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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 (NHRS) permanently updated of Council of Europe norms and activities by way of regular transfer of information, which the Directorate of Human Rights (DG I) of the Council of Europe carefully selects and tries to present in a user-friendly manner. The information is sent to the Contact Persons in the NHRSs who are kindly asked to dispatch it within their offices.

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

The selection of the information included in the Issues is made by the "Versailles-St-Quentin Institutions Publiques" research centre (V.I.P., EA 3642 – University of Versailles-St-Quentin-en-Yvelines, France) under the responsibility of the Directorate of Human Rights (DG I) of the Council of Europe. It is based on what is deemed relevant to the work of the NHRSs (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

### A. Judgments

#### 1. Judgments deemed of particular interest to the 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 (Art. 2)**

**[MOSENDZ V. UKRAINE](#) (No. 52013/08) – Importance 2 – 17 January 2013 – Violation of Article 2 (substantive and procedural) – Domestic authorities’ failure to protect the life of the applicant’s son while under their control and to adequately account for his death, and to conduct an effective investigation into the matter – Violation of Article 13 – Lack of an effective investigation in that respect**

The case concerned the death of the applicant’s son, while he was on guard duty, during his mandatory military service.

The Court held that the authorities had not effectively investigated and duly accounted for the applicant’s son’s death, and that they had not adequately protected his life. The Court reiterated that the first sentence of Article 2 § 1 enjoins the state not only to refrain from the intentional and unlawful taking of life, but also to take appropriate steps to safeguard the lives of those within its jurisdiction. As established at the national level, the applicant’s son was driven to suicide by bullying and ill-treatment at the hands of his hierarchical military supervisors, and not by a frustrating life situation unrelated to his being in the army. Therefore domestic authorities were to bear responsibility for his death. Furthermore, the Court noted that it appears that all the pertinent facts surrounding the incident which,

according to the domestic investigation and judicial authorities, prompted the suicide of the applicant's son, cannot be regarded as having been established with sufficient precision. The Court thus held that the domestic authorities failed to conduct an effective investigation into the matter. Having found a violation of Article 2, the Court holds that no separate issue arises under Article 3.

Moreover, because of a jurisdictional conflict between the national civil and administrative courts, the applicant's claim for damages had remained without examination and she had been denied an effective remedy in respect of her complaints under Articles 2 and 3 of the Convention, in violation of Article 13.

#### Article 41 (Just satisfaction)

The Court held that Ukraine was to pay the applicant EUR 20,000 in respect of non-pecuniary damage.

- **III-treatment / Conditions of detention / Deportation (Art. 3)**

**YEFIMENKO V. RUSSIA (No. 152/04) – Importance 1 – 12 January 2013 – Violation of Article 3 – Poor conditions of detention on remand – Violation of Article 13 – Domestic legal system's failure to provide the applicant with adequate and sufficient redress in connection with a complaint of inadequate conditions of detention – Violation of Article 5 § 1 – Unlawfulness of a detention order – No violation of Article 6 – Defects in a first trial remedied by a second one – Violation of Article 8 – Unlawful monitoring of the applicant's correspondence at the national level – Violation of Article 34 – Monitoring of the correspondence between the applicant and the Court**

The case concerned a Russian national who was serving a prison sentence of 19 years and six months in the Chelyabinsk Region (Russia) for murder, kidnapping and extortion.

#### Article 3

The Court reiterated that the cases concerning allegations of inadequate conditions of detention do not lend themselves to a rigorous application of the principle *affirmanti incumbit probatio* (he who alleges something must prove that allegation). The Court found that it has been established that the applicant was kept in cramped conditions for a considerable period of time between 2001 and 2003. As example, both the dining tables and the lavatory pans were located inside the cells, sometimes as close to each other as one or one and a half metres. A partition, approximately one to one and a half metres in height, separated the toilet on one side. The Court therefore considered that the applicant was subjected to inhuman and degrading treatment in breach of Article 3 of the Convention.

#### Article 13

The Court concluded in that case that it was not shown that the Russian legal system offered an effective remedy that could be used to prevent the alleged violation or its continuation and provide the applicant with adequate and sufficient redress in connection with a complaint of inadequate conditions of detention. Accordingly, the Court dismissed the government's objection as to the non-exhaustion of domestic remedies and found that the applicants did not have at their disposition an effective domestic remedy for their grievances, in breach of Article 13 of the Convention.

#### Article 5 § 1

The Court held that the domestic court, which convicted the applicant, was not "competent" and the applicant's detention was not "lawful" within the meaning of Article 5 § 1 (a) of the Convention. In view of the gravity of the violation and noting the absence of adequate acknowledgment and redress, the Court concludes that the applicant's detention on the basis of the trial judgment was in breach of Article 5 § 1 of the Convention.

#### Article 6

The Court observed that the applicant's case was re-examined by a tribunal "established by law". The Court found it possible to accept in the circumstances of the present case that the retrial remedied the defects of the first trial, which were at the origin of the present application before the Court. It followed that this part of the application was manifestly ill-founded and was rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

#### Article 8

The Court observed that the applicant's correspondence was inspected by the prison staff. The government did not put forward any convincing argument to justify the routine monitoring of the correspondence or to show that sufficient safeguards were in place to avoid any excessive effect of the interference on the applicant's right to respect of correspondence. Indeed, there was no question of security risks or collusion between the applicant and his correspondent(s). The provisions of Russian law failed to afford a measure of legal protection against arbitrary interference by public authorities with the applicant's right to respect for his correspondence. There had therefore been a violation of Article 8 of the Convention.

#### Article 34

The Court concluded that the correspondence between the applicant and the Court was subject to monitoring by the staff of the detention facilities without any valid reason.

#### Article 41 (just satisfaction)

The Court concluded that Russia was to pay the applicant EUR 20,000 for non-pecuniary damage and EUR 1,000 for costs and expenses.

#### **S.H.H V. THE UNITED KINGDOM (No. 60367/10) – Importance 2 – 29 January 2013 – No violation of Article 3 – Disabled asylum seeker's failure to prove that his removal to Afghanistan would breach Article 3 (prohibition of inhuman and degrading treatment)**

The case concerned an Afghan national living in the United Kingdom and claiming that his removal to Afghanistan would expose him to ill-treatment.

The Court noted in particular the applicant neither complained before the Court that his removal to Afghanistan would put him at risk of deliberate ill-treatment from any party, nor that the levels of violence in Afghanistan were such as to entail breach of Article 3. Furthermore, the Court considered as significant the fact that the applicant failed to adduce any additional substantive evidence to support his claim that disabled persons are per se at greater risk of violence, as opposed to other difficulties such as discrimination and poor humanitarian conditions, than the general Afghan population.

Therefore, the Court held that there would be no violation of Article 3 if the applicant was to be removed to Afghanistan.

#### **NECATI YILMAZ V. TURKEY (IN FRENCH ONLY) (No. 15380/09) – Importance 3 – 12 February 2013 – Violation of Article 3 (substantive and procedural) – Domestic authorities' disproportionate use of force against the applicant; and domestic authorities' failure to conduct an effective investigation**

The case concerned ill-treatment inflicted on the applicant by the bodyguards of the Prime Minister of Turkey and the lack of an effective investigation in that respect.

#### Article 3

The Court found the way the applicant was treated at the time of his arrest went well beyond the requirements of a normal arrest. The medical reports drawn up after the arrest showed that violence had been used on the applicant. There had therefore been a violation of Article 3 on grounds of ill-treatment.

Moreover, the Court held that the lack of diligence in the conduct of the investigation had resulted in virtual immunity being afforded to the Prime Minister's bodyguards and in the applicant's appeal being rendered ineffective. There had therefore also been a violation of the procedural limb of Article 3.

#### Just satisfaction (Article 41)

The Court held that Turkey was to pay the applicant EUR 12,000 in respect of non-pecuniary damage.

**ZOKHIDOV V. RUSSIA (No. 67286/10) – Importance 2 – 5 February 2013 – Violation of Article 3 – Risk of ill-treatment in case of deportation of an Uzbek man suspected to be the member of an illegal religious organisation – Violation of Article 5 § 1 – Unlawfulness of the applicant’s placement in custody – Violation of Article 5 § 2 – Domestic authorities’ failure to promptly provide the applicant with sufficient information concerning his arrest and the charges brought against him – Violation of Article 5 § 4 – Lack of an effective way to obtain a review of the detention orders – Violation of Article 34 – Applicant’s removal to Uzbekistan had removed him from Convention protection and therefore constituted a breach of the interim measure indicated by the Court.**

The case concerned the extradition of an Uzbek national from Russia to Uzbekistan, where he was wanted in connection with his presumed membership of an illegal religious organisation. In July 2010, the applicant was arrested. On November 2010, the Court issued an interim measure and indicated to the Russian Government that the applicant should not be extradited to Uzbekistan until further notice. However, the applicant was deported to Uzbekistan on 21 December 2011. In Uzbekistan, he was convicted as charged and sentence to eight years’ imprisonment in April 2012.

#### Article 3

The Court held that the Russian authorities had not carried out a thorough examination of applicant’s allegations concerning the risk of his ill-treatment in Uzbekistan. At the same time, the Court emphasised that it was insufficient to simply refer to a general problem concerning human rights observance in a particular country to bar extradition. The Court thus examined the personal situation of the applicant. It noted that the applicant belonged to a group in respect of which reliable sources confirmed a continuing pattern of ill-treatment and torture by Uzbek authorities. The Court considered that there were substantial grounds to believe that the applicant had faced a real risk of treatment in breach of Article 3. The assurances given by the Uzbek authorities that he would not be ill-treated had been couched in general terms and there was no evidence that they were supported by any monitoring mechanism. There had therefore been a violation of Article 3.

#### Article 5

The Court found that there had been a violation of Article 5 § 1 on account of the applicant’s detention in Russia from 14 July to 15 September 2010. The Court held that decisions to order detention either did not refer to any provision under Russian law or the referred provisions lacked clear rules on the procedures to be followed and had not set any time-limits for detention pending extradition.

Furthermore, there had been a violation of Article 5 § 2 as the applicant had not been promptly provided with sufficient information concerning his arrest and the charges brought against him.

Finally, there had been a violation of Article 5 § 4 on account of applicant’s inability to obtain a review of the detention orders.

#### Article 34

The Court pointed out that the applicant’s removal to Uzbekistan had removed him from Convention protection and had frustrated the purpose of the interim measure, which was to maintain the status quo pending the Court’s examination of the application and to allow its final judgement to be effectively enforced. There had accordingly been a violation of Article 34.

#### Just satisfaction (Article 41)

The Court held that Russia was to pay the applicant EUR 30,000 in respect of non-pecuniary damage and EUR 11,000 in respect of costs and expenses.

**KARABET AND OTHERS V. UKRAINE (No. 38906/07 AND 52025/07) – Importance 2 – 17 January 2013 – Violation of Article 3 (substantive aspect) – Domestic authorities’ failure to prove that the violence used during search and security operation had been necessary in the circumstances of the case – Violation of Article 3 (procedural aspect) – Domestic authorities’ failure to conduct an effective and independent investigation – Violation of Article 1 of Protocol No. 1 – Domestic authorities’ failure to return the applicants’ personal belongings after their transfer to new detention facilities**

The case concerned a group of prisoners alleging that they had been tortured during search and security operation following their hunger strike in Izyaslav Prison (Ukraine).

#### Article 3 (investigation)

Given the magnitude of the operation of which the applicants complained and the fact that it had been conducted under the control of the authorities and with their full knowledge, the Court found that the applicants had an arguable claim of ill-treatment. The state authorities had therefore been under an obligation to carry out an effective investigation into the allegations. However, the Court found that the investigation had not been thorough or independent, had not been prompt and had lacked public scrutiny. The Court therefore dismissed an objection of the domestic government to the effect that the applicant's complaint before the Court was premature since they had not exhausted the national remedies. The Court accordingly found a violation of Article 3 as regards the investigation of the applicant's complaints of ill-treatment.

#### Article 3 (treatment)

The Court found it established that all 17 applicants had been subjected to the treatment of which they complained. The Court noted in particular the involvement of the Special Forces unit, a paramilitary formation equipped and trained for carrying out antiterrorist operations. The Court held that the authorities had not shown that the violence had been necessary in the circumstances. The Court therefore had no doubt that the authorities' brutal action had been disproportionate given that there had been no transgressions by the applicants. The violence had been intended to crush the protest movement, to punish the prisoners for their peaceful hunger strike and to discourage any further complaints. There had accordingly been a violation of the substantive aspect of Article 3.

#### Article 1 of Protocol No. 1

The Court found a violation of Article 1 of Protocol No. 1 on the grounds that the applicants had no chance to collect their personal belongings, and that interference was not lawful and had not pursued any legitimate aim.

#### Just satisfaction (Article 41)

The Court held that Ukraine was to pay to each of the 17 applicants EUR 25,000 in respect of non-pecuniary damage, and to one of the applicants EUR 10,000 in respect of costs and expenses.

#### **EDUARD POPA V. THE REPUBLIC OF MOLDOVA (No. 17008/07) – Importance 3 – 12 February 2013 – Violation of Articles 2 and 3 (procedural aspects) – Domestic authorities' failure to conduct an effective investigation into the applicant's complaint, leading to the impossibility to establish beyond reasonable doubt whether or not the applicant was in police custody and whether he was ill-treated by police officers**

The case concerned a detainee who complained that ill-treatment inflicted on him by police officers had endangered his life and left him with a severe disability.

The Court found in particular that the police brutality could not be proven due to the numerous shortcomings in the criminal proceedings and therefore held that the Moldovan authorities had failed to conduct an effective investigation into the applicant's allegations. The Court therefore found that there had been a violation of both Articles 2 and 3 as concerned the investigation into the applicant's allegations.

#### Article 41 (just satisfaction)

The court held that the Republic of Moldova was to pay the applicant EUR 20,000 in respect of non-pecuniary damage and EUR 4,000 for his lawyer's costs and expenses.



**SULEYMANOV V. RUSSIA (No. 32501/11) – Importance 2 – 22 January 2013 – No violation of Article 3 (substantive) – Applicant’s inability to prove that he had been beaten by state officials – Violation of Article 3 (procedural) – Domestic authorities’ failure to conduct an effective investigation into the circumstances of the applicant’s ill-treatment**

The case concerned the alleged ill-treatment and abduction of a young man by state officials in Chechnya.

Article 3 (substantive aspect)

The Court found that it had been proven beyond reasonable doubt that the applicant had been subjected to ill-treatment. However, the material before the Court did not constitute sufficient evidence to establish beyond reasonable doubt that the men who had beaten the applicant were state officials. Accordingly, there had been no violation of Article 3 on account of the applicant’s alleged ill-treatment.

Article 3 (investigation)

The Court observed that the authorities had taken a significant number of steps to investigate the alleged ill-treatment of the applicant. However, there had been inexplicable delays in taking key investigative measures. Moreover, some witnesses of the events had not been questioned at all. The Court therefore concluded that the investigation could not be considered to have been diligent, thorough and effective. There had accordingly been a violation of Article 3 on account of the authorities’ failure to conduct an effective investigation.

Just satisfaction (Article 41)

The Court held that Russia was to pay the applicant EUR 12,500 in respect of non-pecuniary damage and EUR 6,000 in respect of costs and expenses.

- **Right to liberty and security (Art. 5)**

**MIHALOVIS V. LATVIA (No. 35939/10) – Importance 2 – 22 January 2013 – Application of Article 5 § 1 – Deprivation of liberty resulting from the applicant’s placement in a social care institution – No violation of Article 5 § 1 – Unlawfulness of the applicant’s deprivation of liberty – Violation of Article 5 § 4 – Applicant’s inability to obtain a review of the lawfulness of his placement in a social care institution**

The case concerned the complaint of a man, who had been divested of his legal capacity, that he had been held against his will in a social care institution for more than ten years without possibility of release.

Article 5 § 1

The Court first examined the question whether there was a deprivation of liberty within the understanding of Article 5 § 1. The Court stressed that the question of knowing whether the institution was an open or a closed one is not determinative of the issue. The key factor in determining whether Article 5 § 1 applies is whether its management exercised complete and effective control over his treatment, care, residence and movement. The Court considered that the applicant was under constant supervision and was not free to leave the institution without permission whenever he wished. The Court held that the applicant had been “deprived of his liberty” for the purpose of Article 5 § 1.

The Court also found that the applicant’s deprivation of liberty was unlawful, since domestic provisions did not provide for a proper medical assessment of the applicant’s placement and of regular assessments of the applicant’s disorder. There had therefore been a violation of Article 5 § 1.

Article 5 § 4

Domestic law did not provide for an automatic judicial review of the lawfulness of admitting and keeping the applicant in a social care institution. The applicant had been prevented from pursuing any legal remedy to challenge his involuntary institutionalisation. There had accordingly been a lack of an effective regulatory framework in this area. The Court concluded that there had been a violation of Article 5 § 4.

Article 41

The Court held that Latvia was to pay the applicant EUR 15,000 in respect of non-pecuniary damages.

**BETTERIDGE V. THE UNITED KINGDOM (No. 1497/10) – Importance 3 – 29 January 2013 – Violation of Article 5 § 4 – Excessive length of judicial review of the applicant’s detention**

The case concerned the applicant’s complaint about the delays in his case being heard by a Parole Board.

The Court noted in particular that, even though the national courts had acknowledged in June 2009 that there had been a violation of the applicant’s right under the European Convention to a speedy review of his detention, the Parole Board hearing in his case had still not taken place for some eight months after that. Furthermore, although steps had been taken by the authorities to try and address the systemic delays in Parole Board hearings by the time of the judgment in the applicant’s case, the fact remained that the authorities had failed to anticipate the demand which would be placed on the prison system following the introduction of the IPP sentencing scheme (indeterminate imprisonment for the public protection) and that it was for the state to organise its judicial system in such a way as to enable its courts to comply with the requirements of the Convention. The Court therefore concluded that there had been a violation of Article 5 § 4 as concerned the delay of more than 13 months in the applicant’s Parole Board review.

Just satisfaction (Article 41)

The court held that the United Kingdom was to pay Mr Betteridge EUR 750 in respect of non-pecuniary damage. It also awarded EUR 2,000 for his lawyers’ costs and expenses.

- **No punishment without law (Art. 7)**

**CAMILLERI V. MALTA (No. 42931/10) – Importance 2 – 22 January 2013 – Violation of article 7 – Domestic legal provision’s failure to satisfy the foreseeability requirement and to provide effective safeguards against arbitrary punishment**

The case concerned the discretion of the public prosecutor to decide in which domestic court to try a drug trafficking case, and therefore to decide the punishment bracket (six months to ten years if tried in the Court of Magistrates, or four years to life if tried in the Criminal Court). The applicant complained under Articles 6 § 1 and 7. The Court decided to examine the complaint under Article 7.

The Court stressed that the issue before it was whether the principle that only the law can define a crime and prescribe a penalty was observed. The Court found that the provision in question does not give rise to any ambiguity or lack of clarity as to its content (two different possible punishments were applicable). However, the Court held that the law had not made it possible for the applicant to know which of the two punishment brackets would apply to him. The Court noted that the applicant had become aware of the punishment bracket to be applied only when he was charged, after the prosecutor had determined the court where he was to be tried. Furthermore, the criteria to be applied by the prosecutor when taking his decision were not specified in any legislative text and had not been clarified over the years by the courts. Therefore, the Court concluded that the relevant legal provision failed to satisfy the foreseeability requirement and to provide effective safeguards against arbitrary punishment as provided in Article 7. There had accordingly been a violation of that Article.

Just satisfaction (Article 41)

The Court held that Malta was to pay the applicant EUR 1,000 in respect of non pecuniary damage and EUR 5,000 in respect of costs and expenses.

- **Freedom of thought, conscience and religion**

**EWEIDA AND OTHERS V. THE UNITED KINGDOM (No. 48420/10, 59842/10, 51671/10 AND 36516/10) – Importance 1 – 15 January 2013 – Violation of Article 9 – Domestic authorities’ failure to strike a fair balance between the applicant’s right to manifest her religion and her employer’s wish to protect its corporate image – No violation of Article 9 taken alone or in conjunction with Article 14 – Fair balance struck between the applicants’ right to manifest their religion and their employers’ wish to protect health and safety or equality**

The case concerned four applicant’s complaints that domestic law had failed to protect adequately their right to manifest their religion. All four applicants are practising Christians. The first two applicants’ complaints can be considered together, as the last two complaints.

As to the first two complaints, the Court considered that there had been an interference with both women's right to manifest their religion in that they had been unable to wear their Christian crosses visibly at work. However, the Court did not consider that the lack of explicit protection in domestic law to regulate the wearing of religious clothing and symbols in the workplace in itself meant that the right to manifest religion was breached, since the issues could be and were considered by the domestic courts in the context of discrimination claims brought by the applicants. Furthermore, if the Court found that in one of the applicant's case, a fair balance had not been struck between her desire to manifest her religious belief and her employer's wish to project a certain corporate image, the reason of asking the other one to remove her cross, namely the protection of health and safety on a hospital ward, was inherently of much greater importance. Therefore, the Court concluded that domestic authorities had failed to protect sufficiently the first applicant's right to manifest her religion in breach of Article 9, while there had been no violation of Article 9 as concerned the second applicant, on the ground that the restriction had not been disproportionate and that the interference with her freedom to manifest her religion had been necessary in a democratic society.

The Court then considered the two other complaints, which concerned the applicants' dismissal for refusing to carry out certain of their duties that they considered would condone homosexuality. The Court held that the most important factor to be taken into account was that the policies of the applicants' employers – to promote equal opportunities and to require employees to act in a way which did not discriminate against others – had the legitimate aim of securing the rights of others, such as same-sex couples, which were also protected under the Convention. The authorities therefore had wide discretion when it came to striking a balance between the employer's right to secure the rights of others and the applicants' right to manifest their religion. The Court decided that the right balance had been struck and therefore held that there had been no violation of Article 14 taken in conjunction with Article 9 as concerned the third applicant, and no violation of Article 9 – taken alone or in conjunction with Article 14 – as concerned the fourth one.

#### Just satisfaction (Article 41)

The court held that the United Kingdom was to pay the first applicant EUR 2,000 in respect of non-pecuniary damage and EUR 30,000 for costs and expenses.

- **Freedom of expression (Art. 10)**

**SÜKRAN AYDIN AND OTHERS V. TURKEY (Nos. 49197/06, 23196/07, 50242/08, 60912/08 AND 14871/09) – Importance 2 – 22 January 2013 – Violation of Article 10 – Unnecessary interference with the applicant's right to freedom of expression on account of a blanket prohibition on the use of any language other than Turkish in election campaigning, coupled with criminal sanctions**

The case concerned the applicant's complaint about a law, which prohibited the use of any language other than the official one, Turkish, during election campaigns. The applicants were convicted and sentenced to prison terms and fines for having spoken Kurdish during the elections campaigns.

The Court held in particular that, while states had discretion to determine their linguistic policies and were entitled to regulate the use of languages during election campaigns, a blanket ban on the use of unofficial languages coupled with criminal sanctions were not compatible with freedom of expression. The Court therefore concluded that there had been a violation of Article 10, as the interference with the applicant's freedom of expression had not been "necessary in a democratic society."

The Court considered that it was not necessary to examine the applicants' complaint under Article 14. It also declared the remainder of their complaints inadmissible as manifestly ill-founded.

#### Just satisfaction (Article 41)

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

- **Prohibition of discrimination (Art. 14)**

**VOJNITY V. HUNGARY (No. 29617/07) – Importance 2 – 12 February 2013 – Violation of Article 14 in conjunction with Article 8 – Domestic court's failure to prove a reasonable relationship of proportionality between a total ban on the applicant's access rights to his child and the aim pursued, namely the protection of the best interest of the child**

The case concerned a total removal of a father's access rights after a divorce, on the grounds that his religious conviction had been detrimental to his son's upbringing.

Article 14 in conjunction with article 8

The Court held in particular that the case was involving a fundamental element of family life. By applying an absolute ban without explaining what real harm the father's behaviour caused to the child, the domestic court had failed to justify the applicant's difference of treatment with other parents who did not have any strong religious conviction. The Court stressed the necessity of a very weighty reason allowing for differential treatment. Consequently, the Court held that the applicant had been discriminated against on the basis of his religion in the exercise of his right to respect for family life, in violation of Article 14 taken together with Article 8.

Article 41 (just satisfaction)

The court held that Hungary was to pay the applicant EUR 12,500 in respect of non-pecuniary damage and EUR 3,000 in respect of costs and expenses.

**HORVATH AND KISS V. HUNGARY (No. 11146/11) – 29 January 2013 – Importance 2 – Violation of Article 14 and Article 2 of Protocol No. 1 – Disproportionate prejudicial effects of a domestic legislation isolating the pupils of a community from pupils from the wider population**

The case concerned the complaints of two young men of Roma origin that their education in a remedial school had represented ethnic discrimination in the enjoyment of their right to education.

The Court first underlined that the situation had to be seen in the context of a long history of misplacement of Roma children in special schools in Hungary and other European countries. The Court recalled that Article 14 does not prohibit a member state from treating groups differently in order to correct "factual inequalities" between them. However, the Court has also held that no difference in treatment, which is based exclusively or to a decisive extent on a person's ethnic origin, is capable of being objectively justified in a contemporary democratic society. Although the policy and the testing in question have not been argued to aim specifically at that group, for the Court there is consequently a prima facie case of "indirect discrimination". It thus falls on the government to prove that the difference in treatment had no disproportionately prejudicial effects due to a general policy or measure that is couched in neutral terms, and that therefore the difference in treatment was not discriminatory. The Court accepted that the government's position to retain the system of special schools/classes pursued a legitimate aim. However, the result of such measure had been to isolate the applicants from pupils from the wider population and to receive an education, which was likely to compromise their personal development instead of helping them to develop skills to facilitate their life among the majority population. Therefore, there had been a violation of Article 2 of Protocol No. 1 in conjunction with Article 14 in respect of both applicants.

Article 41 (just satisfaction)

The Court held that Hungary was to pay the applicants jointly EUR 4,500 in respect of costs and expenses. The applicants made no claim in respect of pecuniary or non-pecuniary damage.

- **Protection of property (Art. 1 Protocol No. 1)**

**ZOLOTAS V. GREECE (NO.2) (IN FRENCH ONLY) (NO. 66610/09) – Importance 2 – 29 January 2013 – Violation of Article 1 of Protocol No. 1 (protection of property) – Domestic authorities' failure to ensure a fair balance between the requirements of the general interest and the protection of an individual's right to the protection of his property**

The case concerned the applicant's complaint that the Greek courts had found his claims in respect of his bank account to be time-barred and had assigned the balance to the state.

After his bank refused to pay back to him the balance in his account on the ground that the account had remained dormant for over 20 years, the applicant filed a claim with the civil courts in order to recover the sum in question. The Court of Cassation dismissed the appeal's applicant on the ground that the time-bar on the applicant's rights in respect of his bank account was justified by a general interest aim, namely that of terminating legal relationships that had been created so long before that their existence had become uncertain.

The Court reiterated that the national authorities were best placed to determine the cases of public interest that could justify interference with the right to enjoyment of one's possessions. The Court held in particular that if the aim pursued was legitimate, namely the need to terminate legal relationships whose existence had become uncertain, the failure to oblige banks to inform the holder of a dormant account of the risks incurred had placed an excessive and disproportionate burden on the applicant that could not be justified. There had been accordingly a violation of Article 1 of Protocol No. 1.

Just satisfaction (Article 41)

The Court held that Greece was to pay the applicant's son EUR 15,000 for all heads of damage combined.

## 2. Other judgments issues 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<sup>1</sup>. For more detailed information, please refer to the cases.

STATE	DATE	CASE TITLE	IMP.	CONCLUSION	KEY WORDS
ARMENIA	5 February 2013	<a href="#">MARTIROSYAN</a> (No. 23341/06)	3	No violation of Art. 7	Lawfulness of the applicant's condemnation, even though the relevant provision entered into force during the proceedings
BULGARIA	12 February 2013	<a href="#">AMIE AND OTHERS</a> (No. 58149/08)	3	Violation of Art. 5 § 1	Detention without effective judicial review
				Violation of Art. 5 § 4	Excessive length of the domestic proceedings (more than one year and eight months)
				Violation of Art. 8	Unlawful interference with the other applicants' right to respect for their family life
	12 February 2013	<a href="#">KRASTEV</a> (No. 26524/04)	3	Violation of Art. 6 § 1	Unfairness of a trial without hearing
	5 February 2013	<a href="#">PASHOV AND OTHERS</a> (No. 20875/07)	3	Violation of Art. 6 § 1 Violation of Art. 1 of Prot. 1	Excessive length of tort proceedings Prolonged non-enforcement of judgment in the applicants' favour
CROATIA	15 January 2013	<a href="#">PERUSKO</a> (No. 36998/09)	3	Violation of Art. 5 § 1	Erroneous discontinuation of administrative proceedings that the applicant had instituted concerning the termination of his employment
FINLAND	15 January 2013	<a href="#">LAASKO</a> (No. 7361/05)	3	Violation of Art. 8	Applicant's inability to establish his father's paternity due to a time constraint in the domestic law
	29 January 2013	<a href="#">RÖMAN</a> (No. 13072/05)	2		
FRANCE	31 January 2013	ASSOCIATION CULTUELLE DU TEMPLE PYRAMIDE <a href="#">(IN FRENCH ONLY)</a> (No. 50471/07)	3	Violation of Art. 9	Infringement of the applicants' right to manifest and exercise their freedom of religion on account of taxes imposed on hand-to-hand gifts
		ASSOCIATION DES CHEVALIERS DU LOTUS D'OR <a href="#">(IN FRENCH ONLY)</a> (No. 50615/07)			
		EGLISE EVANGELIQUE MISSIONNAIRE ET SALAÜN			

<sup>1</sup> The “Key Words” in the various tables of the RSIF are elaborated under the sole responsibility of the Directorate of Human Rights

		<a href="#">(IN FRENCH ONLY)</a> (No. 25502/07)			
GREECE	29 January 2013	PARATHERISTIKOS OIKODOMIKOS SYNETAIRISMOS STEGASEOS YPALLILON TRAPEZIS TIS ELLADOS <a href="#">(IN FRENCH ONLY)</a> (No. 2998/08)	3	Violation of Art. 6§ 1	Excessive length of proceedings
		ZOLOTAS (N°2) <a href="#">(IN FRENCH ONLY)</a> (No. 66610/09)		2	Violation of Art. 1 of Prot. 1
HUNGARY	29 January 2013	<a href="#">HORVÁTH AND KISS</a> (No. 11146/11)	2	Violation of Art. 13	Domestic authorities' failure to strike a faire balance between the regulation of private property and the owners' interests
		<a href="#">KRISZTIÁN BARNABÁS TÓTH</a> (No. 48494/06)		2	Violation of Art. 2 of Prot. 1 in conjunction with Art. 14
	12 February 2013	<a href="#">LÁSZLÓ KÁROLY (NO.2)</a> (No. 50218/08)	3	No violation of Art. 8	Domestic authorities' failure to prove that the applicants' children were placed in schools for mentally disabled for reasons other than discriminatory ones
ITALY	29 January 2013	<a href="#">CIRILLO</a> <a href="#">(IN FRENCH ONLY)</a> (No. 36276/10)	3	Violation of Art. 3	No breach of the right to respect for the family and private life on account of domestic authorities' refusal to establish a baby's paternity when the baby is already adopted
		<a href="#">LOMBARDO</a> <a href="#">(IN FRENCH ONLY)</a> (No. 25704/11)		3	Violation of Art. 3
	12 February 2013	ARMANDO IANNELLI <a href="#">(IN FRENCH ONLY)</a> (No. 24818/03)	2	Violation of Art. 8	Inadequate detention conditions given the applicant's health (partial paralysis)
MALTA	22 January 2013	<a href="#">SALIBA AND OTHERS</a> (No. 20287/10)	2	Violation of Art. 1 of Prot. 1	Domestic authorities' failure to deploy adequate and sufficient action to enforce the applicant's right to visit his daughter
		<a href="#">CAMILLERI</a> (No. 42931/10)		2	Violation of Art. 6 § 1
					Violation of Art. 7
					Lack of a fair trial within a reasonable time
					Domestic law's failure to satisfy the foreseeability requirement and provide effective safeguards against arbitrary punishment



MOLDOVA	15 January 2013	<a href="#">MITROFAN</a> (No. 50054/07)	3	Violation of Art. 3	Poor conditions of detention
				Violation of Art. 6 § 1	Domestic courts' failure to take into consideration the applicant's strongest arguments in his defence
Violation of Art. 13				Lack of an effective remedy in respect of violation of Art. 3	
	5 February 2013	<a href="#">IPATI</a> (No. 55408/07)	3	Violation of Art. 3	Ill-treatment in police custody and inhuman conditions of detention (overcrowding)
POLAND	12 February 2013	<a href="#">D.G.</a> (No. 45705/07)	3	Violation of Art. 3	Inadequate material conditions of the applicant's detention in view of his special needs (paraplegic)
ROMANIA	15 January 2013	<a href="#">CSOMA</a> (No. 8759/05)	2	Violation of Art. 8	Lack of an efficient investigation to establish the liability of the applicant's doctor
	29 January 2013	<a href="#">CATANĂ</a> <a href="#">(IN FRENCH ONLY)</a> (No. 10473/05)	3	Violation of Art. 3	Poor conditions of detention
				Violation of Art. 5 § 4	Domestic authorities' failure to ensure the applicant's presence at the hearing concerning his remand in custody
	12 February 2013	<a href="#">AUSTRIANU</a> (No. 16117/02)	2	Two violations of Art. 3	Ill-treatment by a prison guard; ineffectiveness of ensuing investigations
				No violation of Art. 3	Adequate medical care in detention (mental illness and ulcer)
	<a href="#">BUGAN</a> (No. 13824/06)	3	Violation of Art. 10	Unjustified damages paid after the publication of articles criticising a hospital's management	
RUSSIA	15 January 2013	<a href="#">MILTAYEV AND MELTAYEVA</a> (No. 8455/06)	3	Violation of Art. 1 of Prot. 1	Destruction of the applicants' property by domestic military forces (tank shot) during a military operation
		<a href="#">VELICHKO</a> (No. 19664/07)	3	Violation of Art. 3	Poor conditions of detention
				Violation of Art. 5 § 1	Unlawfulness of pre-trial detention
				Violation of Art. 5 § 3	Excessive length of pre-trial detention (2 years and 4 months)
No violation of Art. 6 § 1	Reasonable length of the proceedings due to the complexity of the case				



RUSSIA (continued)	22 January 2013	<a href="#">LASHIN</a> (No. 33117/02)	2	Violation of Art. 8	Lack of a judicial review of the applicant's legal incapacity
				Violation of Art. 5 § 1	Hospitalisation in a psychiatric clinic against the applicant's will
				Violation of Art. 5 § 4	Lack of a judicial review of the applicant's confinement in a psychiatric hospital
		<a href="#">OOO IVPRESS AND OTHERS</a> (Nos. 33501/04, 38608/04, 35258/05 AND 35618/05)	3	Violation of Art. 10	Conviction of the applicants for having publicly criticised the ways in which state officials and employees carried out their public functions
		<a href="#">SULEYMANOV</a> (No. 32501/11)	2	Violation of Art. 3 (procedural)	Domestic authorities' failure to effectively investigate into the applicant's allegations of ill-treatment
	5 February 2013	<a href="#">ANDREY GORBUNOV</a> (No. 43174/10)	3	Violation of Art. 3	Domestic authorities' refusal to let the applicant be transferred to a specialised cardiac hospital while suffering from a heart disease
		<a href="#">BAKOYEV</a> (No. 30225/11)	3	No violation of Art. 3	No risk of unfair trial and ill-treatment in case of extradition to Uzbekistan
				Violation of Art. 5 § 1	Unlawfulness of the applicant's detention before trial
				No violation of Art. 5 § 1	Lawfulness of the applicant's detention pending extradition after trial
				No violation of Art. 5 § 1 (f)	Lawfulness of detention with a view to extradition
		<a href="#">BUBNOV</a> (No. 76317/11)	3	No violation of Art. 3	Justified domestic authorities' refusal to release the applicant despite his HIV and hepatitis infections
		<a href="#">GURENKO</a> (No. 41828/10)	3	Violation of Art. 3	Inadequate medical care in detention regarding serious heart condition
	<a href="#">MKHITARYAN</a> (No. 46108/11)	3	Violation of Art. 3	Inadequate medical care in detention	
			No violation of Art. 5 § 3	Pre-trial detention founded on sufficient reasons and of reasonable length	
Violation of Art. 5 § 4			Domestic court's failure to speedily examined detention orders		

SERBIA	22 January 2013	<a href="#">MITIĆ</a> (No. 31963/08)	3	Two non-violations of Art. 2	No failure of the domestic authorities to prevent the suicide of the applicant's son due to the impossibility of foreseeing his act without any evidence (no known history of mental health, unusual behaviour or alert from his relatives to the domestic authorities); No failure of the domestic authorities to conduct an effective investigation in that respect
	5 February 2013	<a href="#">OTAŠEVIĆ</a> (No. 32198/07)	3	No violation of Art. 3	No ill-treatment following arrest and effective investigation in that respect
SPAIN	15 January 2013	EUSKO ABERTZALE EKINTZA – ACCION NACIONALISTA VASCA (EAE-ANV) <a href="#">(IN FRENCH ONLY)</a> (No. 40959/09)	2	No violation of Art. 11	Dissolution of the applicant party for legitimate reasons (public security, defence, public order and protection of the rights and freedoms of others)
« THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA »	15 January 2013	<a href="#">ARSOVSKI</a> (No. 30206/06)	3	Violation of Art.1 of Prot. 1	Expropriation of applicants' plot for the benefits of a private company
TURKEY	29 January 2013	<a href="#">GÜDENOĞLU AND OTHERS</a> (Nos. 42599/08, 30873/09, 38775/09, 38778/09, 40899/09, 40905/09, 43404/09, 44024/09, 44025/09, 47858/09, 53653/09, 5431/10 AND 8571/10)	3	Violation of Art. 10	Domestic Court's decision to suspend the publication and distribution of nine newspapers on the grounds that they had published propaganda material in favour of various illegal organisations
		<a href="#">SÜLEYMANOĞLU</a> <a href="#">(IN FRENCH ONLY)</a> (No. 38283/04)	3	Violation of Art. 5 § 3	Domestic authorities' failure to ensure the applicant's presence during the pre-trial detention order and inability of the applicant to present his case before the competent court
	12 February 2013	<a href="#">GÜLAYDIN</a> <a href="#">(IN FRENCH ONLY)</a> (No. 37157/09)	3	Violation of Art. 5 § 4	Applicant's inability to provide evidence concerning the charges against him while being held for three months in pre-trial detention
				Violation of Art. 3	Ill-treatment inflicted on the applicant by the police during a scuffle and lack of an effective remedy under domestic law

UKRAINE	17 January 2013	<a href="#">CHABROWSKI</a> (No. 61680/10)	3	Violation of Art. 8	Domestic authorities' prolonged failure to enforce a judicial decision concerning the return of the abducted child to the applicant
		<a href="#">SIZAREV</a> (No. 17116/04)	3	Four violations of Art. 3	Poor conditions of detention, domestic authorities' failure to ensure the applicant's safety in detention (applicant was beaten up by a cellmate), lack of an effective investigation of the incident and degrading and inadequate treatment during hospitalisation (applicant was handcuffed in his bed)
				Violation of Art. 5 § 1	Absence of concrete arguments justifying the applicant's remand in custody
				Violation of Art. 5 § 3	Continuation of unjustified pre-trial detention
				Violation of Art. 5 § 4	Lack of prompt judicial review regarding the lawfulness of the applicant's detention
		<a href="#">SLYUSAR</a> (No.39797/05)	3	Violation of Art. 2 (procedural)	Lack of an effective investigation into the applicant's brother's death
		<a href="#">MOSENDZ</a> (No. 52013/08)	2	Two violations of Art. 2	Failure of the relevant state to protect the life of the applicant's son while doing his military service and lack of the domestic authorities to conduct an effective investigation into the matter
				Violation of Art. 13	Lack of an effective remedy in respect to the applicant's complains due to a domestic jurisdictional conflict

THE UNITED KINGDOM	29 January 2013	<a href="#">BETTERIDGE</a> (No. 1497/10)	3	Violation of Art. 5 § 4	Domestic courts' failure to speedily review the lawfulness of the applicant's detention
		<a href="#">S.H.H.</a> (No. 60367/10)	2	No violation of Art. 3	Applicant's failure to prove that he would be exposed to ill-treatment if domestic authorities were to refuse his asylum application and remove him to his country of origin

### 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	CONCLUSIONS	KEYWORDS
ALBANIA	15 January 2013	<a href="#">THEMELI</a> (No. 63756/09)	Violation of Articles 6 § 1, 13 and 1 of Prot. 1	Delayed enforcement of final domestic court's decisions
		<a href="#">TUSHAJ</a> (No. 13620/10)	Violation of Articles 6 § 1 and 13	
BOSNIA AND HERZEGOVINA	15 January 2013	<a href="#">MOMIC AND OTHERS</a> (Nos. 1441/07 AND 4 OTHERS)	Violation of Articles 6 § 1, 13 and 1 of Prot. 1	Delayed or non-enforcement of final domestic court's decisions
		<a href="#">IGNJATIC AND OTHERS</a> (Nos. 6179/08 AND 3 OTHERS)	Violation of Articles 6 § 1 and 1 of Prot. 1	
		<a href="#">JANJIC AND OTHERS</a> (Nos. 29760/06 AND 3 OTHERS)		
	<a href="#">TOMIC AND OTHERS</a> (No. 14284/08)			
	22 January 2013	<a href="#">COSIC AND OTHERS</a> (Nos. 31864/06 AND 6 OTHERS)	Violation of Articles 6 and 1 of Prot. 1	Delayed or non-enforcement of final domestic court's decision concerning 6 applicants (other applications struck out of the list as inadmissible)
BULGARIA	5 February 2013	<a href="#">BASHIKAROVA AND OTHERS</a> (No. 53988/07)	Violation of Articles 6 § 1 and 13	Lack of adequate compensation for expropriation and excessive length of proceedings

ITALY	22 January 2013	CALDARELLA ( <a href="#">IN FRENCH ONLY</a> ) (No. 29703/06)	Violation of Articles 8 and 13	Disqualification measures imposed on the applicant following his bankruptcy; lack of an effective remedy in that respect
		GIANQUITTI AND OTHERS ( <a href="#">IN FRENCH ONLY</a> ) (No. 36228/02)	Violation of Articles 6 and 1 of Prot. 1	Indirect expropriation and excessive length of proceedings
		MUSELLA AND ESPOSITO ( <a href="#">IN FRENCH ONLY</a> ) (No. 14817/02)		
		VENTURA ( <a href="#">IN FRENCH ONLY</a> ) (No. 24814/03)		
	5 February 2013	RUBORTONE AND CARUSO ( <a href="#">IN FRENCH ONLY</a> ) (No. 24891/03)	Violation of Articles 6 § 1 and 1 of Prot. 1	Expropriation and excessive length of proceedings
RUBORTONE AND CARUSO ( <a href="#">IN FRENCH ONLY</a> ) (No. 24892/03)				
POLAND	22 January 2013	<a href="#">ROZANSKI</a> (No. 16706/11)	Violation of Art. 5 § 3	Excessive length of pre-trial detention (3 years and 7 months)
RUSSIA	22 January 2013	<a href="#">ZEMLYACHENKO</a> (No. 23866/06)	Violation of Art. 6 § 1	Lack of notification of appeal hearing
UKRAINE	17 January 2013	<a href="#">ROBOTA AND OTHERS</a> (Nos. 7158/04 AND 88 OTHERS)	Violation of Articles 6 § 1, 1 of Prot. 1 and 13	Non-enforcement of domestic decision
		<a href="#">VARAVA AND OTHERS</a> (Nos. 12405/06 AND 118 OTHERS)		

#### 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
BULGARIA	15 January 2013	ZHELEV ( <a href="#">IN FRENCH ONLY</a> ) (No. 39143/06)
GREECE	22 January 2013	EVROMART A.E. ( <a href="#">IN FRENCH ONLY</a> ) (No. 20885/10)
		KALATZI-KANATA ( <a href="#">IN FRENCH ONLY</a> ) (No. 951/10)

<b>HUNGARY</b>	22 January 2013	<a href="#">GYULA VARGA</a> (No. 32990/09)
		<a href="#">MARTON</a> (No. 11005/08)
		<a href="#">ZSOLNAY</a> (No. 44936/07)
<b>POLAND</b>	22 January 2013	<a href="#">ANDRZEJCZAK</a> (No. 28940/08)
<b>ROMANIA</b>	29 January 2013	<a href="#">BOROBAR AND OTHERS</a> (No. 5663/04)
	5 February 2013	<a href="#">APAHIDEANU</a> (No. 4998/02)
<b>SLOVAKIA</b>	5 February 2013	<a href="#">DMF, A.S.V.</a> (No. 27082/09)
		<a href="#">HAUSER</a> (No.12583/09)
<b>TURKEY</b>	22 January 2013	<a href="#">DEMIROGLU</a> (No. 27459/09)
		<a href="#">ERKIZAN</a> (No. 17074/09)
		<a href="#">GÜZELER</a> (No. 13347/07)
		<a href="#">KARA AND OTHERS</a> (No. 16785/09)

## B. The decision 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 15 to 31 Jan. 2013**. Those decisions are **selected** to provide the NHRs with potentially useful information on the reasons of the inadmissibility of certain applications addressed to the Court and/or on the friendly settlements reached.

STATE	DATE	CASE TITLE	ALLEGED VIOLATIONS (KEYWORDS)	DECISION
BULGARIA	15 January 2013	<a href="#">MITEV</a> (No. 12506/08)	Art. 6 § 1 (length of civil proceedings for the nullification of contract for the sale of an apartment), Articles 13 and 1 of Prot.1 (lack of effective remedies, violation of the applicant's property rights), Art. 6 (unfairness of a set of proceedings), Articles 6, 8 and Art. 1 of Prot. 1 (outcome of the proceedings), Art. 3 (degrading treatment inflicted on the applicant during the sets of proceedings by national authorities)	Struck out of the list (unilateral declaration by the respondent government concerning the length of proceedings and its impact on property rights), inadmissible as manifestly ill-founded (concerning the remainder of the application)
	29 January 2013	<a href="#">DASKALOV AND OTHERS</a> (No. 27915/06)	Articles 3 and 8 (painful treatment suffered by the applicants' wife and mother), Art. 13 (lack of an effective remedy in this respect)	Partly inadmissible as manifestly ill-founded (concerning claim under Art. 13), partly inadmissible (the applicants can no longer claim to be victims concerning claims under Articles 3 and 8)
THE CZECH REPUBLIC	15 January 2013	<a href="#">FUKSA</a> (No. 73093/11)	Art. 1 of Prot. 1 (violation of the applicant's right to protection of property), Art. 6 (application of the wrong text to the applicant's case by the domestic courts, Constitutional Court's decision insufficiently reasoned), Art. 14 (legislative exclusion of the applicant's claim on discriminatory grounds)	Partly incompatible <i>ratione materiae</i> with the provisions of the Convention (concerning claim under Art. 1 of Prot. 1), partly inadmissible as manifestly ill-founded (concerning claims under Articles 6 and 14)

ESTONIA	22 January 2013	<a href="#">ANDREYEV</a> (No. 42987/09)	Art. 1 of Prot. 7 and Art. 2 § 1 of Prot. 4 (deprivation of a residence permit), Art. 6 §§ 1 and 3 (c) and (d), Art. 13 and Art. 1 of Prot. 12 (excessive length and unfairness of proceedings, lack of impartiality, unequal treatment of the parties)	Inadmissible as manifestly ill-founded
	29 January 2013	<a href="#">PARFJONOV</a> (No. 6905/09)	Articles 6 § 1 and 13 (length of civil proceedings), Art. 1 of Prot. 1 and Art. 8 (deprivation of the applicant's right of property)	Partly inadmissible as manifestly ill-founded (concerning claims under Art. 1 of Prot. 1 and Art. 8), partly struck out of the list (unilateral declaration by the respondent government concerning claims under Articles 6 § 1 and 13)
GERMANY	22 January 2013	<a href="#">KURTH</a> (No. 33071/10)	Art. 6 § 1 read in conjunction with Art. 13 (excessive length of bankruptcy proceedings, lack of an effective remedy in respect of the expediency of the liquidator's work)	Partly inadmissible for non-exhaustion of domestic remedies (concerning excessive length of proceedings), partly manifestly ill-founded (concerning claims under Art. 13)
		<a href="#">DÖRR</a> (No. 2894/08)	Articles 1, 2 and 3, 5 § 1 (a) and (f), 6, 7 and 13 (applicant's preventive detention grounded upon untrue statements, unfair proceedings leading to an indefinite duration of detention, disproportionate and double punishment and mental torture)	Inadmissible as manifestly ill-founded
		<a href="#">EL-HABACH</a> (No. 66837/11)	Art. 8 (violation of the applicant's right to respect for private and family life on account of his expulsion to Lebanon), Art. 3 § 1 of the UN Convention on the Rights of the Child	Partly inadmissible as manifestly ill-founded (concerning claim under Art.8), partly incompatible <i>ratione materiae</i> with the provisions of the Convention (concerning claim under Art. 3 § 1 of the UN Convention on the Rights of the Child)





GERMANY (CONTINUED)	22 January 2013 (continued)	<a href="#">SHALA</a> (No. 15620/09)	Art. 8 (violation of the applicant's right to respect for family life on account of his deportation to Kosovo), Articles 2, 5 and 6 (risk of breach of the applicant's right to life and to physical integrity in case of forced return to Kosovo)	Inadmissible as manifestly ill-founded
		<a href="#">HAVERMANN AND HAVERMANN</a> (No. 51314/10)	Articles 6 and 6 § 1 (unfairness and excessive length of civil court proceedings), Art. 13 (lack of an effective legal remedy in this regard), Articles 1 of Prot.1 and 8 (unlawful judicial order to vacate the applicants' rented apartment to pay outstanding rent)	Partly inadmissible for non-exhaustion of domestic remedies (concerning claim under Art. 6 § 1), partly inadmissible as manifestly ill-founded (concerning claims under Articles 6, 13, 1 of Prot. 1 and 8)
		<a href="#">BANDELIN</a> (No. 41394/11)	Articles 6 § 1 and 13 (excessive length of administrative proceedings, lack of an effective remedy in that regard)	Partly inadmissible for non-exhaustion of domestic remedies (concerning claim under Art. 6 § 1), partly inadmissible as manifestly ill-founded (concerning claim under Art. 13)
HUNGARY	15 January 2013	<a href="#">BARANYAI AND BARANYAI</a> (No. 35223/09)	Art. 6 § 1 (outcome and unfairness of the proceedings), Art.1 of Prot.1 (violation of the applicants' right to the peaceful enjoyment of their possessions), Art.13 (lack of an effective remedy)	Inadmissible as manifestly ill-founded
		<a href="#">E.B.</a> (No. 34929/11)	Art.1 of Prot.1 (deprivation of the applicant's private pension contributions to the benefit of the state budget due to a new legislation)	Inadmissible as manifestly ill-founded
	29 January 2013	<a href="#">LUKÁCS</a> (No. 41896/07)	Articles 1 of Prot. 1, 6 and 13 (artworks unduly held under impoundment and unlawfully surrendered to a third person)	Partly inadmissible for non-exhaustion of domestic remedies (concerning claim under Art.1 of Prot.1), partly inadmissible as manifestly ill-founded (concerning claims under Articles 6 and 13)
LATVIA	29 January 2013	<a href="#">RUTKA</a> (No. 39045/02)	Art. 6 § 1 (violation of the principle of equality of arms and of the applicant's right to a fair trial on account of domestic court's refusal to take into account a written testimony)	Inadmissible as manifestly ill-founded

POLAND	15 January 2013	<a href="#">KRAWCZAK</a> (No. 10697/11)	Art. 6 § 1 (unreasonable length of the criminal proceedings)	Inadmissible as manifestly ill-founded
	29 January 2013	<a href="#">KOMATINOVIĆ</a> (No. 75381/10)	Articles 6 and 13 (no access to the Constitutional Court)	Inadmissible for abuse of the right of individual petition
POLAND AND SPAIN	15 January 2013	<a href="#">CHUDY-STERNIK</a> (No. 7063/10)	Art. 5 § 3 (unreasonable length of the applicant's pre-trial detention), Art. 5 § 1 (unlawful detention in Poland and Spain), Art. 6 (excessive length of the criminal proceedings, unfairness of the proceedings), Art. 8 (prison authorities censorship and obstruction of the applicant's correspondence with his wife)	Struck out of list (unilateral declaration by respondent government concerning claim under Art. 5 § 3), partly inadmissible for introduction of the complaint out of time (concerning claim under Art. 5 § 1), partly inadmissible for non-exhaustion of domestic remedies (concerning claim under Art. 6 § 1), partly inadmissible as manifestly ill-founded (concerning claims under Articles 6 and 8)
RUSSIA	15 January 2013	<a href="#">AKSENOV</a> (No. 13817/05)	Art. 3 (contraction of tuberculosis in prison hospital), Articles 3 and 6 (poor conditions of detention, ill-treatment by the police after the applicant arrest, erroneous prosecutor's decision, unfairness of compensation proceedings)	Inadmissible as manifestly ill-founded
	22 January 2013	<a href="#">DZHAMALDAYEV</a> (No. 39768/06)	Art. 6 (excessive length of civil proceedings), Art. 1 of Prot. 1 and Art. 13 (violation of the applicant property rights, lack of an effective remedy in this regard), other alleged violations of the Convention	Partly inadmissible for failure to comply with the six-month rule (concerning claims under Art. 1 of Prot. 1 and Art. 13), partly inadmissible as manifestly ill-founded
SERBIA	29 January 2013	<a href="#">KOMATINOVIĆ</a> (No. 75381/10)	Articles 6 and 13 (no access to the Constitutional Court)	Inadmissible for abuse of the right of individual petition

SLOVENIA	15 January 2013	<a href="#">BREZNIK</a> (No. 16346/06)	Articles 6 § 1 and 13 (undue length of the proceedings, lack of an effective remedy in that regard), Art. 14 (discrimination by the domestic courts compared with others applicants in similar situations), Art. 8 (concept of family unlawfully broadened by domestic courts by giving half-siblings the right to inherit), Art.1 of Prot. 1 (reduction of the applicant's share of the inheritance as a consequence)	Inadmissible as manifestly ill-founded
		<a href="#">KATIČ</a> (No. 5830/10)	Articles 3 and 8 (poor conditions of the applicant's detention), Art. 13 (lack of an effective remedy in this regard)	Inadmissible as manifestly ill-founded
		<a href="#">MARGUČ</a> (No. 14889/08)	Art. 6 § 1 (breach of the applicant's right to a fair trial on account of a lack of oral and public hearing before a court), Articles 6 and 13 (deprivation of access to a court through the decision of the Constitutional Court which retroactively interfered with the applicant's rights, breach of the applicant's right to the presumption of innocence, breach of the applicant right of liberty when stopped by the police without any warning)	Inadmissible as manifestly ill-founded
		<a href="#">SOTNER</a> (No. 5816/10)	Articles 3 and 8 (poor conditions of the applicant's detention), Art.13 (lack of an effective remedy in this regard)	Inadmissible as manifestly ill-founded
		<a href="#">SRPAK</a> (No. 5951/10)	Articles 3 and 8 (poor conditions of the applicant's detention), Art.13 (lack of an effective remedy in this regard)	Inadmissible as manifestly ill-founded
	22 January 2013	<a href="#">JELER</a> (No. 36733/06 AND 7 OTHERS)	Articles 6 § 1 and 13 (excessive length of labour proceedings, lack of an effective remedy in that respect), compensation for pecuniary damage	Struck out of the list (it is no longer justified to continue the examination of the application under Art. 6 § 1), inadmissible as manifestly ill-founded (concerning claim under Art. 13)
SPAIN	22 January 2013	<a href="#">JAURRIETA ORTIGALA</a> (No. 24931/07)	Art. 6 (breach of the applicant's right of access to a court by the Constitutional Court's decision rejecting his <i>amparo</i> appeal against the refusal to grant him a prison leave)	Inadmissible as manifestly ill founded

<p><b>“THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA”</b></p>	<p>15 January 2013</p>	<p><a href="#">LUKAREV</a> (No. 3172/07)</p>	<p>Art. 6 (Supreme Court’s decision not sufficiently reasoned, lack of impartiality, violation of the principle of equality of arms), Art. 13 (lack of an effective remedy against the Supreme Court’s decision), Art. 1 of Prot. 1 (low compensation awarded to the applicant in the restitution proceedings)</p>	<p>Inadmissible for abuse of the right of application</p>
<p><b>TURKEY</b></p>	<p>15 January 2013</p>	<p><a href="#">DURMAZ</a> (No. 47720/08)</p>	<p>Unfairness of criminal proceedings, ill-treatment during the applicant’s police custody (no article mentioned), Art. 6 (no access to a lawyer during the preliminary investigation), Art. 5 (excessive length of pre-trial detention)</p>	<p>Partly inadmissible as manifestly ill-founded (concerning claim under Art. 6 § 1), partly inadmissible for introduction of the complaints out of time</p>
		<p><a href="#">HAN</a> (No. 31248/09)</p>	<p>Art. 2 (ineffectiveness of the investigation into the applicant’s husband’s killing)</p>	<p>Inadmissible for introduction of the complaint out of time</p>
		<p><a href="#">ŞENTÜRK</a> (No. 51297/08)</p>	<p>Art. 6 (breach of a fair trial), Art. 6 § 3 (d) (deprivation of the applicant’s right to confront the witness who testified against him)</p>	<p>Inadmissible as manifestly ill-founded</p>
	<p>22 January 2013</p>	<p><a href="#">TUNCER</a> (No. 31446/09)</p>	<p>Art. 6 (excessive length of the criminal proceedings, lack of impartiality of the judges), Art. 6 § 2 (violation of the applicant’s right to the presumption of innocence), Art. 6 § 3 (no recall of the applicant’s right to a lawyer and to remain silent, absence of the court clerk during the interview), Art.13 (lack of an effective remedy to challenge the decisions of the Supreme Council), Articles 6 and 13 (release from detention of an important suspect for the applicant case)</p>	<p>Partly adjourned (concerning the length of the proceedings and the lack of independence and impartiality of the trial court), partly inadmissible as manifestly ill-founded (concerning claims under Articles 6 §§ 1 and 3 (c), 6§3, 6 and 13), partly inadmissible for introduction of the complaints out of time (concerning claims under Art. 6§2 in conjunction with Art.13)</p>



UKRAINE	22 January 2013	<a href="#">MARIYANCHUK</a> (No. 14490/07 )	Art. 5 § 5 (lack of compensation for the applicant's unlawful pre-trial detention), Art. 6 (domestic courts' failure to consider the applicant's compensation claim, excessive length of pre-trial detention, excessive length of criminal proceedings), Art. 6 § 3 (b) and (c) (unfair hearing in the applicant criminal case), Art. 5 § 1 (unlawful detention), Art. 3 (poor conditions of detention and incompatibility of detention with the applicant's state of health)	Partly adjourned (concerning length of pre-trial detention and length of criminal proceedings), partly inadmissible as manifestly ill-founded
	22 January 2013	<a href="#">URZHANOV</a> (No. 24392/06 )	In particular, articles 3 and 6 (applicant forced to give a self-incriminating testimony), Art. 6 (unfair conviction and trial), Art. 6 § 2, Art. 7 (applicant's penalty heavier than that envisaged by law), Art. 8, Art. 3 (poor conditions of detention)	Partly adjourned (concerning the poor conditions of detention), partly inadmissible as manifestly ill-founded
THE UNITED KINGDOM	15 January 2013	<a href="#">L.L.</a> (No. 39678/09)	Art. 5 § 1 (unlawful detention in an adult prison to serve a sentence of youth detention), Art. 14 in conjunction with Art. 5 § 1 (discriminatory detention in an adult wing on the grounds of the applicant's sex)	Inadmissible for non-exhaustion of domestic remedies
	15 January 2013	<a href="#">YOUNG</a> (No. 38663/08)	Articles 6 and 8 (breach of the applicant's right to a fair trial by an impartial court, breach of his right to respect for his home)	Inadmissible as manifestly ill-founded

### 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. A **selection** of those cases is proposed below.

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	KEYWORDS OF QUESTIONS SUBMITTED TO THE PARTIES
CYPRUS	21 January 2013	<a href="#">PHILIPPOU</a> (No. 71148/10)	Alleged violations of Art. 1 of Prot. 1 – Forfeiture of the applicant’s pension rights; Art. 13 – Applicant’s inability to contest the legality of a decision of the Public Service Commission; Art. 14 taken together with Art. 1 of Prot. 1 and Art. 1 of Prot. 12 – Discrimination against the applicant on ground of marital status
ESTONIA	22 January 2013	<a href="#">JUSSI OSAWE</a> (No. 63206/10)	Alleged violations of Art. 6 § 1 – Applicant’s inability to challenge before domestic courts the entry of the birth register about her child’s father; Art. 8 – Applicant’s child put into a situation where a wrong person had been entered in the birth register as her father
FRANCE	14 February 2013	ADEFDROMIL ( <a href="#">IN FRENCH ONLY</a> ) (No. 32191/09)	In particular, alleged violations of Art. 11 – Total ban on military’s ability to create, organise or be members of trade unions
GERMANY	30 January 2013	<a href="#">KOZIOL</a> (No. 70904/10)	Alleged violations of Articles 5 § 1 and 7 – Preventive detention allegedly imposed retrospectively under a legal provision which entered into force after the applicant had committed his offences and after he had been convicted; Articles 6 and 13 – Excessive length of proceedings
ITALY	7 February 2013	CUSAN AND FAZZO ( <a href="#">IN FRENCH ONLY</a> ) (No. 77/07)	Alleged violations of Art. 8, taken alone or in conjunction with Art. 14, and of Art. 5 of Prot. 7 – Domestic authorities’ refusal de grant to the applicant the right to give to their daughter the family name of her mother
LITHUANIA	18 January 2013	<a href="#">SEMENAS</a> (No. 42233/11)	Alleged violations of Art. 3 – Ill-treatment and degrading conditions of detention
MOLDOVA, RUSSIA AND UKRAINE	17 January 2013	<a href="#">TOTCHI AND OTHERS</a> (No. 8833/10)	In particular, alleged violations of Art. 2 – Domestic authorities’ failure to create a framework to effectively prevent the risk to the life of consumers by failing to provide for a system of emergency alerts and a protocol to be followed in life-threatening food poisoning circumstances
MOLDOVA AND RUSSIA	30 January 2013	<a href="#">REZANOV</a> (No. 33694/12)	Alleged violations of Art. 3 – Inhuman conditions of detention; Art. 5 § 1 – Deprivation of liberty by persons not authorised under domestic law to carry out arrests and to convict a person; Art. 7 – Conviction of the applicant pursuant to a “law”, which was no part of domestic law; Art. 13 – Lack of effective remedies in those respects



ROMANIA	29 January 2013	<a href="#">BOACA AND OTHERS</a> (No. 40355/11)	Alleged violations of Art. 3 – Ill-treatment at a Police Station; Art. 14 taken together with Art. 3 – Ill-treatment and decision not to bring criminal charges against the police agents predominantly due to the applicant's Roma ethnicity; Art. 6 § 1 taken alone or in conjunction with Art. 13 – Lack of an effective investigation and unfairness of criminal proceedings
	30 January 2013	<a href="#">M.C. AND A.C.</a> (No. 12060/12)	In particular, alleged violations of Articles 3 and 8 – Domestic authorities' failure to investigate adequately the applicants' criminal complaints concerning acts of violence motivated by hatred against homosexuals, and lack of adequate legislative and other measures to combat hate-crimes directed against sexual minorities
RUSSIA	22 January 2013	<a href="#">LASHMANKIN</a> (Nos. 57818/09 AND 14 OTHERS)	Alleged violations of Art. 10 and 11 – <i>De facto</i> ban on a commemoration picket organised by the applicant on account of domestic authorities' suggestion to change the location and time of the picket; Art. 6 § 1 – Unfairness of judicial proceedings
	22 January 2013	<a href="#">USPANOV</a> (No. 48053/06)	In particular, alleged violations of Art. 3 – Subjection to torture and domestic authorities' failure to carry out an effective investigation into the matter; poor conditions of detention amounting to the contraction of tuberculosis; unacknowledged detention
TURKEY	28 January 2013	<a href="#">TORLAK</a> (Nos. 48176/11 AND 4 OTHERS)	In particular, alleged violations of Art. 2 – Killing of the applicants' relatives by police officers; Articles 2 and 13 – Lack of effective investigations in that respect; Art. 14 – Violation of the applicants' rights because of their Kurdish origins
	14 February 2013	<a href="#">H.C.</a> (No.6428/12)	Alleged violations of Art. 8 taken alone or in conjunction with Art. 14 – Criminalisation of homosexual relations
THE UNITED KINGDOM	30 January 2013	<a href="#">BROUGH</a> (No. 52962/11)	Alleged violations of Art. 11 taken alone or in conjunction with Art. 14 – Absence of legal protection against blacklisting

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

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

The Committee of Ministers of the Council of Europe published the [decisions and resolutions](#) adopted at its third special human rights meeting for 2012 (24-26 September 2012).

## Part III: General Agenda

The “General Agenda” presents events that either took place or were announced<sup>2</sup> during the period under observation (15 Jan. -15 Feb. 2013) for this RSIF.

### January 2013

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- 16 January:
  - 1159th meeting of the Ministers' Deputies ([read more](#));
  - Council of Europe anti-torture Committee visited prison on the island of Imrali, Turkey (until 17 January - [read more](#));
- 28 January:
  - Visit in Montenegro of the Advisory Committee on the Framework Convention for the Protection of National Minorities (until 1 February - [read more](#));
- 29 January:
  - Council of Europe anti-torture committee visited San Marino ([read more](#));
- 30 January:
  - 1160th meeting of the Ministers' Deputies ([read more](#))

### February 2013

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- 6 February:
  - Council of Europe anti-torture Committee visited San Marino ([read more](#));
  - Conference: “Making diversity work for cities” (until 8 February – [programme](#));
  - High-level conference in Andorra - "Competences for a culture of democracy and intercultural dialogue: a political challenge and values" ([read speeches](#));
- 8 February:
  - Colloquium about the Council of Europe and ILO, two institutions working to achieve social justice - the application of norms in Europe and France and their impact ([programme](#)).

### March 2013

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- 11-13 March:
  - The PACE President Jean Claude Mignon is to make an official visit to Serbia.

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<sup>2</sup> These are subsequently due to take place.



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

### A. European Social Charter (ESC)

#### Conclusions for 2012 of the ESC are available (29.01.2013)

It is now possible to consult Conclusions 2012 and Conclusions XX-1 (2012) by State Party. These conclusions contain the assessments of the European Committee of Social Rights on the application of the Charter covering Charter rights pertaining to "employment, training and equal opportunities". Conclusions were adopted for the first time with respect to Montenegro, the Russian Federation and Serbia ([read more](#)).

#### Eleven newly registered collective complaints available for consultation (13.02.2013)

- Finnish Society of Social Rights v. Finland ([Complaint No. 88/2012](#))
- Federation of Catholic Family Associations in Europe (FAFCE) v. Ireland ([Complaint No. 89/2013](#))
- Conference of European Churches (CEC) v. the Netherlands ([Complaint No. 90/2013](#))
- *Confederazione Generale Italiana del Lavoro* (CGIL) v. Italy ([Complaint No. 91/2013](#))
- Association for the Protection of All Children (APPROACH) Ltd v. France ([Complaint No. 92/2013](#))
- Association for the Protection of All Children (APPROACH) Ltd v. Ireland ([Complaint No. 93/2013](#))
- Association for the Protection of All Children (APPROACH) Ltd v. Italy ([Complaint No. 94/2013](#))
- Association for the Protection of All Children (APPROACH) Ltd v. Slovenia ([Complaint No. 95/2013](#))
- Association for the Protection of All Children (APPROACH) Ltd v. Czech Republic ([Complaint No. 96/2013](#))
- Association for the Protection of All Children (APPROACH) Ltd v. Cyprus ([Complaint No. 97/2013](#))
- Association for the Protection of All Children (APPROACH) Ltd v. Belgium ([Complaint No. 98/2013](#)).

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

#### Council of Europe anti-torture Committee published report on Greenland (22.01.2013)

The CPT published the report on its visit to Greenland from 25 to 27 September 2012. It was the Committee's first visit to this semi-autonomous entity within the Kingdom of Denmark. The report, which has been made public at the request of the Danish authorities, is available on the Committee's website ([read the report](#)).

#### Council of Europe Secretary General welcomed publication of anti-torture Committee report on the Russian Federation - Report made critical assessment of treatment of detained persons in Northern Caucasus (24.01.2013)

In a report published on 24 January 2013, the CPT expressed serious concerns about the treatment of persons held by law enforcement agencies in the North Caucasian region of the Russian Federation and the effectiveness of the action taken by the investigative authorities concerning possible ill-treatment ([read more](#)).

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

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

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

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

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

**Secretary General of the Council of Europe, Thorbjørn Jagland issued an impassioned call for Europe to reaffirm its collective and individual commitment to protect human rights, solidarity and democracy, but warned that widespread corruption was undermining citizens' trust in the rule of law (22/01/2013).**

Speaking to the Parliamentary Assembly, Thorbjørn Jagland recognised that Europe is facing a number of concurrent crises – financial, institutional and a crisis of confidence. “Corruption is the biggest single threat to democracy in Europe today. More and more people on our continent are losing faith in the rule of law. The Council of Europe has to act, and act now”, Jagland asserted. Highlighting the importance of GRECO, he said “I urge all member states to take seriously the recommendations of the Council of Europe’s monitoring bodies”. Detailing his vision for the way forward, Mr Jagland proposed that the Council of Europe concentrate on four priorities: fighting corruption and helping governments to implement judicial reforms; protecting freedom of expression and of the media; fighting intolerance and hate speech; and promoting diversity and protecting minorities (read the speech: [\[EN\]](#) – [\[FR\]](#))

**GRECO has published its Fourth Round Evaluation Report on Poland. It focused on the prevention of corruption of members of parliament, judges and prosecutors (25/01/2013).**

GRECO acknowledged the solid legal framework established by Poland for preventing conflicts of interest, and ultimately corruption ([read more](#) – [read the report](#)).

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

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

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

**GRETA published report on Malta (24/01/2013)**

GRETA published its first evaluation report on Malta. In the report, GRETA noted the progress made by the Maltese authorities to develop the institutional and legal framework for combating trafficking in human beings, including the adoption of the first national action plan on combating trafficking in persons in October 2011 and the setting up of the Human Trafficking Monitoring Committee and a Stakeholder Task Force against human trafficking. The report stated that only 25 people in Malta were found to be victims of human trafficking between 2003 and 2011, all of whom were foreign nationals trafficked for sexual exploitation. However, GRETA considered that these figures might not reflect the true situation, given the lack of a formal procedure for identifying victims. The report welcomed the efforts made by the Maltese authorities to review identification and urges them to improve the procedure and to focus more on detecting trafficking for labour exploitation ([read more](#) – [read the report](#)).

### **GRETA published report on France (28/01/2013)**

GRETA urged the French authorities to take a number of steps to improve the country's fight against trafficking in human beings. In its first report on human trafficking in France, GRETA called upon the authorities to launch a co-ordinated national anti-trafficking action plan as a matter of priority. The expert group also recommended that a nation-wide referral mechanism be set up to formally identify victims of trafficking and ensure that they are helped and protected. The report underlined gaps in data collection and the identification of emerging trends, especially with regard to labour exploitation. Nevertheless, there are indications that there may be several thousand victims of human trafficking in France every year. The number of child victims of trafficking is thought to be increasing, notably with regard to children of Roma origin trafficked from South East Europe to take part in forced begging and theft ([read more](#) – [read the report](#)).

### **GRETA published report on Latvia (31/01/2013)**

GRETA warned that official figures might underestimate the scale of trafficking in Latvia. GRETA also urged the Latvian authorities to take further steps to prevent human trafficking, especially among vulnerable groups. In its first report on Latvia, GRETA highlighted several important steps, which have been taken in recent years – including the launch of two national anti-trafficking programmes and the creation of both a national coordinator and an inter-institutional working group. The allocation of resources to help victims was also praised, as was cooperation with NGOs and international organisations ([read more](#) – [read the report](#)).

### **GRETA published report on Portugal (12/02/2013)**

GRETA called on the Portuguese authorities to improve the assistance provided to victims of trafficking in human beings, and to provide them with appropriate and safe accommodation. In its first report on Portugal, which was published on the 12 February 2013, GRETA acknowledged that Portugal has taken important steps to prevent and combat trafficking in human beings, although it also urged the authorities to take further measures to improve the identification of victims and the prosecution of traffickers ([read more](#) - [read the report](#)).





## Part V: The inter-governmental work

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

COUNTRY	CONVENTION	RATIF.	SIGN.	DATE
ALBANIA	Council of Europe Convention on preventing and combating violence against women and domestic violence ( <a href="#">CETS No. 210</a> )	X		4 February 2013
CROATIA	Council of Europe Convention on preventing and combating violence against women and domestic violence ( <a href="#">CETS No. 210</a> ).		X	22 January 2013
CZECH REPUBLIC	Third Additional Protocol to the European Convention on Extradition ( <a href="#">CETS No. 209</a> )	X		17 January 2013
DOMINICAN REPUBLIC	Convention on Cybercrime ( <a href="#">ETS No. 185</a> )	X		7 February 2013
FRANCE	Protocol No. 3 to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities concerning Euroregional Co-operation Groupings (ECGs) ( <a href="#">CETS No. 206</a> )	X		29 January 2013
ITALY	Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters ( <a href="#">ETS No. 182</a> )		X	23 January 2013
	Third Additional Protocol to the European Convention on Extradition ( <a href="#">CETS No. 209</a> )		X	23 January 2013
	Fourth Additional Protocol to the European Convention on Extradition ( <a href="#">CETS No. 212</a> )		X	23 January 2013
LUXEMBOURG	Council of Europe Convention on the Prevention of Terrorism ( <a href="#">CETS No. 196</a> )	X		31 January 2013
MOROCCO	European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches ( <a href="#">ETS No. 120</a> ).	X		17 January 2013
MONTENEGRO	Additional Protocol to the Convention on Human Rights and Biomedicine, concerning Biomedical Research ( <a href="#">CETS No. 195</a> )	X		12 February 2013
	Additional Protocol to the Convention on Human Rights and Biomedicine concerning Genetic Testing for Health Purposes ( <a href="#">CETS No. 203</a> )	X	X	12 February 2013
PORTUGAL	Council of Europe Convention on preventing and combating violence against women and domestic violence ( <a href="#">CETS No. 210</a> )	X		5 February 2013

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

NATURE OF THE TEXT	TEXT NUMBER	OBJECT	DATE
RECOMMENDATIONS	<a href="#">CM/RecChL(2013)2E</a>	Application of the European Charter for Regional or Minority Languages by the Slovak Republic	31 January 2013
	<a href="#">CM/RecChL(2013)1E</a>	Application of the European Charter for Regional or Minority Languages by the Czech Republic	
RESOLUTIONS	<a href="#">CM/ResChS(2013)1E</a>	European Roma and Travellers Forum (ERTF) against France, Complaint No. 64/2011	5 February 2013
	<a href="#">CM/ResChS(2013)2E</a>	General Federation of employees of the National Electric Power Corporation (GENOP-DEI) and Confederation of Greek Civil Servants' Trade Unions (ADEDY) against Greece, Complaint No. 65/2011	
	<a href="#">CM/ResChS(2013)3E</a>	General Federation of employees of the National Electric Power Corporation (GENOP-DEI) and Confederation of Greek Civil Servants' Trade Unions (ADEDY) against Greece, Complaint No. 66/2011	

## C. Other news of the Committee of Ministers

### Andorran Chairmanship to promote knowledge of the Convention among civil society and youth (21.01.2013)

Speaking at PACE, Gilbert Saboya, Foreign Affairs Minister of Andorra, announced that the Andorran Chairmanship of the Committee of Ministers will soon launch a campaign to promote the European Convention of Human Rights. The campaign will aim to mobilise civil society and youth to increase awareness on human rights protection, in accordance with the main theme of the chairmanship: the promotion of human rights and democracy through education. Gilbert Saboya explained work in progress in the reform of the European Court of Human Rights, in particular with regard to the draft text of Protocol No. 15, which aims to reinforce its efficacy. The draft has already been sent for opinion to PACE and to the Court, with the objective of submitting it for approval by the Committee of Ministers in May this year ([read the speech](#) - [read the report by the Chair of the CM](#)).

## Part VI: The parliamentary work

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

NATURE OF THE TEXT	TEXT NUMBER	OBJECT	DATE
RESOLUTIONS	1912	<i>The situation in Kosovo and the role of the Council of Europe</i> The PACE noted that, since the unilateral declaration of independence in 2008, Kosovo continues to seek international recognition while further developing its democratic institutions. ( <a href="#">Read more</a> )	22 January 2013
	1913	<i>The activities of the European Bank for Reconstruction and Development (EBRD)</i> The PACE has reviewed the activities of the EBRD in the period 2010-2012 in the light of the reports by the Bank and the report prepared by the Committee on Political Affairs and Democracy. Following the reform of the Assembly's structures and working methods, which took effect in January 2012, the Assembly has sought to make the debate more political and to focus more on a political assessment of the work of the Bank and not so much on its actual activities as in the past. ( <a href="#">Read more</a> )	
	1914	<i>Ensuring the viability of the Strasbourg Court: structural deficiencies in States Parties</i> The PACE considered that the viability of the human rights protection system based on the European Convention on Human Rights falls within the scope of the shared responsibility, alongside the Committee of Ministers, of both States Parties and the European Court of Human Rights. However, the PACE stated that it is the primary responsibility of States Parties to ensure that the Convention is applied effectively at national level. ( <a href="#">Read more</a> )	
	1915	<i>Post-monitoring dialogue with Bulgaria</i> The PACE appreciated the important efforts made by the Bulgarian authorities, even if some concerns still remain. The PACE encouraged the Bulgarian authorities to implement and fulfil all commitments to ensure democratic progress. Against this background, the PACE resolved to continue the post-monitoring dialogue with the Bulgarian authorities in respect of reform of the judiciary, media freedom and transparency of ownership, as well as the revision of the Electoral Code, and, in accordance with its internal procedures, to closely follow the developments in this country. ( <a href="#">Read more</a> )	
	1916	<i>Georgia and Russia: the humanitarian situation in the conflict- and war-affected areas</i> Over four years after the war between Georgia and Russia in 2008, the humanitarian consequences of the conflict remain a major concern ( <a href="#">Read more</a> )	

RESOLUTIONS (continued)	1917	<p><i>The honouring of obligations and commitments by Azerbaijan</i></p> <p>The PACE assessed the progress made by Azerbaijan in the fulfilment of its obligations and commitments incumbent upon every member state under Article 3 of the Statute with regard to pluralist democracy, the rule of law and human rights. The PACE noted the substantial progress of Azerbaijan since its accession with regard to the signature and ratification of Council of Europe legal instruments, and also clear progress in the establishment of the legislative framework in some areas crucial for the functioning of democratic institutions in compliance with European standards. However, the PACE regretted that progress in term of the implementation of some law had not been satisfactory and thus resulting in growing concern with regard to the rule of law and respect for human rights.</p> <p style="text-align: right;"><a href="#">(Read more)</a></p>	23 January 2013
	1918	<p><i>Migration and asylum: mounting tensions in the Eastern Mediterranean</i></p> <p>The PACE believed that firm and urgent measures are needed to tackle the mounting pressure and tension over asylum and irregular migration into Greece, Turkey and other Mediterranean countries. The PACE assessed that while the European Union has shown great determination when it comes to saving its banking systems, it needs to demonstrate, along with non-European Union member states of the Council of Europe, similar levels of solidarity in the field of migration and asylum, where economic, social and humanitarian considerations collide. Without sufficient support for this humanitarian crisis, there is a great risk of political destabilisation in the countries affected.</p> <p style="text-align: right;"><a href="#">(Read more)</a></p>	24 January 2013
	1919	<p><i>Recent developments in Mali and Algeria and the threat to security and human rights in the Mediterranean region</i></p> <p>The PACE expressed its concern about the human rights and security situation in Mali and the recent crisis into Algeria, a country in the Council of Europe's immediate neighbourhood, where, on 16 January 2013, hundreds of Algerian and foreign nationals were taken hostage by radical terrorist groups</p> <p style="text-align: right;"><a href="#">(Read more)</a></p>	
	1920	<p><i>The state of media freedom in Europe</i></p> <p>The PACE stressed that freedom of expression and information constitutes a cornerstone of good governance and thriving democracy, as well as a fundamental obligation of each member state under Article 10 of the European Convention on Human Rights. In this context, the PACE condemned the numerous attacks against investigative journalists as well as threats against people working with investigative media. It also recalled that media ownership is to be made transparent, and noted with concern recent incidences of collusion of media and media owners with politicians and state officials, which undermine public confidence in democratic government and independent media. Thus, the PACE called on the states which do not respect this freedom of expression and information, by threats or attacks against journalists, or restraint of public media, to take steps in order to address their shortcomings.</p> <p style="text-align: right;"><a href="#">(Read more)</a></p>	

<b>RESOLUTIONS</b> (continued)	1921	<p><i>Gender equality, reconciliation of personal and working life and shared responsibility</i></p> <p>The PACE considered that although progress has been made along the path towards gender equality, a traditional division of roles remains in Europe. The PACE called on the members states to continue taking measures in order to improve the reconciliation of personal and working life for both women and men and foster gender equality. (<a href="#">Read more</a>)</p>	25 January 2013
	1922	<p><i>Trafficking of migrant workers for forced labour.</i></p> <p>The PACE expressed its concern about the massive scale of human trafficking, and noted the importance of an action from the member states. (<a href="#">Read more</a>)</p>	
<b>RECOMMENDATIONS</b>	2006	<p>The situation in Kosovo and the role of the Council of Europe. Referring to its resolution 1912 on the same subject, the PACE reiterated its stance that, irrespective of the status of Kosovo, the people living there should enjoy good governance, democracy, rule of law and the same legal and human rights as other people in Europe. The PACE welcomed the greater engagement of the Council of Europe in Kosovo and the recent proposal by the Secretary General of the Council of Europe to introduce the possibility of direct interaction between Council of Europe officials and the relevant and competent authorities in Kosovo on the basis of the functional responsibilities exercised by them (<a href="#">Read more</a>)</p>	22 January 2013
	2007	<p><i>Ensuring the viability of the Strasbourg Court: structural deficiencies in States Parties.</i></p> <p>The PACE, referring to its resolution 1914, urged the Committee of Ministers to continue to use all available means to ensure the viability of the European Court of Human Rights. The PACE reiterated its call to increase pressure and take firmer measures in cases of dilatory and continuous non-compliance with the Court's judgments by State Parties (<a href="#">Read more</a>)</p>	
	2008	<p><i>Georgia and Russia: the humanitarian situation in the conflict and war-affected areas.</i></p> <p>The PACE referred to its Resolution 1916, on the same subject. It welcomed the activities being carried out by the Council of Europe which contribute to keeping a dialogue open and building confidence in the region and encouraged the Committee of Minister to continue its currents measures. Thus the PACE made some recommendations for this purpose (<a href="#">Read more</a>)</p>	23 January 2013
	2009	<p><i>Towards a Council of Europe convention to combat trafficking in organs, tissues and cells of human origin.</i></p> <p>The PACE welcomed the draft Council of Europe convention against trafficking in human organs and considered that this text represents the culmination of several years of efforts by the Council of Europe in the field of organ trafficking (<a href="#">Read more</a>).</p>	
	2010	<p><i>Migration and asylum: mounting tensions in the eastern Mediterranean.</i></p> <p>The PACE referred to its Resolution 1918 (2013) on the same subject and considered that Council of Europe has a role to play in assisting member states in the Mediterranean facing challenges due to the large-scale flow of irregular migrants, asylum seekers and refugees. (<a href="#">Read more</a>)</p>	24 January 2013

<b>RECOMMENDATIONS</b> (continued)	2011	Trafficking of migrant workers for forced labour The PACE welcomed the draft Council of Europe convention against trafficking in human organs and invited the Committee of Ministers, in the context of the preparation of the program of activities for 2014-2015, to give priority to the issue of fighting human trafficking, including for forced labour <a href="#">(Read more)</a>	25 January 2013
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## **B. Other news of the Parliamentary Assembly of the Council of Europe (PACE)**

### **➤ Themes**

#### **States urged to tackle ‘structural problems’ overloading the Strasbourg Court (22.01.2013).**

PACE has urged Council of Europe member states to come up with comprehensive strategies to end the “major structural problems” which are overloading the European Court of Human Rights with thousands of repetitive cases. ([Read more](#))

#### **PACE-EBRD: more synergy in supporting emerging democracies in the Arab world. (22.01.2013)**

While welcoming the extension of the geographic scope of the EBRD’s mandate, PACE called on the Bank to step up co-ordination with the Assembly and other relevant bodies in order “to develop synergy in the wider European efforts to support the emerging democracies in the Arab world”. ([Read more](#))

#### **PACE President called for vigilance in the face of rising Euro-scepticism and populism (22.01.2013)**

On the occasion of the 50th anniversary of the Elysée Treaty, the President of PACE, Jean-Claude Mignon, has stressed that, more than ever, Franco-German reconciliation offers a message of encouragement and perseverance wherever reconciliation still seems premature, but also a message of vigilance in the face of rising Euro-scepticism and populism. ([Read more](#))

#### **Mali: PACE calls for increased involvement and solidarity in support of Malian and French forces (24.01.2013)**

The PACE, meeting in plenary session, said that “the increased involvement of, and solidarity by, European and African states, the EU and the United States of America, in support of Malian and French forces on the ground”, are necessary to put an end to the establishment of a “regime based on terrorism, hostage taking and drug and arms-trafficking in the Sahel” and restore Mali’s constitutional order and territorial integrity. ([Read more](#))

**Jean-Claude Mignon and Štefan Füle: our close co-operation is a powerful tool to support deep-rooted democracy and transformation (24.01.2013)**

Štefan Füle, European Commissioner for Enlargement and European Neighbourhood Policy, after stating that co-ordination between the European Union and the Council of Europe is crucial for coherent and effective action ([24.01.2013](#)), joined his voice to Jean-Claude Mignon, President of the PACE, to reaffirm the need of a close and joint cooperation and engagement with their partners in the East and in the Southern neighbourhood. Mr Mignon and Mr Füle said that the European Union-Council of Europe joint programmes provide the countries with real support and practical, visible results, and stated their wish to expand the parliamentary side of this joint assistance and co-operation programmes. ([Read more](#)) ([Listen to the joint press conference by Mr Mignon and Mr Füle](#))

#### **Match-fixing – a plague which is killing sport, says PACE rapporteur (04.02.2013)**

Anne Brasseur, rapporteur of the PACE on "The need to combat match-fixing", spoke about the seriousness of the match fixing problem, already highlighted in a report of April 2012. ([Read more](#)) ([Read the report of Anne Brasseur of April 2012](#))

#### **Two more ratifications raise hopes that the Istanbul Convention may enter into force in 2013 (05.02.2013).**

José Mendes Bota, PACE general rapporteur on violence against women, welcomed the ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence by Albania on 4 February and Portugal on 5 February 2013. He considered as an important sign the ratification by Portugal, which is, after Turkey and Albania, the first member state of the European Union to ratify the Istanbul Convention. Mr Mendes Bota called on all member states of the Council of Europe to keep up this momentum and speed up the ratification process, for the Convention to enter into force in 2013. ([Read more](#))

#### **International Day of Zero Tolerance for Female Genital Mutilation: 'A safe and just world for women and girls is one without female genital mutilation' (06.02.2013).**

José Mendes Bota, general rapporteur on violence against women, and Marlene Rupprecht, general rapporteur on children of the PACE, made a joint statement to mark the international day of zero tolerance for female genital mutilation. Emphasising the importance and gravity of this phenomenon, which can be defined as a "serious form of violence against women and girls", they stressed the necessity of ratification by the member states of the Istanbul Convention. ([Read more](#))

#### **PACE rapporteur welcomes the opening of voter registration in Gaza (11.02.2013).**

The 11 February 2013 marked the opening of 257 election registration centres in Gaza. According to Tiny Kox, PACE rapporteur on evaluation of the partnership for democracy with the Palestinian National Council, Palestine might "pave the way for parliamentary and presidential elections later this year". ([Read more](#))

#### ➤ *Countries*

#### **Armenia: PACE pre-electoral delegation told of efforts to organise democratic elections but concerned about a general lack of interest and trust in the process (17.01.2013).**

The intention of the Armenian authorities to organise an election fully in line with international standards has been welcomed by a PACE delegation visiting the country to assess the pre-electoral climate ahead of the 18 February presidential election. However, the delegation noted, among others matters of concern, that the general public is lacking both interest and confidence in the electoral process. ([Read more](#))

#### **Greece: Following visit to Greece, PACE delegation urges greater European solidarity in handling flows of irregular migrants (17.01.2013)**



PACE President Jean-Claude Mignon, together with a PACE sub-committee visiting Greece, have urged greater European solidarity to help Greece deal with large numbers of irregular migrants and asylum seekers entering the country. They also proposed the possible holding of an urgent debate on this issue at the Assembly's winter session in Strasbourg next week, in order to raise awareness among Council of Europe member states via their national delegations in PACE. ([Read more](#))

**Bulgaria: PACE will continue the post-monitoring dialogue with Bulgaria despite the progress made (22.01.2013).**

At the end of a parliamentary debate, the PACE decided "to continue the post-monitoring dialogue with the Bulgarian authorities in respect of reform of the judiciary, media freedom and transparency of ownership, as well as the revision of the Electoral Code". ([Read more](#))

**Russia: Russian children are hostages of transatlantic diplomatic tensions, said PACE General Rapporteur on Children (22.01.2013)**

Reacting to the interruption by the Russian Federation of inter-country adoption procedures involving the United States of America as a 'receiving country', Marlene Rupprecht, General Rapporteur of the PACE on Children, said that she was worried about the situation of Russian children and called on the Russian authorities to revoke the law. Alexey Pushkov, Russian national and PACE vice-president, spoke through an interview against this statement. He notably said that it simplified the situation, in addition to the fact that other countries than the USA could still adopt Russian children. ([Read more](#)) ([Listen to the interview with Alexey Pushkov](#)) ([Listen to the interview with Marlene Rupprecht](#)).

**Pietro Marcenaro: Israel should not suspend its relations with the UN Human Rights Council (30.01.2013)**

Pietro Marcenaro, Chair of the Committee on Political Affairs and Democracy of the PACE and rapporteur on the Middle East, has called on the Israeli government to reconsider its decision to boycott the Universal Periodic Review (UPR), mechanism whereby the Human Rights Council reviews the human rights records of all UN member states, and suspend its relations with the UN Human Rights Council. ([Read more](#))

**Russia: PACE rapporteur calls on Russian Duma not to support law banning 'gay propaganda' (01.02.2013)**

Andreas Gross (Switzerland, SOC), co-rapporteur on Russia for the Monitoring Committee of the PACE, has expressed concern at the approval by the Russian Duma, at first reading, of a draft federal law on the "propaganda of homosexuality to minors" which, if finally adopted, is likely to increase discrimination against lesbians, gays, bisexuals and transsexuals (LGBT) by limiting their freedom of expression, association and assembly. Referring to a 2010 judgment, *Alekseyev v. Russia*, of the ECHR which "clearly stated that the rights safeguarded by the European Convention should be effectively enjoyed by all Russian citizens, without any discrimination on grounds of sexual orientation", Mr Gross called on the members of the Duma not to support the draft law in the on-going legislative procedure. ([Read more](#))

The PACE rapporteur on the right of LGBT people, Håkon Haugli, also expressed his opinion on the draft bill in front of the PACE a few days before: "**The draft bill on 'homosexual propaganda' to be examined by the Russian Duma is an attempt to curtail fundamental freedoms**" (24.01.2013). In his statement, he similarly called on the Russian parliamentarians "to seize the opportunity to stand up for the core values of the Council of Europe: human rights, democracy and the rule of law – for all". ([Read more](#))

**Kosovo: PACE to intensify and expand dialogue with the Assembly of Kosovo (22.01.2013)**

In its resolution 1912 (22.01.2013), the PACE underlined the need for the Council of Europe to maintain “direct working contacts with the Kosovo authorities, at all levels”, in order to ensure the smooth implementation of Council of Europe co-operation activities which respect status neutrality. ([Read more](#))

**Azerbaijan: PACE decides to continue the monitoring procedure, encourages the authorities ‘to step up efforts’ (23.01.2013)**

The PACE decided to continue the monitoring of Azerbaijan’s obligations and commitments while encouraging the authorities of this country “to step up their efforts to implement the legislation in the areas crucial for the proper functioning of democratic institutions”. However, the PACE noted the progress made by Azerbaijan since its accession. ([Read more](#))

**Azerbaijan: PACE Monitoring Committee co-rapporteurs express deep concern at worrying developments in Azerbaijan (06.02.2013)**

Pedro Agramunt and Joseph Debono Grech, monitoring co-rapporteurs on Azerbaijan of the PACE, have expressed their deep concern at recent worrying developments in Azerbaijan, including the detention, trial and sentencing of peaceful demonstrators and the arrest of opposition politicians. They called on the Azerbaijani authorities “to review the cases of protesters and activists detained when demonstrating peacefully, and after trials whose conformity with human rights standards has been called into question by civil society and the international community” and recalled that Azerbaijan must comply with the obligations and commitments that the country undertook upon its accession to the Council of Europe. ([Read more](#); [Read resolution 1917](#))

**Russia and Georgia: four years after the war, people's lives should take precedence over politics (23.01.2013)**

The PACE said if the urgent humanitarian needs following the conflict between Georgia and Russia in 2008 have been dealt with, there are still significant long-term humanitarian challenges which cannot be solved as long as “people's lives are becoming trumped by politics”. ([Read more](#))

**Turkey: PACE Monitoring Committee welcomes the resumption of talks with a view to finding a political solution to the Kurdish issue (28.01.2013)**

In a declaration adopted on 22 January, the PACE Monitoring Committee welcomed the resumption of talks by the Turkish authorities with a view to finding a political solution to the Kurdish issue. ([Read more](#))

**Georgia: PACE co-rapporteurs condemn violence at Tbilisi protests (08.02.2013)**

The co-rapporteurs on Georgia of the PACE, Michael Aastrup Jensen and Boriss Cilevics, have condemned the outbreak of violence during the protest in front of the National Library in Tbilisi where President Saakashvili was scheduled to make his “State of the Union” address, saying “Violence has no place at democratic protests”. ([Read more](#))

**Monaco: elections were free, after a very tense election campaign, PACE observers said (11.02.2013)**

On 10 February 2013 Monegasques chose their representatives freely from among three lists of candidates for the National Council of the Principality of Monaco, according to a six-member delegation of observers from the PACE. The delegation noted that the Office of the Mayor of Monaco, in its capacity as the organiser of elections, has done a commendable job with professionalism, efficiency and transparency during the electoral campaign. However, it underlined that the election campaign has been marked by serious tensions and tarnished by verbal violence, as well as a physical assault. The delegation also regretted that during this campaign, the role and the aim of the Council of Europe were misinterpreted in a way which was exploited during the campaign, and added that this is “the more regrettable in view of the efficient and constructive relations between the Organisation and Monaco since the accession of the Principality to the Council of Europe in 2004.” The delegation wished to thank the offices of the National Council, the Minister of State and the Mayor of Monaco for their excellent co-operation in the organisation of the observation mission. ([Read more](#)).

**Romania: PACE general rapporteur called on Romania to revise the law imposing mediation for all cases of violence against women (11.02.2013)**

“I am deeply concerned by the entry into force of a law imposing mediation for all forms of violence against women in Romania,” declared José Mendes Bota, the general rapporteur on violence against women of the PACE. Mr Bota pointed out that this law is in contradiction with the provisions of the Council of Europe Convention on preventing and combating violence against women and domestic violence, in particular with Article 48. He noted however that if the Istanbul Convention has so far been ratified by Turkey, Albania and Portugal, and signed by 27 Council of Europe member states, Romania has neither signed nor ratified it. ([Read more](#))

**Iran: PACE Political Affairs Committee Chairperson called for release of Green Movement leaders (15.02.2013)**

On the occasion of the second anniversary of the de facto house arrest of former Presidential candidates Mir Hossein Mousavi and Mehdi Karroubi, as well as Zahra Rahnavard, Mr Mousavi’s wife, an author and a political activist, Pietro Marcenaro Chairperson of the Committee on Political Affairs and Democracy of PACE stated that “The Iranian government should immediately and unconditionally release the Iranian Green Movement leaders, who have been held under arbitrary house arrest for exactly two years”. Moreover, a new wave of arrests against journalists has started at the end of January 2013. The Committee on Political Affairs and Democracy held an exchange of views on the political and human rights situation in Iran with an Iranian opposition delegation on 21 January 2013. ([Read more](#))



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

### ➤ *Countries*

#### **Albania: Commissioner urged quicker progress to establish the truth on 2011 events (21.01.2013)**

Two years after the events in Tirana during which four demonstrators were shot dead and a number of policemen and protesters were injured, the Commissioner still remain concerned at the fact that a number of the persons responsible for these violent acts and human rights violations have not yet been held to account. He urged the Albanian government to give “a clear signal that impunity for serious human rights violations is not acceptable.”

#### **Slovenia: The human rights violations suffered by the ‘erased’ still not fully redressed (29.01.2013)**

“The “erasure” of thousands of people from the Register of Permanent Residents of Slovenia in 1992 continues to adversely affect the human rights of many ‘erased’ persons. The Slovenian government should step up its efforts and provide adequate reparation to all victims” said Nils Muižnieks, Council of Europe Commissioner for Human Rights, in a [letter](#) addressed to the Prime Minister of Slovenia, Mr Janez Janša. The Commissioner called on the Slovenian authorities to review the 2010 Legal Status Act in order to facilitate the re-inclusion into Slovenian society of those “erased” persons who still wish to have their residence status restored. ([Read more](#)) ([Read the reply of the Slovenian authorities](#))

#### **Racist violence a real threat to democracy in Greece (01.02.2013)**

The Commissioner Nils Muižnieks stated, at the end of his five-day visit to Greece, that the rising number of racist crimes in Greece has to end, and that these crimes should not be left unpunished. Thus, he welcomed the establishment of the 70 anti-racist police units and the appointment of a special prosecutor in Athens to deal with racist crime, but noted that both needed to be reinforced with appropriate staff and systematic human rights training. ([Read more](#))

### ➤ *Themes*

#### **Governments should act in the best interest of stateless children (15.01.2013)**

Taking into account that it's in the best interest of children to have citizenship, though stateless children are all over Europe, for different reasons, the Commissioner stated that states should reach out to vulnerable groups, such as the Roma, and ensure that all children are registered in birth registry books immediately after their birth. States should grant citizenship automatically at birth to children born in their territory, who would otherwise be stateless, as well as establish effective and accessible administrative procedures for all persons to acquire nationality, prioritising access for children and their guardians. ([Read more](#))

### **Belarusian Human Rights Defenders Need Support (12.02.2013)**

The Commissioner asserted that Belarus “should not even be considered a candidate” as a member state of the Council of Europe until it releases all human rights defenders and opposition activists imprisoned for political motives, abolishes the death penalty and carries out far-reaching democratic reforms. Indeed, Belarus is not under the jurisdiction of the ECHR or the Office of the Commissioner of Human rights. But Nils Muižnieks underlined that it does not absolve the Council of Europe “from taking an active interest in Belarus, abstaining from actions that can harm Belarusian human rights defenders, and seeking to support human rights in the country”. The Commissioner thus enounced first the principle of “Do no harm”, meaning the Council of Europe member states are not to cooperate with the Belarusian authorities in any actions that may jeopardise the integrity and security of Belarusian human rights defenders. The Commissioner regretted that various actors in Council of Europe member states have not always adhered to this principle. ([Read more](#))

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

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

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