

DIRECTORATE OF HUMAN RIGHTS
(DIRECTORATE GENERAL OF HUMAN RIGHTS AND RULE OF LAW)
&
DIRECTORATE OF HUMAN RIGHTS AND ANTI-DISCRIMINATION
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FOR THE ATTENTION OF THE NATIONAL HUMAN RIGHTS STRUCTURES (NHRSS)

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

For any queries, please contact:
eugen.cibotaru@coe.int

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Introduction

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

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

The selection of the information included in the Issues is made by the Directorate of Human Rights. It is based on what is deemed relevant to the work of the NHRs (including Ombudsman Institutions, National Human Rights Commissions and Institutes, Anti-discrimination Bodies). A particular effort is made to render the selection as targeted and short as possible.

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

The preparation of the RSIF is funded jointly by the Directorate of Human Rights (Directorate General of Human Rights and Rule of Law - DG I) and the Directorate of Human Rights and Anti-Discrimination (Directorate of Democracy - DG II). It is entrusted to Mr Thibaut Fleury, Ph.D, Associate Professor at Versailles University (France).

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

A. Judgments

1. Judgments deemed of particular interest to NHRs

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

Some judgments are only available in French.

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

Note on the Importance Level:

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

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

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

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

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

- **Right to a fair trial**

HARABIN V. SLOVAKIA (no. 58688/11) – 20 November 2012 – Importance 2 – Violation of Article 6 § 1 – Domestic Constitutional Court’s failure to address in detail doubts as to impartiality of its judges in disciplinary proceedings against Supreme Court President

The case concerned the imposition of a disciplinary sanction on the President of the Slovak Supreme Court for having prevented an audit at that court, and in particular his complaint that several of the judges who decided his case were biased.

The Court held in particular that only after establishing whether or not the challenges to the judges’ participation in the proceedings were justified could the question have arisen as to whether there was any justification – namely the need to maintain the Slovak Constitutional Court’s capacity to determine the case – for not excluding them. Therefore, the need to maintain the Constitutional Court’s capacity to determine the case could not justify the participation of the judges in respect of whose alleged lack of impartiality the Constitutional Court had failed to convincingly dissipate doubts. There had therefore been a violation of Article 6 § 1.

Under Article 41 (just satisfaction), the Court held that Slovakia was to pay the applicant EUR 3,000 in respect of non-pecuniary damage and EUR 500 in respect of costs and expenses.

- **Freedom of expression**

TELEGRAAF MEDIA NEDERLAND LANDELIJKE MEDIA B.V. AND OTHERS V. THE NETHERLANDS (no. 39315/06) – Importance 2 – 22 November 2012 – Violation of Articles 8 and 10 – Domestic

authorities' failure to protect journalistic sources in case involving documents taken from secret services

The applicants are a limited liability company incorporated under Netherlands law, published of the mass-circulation daily newspaper *De Telegraaf*, and two journalists. In 2006, the newspaper published articles about investigation by the Netherlands secret services suggesting that it held documents containing highly secret information that had become available in the criminal circuit of Amsterdam. They complained that the State issued surveillance measures against them and ordered them to surrender the documents.

The Court found that the relevant law in the Netherlands had not provided appropriate safeguards in respect of the powers of surveillance used against the applicants, with a view to discovering their journalistic sources. It also restated the importance of journalistic sources' protection for press freedom in a democratic society and the potentially chilling effect an order of source disclosure could have on the exercise of that freedom and found that the need to identify the secret services official(s) who had supplied the secret documents to the applicants had not justified the order to surrender documents.

Under Article 41 (just satisfaction), the Court held that the Netherlands were to pay the applicants EUR 60,000 in respect of cost and expenses.

Judges Myjer and López Guerra expressed a joint partly dissenting opinion.

2. Other judgments issued in the period under observation

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

STATE	DATE	CASE TITLE	IMP.	CONCLUSION	KEY WORDS
ARMENIA	27 November 2012	KHACHATRYAN AND OTHERS (No. 23978/06)	3	Violation of Art. 5 § 1	Detention of the applicants for an act which had not constituted an offense at the time
				Violation of Art. 5 § 5	Lack of compensation for the applicant's unlawful detention
BULGARIA	27 November 2012	CHERVENKOV (IN FRENCH ONLY) (No. 45358/04)	3	Violation of Art. 3 alone and combined with Art. 13	Poor conditions of detention; lack of an effective remedy in that respect
				Violation of Art. 8	Monitoring of the applicant's correspondence with his lawyer; domestic authorities' refusal to authorise the applicant to have telephone conversation with her lawyer
				No violation of Art. 13 combined with Art. 8	Effective remedy in respect of violation of Art. 8
		M.N. (IN FRENCH ONLY) (No. 3832/06)	3	Violation of Articles 8 and 13	Lack of an effective investigation into the rape of the applicant
		SAVOVI (No. 7222/05)	2	Violation of Art. 8	Unlawful surveillance of the applicant's house and office
				Violation of Art. 13	Lack of an effective remedy in that respect
STAMOSE (No. 29713/05)	1	Violation of Art. 2 of Prot. No. 4	Unjustified and disproportionate two-years travel ban imposed on the applicant for having breached the United States immigration laws		
		Violation of Art. 13	Lack of review of the proportionality of the travel ban		
CROATIA	27 November 2012	GOLUBOVIC (No. 43947/10)	2	Violation of Art. 6 § 1	Unfairness of proceedings on account of the participation of a judge to two sets of proceedings concerning the applicant
				Violation of Art. 6 § 1	Excessive length of divorce proceedings (5 years and 8 months)
		V.K. (No. 38380/08)	2	Violation of Art. 12	Excessive length of divorce and paternity proceedings amounting to the applicant's inability to remarry
Violation of Art. 13	Lack of an effective remedy in respect of violation of Art. 6 § 1				

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

GEORGIA	20 November 2012	GOLOSHVILI (No. 45566/08)	3	No violation of Art. 3	Prompt and systematic medical care in detention
	27 November 2012	JANIASHVILI (No. 35887/05)	3	Violation of Art. 5 § 3	Excessive length of pre-trial detention
HUNGARY	27 November 2012	SASKA (No. 58050/08)	3	Violation of Art. 11	Domestic authorities' refusal to allow a demonstration in front of Parliament, on the ground that the demonstration could disturb MPs' work, even though on the proposed date of the demonstration no parliamentary activity had actually been planned
LATVIA	27 November 2012	SAVICS (No. 17892/03)	2	Violation of Art. 3	Poor conditions of detention
LITHUANIA	20 November 2012	DACHNEVIC (No. 41338/06)	3	No violation of Art. 6 § 1	Reasonable opportunity afforded to the applicant to present her case
		KASPEROVICIUS (No. 54872/08)	3	Violation of Art. 3	Poor conditions of detention
	27 November 2012	TAUTKUS (No. 29474/09)	2	No violation of Art. 3	No failure of domestic authorities to protect the applicant from another prisoner with whom he had a fight
PORTUGAL	15 November 2012	BARGAO AND DOMINGOS CORREIA (IN FRENCH ONLY) (No. 53582/09)	2	Violation of Art. 10	Unnecessary interference with the applicants' right to freedom of expression on account of their conviction for having denounced to the Ministry the unlawful conduct of one of their colleague
	20 November 2012	ALEXANDRE (IN FRENCH ONLY) (No. 33197/09)	2	Violation of Art. 6 § 1	Excessive length of proceedings (Six years and 5 months)
ROMANIA	20 November 2012	GHIURAU (No. 55421/10)	3	Violation of Art. 3	Ill-treatment by police officers
				Violation of Art. 5 § 1	Unlawful detention in police custody
				No violation of Art. 5 § 2	Domestic authorities' failure to immediately inform the applicant of the reasons for his arrest
	27 November 2012	DIMON (IN FRENCH ONLY) (No. 29117/05)	3	Violation of Art. 6 § 1	Domestic court's failure to mention the defendant's official name and address
3				Violation of Art. 3	Poor conditions of detention
		POP BLAGA (IN FRENCH ONLY) (No. 37379/02)		Violation of Art. 8	Unlawful intercept of evidence against the applicant

RUSSIA	27 November 2012	DIRDIZOV (No. 41461/10)	2	Violation of Articles 3 and 13	Inadequate medical care in detention and lack of an effective investigation in that respect
				Violation of Art. 5 § 3	Excessive length of pre-trial detention (nearly 20 months)
		KULIKOV (No. 48562/06)	3	Violation of Art. 3	Poor conditions of detention
SLOVAKIA	27 November 2012	HORVATH (No. 5515/09)	3	Violation of Art. 5 § 4	Domestic courts' failure to speedily review the lawfulness of the applicant's detention (more than 11 months)
SWITZERLAND	15 November 2012	JOOS (No. 43245/07)	3	No violation of Art. 6 § 1	No failure of domestic authorities to give the applicant sufficient opportunity to comment on the adverse party's observations
		KISSIWA KOFFI (IN FRENCH ONLY) (No. 38005/07)	2	No violation of Art. 8	Domestic authorities' justified refusal to extend the applicant's residence permit
		SHALA (IN FRENCH ONLY) (No. 52873/09)	2	No violation of Art. 8	Domestic authorities' justified decision to expulse the applicant from Switzerland, where he had lived for 18 years, notably because of the criminal offences he has been convicted of
THE CZECH REPUBLIC	22 November 2012	CADEK AND OTHERS (Nos. 31933/08 AND 9 OTHERS)	3	No violation of Art. 1 of Prot. No. 1	Domestic authorities' justified decision to terminate the possibility of obtaining substitute plots of land in exchange for purchased restitution claims
		MINARIK (No. 58874/11)	3	Violation of Art. 6 § 1	Domestic courts' failure to consider the merits of the applicant's action
		SYKORA (No. 23419/07)		Violation of Art. 5 § 1	Detention of the applicant in psychiatric hospital on the basis of retrospective consent given by his guardian
				Violation of Art. 5 § 4	Lack of judicial review of the applicant's detention
				Violation of Art. 8	Subjection to medical treatment without the applicant's consent
TSEBER (IN FRENCH ONLY) (No. 46203/08)	2	Violation of Art. 6 §§ 1 and 3 (d)	Conviction of the applicant essentially based on a statement given by the victim, whom he had not had the opportunity to question		
"THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA"	27 November 2012	NAUMOSKI (No. 25248/05)	3	Two violations of Art. 6 § 1	Domestic court's failure to forward to the applicant the defendant's observation; excessive length of proceedings (5 years, 3 months)

TURKEY	15 November 2012	CELIK (IN FRENCH ONLY) (No. 36487/07)	3	Violation of Art. 3 (substantive and procedural)	Ill-treatment in police custody and lack of an effective investigation in that respect
				Violation of Art. 11	Arrest of the applicant in the context of an assembly of member of an association of lawyers
		YOLCU (IN FRENCH ONLY) (No. 33200/05)	3	Two violations of Art. 6	Excessive length of proceedings (six years and one month); domestic court's failure to communicate the opinion of the Chief Public Prosecutor
	20 November 2012	BELEK (IN FRENCH ONLY) (Nos. 36827/06 AND 2 OTHERS)	3	Violation of Art. 10	Conviction of the applicants on three occasions for having published articles containing statements by members of the illegal armed organisation PKK
		ARIKAN (IN FRENCH ONLY) (No. 19262/09)	3	Violation of Art. 2	Disproportionate use of force by police during an operation conducted to end hunger strikes by prisoners
	27 November 2012	BAYAR AND GURBUZ (IN FRENCH ONLY) (No. 37569/06)	2	Violation of Art. 6 § 1	Deprivation of the applicants' right to access a tribunal
				Violation of Art. 10	Conviction of the applicant for having expressed through the press their opinion that there is no unity of the State and published statement from an illegal armed organisation
		DISK AND KESK (No. 38676/08)	2	Violation of Art. 11	Police intervention during a trade unions' demonstration, during which demonstrators had been sprayed with pressurised water, paint and tear gas
		MENGY (Nos. 13471/05 AND 38787/07)	3	Violation of Art. 10	Conviction of the applicant for having criticized members of the commission set up to drag a new Criminal Code in a series of articles
	UKRAINE	15 November 2012	GRINENKO (NO. 33627/06)	3	No violation of Art. 3 (substantive)
Violation of Art. 3 (procedural)					Lack of an effective investigation into allegations of ill-treatment
Two violations of Art. 5 § 1 (c)					Unrecorded periods of detention
Violation of Art. 6 §§ 1 and 3 (c)					Applicant's inability to be represented by a lawyer of his own choosing

UKRAINE (CONTINUED)	15 November 2012 (continued)	KHAYROV (No. 19157/06)	3	Violation of Art. 6 §§ 1 and 3 (c)	Domestic authorities' failure to provide the applicant with a lawyer at the initial stage of the proceedings
				Violation of Art. 6 §§ 1 and 3 (d)	Domestic courts' failure to examine another suspect as a witness
		KOVAL AND OTHERS (No. 22429/05)	3	Violation of Art. 3 (substantive and procedural) in respect of the first, second and third applicants)	Ill-treatment by police officers following the arrest of the applicants on allegations of theft of an electric drill; lack of an effective investigation in that respect
				Violation of Art. 5 § 1	Unlawful detention of the applicants at a police station
				Violation of Art. 8	Unlawful entrance of police officers in the applicants' apartment
				Violation of Art. 1 of Prot. No. 1	Unlawful seizure of the applicants' electric drill and gas gun
		NIKOLAYENKO (No. 39994/06)	3	Violation of Art. 6 §§ 1 and 3 (c)	Episodic representation of the applicant during investigation and trial
		SERGEY AFANASYEV (No. 48057/06)	3	Violation of Art. 6 §§ 1 and 3 (c)	Domestic authorities' failure to provide the applicant with access to a lawyer at his first questioning by the police
		YERMOLENKO (No. 49218/10)	3	Violation of Art. 3	Lack of adequate condition of detention given the applicant's poor health (chronic lymphocytic leukaemia)
		YEROKHINA (No. 12167/04)	3	Violation of Art. 6 §§ 1 and 3 (c)	Unfairness of proceedings on account of domestic authorities' failure to give the applicant access to a lawyer at the initial stage of the criminal proceedings against her
ZAMFERESKO (No. 30075/06)	3	Violation of Art. 3 (substantive)	Ill-treatment by police following the applicant's arrest		
		Violation of Art. 6 §§ 1 and 3 (c)	Domestic authorities' failure to provide the applicant with access to a lawyer at his first questioning by the police		
		Violation of Art. 6 § 1	Use of evidence obtained through ill-treatment		

3. Repetitive cases

The judgments listed below are based on a classification which figures in the Registry's press release: "In which the Court has reached the same findings as in similar cases raising the same issues under the Convention".

The role of the NHRs may be of particular importance in this respect: they could check whether the circumstances which led to the said repetitive cases have changed or whether the necessary execution measures have been adopted.

STATE	DATE	CASE TITLE	CONCLUSION	KEY WORDS
ITALY	15 November 2012	LOMBARDI (IN FRENCH ONLY) (No. 66394/01)	Violation of Art. 1 of Prot. No. 1	Unlawful expropriation of the applicants
SPAIN	27 November 2012	VILANOVA GOTERRIS AND LLOP GARCIA (IN FRENCH ONLY) (Nos. 5606/09 AND 17516/09)	Violation of Art. 6 § 1	Lack of public hearings
TURKEY	27 November 2012	BILAL DOGAN (IN FRENCH ONLY) (No. 28053.10)	Violation of Art. 5 § 3	Excessive length of pre-trial detention (9 months and 20 days)

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
HUNGARY	15 November 2012	BODNAR (No. 46206/07)
		CSERJES AND OTHERS (No. 53834/07)
ITALY	15 November 2012	COOPERATIVA "SANNIO VERDE" S.R.L. (IN FRENCH ONLY) (No. 43465/02)
		PACIFICO AND OTHERS (IN FRENCH ONLY) (Nos. 34389/02 AND 3 OTHERS))
TURKEY	15 November 2012	GURCEGIZ (IN FRENCH ONLY) (No. 11045/07)

B. The decisions on admissibility / inadmissibility / striking out of the list including due to friendly settlements

Those decisions are published with a slight delay of two to three weeks on the Court's website. Therefore the decisions listed below cover **the period from 15 to 28 November 2012**. They are aimed at providing the NHRs with potentially useful information on the reasons of the inadmissibility of certain applications addressed to the Court and/or on the friendly settlements reached.

STATE	DATE	CASE TITLE	ALLEGED VIOLATIONS (KEY WORDS)	DECISION
AUSTRIA	20 November 2012	JENIK (Nos. 37794/07 AND 7 OTHERS)	In particular, Art. 6 (excessive length and unfairness of proceedings), Art. 13 (lack of an effective remedy) and Art. 3 (ill-treatment on account of the way domestic courts conducted their proceedings)	Inadmissible for abuse of the right of individual application
	27 November 2012	BREINESBERGER AND WENZELHUEMER (No. 46601/07)	Articles and 13 (excessive length of criminal proceedings and lack of an effective remedy in that respect), articles 6 § 1 and 2 of Prot. No. 7 (Lack of impartiality of the domestic Supreme Court)	Inadmissible as manifestly ill-founded
		OBRIST (No. 13665/09)	Art. 6 (unfairness and excessive length of proceedings), Art. 1 of Prot. No. 1 (amount of a monetary fine imposed on the applicant)	
		WEINZINGER (No. 34729/08)	Art. 6 (excessive length of proceedings)	Inadmissible for non-exhaustion of domestic remedies
BULGARIA	20 November 2012	FILIPOV (No. 39135/06)	Articles 1 of Prot. No. 1 and 13 (domestic authorities' failure to return the applicant in its entirety the land he was entitled to, lack of an effective remedy in that respect), Art. 6 § 1 (excessive length of proceedings)	Inadmissible as manifestly ill-founded
		PETEV (IN FRENCH ONLY) (No. 30216/07)	Articles 8 and 13 (legal provision providing for secret surveillance, lack of an effective remedy in that respect)	Struck out of the list (the applicant no longer wished to pursue the application)
		ZAHARIEVA (No. 6194/06)	In particular, Art. 2 § 1 (domestic authorities' failure to provide the applicant with an uninterrupted supply of free life-saving medicines), Articles 3 and 8 (domestic authorities' failure to understand the applicant's problem, amounting to inhuman and degrading treatment), Art. 6 § 1 (excessive length of proceedings)	Partly incompatible <i>ratione materiae</i> with the provisions of the Convention (concerning claim under Art. 2 § 1), partly inadmissible as manifestly ill-founded (concerning the remainder of the application)
CYPRUS	27 November 2012	KEMAL (AKA BALCI) (No. 67824/10)	Art. 1 of Prot. No. 1 (domestic authorities' refusal to appoint the applicant as <i>mutevelli</i> and to have the property vested in her name as administrator), Art. 8 (pressure made on the applicant to move out from her home), Articles 6 and 13 (domestic court's failure to examine all the applicant's claims), Art. 14 (discrimination on ground of the fact that the applicant is Turkish-Cypriot)	Inadmissible as manifestly ill-founded

CROATIA	27 November 2012	INTEL TRADE D.O.O. (No. 25881/09)	Articles 6 § 1 and 1 of Prot. No. 1 (excessive length of civil proceedings amounting to a violation of the applicant's right to property)	Partly inadmissible for non-exhaustion of domestic remedies (concerning claim under Art. 6 § 1), partly inadmissible as manifestly ill-founded (concerning claim under Art. 1 of Prot. No. 1)
THE CZECH REPUBLIC	27 November 2012	HAVELKA (No. 29725/11)	Art. 6 § 1 (excessive length and unfairness of proceedings)	Struck out of the list (it is no longer justified to pursue the application)
		KOTEK (No. 26466/08)	Articles 6, 8, 13, 14 and 1 of Prot. No. 1 (deprivation of the applicant's legal capacity to act)	Struck out of the list (friendly settlement reached)
		R.K. (No. 7883/08)	Articles 3, 8 and 13 (sterilisation of the applicant in a public hospital without her informed consent; lack of an effective investigation in that respect)	
FRANCE	27 November 2012	M.S. (IN FRENCH ONLY) (No. 15173/12)	Articles 3 and 13 (risk of ill-treatment in case of forced return to Soudan, lack of an effective remedy in that respect)	Struck out of the list (the applicant no longer wants to pursue the application)
		RAMIREZ SANCHEZ (IN FRENCH ONLY) (No. 53025/12)	Art. 6 § 1 (unfairness of proceedings)	Inadmissible for non-exhaustion of domestic remedies
GERMANY	27 November 2012	RUDAT (No. 49601/07)	Art. 6 § 1 (excessive length of proceedings), Articles 4, 7, 8, 12, 13, 14 and 17 (domestic authorities' refusal to grant applicant a surviving dependent's pensions as she married again in her former husband's lifetime)	Partly struck out of the list (it is no longer justified to pursue the examination of the application concerning claim under Art. 6 § 1), partly inadmissible as manifestly ill-founded (concerning the remainder of the application)
		TIPP 24 AG (No. 21252/09)	Articles 1 of Prot. No. 1, 10 and 14 (violation of the applicant's right to property and freedom of expression on account of an interstate treaty on games of chance)	Inadmissible as manifestly ill-founded
HUNGARY	20 November 2012	DEBUT ZRT AND OTHERS (No. 24851/10)	Art. 6 § 1 (unfairness of proceedings), Art. 6 § 2 (breach of the principle of the presumption of innocence), Art. 8 (dawn raids carried out against the applicants), Art. 13 (lack of an effective remedy in those respects)	Partly incompatible <i>ratione materiae</i> with the provisions of the Convention (concerning claim under Art. 13), partly inadmissible as manifestly ill-founded (concerning claims under Art. 6 and 8)
IRELAND	20 November 2012	MAGEE (No. 53743/09)	Articles 2, 6, 8 and 13 (lack of an effective investigation and remedy into the death of the applicant's son)	Struck out of the list (friendly settlement reached)
	27 November 2012	BOYCE (No. 8428/09)	Art. 8, alone or in conjunction with Art. 13 (retention and use of blood's samples), Art. 6 (unfairness of proceedings)	Partly inadmissible for non-exhaustion of domestic remedies (concerning Articles 8 and 13), partly inadmissible as manifestly ill-founded

				(concerning Art. 6)
ITALY	20 November 2012	PACIFICO (IN FRENCH ONLY) (No. 17995/08)	Articles 6, 7 and 14 (unfairness of proceedings), Art. 6 § 1 (excessive length of proceedings), Art. 4 of Prot. No. 7 read in conjunction with Articles 6 and 14 (violation of the <i>non bis in idem</i> principle)	Partly inadmissible as manifestly ill-founded (concerning claims under Articles 6, 7, 14 and 4 of Prot. No. 7), partly inadmissible for non-exhaustion of domestic remedies (concerning the allegedly excessive length of proceedings)
	27 November 2012	TIRALONGO AND CARBE (IN FRENCH ONLY) (No. 4686/06)	Art. 1 of Prot. No. 1 (ban on constructions on the applicants' land)	Inadmissible for non-exhaustion of domestic remedies
LATVIA	20 November 2012	TRUPS (No. 58497/08)	Art. 6 (excessive length and unfairness of proceedings), Articles 6 § 3 and 7 § 1 (obligation made to the applicant to pay for a State-appointed defence lawyer; conviction of the applicant under the wrong section of criminal law)	Partly inadmissible for non-exhaustion of domestic remedies (concerning the allegedly excessive length of proceedings), partly inadmissible as manifestly ill-founded (concerning the remainder of the application)
	27 November 2012	BERZINS (No. 46229/06)	Art. 3 (ill-treatment by police officers)	Struck out of the list (friendly settlement reached)
		STAROVOITOVŠ (No. 27343/05)	In particular, Art. 2 (domestic authorities' refusal to transfer the applicant to specialised detention facilities), Art. 4 (ill-treatment in detention)	Inadmissible for non-exhaustion of domestic remedies
LITHUANIA	20 November 2012	JONIKA (No. 25991/05)	Art. 6 § 1 (excessive length of proceedings), Art. 5 §§ 1, 2, 3 and 4 and Articles 6 § 1 and 18 (lawfulness and length of detention), Art. 6 §§ 1 and 4 (c) and (d) (unfairness of proceedings), Articles 6n, 1 and 3 of Prot. No. 1 (defamation by various articles in newspapers)	Partly inadmissible as manifestly ill-founded (concerning the excessive length of one set of proceedings), partly inadmissible for non-respect of the six-months requirement (concerning the excessive length of another set of proceedings), partly inadmissible for non-exhaustion of domestic remedies (concerning remaining claims)
MONTENEGRO	27 November 2012	VUKOVIC (No. 18626/11)	Art. 6 (excessive length of proceedings), Art. 13 (lack of an effective remedy in that respect), Art. 1 of Prot. No. 1 (domestic authorities' failure to decide on the applicant's request regarding his property)	Partly inadmissible for non-exhaustion of domestic remedies (concerning claims under Articles 6 and 1 of Prot. No. 1), partly inadmissible as manifestly ill-founded (concerning claim under Art. 13)

POLAND	20 November 2012	JAROCKI (No. 35003/09)	Art. 6 (Lack of independence of domestic court's assessor, unfairness of proceedings)	Partly struck out of the list (unilateral declaration of the Government concerning the lack of independence), partly inadmissible as manifestly ill-founded (concerning the unfairness of proceedings)
		MAJKOWSKI (No. 32272/11)	Art. 3 (use of force against the applicant)	Struck out of the list (unilateral declaration of the Government)
		MECHA (No. 29680/09)	Art. 6 (Lack of independence of domestic court's assessor, unfairness of proceedings)	Partly struck out of the list (unilateral declaration of the Government concerning the lack of independence), partly inadmissible as manifestly ill-founded (concerning the unfairness of proceedings)
		PIENIEK (No. 69407/11)		
	27 November 2012	SWIATOPELK-ZAWADZKI (IN FRENCH ONLY) (No. 31176/08)	Art. 6 (excessive length of administrative proceedings)	Struck out of the list (friendly settlement reached)
		CHRABALOWSKA (No. 49252/10)	Art. 6 § 1 (excessive length of civil proceedings)	
		EURO MARKETING SP. Z O.O (No. 49232/08)	Articles 6 § 1, 13 and 1 of Prot. No. 1 (violation of the applicant's right of access to a court, lack of an effective remedy in that respect, applicant's inability to exercise its right of perpetual use)	Incompatible <i>ratione personae</i> with the provision of the Convention
	KOZLOWSKA (No. 62556/09)	Art. 6 § 1 (excessive length of civil proceedings)	Struck out of the list (friendly settlement reached)	
ROMANIA	20 November 2012	ANDREI (No. 45887/06) MATEI (No. 78356/11)	Art. 3 (poor conditions of detention), Articles 5, 6 and 8 (unlawfulness of pre-trial detention, breach of the principle of the presumption of innocence)	Partly adjourned (concerning claim under Art. 3), partly inadmissible as manifestly ill-founded (concerning claim under. Articles 5, 6 and 8)
		DUNCA AND SC NORD VEST PRESS SRL (IN FRENCH ONLY) (No. 9283/05)	Articles 6 § 1 and 13 (domestic court's failure to hear the applicant in proceedings against her, lack of an effective remedy in that respect), Art. 10 (conviction of the applicant for the publication of an article)	Inadmissible as manifestly ill-founded
		SELARIU (IN FRENCH ONLY) (No. 15237/03)	Art. 5 §§ 1 and 5 (unlawfulness of detention), Articles 1 of Prot. No. 4, 3 and 4 of Prot. No. 7 (criminal proceedings for violation of contractual obligations, lack of an effective remedy concerning unlawfulness of detention)	
RUSSIA	20 November 2012	KULEVSKIY (No. 20696/12)	Art. 2 (risk for the applicant to be sentenced to death in case of extradition to Belarus), Art. 3 (risk of ill-treatment in case of extradition to Belarus)	Inadmissible as manifestly ill-founded

RUSSIA (CONTINUED)	27 November 2012	ALIYEV (No. 25760/08)	Articles 3 and 13 (ill-treatment and lack of an effective investigation in that respect)	Struck out of the list (the applicant no longer wished to pursue the application)
		CHERNENKO (Nos. 2139/09 AND 5 OTHERS)	Art. 3 (poor conditions of detention)	Struck out of the list (unilateral declaration of the Government)
		DROGAL (No. 45592/05)	Ill-treatment and lack of appropriate access to a lawyer (no article mentioned)	Struck out of the list (the applicant no longer wished to pursue the application)
		KASARAKIN (Nos. 31117/07 AND 5 OTHERS)	Ill-treatment in detention	Struck out of the list (it is no longer justified to pursue the examination of the application)
		ROSHCHUPKIN (No. 25535/05)	Art. 5 §§ 1 and 3 (unlawfulness of pre-trial detention)	Struck out of the list (the applicant no longer wished to pursue the application)
		SUKHARIYAN (No. 3015/05)	Articles 8 and 1 of Prot. No. 1 (no further specifications)	
		SYNBULATOV (Nos. 30037/09 AND 3 OTHERS)	Art. 3 (poor conditions of detention)	Struck out of the list (unilateral declaration of the Government)
		TARANZHIN (No. 28158/07)	Ill-treatment by police during investigation and unfairness of criminal proceedings (various articles mentioned)	Struck out of the list (the applicant no longer wished to pursue the application)
		TSVETKOVA (No. 3333/09)	Art. 5 § 3 (unjustified pre-trial detention)	
		VOLKOV (No. 30907/06)	Articles 3, 5 and 6 (poor conditions and excessive length of detention on remand, applicant's inability to review his detention, unfairness of criminal proceedings, breach of presumption of innocence)	
VOLOSNOVA (No. 17151/06)	Articles 6 and 1 of Prot. No. 1 (non-enforcement of trial judgment in the applicant's favour)			
SWEDEN	20 November 2012	PARVIZ (No. 8666/11)	Art. 8 (deprivation of the applicant's relationship with his daughter due to repeated restraining orders issues by the domestic prosecution authorities)	Inadmissible as manifestly ill-founded
SWITZERLAND	20 November 2012	KVISTAD (IN FRENCH ONLY) (No. 50207/07)	Art. 6 (domestic court's failure to take into consideration the child's interest in custody proceedings), Art. 8 alone or in conjunction with Articles 3 and 5 (in particular, domestic court's failure to take into consideration the risks, which her daughter would be exposed to in case of returned to United States, unlawful and excessive use of force by domestic authorities during the visit of the applicant's home)	Partly inadmissible as manifestly ill-founded (concerning claim under Art. 6), partly inadmissible for non-exhaustion of domestic remedies (concerning the remainder of the application)
"THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA"	27 November 2012	MANCEV (No. 42806/05)	Art. 6 § 1 (no further specifications)	Struck out of the list (friendly settlement reached)

"THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA" (CONTINUED)	27 November 2012 (continued)	SERAFIMOVSKI (No. 50916/07)	Articles 6 and 1 of Prot. No. 1 (Misdemeanour proceeding in which the domestic courts ordered confiscation of money, which the applicant had not declared to the customs authorities)	Struck out of the list (friendly settlement reached)
		SPASOVSKI (Nos. 31448/06 AND 9 OTHERS)	Art. 6 § 1 (no further specifications)	
TURKEY	20 November 2012	AKSARI (IN FRENCH ONLY) (No. 11515/08)	Art. 2 (domestic authorities' failure to investigate effectively into the applicants' son death), Art. 3 (ill-treatment on account of the lack of proceedings against the murders of the applicants' son), Art. 6 § 1 (excessive length of proceedings)	Struck out of the list (friendly settlement reached)
		TURKES AND KAPLAN (IN FRENCH ONLY) (No. 23700/12)	Art. 5 (excessive length of pre-trial detention), Art. 5 (unfairness of proceedings), Articles 3, 13 and 14 (no further specifications)	Partly adjourned (concerning claim under Art. 5), partly inadmissible for non-exhaustion of domestic remedies (concerning claim under Art. 6), partly inadmissible as manifestly ill-founded (concerning the remainder of the application)
	27 November 2012	AKBABA (IN FRENCH ONLY) (No. 29876/07)	Art. 8 (restrictions on the applicant's correspondence in detention)	Struck out of the list (friendly settlement reached)
		BASMACI (IN FRENCH ONLY) (No. 47130/07)	Art. 6 § 1 (excessive length of proceedings)	Inadmissible as manifestly ill-founded
		BUNLU (No. 20152/05)	Domestic authorities' liability for the applicant's medical condition (contraction of meningitis allegedly on account of poor condition of hygiene in military premises)	Struck out of the list (the applicant no longer wished to pursue the application)
		EKINCI (IN FRENCH ONLY) (No. 15009/08)	Art. 8 (restrictions on the applicant's correspondence in detention)	Struck out of the list (friendly settlement reached)
		HIMMET RECBER (IN FRENCH ONLY) (No. 18812/03)	Art. 2 (death of the applicants' relative during military service; lack of an effective investigation in that respect), Articles 6 and 13 (unfairness of military proceedings), Art. 8 (in particular, applicants' inability to know the reasons for their relative's death)	Inadmissible as manifestly ill-founded
		TUTUNCU (IN FRENCH ONLY) (No. 76653/11) BEKTAS (IN FRENCH ONLY) (No. 78809/11)	Art. 5 (sanctions decided by military hierarchy)	
		USTA (IN FRENCH ONLY) (No. 32212/11)	Art. 1 of Prot. No. 1 (cancellation of a cadastral plan)	Incompatible <i>ratione materiae</i> with the provisions of the Convention
		UKRAINE	27 November 2012	BUKOVA (Nos. 18662/06 AND 8 OTHERS)

UKRAINE (CONTINUED)	27 November 2012 (continued)	NIKOLAYENKO (No. 2489/06)	Art. 6 § 1 (excessive length of proceedings)	Struck out of the list (friendly settlement reached)
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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).

STATE	DATE OF DECISION TO COMMUNICATE	CASE TITLE	KEY WORDS OF QUESTIONS SUBMITTED TO THE PARTIES
FRANCE	22 November 2012	DJEFEL (IN FRENCH ONLY) (No. 55787/10)	Articles 6 § 2 and 17 – Allegedly unlawful refusal to grant the applicant exceptional permission
GERMANY	21 November 2012	MOOG (No. 23280/08)	Art. 8 – In particular, domestic courts' failure to take effective measures to enforce the applicant's right to access his son, and thereby destructing his relationship with him
GREECE	22 November 2012	DIMITRAS (IN FRENCH ONLY) (No. 59573/09) VOULGARIS AND OTHERS (IN FRENCH ONLY) (No. 65211/09)	Articles 10, 14 and 3 of Prot. No. 1 – Legal ban on the publication of public opinion surveys before legislative elections; Art. 13 – Lack of an effective remedy in that respect
POLAND	23 November 2012	MIROSLAW GARLICKI (No. 67068/10)	Art. 6 – Unfairness of proceedings, in particular on account of domestic court's refusal to serve the applicant's statements of claim at his office
RUSSIA	20 November 2012	DOTSKOV (No. 37035/06)	Art. 6 § 1 – Unfairness of conviction on account of the fact that the drug offense for which the applicant had been convicted was incited by the police
		GVINIASHVILI (No. 44292/09)	In particular, Art. 3 – Lack of medical assistance in detention on remand, poor conditions of detention, ill-treatment by police officers; Art. 5 – Unlawful and excessively long detention; lack of a judicial review of the detention's lawfulness; Art. 6 § 1 – Unfairness of criminal proceedings; Art. 7 – Erroneous application of criminal law by the domestic courts; Art. 14 – Discrimination by domestic authorities on the basis of the applicant's Georgian origin
SLOVENIA	22 November 2012	STEFANCIC (No. 58349/09)	Art. 2 – Death of the applicant's son following an allegedly unnecessary use of force by police; lack of an effective investigation in that respect; Art. 13 – Rejection of the applicant's criminal complaint against the police officers involved in the incident
UKRAINE	21 November 2012	BURGAZLY (No. 41920/09)	Art. 3 – Ill-treatment by police officers; lack of adequate medical care in detention; Art. 8 – Monitoring of the applicant's correspondence by prison officers; Art. 34 – Hindrance to the applicant's right to communicate with the Court

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

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

Part II: The execution of the judgments of the Court

Decisions on execution of European Court of Human Rights judgments

The Committee of Ministers of the Council of Europe published the [decisions and resolutions](#) adopted at its 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* during the period under observation (15-28 November 2012) for this RSIF.

November 2012

- 26-30 November:
 - GRETA’s 15th meeting (Strasbourg, France) – [List of decisions](#)

December 2012

- 3 December:
 - “Our Rights – our responsibilities”: the European Social Charter presented by children in Warsaw, Poland (Programme [in Polish only](#))

January 2013

- 22-24 January:
 - European Committee of Social Rights’ Session (Strasbourg, France)

* These are subsequently due to take place.

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

A. European Social Charter (ESC)

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

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

CPT published report on Andorra (15.11.2012)

CPT published on 15 November 2012 the [report](#) on its visit to Andorra from 28 November to 1 December 2011, together with the [response](#) of the Andorran Government. These documents have been made public at the request of the Andorran authorities.

CPT visited Georgia (28.11.2012)

A CPT Delegation recently carried out a five-day visit to Georgia. At the outset of the visit, which began on 19 November 2012, the CPT's delegation held high-level talks with the Georgian authorities. One issue addressed was the effectiveness of the criminal investigations that had been launched, following the publication on 18 September of video material containing scenes of apparent serious ill-treatment of prisoners by staff in certain penitentiary establishments. The legislative, administrative and other steps being taken (and planned) by the Georgian authorities in respect of the country's prison system were also discussed ([Read more](#)).

C. European Committee against Racism and Intolerance (ECRI)

ECRI to prepare report on Moldova (23.11.2012)

An ECRI Delegation visited the Republic of Moldova from 11 to 15 November 2012 as the first step in the preparation of a monitoring report. During its visit, ECRI's delegation gathered information on the implementation of the recommendations it made to the authorities in its 2008 report and discussed new issues that have emerged since ([Read more](#)).

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

Sweden: 3rd cycle ACFC Opinion public (16.11.2012)

[Read the Opinion.](#)

Bulgaria: receipt of the 3rd cycle State Report (23.11.2012)

[Read the Report.](#)

Committee of Ministers: adoption of two new resolutions (28.11.2012)

See below in the "Committee of Ministers" section.

E. Group of States against Corruption (GRECO)

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

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

MONEYVAL contributed to the implementation of the UN's efforts in combating terrorist financing (20.11.2012)

A representative of the MONEYVAL Secretariat participated in a special meeting of the United Nations Counter-Terrorism Committee (UN CTC) which was held on 20 November with Member States and relevant international and regional organisations. The event was aimed at raising awareness of the threat of terrorist financing, and focused on the measures required to prevent and suppress such activity (Webcast: [Part 1](#) / [Part 2](#) – [UN CTC website](#))

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

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

Part V: The inter-governmental work

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

COUNTRY	CONVENTION	RATIF.	SIGN.	DATE
ANDORRA	Additional Protocol to the Criminal Law Convention on Corruption (ETS No. 191)		X	20 November 2012
SLOVENIA	Convention for the Protection of Animals during International Transport (Revised) (ETS No. 193)		X	26 November 2012
HUNGARY	Framework Convention on the Value of Cultural Heritage for Society (CETS No. 199)	X		27 November 2012

B. Recommendations and Resolutions adopted by the Committee of Ministers

NATURE OF THE TEXT	TEXT NUMBER	OBJECT	DATE
RESOLUTION	CM/ResCMN(2012)6E	“Syndicat de Défense des fonctionnaires” against France – Collective Complaint No. 73/2001	28 November 2012
	CM/ResCMN(2012)19E	Resolution on the implementation of the Framework Convention for the Protection of National Minorities by Lithuania	28 November 2012
	CM/ResCMN(2012)20E	Resolution on the implementation of the Framework Convention for the Protection of National Minorities by Poland	28 November 2012

C. Other news of the Committee of Ministers

The Chairman of the Committee of Ministers presents Andorra’s chairmanship priorities to the OSCE Permanent Council (22.11.2012)

On 22 November 2012, at the invitation of the Irish Chairmanship of the OSCE, Mr Gilbert Saboya Sunyé, Minister of Foreign Affairs of Andorra and Chairman of the Committee of Ministers, presented the priorities of the Andorran chairmanship before the Permanent Council of the OSCE. On this occasion, he underlined the importance he attaches to co-operation between the two organisations in order to reinforce their complementarity and to promote synergies between their respective activities ([Read the Speech](#)).

Part VI: The parliamentary work

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

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

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

[The PACE's news webpage was unavailable during the making of this RSIF]

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

➤ *Countries*

Roma segregation remains a serious problem in the Czech Republic (15.11.2012)

“The “practical schools” in the Czech Republic perpetuate segregation of Roma children, inequality and racism. They should be phased out and replaced by mainstream schools that need to be properly prepared to host and provide support to all pupils, irrespective of their ethnic origin. There are certain examples in the country that show the feasibility of this necessary paradigm shift, which will require the government’s political will and sustained commitment”, stated the Council of Europe Commissioner for Human Rights, Nils Muižnieks, after his four-day visit to the Czech Republic ([Read more](#)).

➤ *Themes*

Stop chasing Roma. Start including them (22.11.2012)

In recent years, the situation of Roma has been largely debated in Europe. However, this attention for the situation of the most discriminated minority in Europe has not been matched by much concrete action by governments. European countries continue too often to resort to old methods of dealing with this pressing human rights issue, as the increasing evictions of thousands of Roma throughout Europe show ([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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