him to raise any plea of nullity was insufficient, disproportionate and robbed the concept of a fair trial of its essence. The Court held that the mere fact that the applicant had been absent from his home or that of his parents was not sufficient to consider that he had been aware of the proceedings against him and was “absconding”. There had therefore been a violation of Article 6 § 1.

Under Article 41 (just satisfaction), the Court held that France was to pay the applicant EUR 10,000 to cover all heads of damage.

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

**HARROUDJ V. FRANCE ([in French only](#)) (no. 43631/09) – Importance 2 – 4 October 2012 – No violation of Article 8 – Fair balance struck between the public interest and that of the applicant on account of domestic authorities’ decision to refuse a permission to adopt a child already in the applicant’s care under Islamic-law**

The applicant, a French national, applied in France to adopt a child born in Algeria of unknown parents. She complained that domestic authorities rejected her application on ground that the baby girl was already in her care under the Islamic-law form of guardianship called “*kafala*”.

The Court observed in particular that the refusal to let the applicant adopt was based on the French Civil Code, but also, to a large extent, on compliance with international treaties, which explicitly referred to the Islamic *kafala* as “alternative care”, on a par with adoption. The Court also noted that *kafala* was fully accepted in French law, and in the applicant’s case had produced effects comparable to guardianship, so that she was able to take all decisions in the child’s interest. Thus, by providing for an exception for children born and residing in France, and giving children taken into care in France by a French national rapid access to French nationality, the authorities had made an effort to encourage the integration of such children without immediately severing the ties with the laws of their country of origin, thereby respecting cultural pluralism. A fair balance had therefore been struck between the public interest and that of the applicant, without interfering with her right to respect for her private and family life. The Court accordingly held that there had been no violation of Article 8.

**ALKAYA V. TURKEY ([in French only](#)) (no. 42811/06) – Importance 2 – 9 October 2012 – Violation of Article 8 – Domestic court’s failure to take into consideration the repercussion on the applicant’s life of the disclosure of her private address in the press**

The case concerned the disclosure by the press of the home address of a Turkish actress whose apartment had been burgled.

The Court first observed that whereas private individuals unknown to the public could claim particular protection of their right to private life, the same did not apply to public figures. Nevertheless, in certain circumstances, even where a person was known to the general public, he or she could rely on a “legitimate expectation” of protection of and respect for his or her private life. In the present case the Court noted that it was not a State act that was at issue, but the level of protection afforded by the domestic courts, which considered that the applicant was a public figure, whose address could therefore be published in the press. In that regard the Court reiterated that, while the public had a right

to be informed, articles aimed solely at satisfying the curiosity of a particular readership regarding the details of a person's private life, however well known that person might be, could not be deemed to contribute to any debate of general interest to society. In the present case the Court could not discern any evidence shedding light on the supposed public-interest grounds underlying the newspaper's decision to disclose the applicant's home address. There had therefore been a violation of Article 8.

Under Article 41 (just satisfaction), the Court held that Turkey was to pay the applicant EUR 7,500.

- **Freedom of expression**

**SMOLORZ V. POLAND ([in French only](#)) (no. 17446/07) – Importance 3 – 16 October 2012 – Violation of Article 10 – Unjustified interference with a journalist's freedom of expression on account of a civil penalty inflicted to him for having published a critical article on communist-era architecture**

The case concerned a journalist who published a highly critical article on the subject of communist-era architecture in the city of Katowice, Poland. He received a civil penalty for having damaged the good reputation of one of the architects named in the article and complained that there had been a breach of his right to freedom of expression.

The Court held, in particular, that the applicant and his opponent were public figures who had been engaged in a public debate concerning an issue that could be described as "historical". The Court found that the Polish courts had demonstrated rigidity and had given insufficient consideration to the context and nature of the disputed article. It also reiterated that the registers of sarcasm and irony were perfectly compatible with journalistic freedom of expression. The Court therefore held that there had been a violation of Article 10.

Under Article 41 (just satisfaction), the Court held that Poland was to pay the applicant EUR 2,000 in respect of non-pecuniary damage and EUR 310 in respect of costs and expenses.

## 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 cases:

STATE	DATE	CASE TITLE	IMP.	CONCLUSION	KEY WORDS
ARMENIA	2 October 2012	<a href="#">ANTONYAN</a> (No. 3946/05)	2	Violation of Art. 1 of Prot. No. 1	Domestic authorities' refusal to cancel the registration at the applicant's flat of her niece's children and had required her to pay them compensation in order to terminate their right to live in the flat
		<a href="#">SEFILYAN</a> (No. 22491/08)	3	Violation of Art. 5 § 1	Unlawful detention
				Violation of Art. 5 § 3	Domestic authorities' failure to provide relevant and sufficient reasons for continued detention
				Violation of Art. 5 § 4	Lack of adversarial proceedings concerning the applicant's continued detention
		Violation of Art. 8	Tapping of the applicant's telephone conversation		
BULGARIA	2 October 2012	<a href="#">YORDANOVA AND TOSHEV</a> (No. 5126/05)	2	Violation of Art. 10	Interference with the applicants' right to freedom of expression on account of their condemnation to pay damages in respect of two articles about a former employee of the Ministry of Internal Affairs, who had been investigated for abuse of public office
	9 October 2012	<a href="#">ZHELYAZKOV</a> (No. 11332/04)	3	Violation of Art. 2 of Prot. No. 7	Applicant's inability to appeal his conviction of a minor public-order offence for insulting and trying to hit a prosecutor
	16 October 2012	<a href="#">ASKON AD</a> (No. 9970/05)	3	Violation of Art. 6 § 1	Domestic court's refusal to examine evidence presented in proceedings
		NATSEV ( <a href="#">IN FRENCH ONLY</a> ) (No. 22079/04)	3	Violation of Art. 8	Interference with the applicant's right to respect for private and family life on account of domestic legislation on special intelligence methods, allowing the authorities to place the applicant under surveillance at any time without being informed
				Violation of Art. 13	Lack of an effective remedy in that respect
	<a href="#">TSONYO TSONEV (No.3)</a> (No. 21124/04)	3	Violation of Art. 6 § 1 combined with Art. 6 § 3 (c)	Domestic court's refusal to appoint a counsel on the applicant's request	

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

GEORGIA	2 October 2012	<a href="#">KAKABADZE AND OTHERS</a> (No. 1484/07)	1	Violation of Art. 5 § 1	Unfairness and unlawfulness of the applicants' arrest and detention
				Violation of Art. 6 § 1 taken together with Art. 6 § 3 (c)	Applicants' inability to communicate their views on the bailiffs' explanatory notes, which subsequently became the sole basis for their punishment
				Violation of Art. 11	Domestic authorities' failure to act with due tolerance and good faith as regards the applicants' right to freedom of assembly on account of their condemnation for having participated to a demonstration
				Violation of Art. 2 of Prot. No. 7	Applicants' inability to appeal against their conviction
	9 October 2012	<a href="#">MIKIASHVILI</a> (No. 18996/06)	3	Two violations of Art. 3 (substantive and procedural)	Ill-treatment by police officers and lack of an effective investigation in that respect
				No violation of Art. 3	No ill-treatment by prison officers
				Violation of Art. 3	Lack of an effective investigation into allegation of ill-treatment by prison officers
				No violation of Art. 5 § 3	Lawfulness of applicant's pre-trial detention
GREECE	9 October 2012	<a href="#">DIMOPOULOS</a> (No. 49658/09)	3	Violation of Art. 3	Poor conditions of detention
				Violation of Art. 5 § 4	Domestic authorities' failure to decide on the lawfulness of the applicant's detention "speedily" (more than 100 days)
HUNGARY	9 October 2012	<a href="#">SZIMA</a> (No. 29723/11)	2	No violation of Art. 10	Justified conviction of the applicant for instigation to insubordination
ITALY	9 October 2012	TRAPANI LOMBARDO AND OTHERS <a href="#">(IN FRENCH ONLY)</a> (No. 25106/03)	3	Just satisfaction	
LATVIA	2 October 2012	JURIJS DMITRIJEVS <a href="#">(IN FRENCH ONLY)</a> (No. 37467/04)	3	Violation of Art. 3	Ill-treatment in detention and lack of an effective investigation in that respect
				Two violations of Art. 6 § 1	Excessive length of criminal and non-criminal proceedings (more than 6 years)

<b>LATVIA</b> (CONTINUED)	2 October 2012 (continued)	<a href="#">MITKUS</a> (No. 7259/03)	2	Violation of Art. 3	Lack of an effective investigation into allegation of ill-treatment in detention (alleged infection with HIV and hepatitis C)
				Violation of Art. 6 § 3 (d)	Domestic court's failure to examine a witness on the applicant's behalf
				Violation of Art. 6 § 1	Applicant's absence from hearings of the appeal courts in civil proceedings between him and Central Prison
				Violation of Art. 8	Domestic authorities' failure to protect the applicant's right to respect for his private life from interference by the publication of his personal medical data in the press
<b>MOLDOVA</b>	16 October 2012	BANCA INTERN. DE INVESTITII SI DEZVOLTARE Mb S.A. (IN FRENCH ONLY) (No. 28648/05)	3	Articles 6 § 1 and 1 of Prot. No. 1	Quashing of final decision in the applicant company's favour
<b>MONTENEGRO</b>	2 October 2012	<a href="#">VELIMIROVIC</a> (No. 20979/07)	3	Violation of Art. 6 § 1	Non-enforcement of a final domestic judgment concerning flat-allocation by the applicant's employer
<b>POLAND</b>	2 October 2012	<a href="#">CZAJA</a> (No. 5744/05)	3	Violation of Art. 1 of Prot. No. 1	Revocation of early-retirement pension which had been awarded to the applicants to care for their children (130 similar applications pending before the Court)
		<a href="#">KAPEL</a> (No. 16519/05)			
		<a href="#">KLUSKA</a> (No. 33384/04)			
		<a href="#">KOWAL</a> (No. 21913/05)			
		<a href="#">KURA</a> (No. 17318/04)			
		<a href="#">LASOTA</a> (No. 6762/04)			
		<a href="#">LEWANDOWSKI</a> (No. 38459/03)			
		<a href="#">PLACZKOWSKA</a> (No. 15435/04)			
		<a href="#">RUSIN</a> (No. 25360/04)			
<a href="#">TRZNA;DEL</a> (No. 5970/05)					

POLAND (CONTINUED)	9 October 2012	<a href="#">KULIKOWSKI (No. 16831/07)</a>	3	No violation of Art. 3	Adequate medical care in detention
		<a href="#">POPENDA (No. 39502/08)</a>	3	Violation of Art. 5 § 3	Excessive length of detention on remand (1 year and 3 months)
				Violation of Art. 8	Deprivation of personal contact between the applicant and his wife and sons
	16 October 2012	<a href="#">KEDZIOR (No. 45026/07)</a>	3	Violation of Art. 5 § 1	Indefinite placement of the applicant in a social care home
				Violation of Art. 5 § 4	Lack of an effective procedure to challenge the necessity for the applicant continued stay in a social care home and obtain his release
				Violation of Art. 6 § 1	Applicant's inability to apply directly to a court to have his legal capacity restored
		<a href="#">PIETKA (No. 34216/07)</a>	3	No violation of Art. 6 § 1	No violation of the applicant's right to access to a Court on account of domestic court's refusal to exempt him from court fees
ROMANIA	2 October 2012	<a href="#">HULEA (IN FRENCH ONLY) (No. 33411/05)</a>	2	Violation of Art. 14 taken together with Art. 8	Domestic authorities' refusal to grant the applicant parental leave on the ground that by law such leave was granted only to female personnel
		<a href="#">KNECHT (No. 10048/10)</a>	3	No violation of Art. 8	No failure of domestic authorities' to strike a fair balance between the applicant's right to respect for her private life and public interest on account of their refusal to transfer embryos she had deposited with a private clinic and which, when the clinic came under criminal investigation, had been seized and deposited at a public medicine institute, which had not been authorised to function as genetic bank
RUSSIA	2 October 2012	<a href="#">BORTKEVICH (No. 27359/05)</a>	3	Violation of Art. 6 § 1	Domestic authorities' failure to ensure the applicant's presence at hearings in civil proceedings
		<a href="#">KHRABROVA (No. 18498/04)</a>	3	Two violations of Art. 6 § 1	Domestic court's refusal to call witnesses and lack of public hearings
		<a href="#">PELIPENKO (No. 69037/10)</a>	3	Violation of Art. 6 § 1	Non-enforcement of a final judgment in the applicants' favour in which the courts had dismissed an action seeking their eviction
Violation of Art. 8					

RUSSIA (CONTINUED)	9 October 2012	<a href="#">ASYANOV</a> (No. 25462/09)	3	Violation of Art. 3	Poor conditions of detention
		<a href="#">KOLUNOV</a> (No. 26436/05)	3	Violation of Art. 3	Poor conditions of detention
	Violation of Art. 5 § 3			Excessive length of pre-trial detention (almost 1 year)	
	16 October 2012	<a href="#">NIYAZOV</a> (No. 27843/11)	3	Violation of Art. 5 § 1	Unlawful period of detention pending extradition
				No violation of Art. 5 § 1	Reasonable length of proceedings
				Two violations of Art. 5 § 4	Lack of judicial review of a period of detention; domestic authorities' failure to comply with speediness requirement in appeal proceedings against an extension order
No violation of Art. 5 § 4				Effective judicial review of a another period of detention; reasonable interval between review of the detention's lawfulness and release of the applicant (4 months)	
	<a href="#">RAKHMONOV</a> (No. 50031/11)	3	Violation of Art. 5 § 1	Unlawful detention pending extradition	
			Violation of Art. 5 § 4	Applicant's inability to obtain a speedy review of his detention pending extradition	
SERBIA	2 October 2012	<a href="#">ADAMOVIĆ</a> (No. 41703/06)	3	Violation of Art. 6 § 1	Non-enforcement of a judgment awarding the applicant unpaid allowances from his former employer
				Violation of Art. 1 of Prot. No. 1	
THE UNITED KINGDOM	9 October 2012	<a href="#">RP AND OTHERS</a> (No. 38245/08)	3	No violation of Art. 6 § 1	No impairment of the applicant's right of access to a court on account of the appointment of an Official Solicitor to act for the applicants' daughter and sister who was taken into local authority care
TURKEY	2 October 2012	ONAL ( <a href="#">IN FRENCH ONLY</a> ) (Nos. 41445/04 AND 41453/04)	3	Violation of Art. 10	Domestic courts' failure to take into consideration the applicants' right to freedom of expression by condemning them for the publication of work which contained neither incitation to hatred, nor violations of the rights of others, nor any glorification of crime
	9 October 2012	İSERİ AND OTHERS ( <a href="#">IN FRENCH ONLY</a> ) (No. 29283/07)	3	Violation of Art. 3	Ill-treatment by police officers while preventing the applicants from attending a gathering



	16 October 2012	<a href="#">EYLEM BAS</a> (No. 11435/07)	3	Violation of Art. 3	Ill-treatment in police custody (in particular, beatings and sexual harassment); lack of an effective investigation in that respect
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### 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
ARMENIA	9 October 2012	<a href="#">DANIELYAN AND OTHERS</a> (No. 25825/05)	Violation of Art. 1 of Prot. No. 1	Forced expropriation
		<a href="#">TUNYAN AND OTHERS</a> (No. 22812/05)		
RUSSIA	9 October 2012	<a href="#">PUZYREVSKIY</a> (No. 41603/05)	Violation of Art. 6 § 1	Appeal hearings in civil proceedings held in absence of the applicants
		<a href="#">VOROBYEV</a> (No. 15722/05)		
TURKEY	9 October 2012	ABDULKADIR DEMIR <a href="#">(IN FRENCH ONLY)</a> (No. 34459/08)	Violation of Articles 6 § 1 and 1 of Prot. No. 1	Excessive length to execute final judgments in the applicants' favour
		BESIRE OZER AND OTHERS <a href="#">(IN FRENCH ONLY)</a> (No. 34456/08)		
		BESIRE OZER AND OTHERS (No.2) <a href="#">(IN FRENCH ONLY)</a> (No. 34458/08)		
		CEMILE KALENDER <a href="#">(IN FRENCH ONLY)</a> (No. 34465/08)		
		CETINKAYA AND OTHERS <a href="#">(IN FRENCH ONLY)</a> (No. 34468/08)		
		EMINE KALENDER AND OTHERS <a href="#">(IN FRENCH ONLY)</a> (No. 34466/08)		
		EMINE KALENDER AND OTHERS (No.2) <a href="#">(IN FRENCH ONLY)</a> (No. 34467/08)		
		ERDAL <a href="#">(IN FRENCH ONLY)</a> (No. 34449/08)		
		FATMA COKKALENDER AND OTHERS <a href="#">(IN FRENCH ONLY)</a> (No. 34472/08)		
		FATMA OZER AND OTHERS <a href="#">(IN FRENCH ONLY)</a> (No. 34455/08)		
		KAHRAMAN COKKALENDER AND OTHERS <a href="#">(IN FRENCH ONLY)</a>		

		(No. 34470/08)		
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<b>TURKEY</b> (CONTINUED)	9 October 2012 (continued)	KAHRAMAN COKKALENDER AND OTHERS (No. 2) ( <a href="#">IN FRENCH ONLY</a> ) (No. 34473/08)	Violation of Articles 6 § 1 and 1 of Prot. No. 1	Excessive length to execute final judgments in the applicants' favour
		KEZIBAN COKKALENDER AND OTHERS (IN FRENCH ONLY)* (No. 34474/08)		
		KIZMAZ ( <a href="#">IN FRENCH ONLY</a> ) (No. 34461/08)		
		KIZMAZ AND KAYA ( <a href="#">IN FRENCH ONLY</a> ) (No. 34462/08)		
		INANOGLU AND AKHAN ( <a href="#">IN FRENCH ONLY</a> ) (No. 34463/08)		
		INANOGLU AND OTHERS ( <a href="#">IN FRENCH ONLY</a> ) (No. 34464/08)		
		SALIHE CETINKAYA AND OTHERS ( <a href="#">IN FRENCH ONLY</a> ) (No. 34469/08)		

#### 4. Length of proceedings cases

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

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

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

STATE	DATE	CASE TITLE
BELGIUM	9 October 2012	HEYRMAN ( <a href="#">IN FRENCH ONLY</a> ) (No. 25694/06)
HUNGARY	9 October 2012	<a href="#">BARANYI AND OTHERS</a> (No. 52664/07)
		<a href="#">LASZLO KAROLY</a> (No. 41571/07)
MONTENEGRO	2 October 2012	<a href="#">STAKIC</a> (No. 49320/07)
SLOVAKIA	2 October	<a href="#">LADUNA (NO.2)</a> (No. 13439/10)
		<a href="#">TRESA</a> (No. 209/10)
	19 October	<a href="#">PISKURA (No. 2)</a>

\* On 2 November 2012, there were no details available for this case on the Court's website. Please check HUDOC database (<http://hudoc.echr.coe.int>) regularly for updates.

## 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 2 to 16 October 2012**. They are aimed at providing the NHRSS 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
AUSTRIA	9 October 2012	<a href="#">ONYEJIEKWE</a> (No. 20204/11)	Articles 2, 3, 5 (risk of ill-treatment in case of deportation to Nigeria), Art. 6 (applicant's inability to comment on the background materials which had informed its findings about Nigeria), Art. 8 (domestic authorities' failure to take into consideration the applicant's right to respect for his private and family life)	Partly inadmissible as manifestly ill-founded (concerning claim under Articles 2, 3, 5 and 8), partly incompatible <i>ratione materiae</i> with the Provisions of the Convention (concerning claim under Art. 6)
BELGIUM	9 October 2012	BIKIR ( <a href="#">IN FRENCH ONLY</a> ) (No. 17161/10)	Art. 5 (unlawful detention), Art. 8 (detention and forced deportation to Morocco)	Struck out of the list (it is no longer justified to pursue the examination of the application)
BULGARIA	9 October 2012	<a href="#">VAKRILOV</a> (No. 18698/06)	Articles 6 § 1 and 13 (domestic authorities' failure to examine in an effective and prompt manner the cause of and the responsibility of the applicant's mother's death)	Inadmissible as manifestly ill-founded
		<a href="#">DZHIDZHEVA-TRENDAFILOVA</a> (No. 12628/09)	Articles 6 and 13 (arbitrariness and unfairness of proceedings)	
		<a href="#">PERPELIEVA</a> (Nos. 2404/06 AND 6 OTHER)	Articles 6 § 1, 13 and 1 of Prot. No. 1 (length of civil proceedings and lack of effective remedies in that respect)	
CROATIA	2 October 2012	<a href="#">BANICEVIC</a> (No. 44252/10)	Art. 6 § 1 (erroneous application of a statutory limitation period)	Inadmissible as manifestly ill-founded
		<a href="#">GUDELJ</a> (No. 34722/11)	Art. 5 § 1 (unlawful detention), Art. 5 § 4 (Constitutional court's refusal to examine the applicant's complaint concerning the lawfulness of his detention), Articles 6, 13, 17 and 4 of Prot. No. 7 (erroneous assessment of facts by domestic courts)	Partly inadmissible as manifestly ill-founded (concerning claim under Art. 5 §§ 1 and 4), partly inadmissible for non-exhaustion of domestic remedies (concerning claim under Articles 6, 13, 17 and 4 of Prot. No. 7)
		<a href="#">RUJAK</a> (No. 57942/10)	Art. 10 (criminal conviction of the applicant for having tarnishing the reputation of the Republic of Croatia), Art. 6 § 1 (Constitutional court's refusal to examine the merits of the applicant's complaint)	Partly incompatible <i>ratione materiae</i> with the provisions of the Convention (concerning claim under Art. 10), partly inadmissible as manifestly ill-founded (concerning claim under Art. 6 § 1)
		<a href="#">TRUBIC</a> (No. 44887/10)	Articles 6 § 1 and 13 (outcome and unfairness of disciplinary proceedings; lack of an effective remedy in that respect)	Inadmissible as manifestly ill-founded
FRANCE	9 October	BOURSON ( <a href="#">IN FRENCH ONLY</a> )	Art. 8 (domestic court's refusal to give back to the applicants the	Struck out of the list (unilateral declaration

	2012	(No. 44794/10)	sampling performed on their son's body)	of the Government)
GEORGIA	2 October 2012	<a href="#">NATCHKEBIA</a> (No. 55486/10)	Articles 3 and 13 (lack of adequate mental care in prison)	Struck out of the list (friendly settlement reached)
GERMANY	9 October 2012	<a href="#">ENKE</a> (No. 545/08)	Articles 6, 8, 14 (domestic authorities' refusal to award the applicant joint custody for his son)	Inadmissible as manifestly ill-founded
HUNGARY	2 October 2012	<a href="#">DREGELY</a> (No. 23141/12)	Art. 6 § 1 (excessive length of civil proceedings)	Struck out of the list (friendly settlement reached)
		<a href="#">PAP</a> (No. 29227/08)	Excessive length of pre-trial detention (no article mentioned)	
		<a href="#">PETER</a> (No. 66519/11)	Art. 6 § 1 (excessive length of civil proceedings)	
		<a href="#">R+R KFT</a> (No. 10822/10)		
MOLDOVA AND RUSSIA	2 October 2012	<a href="#">TABACARU</a> (No. 29626/09) <a href="#">GUTU</a> (No. 42574/09)	Articles 6 § 1 and 1 of Prot. No. 1 (non-execution of judgments in the applicants' favour)	Partly incompatible <i>ratione materiae</i> with the provisions of the Convention (concerning the application against Russia), partly adjourned (concerning the application against Russia)
MONTENEGRO	9 October 2012	<a href="#">EPARHIJA BUDIMLJANSKO-NIKISICKA AND OTHERS</a> (No. 26501/05)	Articles 6, 13, 14 and 1 of Prot. No. 1 (breach of the applicants' property rights and discrimination in that respect, excessive length of proceedings, lack of an effective domestic remedy)	Partly incompatible <i>ratione materiae</i> with the provisions of the Convention (concerning claims under Articles 14 and 1 of Prot. No. 1), partly inadmissible as manifestly ill-founded (concerning the remainder of the application)
POLAND	9 October 2012	<a href="#">BORKOWSKA</a> (No. 49013/10)	Articles 6 and 1 of Prot. No. 1 (non-enforcement of judgments in the applicants' favour)	Struck out of the list (the applicant no longer wished to pursue the application)
		<a href="#">JAROSZ</a> (No. 39508/09)	Art. 3 (poor conditions of detention)	Struck out of the list (friendly settlement reached)
		<a href="#">JURGIELEWICZ</a> (No. 70795/11)		
		<a href="#">KUBARA</a> (No. 44361/10)	Art. 6 § 1 (excessive length of criminal proceedings)	Struck out of the list (the applicant no longer wished to pursue his application)
		<a href="#">POKRZYWKA</a> (No. 7066/11)	Art. 3 (ill-treatment by police officers)	
		<a href="#">WOCH</a> (No. 19732/11)	Art. 9 (domestic authorities' failure to provide the applicant with vegan food in prison)	Struck out of the list (friendly settlement reached)
<a href="#">WROBLEWSKI</a> (No. 56874/09)	Art. 6 (lack of access to the Supreme Court)			
PORTUGAL	2 October 2012	MATOS DINIS ( <a href="#">IN FRENCH ONLY</a> ) (No. 61213/08)	Art. 6 § 1 (domestic courts' decision to confirm the applicant's dismissal on ground of facts that the employer's decision did not mention), Art. 6 § 2 (dismissal of the applicant on ground of criminal proceedings launched against him but not yet terminated)	Inadmissible as manifestly ill-founded

ROMANIA	2 October 2012	<a href="#">CACESCU AND OTHERS</a> (No. 10762/04)	Art. 6 § 1, 13, 14 and 17 (lack of independence of a military prosecutor and military judges, applicants' inability to object to the re-classification of the offence), Art. 5 (ill-treatment by police officers), Art. 6 § 1 (denial of access to Court)	Partly inadmissible as manifestly ill-founded (concerning claim under Art. 6 § 1), partly inadmissible for non-respect of the six-months requirement (concerning claim under Art. 5)
		<a href="#">CONSTANTIN</a> (No. 33440/05)	Art. 6 § 1 (unfairness of proceedings)	Struck out of the list (friendly settlement reached)
		<a href="#">DANILIU</a> (No. 7262/06)	Art. 3 (poor conditions of detention), Art. 8 (lack of privacy of the applicant's phone calls, which could be overheard by the prison wardens and other prisoners, were limited in number, etc.)	Inadmissible as manifestly ill-founded
		<a href="#">GREC</a> (No. 17231/05) <a href="#">UDANGIU</a> (No. 35344/05)	Excessive length of proceedings (no article mentioned)	Struck out of the list (the applicants no longer wished to pursue their application)
		<a href="#">LORINCZ</a> (Nos. 43693/05 AND 13 OTHERS)	In particular, Art. 6 § 1 (excessive length of proceedings)	Struck out of the list (unilateral declaration of the Government)
		<a href="#">MATEI</a> (No. 48001/10)	Art. 6 (domestic courts' failure to consider the appeal points raised by the applicant and to provide reasons for the dismissal of his appeal; excessive length of proceedings)	Struck out of the list (the applicant no longer wished to pursue the application)
		<a href="#">MURESAN</a> (No. 14687/08)	Art.3 (inhuman and degrading treatment by domestic authorities, which in particular forced him to attend judicial proceedings 600 kilometres away from his home), Articles 3 and 8 (broadcasting in domestic media of the video footage and excerpts of the applicant's conversations obtained as a result of the surveillance carried out by the authorities)	Partly adjourned (concerning claim about the broadcasting of video footage of the applicant), partly inadmissible as manifestly ill-founded (concerning the remainder of the application)
		<a href="#">PARALESCU</a> (No. 39982/09)	Art. 6 § 1 (domestic courts' failure to examine an essential argument raised by the applicant)	Struck out of the list (the applicant no longer wished to pursue his application)
		POP ( <a href="#">IN FRENCH ONLY</a> ) (No. 51509/07)	Art. 6 § 1 (excessive length of criminal proceedings)	Struck out of the list (unilateral declaration of the Government)
		<a href="#">ROZSA</a> (No. 21600/05)	In particular, Art. 3 (ill-treatment by police officers, lack of adequate medical treatment in prison)	Partly inadmissible as manifestly ill-founded (concerning the allegations of ill-treatment), partly inadmissible for non-respect of the six-months requirement (concerning the lack of adequate medical care)
		<a href="#">SASU</a> (No. 7092/06)	In particular, Articles 3 and 8 (poor conditions of detention)	Inadmissible as manifestly ill-founded
<a href="#">TIVODAR</a>	Art. 6 § 1 (unfairness of			

		(No. 43502/04)	proceedings)	
<b>RUSSIA</b>	9 October 2012	<a href="#">TRIFONTOV</a> (No. 12025/02)	Art. 6 § 1 (conviction of the applicant on the basis of unlawfully obtained evidence)	Inadmissible as manifestly ill-founded
<b>SERBIA</b>	2 October 2012	<a href="#">HODZIC</a> (Nos. 17401/09 AND 4 OTHER)	Domestic authorities' failure to fully enforce final court decisions rendered in the applicants' favour (various Articles mentioned)	Struck out of the list (friendly settlement reached)
<b>SLOVAKIA</b>	2 October 2012	<a href="#">JURKOVIC</a> (No. 7349/11)	Art. 6 § 1 (excessive length of civil proceedings)	Struck out of the list (friendly settlement reached)
		<a href="#">LESOOCHRANARSKÉ ZOSKUPENIE VLK</a> (No. 53246/08)	Art. 6 § 1 (decision taken without the participation of the applicant association), Art. 8 (violation of the applicant's right to a good environment), Art. 11 (no further specifications), Art. 13 (lack of an effective remedy in respect of the alleged violations)	Inadmissible as manifestly ill-founded
<b>SLOVENIA</b>	2 October 2012	<a href="#">DRAGANIC</a> (No. 6408/10)	Articles 3 and 8 (poor conditions of detention)	Inadmissible as manifestly ill-founded
		<a href="#">DRAGISIC</a> (No. 6452/10)		
		<a href="#">FABIJANCIC</a> (No. 5959/19)		
		<a href="#">FARCNIK</a> (No. 6074/10)		
		<a href="#">GALIC</a> (No. 7236/10)		
		<a href="#">IMP. D.D.</a> (No. 16349/06)	Articles 6 § 1 and 13 (excessive length of proceedings and lack of an effective remedy in that respect)	Inadmissible for non-exhaustion of domestic remedies
		<a href="#">KUNK</a> (No. 5896/10)	Articles 3 and 8 (poor conditions of detention)	Inadmissible as manifestly ill-founded
		<a href="#">MISIC</a> (No. 5720/10)		
		<a href="#">MRAMOR</a> (No. 16729/07)	Articles 6 § 1 and 13 (excessive length of proceedings and lack of an effective remedy in that respect)	Struck out of the list (friendly settlement reached)
		<a href="#">SELCAN</a> (No. 3922/06)	Articles 3 and 8 (poor conditions of detention)	Inadmissible as manifestly ill-founded
		<a href="#">SINKO</a> (No. 6057/10)		
		<a href="#">SNOJ</a> (No. 45059/05)	Articles 6 § 1 and 13 (excessive length of proceedings and lack of an effective remedy in that respect)	Struck out of the list (it is no longer justified to pursue the examination of the application)
		<a href="#">STORMAN</a> (No. 38565/06)	Articles 6 § 1 and 13 (excessive length of proceedings and lack of an effective remedy in that respect)	Inadmissible as manifestly ill-founded
		<a href="#">TIRIC</a> (No. 6690/10)	Articles 3 and 8 (poor conditions of detention)	
<a href="#">VRABEC</a> (No. 23328/06)	Articles 6 § 1 and 13 (excessive length of proceedings and lack of an effective remedy in that respect)	Struck out of the list (it is no longer justified to pursue the examination of the application)		
<a href="#">VUKOVIC</a> (No. 49914/06)	Articles 6 § 1 and 13 (excessive length of proceedings and lack of an effective remedy in that respect)	Inadmissible as manifestly ill-founded		
<b>SWEDEN</b>	9 October 2012	<a href="#">A.I. AND OTHERS</a> (No. 25399/11)	Articles 2 and 3 (risk of ill-treatment or for the applicants' lives in case of deportation to Russia or Georgia)	Inadmissible for non-exhaustion of domestic remedies

<b>SWEDEN</b> (CONTINUED)	9 October 2012 (continued)	<a href="#">I.F.W.</a> (No. 68992/10)	Art. 3 (risk of ill-treatment in case of deportation to Iraq), Art. 6 (unfairness of proceedings)	Partly inadmissible as manifestly ill-founded (concerning claim under Art. 3), partly incompatible <i>ratione materiae</i> with the provisions of the Convention (concerning claim under Art. 6)
<b>SWITZERLAND</b>	9 October 2012	<a href="#">GAHWILER</a> (No. 13545/10)	Refusal of assistance with legal costs for appeal proceedings in a civil action (no article mentioned)	Inadmissible as manifestly ill-founded
<b>THE CZECH REPUBLIC</b>	9 October 2012	BRANDEJS ( <a href="#">IN FRENCH ONLY</a> ) (No. 16878/09)	Art. 3 (poor conditions of detention, obligation made to the applicant to undergo DNA tests)	Partly adjourned (concerning the condition of detention), partly inadmissible for non-exhaustion of domestic remedies (concerning the DNA tests)
		<a href="#">BURES</a> (No. 5081/11)	Art. 5 § 1 (detention of the applicant while he had been a person of unsound mind), Art. 5 § 4 (lack of judicial review of the applicant's detention), Art. 5 § 5 (lack of enforceable right to compensation under domestic law for violations of his right to liberty)	Partly inadmissible for non-exhaustion of domestic remedies (concerning claim under Art. 5 § 1), partly incompatible <i>ratione materiae</i> with the dispositions of the Convention)
		DRACKA AND HLAVENKOVA ( <a href="#">IN FRENCH ONLY</a> ) (No. 14991/08)	Art. 6 § 1 (Constitutional court's refusal to examine the merits of the applicants' claim)	Incompatible <i>ratione materiae</i> with the provisions of the Convention
<b>THE NETHERLANDS</b>	9 October 2012	<a href="#">DJOKABA LAMBI LONGA</a> (No. 33917/12)	Articles 5 and 13 (unlawful detention of the applicant)	Incompatible <i>ratione personae</i> with the provisions of the Convention
<b>TURKEY</b>	2 October 2012	<a href="#">CINAR</a> (No. 30281/06)	Articles 6 and 1 of Prot. No. 1 (late payment of compensation for the expropriation of the applicant's property)	Struck out of the list (friendly settlement reached)
		<a href="#">ERYILMAZ</a> (No. 47513/06)	Art. 2 (domestic authorities' failure to avoid the applicants' son's suicide and lack of an effective investigation in that respect), Articles 6 and 13 (lack of independence and impartiality of domestic military court, excessive length of criminal proceedings)	Inadmissible as manifestly ill-founded
		<a href="#">KOCAK</a> (No. 14910/09)	Articles 6 and 13 (Domestic court's failure to follow its established case-law, lack of an effective remedy in that respect)	
		<a href="#">OZOGUL</a> (No. 23610/10)	Articles 5 and 6 (excessive length of pre-trial detention and of criminal proceedings)	Struck out of the list (friendly settlement reached)



<b>TURKEY</b> (CONTINUED)	2 October 2012 (continued)	OZTURK AND OZTURK ( <a href="#">IN FRENCH ONLY</a> ) (No. 34644/07)	Art. 2 (domestic authorities' failure to avoid the applicants' son's suicide and lack of an effective investigation in that respect), Articles 6 and 13 (lack of independence and impartiality of domestic military court, excessive length of criminal proceedings)	Partly inadmissible for non-exhaustion of domestic remedies (concerning the alleged violations of Art. 2 and the unfairness of proceedings), partly incompatible <i>ratione materiae</i> with the provisions of the Convention (concerning the alleged excessive length of proceedings)
	9 October 2012	<a href="#">SULAR AND OTHERS</a> (No. 37799/11)	Art. 5 (complaint about the applicants' detention on remand)	Struck out of the list (friendly settlement reached)
		<a href="#">FINDIK</a> (No. 33898/11) <a href="#">KARTAL</a> (No. 35798/11)	Articles 2, 6 and 13 (disappearance of the applicants' relatives)	Inadmissible for non-respect of the six-month requirement
<b>UKRAINE</b>	2 October 2012	<a href="#">FADEYEVA</a> (No. 50546/06)	Articles 6 § 1 and 13 (excessive length of proceedings and lack of an effective remedy)	Struck out of the list (friendly settlement reached)
		<a href="#">POPLAVSKYY</a> (No. 2748/07)	Art. 6 § 1 (complaint about the outcome of domestic court's proceedings and Supreme Court's failure to consider the applicant's appeal in cassation), Art. 8 (breach of the applicant's right to his home)	Struck out of the list (the applicant no longer wished to pursue the application)
		<a href="#">SAMOYLOV</a> (No. 22947/02) <a href="#">IVANCHENKO</a> (No. 22966/02)	Articles 3, 6 and 13 (no further specifications)	
		<a href="#">CHUGUY</a> (No. 27423/05)	Art. 1 of Prot. No. 1 (no further specifications)	
	9 October 2012	<a href="#">KOVALENKO</a> (No. 17873/06)	Art. 3 (lack of adequate medical care in detention)	Struck out of the list (the applicant no longer wished to pursue the application)
		<a href="#">VOROBYEV</a> (No. 317/05)	Art. 3 (ill-treatment by police), Art. 6 § 1 (conviction of the applicant on the basis of self-incriminating statements obtained by the police against the applicant's will)	

### 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.

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

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

STATE	DATE OF DECISION TO COMMUNICATE	CASE TITLE	KEY WORDS OF QUESTIONS SUBMITTED TO THE PARTIES
BOSNIA AND HERZEGOVINA, MONTENEGRO AND SERBIA	3 October 2012	<a href="#">SEREMET</a> (No. 29620/05)	Articles 2 and 5 – Domestic authorities’ failure to fulfil their procedural duty to investigate the applicant’s parents’ disappearance – Article 3 – Domestic authorities’ refusal to engage, acknowledge or assist the applicant in his efforts to find out what happened to his parents
HUNGARY	4 October 2012	<a href="#">TOROCZKAJ</a> (No. 50367/08)	Article 11 – Domestic courts’ refusal to register the applicant’s foundation allegedly on ground of a value judgment
THE NETHERLANDS	3 October 2012	<a href="#">OZTURK</a> (No. 30894/09)	Article 8 – Obligation made to the applicant to cooperate with the taking of his fingerprints and his digital photograph; storage of those data in national database
		<a href="#">NOORI</a> (No. 20651/11)	Article 3 – Risk of ill-treatment in case of deportation to Afghanistan – Article 13 – Lack of an effective remedy in that respect
POLAND	2 October 2012	<a href="#">SUCHECKI</a> (Nos. 23201/11 AND 4 OTHER)	Article 6 – Excessive length of proceedings – Article 13 – Lack of an effective remedy in that respect
ROMANIA	4 October 2012	<a href="#">KATTAN</a> (No. 26850/11)	Article 6 – Domestic court’s failure to hear the applicant before convicting him and to employ any positive measures to ensure his presence
		<a href="#">MAN AND OTHERS</a> (No. 39373/07)	In particular, Article 3 – Handcuffing and public exposure of the applicant in a degrading manner – Article 5 – Unlawful arrest, excessive length of pre-trial detention, lack of impartiality of domestic courts – Article 8 – Unlawful searches carried out at the applicants’ home
TURKEY	4 October 2012	<a href="#">HEZER</a> (No. 24284/11)	Articles 1, 3, 5, 7 and 13 – Detention in isolation in a single cell for seventy-six days; ill-treatment during this period – Article 6 – Violation of the applicant’s right to a reasoned judgment – Article 14 – Solitary confinement, torture and ill-treatment on the ground that the applicant was a Kurd who had been convicted of aiding and abetting the PKK
UKRAINE	4 October 2012	<a href="#">OSMAYEV</a> (No. 50609/12)	In particular, Articles 3 and 6 § 1 – Risk of torture and of unfairness of proceedings in case of extradition to Russia; inhuman and degrading treatment during arrest and lack of an effective investigation in that respect – Article 5 § 1 – Unlawful detention – Article 5 § 4 – Domestic authorities’ failure to regularise the applicant’s detention

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

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

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

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### **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 third special human rights meeting for 2012 (24-26 September 2012).

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## Part III: General Agenda

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The “General Agenda” presents events that either took place or were announced\* during the period under observation (2 - 16 October 2012) for this RSIF.

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### December 2012

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- 3-7 December:  
Session of the European Committee of Social Rights (Strasbourg)

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\* These are subsequently due to take place.

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

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### A. European Social Charter (ESC)

**A complaint lodged against France by European Action of the Disabled (AEH) had been declared admissible (04.10.2012)**

The European Committee of Social Rights adopted a [decision on admissibility](#) with regard to the case European Action of the Disabled (AEH) v. France, Complaint No. 81/2012, at its session on 12 September 2012. This complaint concerns the problems regarding access of autistic children and adolescents to education, and access of autistic young adults to vocational training ([Read more](#)).

**Resolution adopted by the Committee of Ministers in the case Confederation of Independent Trade Union in Bulgaria (CITUB), Confederation of Labour “Podkrepa” (CL “Prodkrepa”) and European Trade Union Confederation (ETUC) v. Bulgaria, Complaint No. 32/2005 (10.10.2012)**

Following the [decision on the merits](#) of the European Committee on Social Rights in which the Committee ruled that the right to strike is restricted in several sectors of the Bulgarian economy in a manner that is not in conformity with the Social Charter, the Committee of Ministers has adopted [Resolution Res/CM/ChS\(2012\)4](#) on 10 October 2012. The Committee of Ministers took note of the Government's statement and the information it has communicated on the follow-up to the decision of the European Committee of Social Rights and welcomed the measures already taken by the Bulgarian authorities and their commitment to bring the situation into conformity with the Charter. All case documents relative to this complaint may be found on the [Collective Complaints website](#).

### 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)

**ECRI to prepare report on Portugal (09.10.2012)**

An ECRI Delegation visited Portugal from 24 to 28 September 2012 as the first step in the preparation of a monitoring report. During its visit, ECRI's delegation gathered information on the implementation of the recommendations it made to the authorities in its 2007 report and discussed new issues that have emerged since ([Read more](#)).

**ECRI to prepare report on the Netherlands (09.10.2012)**

An ECRI Delegation visited the Netherlands from 24 to 28 September 2012 as the first step in the preparation of a monitoring report. During its visit, ECRI's delegation gathered information on the implementation of the recommendations it made to the authorities in its 2008 report and discussed new issues that have emerged since ([Read more](#)).

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

**Romania: 3<sup>rd</sup> cycle ACFC Opinion public (05.10.2012)**

FCNM published its Third Opinion on Romania ([Read the Opinion](#)).

### **Launch of the Advisory Committee Third Thematic Commentary (11.10.2012)**

In view of the central importance of linguistic rights for the effective protection of all rights of persons belonging to national minorities, FCNM has devoted its [Third Thematic Commentary](#) to the linguistic rights of persons belonging to national minorities ([Read more](#)).

### **Advisory Committee: adoption of three opinions and election of the new bureau (12.10.2012)**

FCNM adopted three country-specific [opinions](#) under the third cycle of monitoring the implementation of this convention in States Parties. The Opinions on Azerbaijan and Ireland were adopted on 10 October, and the Opinion on Malta was adopted on 11 October. They are restricted for the time being. These three opinions will now be submitted to the Committee of Ministers, which is to adopt conclusions and recommendations. The new bureau of the Advisory Committee, elected on Tuesday 9 October is as follows:

Ms Athanasia Spiliopoulou Åkermark, President  
Mr Francesco Palermo, 1<sup>st</sup> Vice-President  
Ms Lidija Basta Fleiner, 2<sup>nd</sup> Vice-President

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

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

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

#### **Fourth Evaluation on-site visit to Bulgaria (07.10.2012)**

A MONEYVAL team of evaluators visited Bulgaria from 1 to 6 October 2012 under the 4th evaluation round. The visit was coordinated by the Financial Investigation Directorate from State Agency for National Security. The evaluation team had the opportunity to meet with representatives from the Supreme Cassation Prosecutor's office, the National Investigation Service, the Ministry of Justice, the Supreme Court of Cassation, the Bulgarian National Bank, the Financial Supervision Commission, the National Revenue Agency, the Gambling Commission, several sections of the Ministry of Interior and of the State Agency for National Security, the Customs Authority, the Commission for Establishing of Property Acquired from Criminal Activity and the Bulgarian Post. The team also had meetings with representatives from relevant professional associations and the private sector. All meetings were held in Sofia ([Read more on MONEYVAL website](#)).

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

#### **GRETA published its 2<sup>nd</sup> General Report (04.10.2012)**

In its 2<sup>nd</sup> General Report, published on 4 October 2012, GRETA highlights some issues emerging from the first 10 country-by-country monitoring reports published since September 2011. "In our free-market societies, human beings are an easy target for traffickers and exploiters who consider that women, men or children are mere commodities and that exploitation is justified by the economic situation and their alleged consent", said Nicolas Le Coz, President of GRETA. "Fortunately, the European public order based on human rights – enshrined in the European Convention for the Protection of Human Rights and Fundamental Freedoms and the Convention on Action against Trafficking in Human Beings – provides a powerful framework for the fight against human trafficking", he added ([Read more](#)).

#### **1st Evaluation Round: GRETA visited Belgium (10.10.2012)**

A GRETA Delegation carried out a country visit to Belgium from 1 to 5 October 2012. The visit was organised in the context of the first round of evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings (2010-2013). During the visit, the GRETA delegation held consultations with the State Secretary for Asylum and Migration, members of the bureau of the Inter-ministerial Co-ordination Unit on Action against Trafficking and Smuggling of Human Beings, including representatives of the Federal Public Service (FPS) of Justice, the FPS of the Interior, the FPS of Foreign Affairs, the FPS of Labour and Social Consultation and the FPS of

Social

Security

[\(Read more\)](#).

## 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
AZERBAIJAN	Additional Protocol to the Criminal Law Convention on Corruption ( <a href="#">ETS No. 191</a> )		X	8 October 2012
GUINEA	Convention on the counterfeiting of medical products and similar crimes involving threats to public health ( <a href="#">CETS No. 211</a> )		X	10 October 2012
ROMANIA	Convention on Mutual Administrative Assistance in Tax Matters ( <a href="#">ETS No. 127</a> )		X	15 October 2012
	Protocol amending the Convention on Mutual Administrative in Tax Matters ( <a href="#">CETS No. 208</a> )			
SPAIN	Convention on the counterfeiting of medical products and similar crimes involving threats to public health ( <a href="#">CETS No. 211</a> )		X	8 October 2012

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

NATURE OF THE TEXT	TEXT NUMBER	OBJECT	DATE
RESOLUTION	<a href="#">CM/ResChs(2012)4E</a>	Confederation of Independent Trade Unions in Bulgaria (CITUB), Confederation of Labour "Podkrepa" (CL "Podkrepa") and European Trade Union Confederation (ETUC) against Bulgaria, Complaint No. 32/2005 (Adopted by the Committee of Ministers on 10 October 2012 at the 1152nd meeting of the Ministers' Deputies)	10 October 2012
RECOMMENDATIONS	<a href="#">CM/Rec(2012)12E</a>	Foreign prisoners (adoption by the Committee of Ministers on 10 October 2012 at the 1152 <sup>nd</sup> meeting of the Ministers' Deputies)	10 October 2012

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

#### Chair of Committee of Ministers stressed necessity to promote sustainable democratic societies (02.10.2012)

Edmond Panariti, Minister for Foreign Affairs of Albania and Chairman of the Committee of Ministers, presented to the Parliamentary Assembly the developments during his country's Chairmanship since the Assembly session last June. Recalling that under the motto "unity in diversity," Albania's Chairmanship is focusing, among other priorities, on promoting sustainable democratic societies, Mr Panariti referred to the "2012 Exchange on the religious dimension of intercultural dialogue" that took



place in Dürres in early September. He stressed the importance and usefulness of such exchanges in the current context of rising intolerance ([Read the speech](#) – [Watch the speech](#))

#### **Declaration of the Committee of Ministers on the death penalty (10.10.2012)**

On 10 October 2012, European and World Day against the death penalty, and in support of the joint statement of Mr Thorbjørn Jagland, Secretary General of the Council of Europe, and Ms Catherine Ashton, High Representative of the European Union for foreign affairs and security policy, the Committee of Ministers wished to reaffirm its unequivocal opposition to the death penalty, in all places and in all circumstances. It welcomed the fact that no more executions are carried out on the territory of the member States of the Council of Europe. It encouraged countries, which still apply the death penalty, including those holding observer status with the Council of Europe, to immediately apply a moratorium on executions as a first step towards abolition. The Committee of Ministers called on all countries in Europe and beyond to support the Resolution on a moratorium on the use of the death penalty, which will be put to vote at the 67th session of the United Nations General Assembly in December 2012.

#### **« Guaranteeing the long term effectiveness of the European Court on Human Rights at national level » (16.10.2012)**

The Albanian Chairmanship of the Committee of Ministers of the Council of Europe organised on 5 October 2012 in Tirana a workshop on certain aspects of the implementation of the European Convention on Human Rights at national level, as a follow-up to the Brighton Conference. The seminar brought together government agents from Council of Europe member States and representatives of Supreme Courts, as well as representatives from international non-governmental organisations. The Albanian Minister of Justice, Mr Eduard Halimi, highlighted the need for the establishment of a fair, flexible and open dialogue between the European Court of Human Rights and the State Parties, in order to achieve an efficient implementation of the European Convention of Human Rights. The results of this workshop will be taken into consideration by the Steering Committee for Human Rights, with a view to further elaborating policies for the protection of human rights and the reform of the European Court.

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## Part VI: The parliamentary work

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

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

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

#### ➤ Countries

#### **PACE urged President Putin to “democratise the system” in Russia (02.10.2012)**

In its first full monitoring assessment in seven years, PACE has urged the newly-elected President Putin to “democratise the system” in Russia. In a resolution based on a report by György Frunda (Romania, EPP/CD) and Andreas Gross (Switzerland, SOC), the Assembly said Russia was “at a unique moment” in its short history of democratic development and needed concrete reforms to realise the potential of the “momentum for change” created by recent events, such as the mobilization of more than 100,000 citizens following recent elections, the awakening of a very engaged civil society and the willingness of the authorities to hear the call for reforms ([Read more](#)).

#### **Georgia took important steps in consolidating conduct of democratic elections, but some key issues remain, election observers said (02.10.2012)**

Georgia’s parliamentary elections marked an important step in consolidating the conduct of democratic elections, although certain key issues remain to be addressed, concluded the international election observers in a statement released on 2 October 2012. The elections were competitive, with active citizen participation through the campaign, but the campaign environment was polarized and tense, with some instances of violence. The campaign often centred on the advantages of incumbency, on the one hand, and private financial assets, on the other, rather than on concrete political platforms and programmes ([Read more](#)).

#### **PACE rapporteur criticised criminalisation of former Iceland Prime Minister for his political acts (02.10.2012)**

The attempt to criminalise Iceland’s former Prime Minister Geir Haarde is an example of how holding a political leader criminally responsible for his political acts “poisons the political climate without advancing the cause of justice”, according to a memorandum on the affair prepared for the Legal Affairs Committee of PACE. Pieter Omtzigt (Netherlands, EPP/CD), who is preparing a report for PACE on “Keeping political and criminal responsibility separate”, said in an [information memorandum](#) – made public in Strasbourg on 1<sup>st</sup> October 2012 – that the attempt to criminalise Mr Haarde had “clearly backfired” against Iceland’s political class and had “left a bad aftertaste” ([Read more](#)).

#### **PACE rapporteur expressed concern at threats to human rights defender in Russia (05.10.2012)**

György Frunda (Romania, EPP/CD), PACE rapporteur on the situation of human rights defenders, has expressed serious concern at recent threats to Tanya Lokshina, a senior researcher for Human Rights Watch in Russia. “I am worried about the worsening situation of human rights defenders in Russia and the hostile climate for their work. The recent threats sent via mobile phone to Ms Lokshina, a highly regarded human rights defender, are unacceptable. The fact that these threats referred to confidential information concerning her private life raises the suspicion that security services may have been involved. The authorities must now conduct a credible investigation into these threats.” ([Read more](#)).

### **Tunisia: radical police reform is more necessary than ever, said PACE rapporteur (08.10.2012)**

Anne Brasseur (Luxembourg, ALDE), PACE rapporteur on Tunisia, said that she was deeply troubled and concerned by the recent press reports of the rape of a young Tunisian woman by police officers. According to these reports, in early September 2012, a young Tunisian woman and her fiancé were stopped, in the middle of the night, by police officers, accused of engaging in “immoral behaviour”. It is alleged that the young woman was then raped by two police officers in their car, while a third police officer demanded money from her fiancé, whom they had handcuffed ([Read more](#)).

### **Armenia: PACE rapporteur concerned about lifting of the parliamentary immunity on controversial criminal charges of former Minister Oskanian (11.10.2012)**

PACE rapporteur for the monitoring of Armenia, Axel Fischer (Germany EPP/CD), expressed on 11 October 2012 his concern about the lifting of the parliamentary immunity of former Foreign Minister Vartan Oskanian, on controversial criminal charges, by the National Assembly. “This is especially worrying in the light of persistent allegations that political motives have played a role in the charges that are levied against him,” emphasised Mr Fischer ([Read more](#)).

### **Montenegro elections pluralistic with respect for fundamental rights although confidence-building is needed (15.10.2012)**

Montenegro's early parliamentary elections on 14 October took place in a peaceful and pluralistic environment with respect for fundamental rights, although continued lack of confidence needs to be addressed, international observers said in a statement issued on 15 October 2012 ([Read more](#)).

#### ➤ *Themes*

### **No impunity for violent attacks against migrants (02.10.2012)**

Impunity for violent attacks against migrants in Council of Europe states represents a danger for democracy, according to participants at a hearing with representatives of Amnesty International (AI) and Human Rights Watch (HRW) organised in Strasbourg by PACE's Migration, Refugees and Displaced Persons Committee. According to the Amnesty representative, the escalation of violence against migrants in Greece, including racially motivated attacks, requires an urgent response that has so far not been taken. Human Rights Watch stressed that the police had largely failed to respond effectively to protect victims and hold perpetrators to account. Instead, both NGOs stressed, impunity for such attacks, either from law enforcement agents or others, is a big part of the problem, leaving many victims of violence in a fearful silence ([Read more](#)).

### **Europe can't afford to have another Srebrenica – foreign policy can no longer neglect human rights (03.10.2012)**

“When foreign policy neglects human rights for too long and focuses solely on strategic economic and geopolitical interests, human rights crises may erupt and ‘humanitarian interventions’ become urgent and moral necessities”; Europe can't afford to have another Srebrenica – foreign policy can no longer neglect human rights, said Pietro Marcenaro (Italy, SOC) on 3 October 2012, when presenting his report on human rights and foreign policy ([Read more](#) – [Read the adopted text](#))

### **Media freedom: PACE committee seeks action from Russia, Turkey, Hungary and Belarus (11.10.2012)**

PACE's Committee on Culture, Science, Education and Media, in a wide-ranging assessment of the state of media freedom in Europe, has demanded that Council of Europe member States properly investigate and hold liable the instigators of attacks on investigative journalists and those working with them. The report, prepared by Mats Johansson (Sweden, EPP/CD), approved by the committee and made public on 11 October 2012, makes specific recommendations to Russia, Turkey, Hungary and Belarus ([Read more](#)).

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

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➤ *Countries*

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

➤ *Themes*

**States should do more to protect women from violence (09.10.2012)**

Around the world – and indeed across Europe – women are beaten and threatened. Domestic violence is the most common form of abuse of women worldwide, irrespective of economics, religion or culture, said Nils Muižnieks in his latest Human Rights Comment published on 9 October 2012. There is a strange acceptance of the prevalence of domestic violence and violence against women in every country. Far too often the problem is pushed aside, and far too often the woman herself is blamed. The question “why doesn’t she leave?” seems more frequently asked than “why does he hit her?”

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

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

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