



REGULAR SELECTIVE INFORMATION FLOW

for the attention of the National Human Rights Structures

Issue#117

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CONTENTS

(click on a title to reach it)

Introduction (p. 2)

Index by country (p. 3)

PART I - GENERAL INFORMATION (p.4)

§1 - European Court of Human Rights (p.5)

A. Judgments (p.5)

1. *Judgments deemed of particular importance to the NHRs* (p.5)

2. *Other judgments* (p.10)

B. Decisions on admissibility (p.17)

C. Communicated cases (p.18)

§2 - European Committee of Social Rights (p.21)

A. Resolutions & Decisions (p.21)

B. Other information (p.21)

§3 - Recommendations & Resolutions (p.22)

A. Recommendations (p.22)

B. Resolutions (p.22)

§4 - Other information of general importance (p. 23)

A. Information from the Committee of Ministers (p.23)

B. Information from the Parliamentary Assembly (p.23)

C. Information from the Commissioner of Human Rights (p.23)

D. Information from the Council of Europe monitoring mechanisms (p.23)

PART II - INFORMATION BY COUNTRY (p.24)

Information **selected** by the « Versailles St-Quentin Institutions Publiques » research centre (Versailles St-Quentin-en-Yvelines University, France), under the responsibility of the Directorate of Human Rights (DG I) of the Council of Europe
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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 one month 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 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 (VIP – University of Versailles-St-Quentin-en-Yvelines, France) under the responsibility of 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 feedback that may allow for the improvement of the format and the contents of this tool.

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Index by Country

Countries followed by a number in bold are concerned by information specific to them.
Click on their name to reach this information

[ALBANIA](#), **25**
ARMENIA, 18, 23
AZERBAIJAN, 10, 18, **26**
[BELGIUM](#), 10, **27**
BOSNIA AND HERZEGOVINA, 10, 23
[BULGARIA](#), 18, 23, **28**
CROATIA, 11, 18, 19, 23
[CZECH REPUBLIC](#), 19, **29**
[DENMARK](#), **30**
ESTONIA, 6, 7, 11, 19
FINLAND, 9
[FRANCE](#), 1, 2, 17, 19, 21, **31**
[GERMANY](#), 8, 19, **32**
HUNGARY, 11
[IRELAND](#), **33**
ITALIA, 17
ITALY, 5, 6, 11
LATVIA, 7, 8, 11, 12
[LUXEMBOURG](#), **34**
MALTA, 12
MOLDOVA, 15
[MONTENEGRO](#), **35**
[NETHERLANDS](#), **36**
NORWAY, 19
[POLAND](#), 12, 17, 19, **37**
[PORTUGAL](#), **38**
[ROMANIA](#), 6, 8, 12, 19, 20, **41**
[RUSSIA](#), 13, 14, 20, **43**
[SERBIA](#), 14, 15, 23, **44**
SLOVAKIA, 15
[SLOVENIA](#), **45**
SWEDEN, 21
SWITZERLAND, 7, 17
“THE FORMER YUGOSLAV REPUBLIC OF
MACEDONIA”, 15
TURKEY, 16, 20, 23
[UKRAINE](#), 20, **46**
[UNITED KINGDOM](#), 18, **47**

PartOne

GENERAL INFORMATION

This part presents a selection of information of general importance for the National Human Rights Structures.

This information was issued during the period under observation (1-28 February 2014) by the European Court of Human Rights, the European Committee of Social Rights, the Committee of Ministers, the Parliamentary Assembly and other Council of Europe monitoring mechanisms.

PartOne

§1 - 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.

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

CONTRADA (No. 2) V. ITALY (IN FRENCH ONLY) - (No.7509/08) - Importance unspecified - 11 February 2014 - Violation of Article 3 - Domestic authorities' failure to take into account the applicant's state of health with regard to the condition of his detention - No violation of Article 6 - ECHR's inability to rule on an applicant's guilt as a fourth-instance court

The case concerned domestic authorities' repeated refusal to convert the sentence of a prisoner to a house arrest or to grant him a stay of execution, although he had numerous health problems.

Violation of Article 3

The Court noted that the applicant had suffered from a number of serious and complex medical disorders and that domestic authorities had been aware of that fact. It then observed that the applicant's request to be placed under house arrest had been granted nine months after his first request. So, it took the view that the detention had been incompatible with the prohibition of inhuman or degrading treatment under Article 3.

No violation of Article 6 §1

The Court reiterated that it did not have to assess the lawfulness of the evidence under the domestic law of the state parties to the Convention, or to rule on an applicant's guilt in the manner of a fourth-

instance court. It had not found that the domestic decisions had been arbitrary and rejected this part of the application as being manifestly ill-founded.

Article 41 (Just satisfaction)

The Court held that Italy was to pay the applicant EUR 10,000 in respect of non-pecuniary damage and EUR 5,000 in respect of costs and expenses.

GRAMADA V. ROMANIA (IN FRENCH ONLY) – (No. 14974/09) – Importance 2 – 11 February 2014 – Violation of Article 3 (substantive) – Domestic authorities’ decision to compensate the applicant does not deprive him of his victim status

The case concerned the injuries inflicted on the applicant by a policeman who shot him during the arrest of a third person.

The Court considered that the violence suffered by the applicant, confirmed by the conclusion of the forensic report, resulted in injuries that caused him suffering under the Article 3. Although the parties have different versions of the events, they agree that the individual who shot and wounded the applicant had been the police officer and that the use of force had been excessive. Relying on the concept of excessive self-defence, domestic courts considered that the excessive use of force was justified by the police officer’s fear and confusion. However, the Court noted that the police officer had quite easily used his gun against the applicant, that he was acting in complete autonomy and despite the fact that the applicant had been unarmed (according to the other documents in the file).

The Court observed that there had been striking omissions in the investigation procedure that exempted the police officer from criminal liability. The Court considered that the investigation did not provide appropriate redress for the harm the applicant had endured. In addition, a civil remedy could not be considered sufficient provided that the domestic authorities had not tried to establish the circumstances of the use of force.

The Court therefore rejected the domestic authorities’ objection that since the domestic courts had acknowledged the violation of the applicant’s right by granting him compensation for damage, he could no longer claim to be the victim of the alleged violation.

Under Article 41 (Just satisfaction), the Court held that Romania was to pay the applicant EUR 6,500 in respect of costs and expenses.

TALI V. ESTONIA – (No. 66393/10) – Importance 2 – 13 February 2014 – Violation of Article 3 (substantive) – Inhuman and degrading treatment by police officers

The case concerned a detainee’s complaint about having been ill-treated by prison officers when he refused to comply with their orders. In particular, pepper spray was used against him and he was strapped to a restraint bed.

The Court accepted that the prison staff had a reason to be concerned about their safety and to be prepared to take appropriate measures since the applicant had been convicted of previous attacks against prison officers and other prisoners. In addition, the applicant’s injuries indicated that a certain degree of force was used against him. Regarding the legitimacy of the use of pepper spray against the applicant, however, the Court referred to the concerns expressed by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment of Punishment (CPT) concerning the use of such agents in law enforcement. According to the CPT, pepper spray is a potentially dangerous substance that was not to be used in confined spaces and never to be used against a prisoner who had already been brought under control. Pepper spray could have serious health effects, such as irritation of the respiratory tract and of the eyes, spasms, allergies and pulmonary oedema or internal haemorrhaging if used in strong doses. Considering these potentially serious effects of the use of pepper spray in a confined space as well as the fact that the prison officers had had alternative means at their disposal to immobilize the applicant, such as helmets and shields, the Court found that the circumstances had not justified the use of pepper spray.

The Court underlined that measures of restraint were never to be used as means of punishment of prisoners in order to avoid self-harm or serious danger to other individuals or to prison security. Concerning the applicant’s case, it had not been shown that he had posed a threat to himself or others after the end of the confrontation with the prison officers and after being locked in a single-occupancy disciplinary cell, thus not justifying such measures. Indeed, his prolonged immobilization for three and

a half hours had caused him distress and physical discomfort.

Therefore, considering the cumulative effect of the measures used against the applicant, the Court found that he had been subjected to inhuman and degrading treatment.

Under Article 41 (Just satisfaction), the Court held that Estonia was to pay the applicant EUR 5,000 in respect of non-pecuniary damage and EUR 1,776.20 in respect of costs and expenses.

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

RUIZ RIVERA V. SWITZERLAND ([IN FRENCH ONLY](#)) – (No. 8300/06) – Importance 2 – 18 February 2014 – Violation of Article 5 § 4 – Domestic administrative court’s decision not to hold a hearing with the applicant in person based on unconvincing medical reports

The case concerned the refusal by the domestic authorities, relying on two medical expert reports diagnosing paranoid and schizoid disorders, to release a person placed in psychiatric detention for having killed and decapitated his wife.

The Court noted that the decision refusing the applicant’s request for release on probation had been adopted on the basis of the treatment report. According to the two psychologists who had drawn up the report, the conclusions of the psychiatric report confirming the diagnosis contained in the initial expert report were still valid. The Court had no reason to believe that the psychiatric reports drawn up in 1995 and 2001 diagnosing the applicant with paranoid schizophrenia were arbitrary or medically inaccurate. While it was true that a third expert report had reached significantly different conclusions, that was a question of assessment of the medical soundness of conflicting expert reports and was firstly a matter for the jurisdiction of the domestic courts. The Court could therefore not criticize the domestic authorities on the basis of a third – conflicting – expert report, without questioning the medical soundness of the concurring conclusions of the first two expert reports. The Court observed, however, that the treatment report of March 2004 was not the equivalent of an independent psychiatric report. No deprivation of freedom of a person considered as mentally unsound could be regarded as compliant to the Convention in which it was decided without regarding a sufficiently recent opinion of a medical expert.

The Court considered that given that the relationship of trust between the applicant and the medical team responsible for his health had broken down, the domestic authorities should have ordered a third medical opinion. By basing their decisions on the treatment report of 2004 alone, they had not therefore been in possession of sufficient evidence to allow them to establish that the conditions for the applicant’s release on probation had not been met. Failing a further psychiatric report, the applicant had requested a hearing in his application to the domestic administrative court. His request had been rejected on the grounds that the psychiatric report of 2001 was sufficiently detailed and the conclusions of that report had been confirmed by the treatment report of March 2004. Furthermore, he had already unsuccessfully disputed before a domestic court the medical validity of the diagnosis established in 1995 and 2001 and no new evidence had since thus been obtained. The Court reiterated that the domestic administrative court had not had a sufficiently recent psychiatric report allowing it to assess the personality and degree of maturity of the applicant and was of the view that the domestic administrative court could not therefore dispense with a hearing at which the applicant could be heard in person. The Court concluded that there had been a violation of Article 5 § 4 on the grounds that there had been no hearing before domestic administrative court.

Under Article 41 (Just satisfaction), the Court held that Switzerland was to pay the applicant EUR 6,500 in respect of costs and expenses.

- **Right to a fair trial (Art. 6)**

AVOTIŅŠ V. LATVIA ([IN FRENCH ONLY](#)) - (No. 17502/07) - Importance unspecified - 25 February 2014 - No violation of Article 6 §1 - Domestic authorities’ duty to ensure the enforcement of a Cypriot judgement as an EU member state.

The case concerned the enforcement of a Cypriot judgement about the repayment of a debt by the applicant, in Latvia.

The Court had no jurisdiction to examine whether Cypriot courts had complied with requirements of Article 6 §1 because it has first concluded that the complaint under which Cypriot courts had been out

of time, and then inadmissible. So, it examined whether Latvian domestic authorities had complied with that disposition.

The Court observed that as a member of the European Union, Latvia had to ensure the recognition and the effective enforcement of the Cypriot judgement. The Court affirmed that the legal observations arising from the membership in the EU was a matter of general interest. It also found that the applicant did not appeal against Cypriot judgement. Nevertheless, he should have produced evidences of the inexistence or ineffectiveness of a remedy before the Cypriot courts. As domestic authorities had to ensure their fulfilment of the legal obligations as a member state of the EU, the Court found that they had sufficiently taken account of the applicant's right, so that there had been no violation of Article 6 § 1 in the present case.

KARAMAN V. GERMANY – (No. 17103/10) – Importance 1 – 27 February 2014 – No violation of Article 6 § 2 – No breach of the applicant's right to be presumed innocent on account of domestic court's statements

The case concerned the applicant's complaint that his right to be presumed innocent was breached on account of references to his participation in a criminal offence in a judgment handed down by a German court in criminal proceedings against several of his co-suspects, who were tried separately.

The Court considered that there might be an interference with a defendant's right to be presumed innocent on account of statements made in a judgment handed down against his co-suspects tried in separate proceedings.

The Court noted that the domestic law was clear in not allowing any inference between the guilt of a person and any criminal proceedings in which he or she had not participated. The Court observed that the applicant's name had been mentioned during the proceedings brought against his co-suspects but that he was consistently referred to as "separately prosecuted". As underlined by the domestic court, the applicant had not been called in order to determine his guilt but his participation only concerned assessing the criminal responsibility of those accused within the scope of the proceedings at issue.

The domestic federal constitutional court on grounds had dismissed the applicant's constitutional complaint that it would be contrary to the presumption of innocence to attribute any guilt to the applicant and that an assessment of his possible involvement in the crime would be conducted against him in the main proceedings.

The Court had therefore considered that the domestic courts had avoided as far as possible in the context of a judgment involving several co-suspects, giving the impression of prejudging the applicant's guilt while the statements concerning him had not breached the principle of presumption of innocence. Therefore, there had been no violation of Article 6 § 2.

- **Right to respect for private and family life (Art. 8)**

OSTACE V. ROMANIA (IN FRENCH ONLY) - (No. 12547/06) - Importance 2 - 25 February 2014 - Violation of Article 8 - Domestic authorities' failure to strike a fair balance between the interest of guaranteeing the stability of family relations and the interest to establish the truth.

The case concerned the applicant's inability to obtain the revision of a judgment establishing his paternity, due to the fact that the extrajudicial document proving the contrary did not exist at the time of the initial proceedings.

The Court observed that the applicant could not challenge the judicial declaration of his paternity. It could admit that the reason lied in the legitimate interest in guaranteeing the stability of family relations and to protect the child's interests, but it preferred to legitimate the will of the parties to establish the truth about the paternity. It took the view that domestic authorities had failed to strike a fair balance between the interests at stake.

In addition, it found that under domestic law, paternity suits were not time barred throughout the life of the child. This is why it concluded to a breach of Article 8 because domestic authorities had not guaranteed the respect of the applicant's private life as it should have done.

Under Article 41 (Just satisfaction), the Court held that Romania was to pay the applicant EUR 5,000 in respect of non-pecuniary damage and EUR 3,000 in respect of costs and expenses.

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

PENTIKÄINEN V. FINLAND - (No. 11882/10) - Importance 2 - 04 February 2014 - No violation of Article 10 - Fair balance struck by domestic authorities between the applicant's right and the legitimate aim of public safety.

The case concerned the arrest and temporary detention of a media photographer during a demonstration for disobeying the police.

The Court considered that the applicant's arrest and conviction had constituted an interference with his freedom of expression; but it found that this interference had had a basis in domestic law and had pursued the legitimate aims of protecting public safety and preventing disorder and crime. It noted that the applicant had been allowed to take photos of the demonstration. He was allowed to keep them all and to use them too without any restriction. Moreover, his equipment had not been confiscated. Furthermore, he had decided not to move to the separate secure area reserved for the press after the demonstration had turned violent, even though he had been aware of the police orders to leave the scene. Moreover, it appears that he had not made it sufficiently clear to the police that he was effectively a journalist, when being arrested.

The Court took the view that he had been arrested and convicted only for refusing to obey police orders, not because of his journalistic activity. It observed that domestic authorities had balanced the applicant's freedom of expression against the necessity to disperse the crowds with a view to ensuring public safety. Finally, no penalty had been imposed on him and no entry of his conviction had been made in his criminal record.

So, the Court concluded that domestic authorities had struck a fair balance between the competing interests at stake and that, therefore, the interference had been "necessary in a democratic society". So, there had been no violation of Article 6.

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 judgment¹.

For more detailed information, please refer to the cases.

STATE	DATE	CASE TITLE	IMP.	CONCLUSION	KEY WORDS
AZERBAIJAN	20 February 2014	NOVRUZ ISMAYILOV (No. 16794/05)	3	Violation of Art. 5 § 3	Continuation of applicant’s pre-trial detention on insufficient grounds
				Violation of Art. 5 § 4	Lack of a prompt judicial review concerning the lawfulness of the applicant’s continued pre-trial detention
		ZAYIDOV (No. 11948/08)	3	Violation of Art. 5 § 3	Domestic authorities’ failure to provide sufficient reasons justifying the applicant’s pre-trial detention without duly examining his arguments for release
BELGIUM	27 February 2014	JOSEF (IN FRENCH ONLY) (No. 70055/10)	2	Violation of Art. 13 combined with Art. 3	Lack of an effective remedy which would suspend the enforcement of the deportation order and would at the same time provide an effective examination of her complaints under Art. 3
				No violation of Art. 3	Applicant’s removal to her country of origin would not cross the threshold of severity required by Art. 3
			No violation of Art. 8	Domestic authorities’ decision to not grant the applicant a residence permit had not been taken without considering the applicant’s interests as well as those of her children	
		ZARMAYEV (IN FRENCH ONLY) (No. 35/10)	2	No violation of Art. 3	Applicant’s removal to the country of his origin would not submit him to ill-treatment (the applicant’s country of origin had guaranteed, in case of his conviction, that he would serve his sentence in a correctional facility where the standards set in the Convention are met)
BOSNIA AND HERZEGOVINA	25 February 2014	LONCAR (No. 15835/08)	2	No violation of Art. 6 § 1	No disproportional restriction of the applicant’s right to access to court after taking into account the statutory time-limits and the possibility that the applicant had to lodge his civil claims to one of the twenty-eight first instance courts functioning during the war

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

CROATIA	27 February 2014	LUCIC (No. 5699/11)	3	Violation of Art. 6 §§ 1 and 3 (d)	Unfairness of proceedings on account of domestic courts' failure to properly assess the reliability of the evidence given that the applicant had not been able to question the key witness whose testimony had played a decisive role in the applicant's conviction
ESTONIA	20 February 2014	OVSJANNIKOV (No. 1346/12)	3	No violation of Art. 5 § 3	Applicant's pre-trial detention had been based on sufficient grounds while no lack of diligence had been displayed by the domestic authorities given the complexity of the case, the number of witnesses and the volume of the evidence to be analysed
				Violation of Art. 5 § 4	Domestic courts' failure to grant the applicant access to the evidence in the review procedure of the lawfulness of his pre-trial detention, thus depriving him of the opportunity to adequately challenge the findings against him
HUNGARY	11 February 2014	GABOR NAGY (No. 33529/11)	4	Violation of Art. 5 § 3	Continuation of applicant's pre-trial detention on insufficient grounds and domestic court's failure to consider any alternative preventive measures
				Violation of Art. 5 § 4	Domestic authorities' failure to respect the applicant's rights during the review proceedings (applicant's pre-trial detention had been ordered without the presence of a public defender, his arguments had not been taken into consideration by the domestic courts, his lawyer had not been informed in due course of the continuation of the applicant's detention, and the domestic court had not awaited the defence's observations on this matter)
ITALY	4 February 2014	MOTTOLA AND OTHERS (IN FRENCH ONLY) (No. 29932/07) STAIBANO AND OTHERS (IN FRENCH ONLY) (No. 29907/07)	2	Violation of Art. 6 § 1 (in both cases)	Applicants' deprivation of their right to reintroduce their actions before the competent authorities
				Violation of Art. 1 of Prot. No. 1 (in both cases)	state's failure, given the uncertainties that existed regarding the interpretation of the relevant legal provisions, to strike a fair balance between public and private interests on account of the state council's decision that deprived the applicants' of their legitimate expectation of recognition of their pension rights
LATVIA	11 February 2014	CESNIEKS (No. 9278/06)	3	Violation of Art. 6 § 1	Unfairness of proceedings regarding the applicant's self-incriminating statements obtained through ill-treatment which were then used against him during the criminal proceedings

LATVIA (CONTINUED)	11 February 2014	SAPOZKOVŠ (No. 8550/03)	3	Violation of Art. 3 (procedural)	Ineffective investigation into the applicant's allegations of ill-treatment
	25 February 2014	BERZINS (No. 25147/07)	3	Violation of Art. 3 (procedural)	Ineffective investigation into the applicant's allegations of ill-treatment
MALTA	11 February 2014	VELLA (No. 69122/10)	2	No violation of Art. 6 § 2	Domestic courts' statements in civil proceedings relevant to the applicant's profile had not imputed him criminal liability beyond that found in criminal proceedings nor had they undermined his acquittal or had breached the presumption of his innocence
POLAND	18 February 2014	A.L. (No. 28609/08)	2	No violation of Art. 8	No failure of the domestic authorities to strike a fair balance between the interests of the applicant and those of the child after taking into consideration that the applicant had recognised the child in full awareness that he might not have been his and that the annulment of the applicant's paternity would have been a traumatic experience for the child
ROMANIA	11 February 2014	KAROLY (No. 33682/05)	3	Violation of Art. 5 § 3	Extension of applicant's pre-trial detention on insufficient grounds
		MIHAILA (No. 66630/10) NICOLAE AUGUSTIN RADULESCU (No. 17295/10)	3	Violation of Art. 3 (substantive) (In both cases)	Poor conditions of detention (overcrowding, lack of hygiene)
	18 February 2014	JALBA (No. 43912/10)	3	Violation of Art. 8	Domestic final-instance court's failure to strike a fair balance between the competing interests at stake when it decided to protect the journalist's rights to freedom of expression concerning the litigious article that had been written without verification of the facts and had exceeded the limit of acceptable comments over the applicant's right to respect for his reputation
		NECULA (No. 33003/11)	3	Violation of Art. 3 (substantive)	Poor conditions of detention (lack of hygiene, inadequate sanitary facilities, lack of running water, poor food quality)
	25 February 2014	GHEORGHE PREDESCU (No. 19696/10)	3	Violation of Art. 3 (substantive)	Inadequate medical treatment concerning the applicant's mental disorder
		KILYEN (No. 44817/04)	2	Violation of Art. 8	Unlawful search of the applicant's home
		VADUVA (No. 27781/06)	3	Violation of Art. 6 § 1	Domestic courts' failure to hear the applicant's evidence or those of the witnesses while they did not take into consideration his requests to allow expert examination of the telephone recordings or of the undercover agents and of the collaborator to be questioned

RUSSIA	6 February 2014	SEMIKHVOSTOV (No. 2689/12)	2	Violation of Art. 13	Lack of an effective remedy in respect of the applicant's complaints of unsatisfactory conditions of detention
				Violation of Art. 3 (substantive)	Inadequate conditions of applicant's detention in view of his physical disability (lack of any organised assistance with his mobility issue, inability to have access to various premises in the correctional facility independently)
		ZIMIN (No. 48613/06)	3	No violation of Art. 5 § 3	Justified continuation of applicant's detention as the risk of absconding had been sufficiently demonstrated while no lack of diligence attributable to the domestic had been found in handling his case
	20 February 2014	FIRSTOV (No. 42119/04) SHISHKOV (No. 26746/05)	2	Violation of Art. 3 (in both cases)	Poor conditions of detention (overcrowding, lack of basic hygiene, lack of sanitary facilities)
				3	Violation of Art. 6 § 1 (concerning the second applicant)
			No violation of Art. 34 (concerning the second applicant)		Insufficient elements suggesting that the staff of the detention centre had hindered the applicant's right to individual petition
			NOSOV AND OTHERS (Nos. 9117/04 AND 10441/04)	2	Violation of Art. 6 § 1 and of Art. 1 of Prot. No. 1
		No violation of Art. 11			Proportional measures had been taken against the applicants' demonstration though despite the refusal of the applicants to comply with the dispersal order, the police did not resort to force

RUSSIA (CONTINUED)	27 February 2014	<u>DZHABRAILOV AND OTHERS</u> (Nos. 8620/09, 11674/09, 16488/09, 21133/09, 36354/09, 47770/09, 54728/09, 25511/10 AND 32791/10)	3	Violation of Art. 2 (substantive)	Applicants' relatives may be presumed dead following their detention by state agents	
				Violation of Art. 2 (procedural)	Domestic authorities' failure to carry out an effective criminal investigation into the circumstances of the applicants' relatives	
				Violation of Art. 3 (substantive)	Applicants' inability to ascertain the fate of their family members and the manner in which their complaints had been dealt with by the domestic authorities caused them mental distress and anguish	
				Violation of Art. 5	Unlawful and unacknowledged detention of the applicants' relatives by state agents	
				Violation of Art. 13 in conjunction with Art. 2 and 3	Lack of remedies and absence of the results of the criminal investigations into the disappearance of the applicants' relatives	
			<u>KOROVINY</u> (No. 31974/11)	3	Violation of Art. 3	Poor conditions of detention (overcrowding, lack of hygiene)
					Violation of Art. 3	Applicant's submission to inhuman and degrading treatment (the applicant had been attached to his bed for 24 hours)
					Violation of Art. 6 § 1	Domestic courts' failure to examine the applicants' complaints concerning the conditions of detention, attachment to his bed and the censorship of the applicants' correspondence by the hospital administration had amounted to a violation of the applicants' right to access to a court
					Violation of Art. 8	Censorship of the applicants' correspondence by the administration of the psychiatric hospital
	SERBIA	11 February 2014	<u>MASIREVIC</u> (No. 30671/08)	2	Violation of Art. 6 § 1	Domestic supreme court's dismissal of the applicant's case due to its strict interpretation of domestic law's requirement of mandatory legal representation according to which the applicant was not entitled to lodge the appeal on his own behalf without being represented even though he was himself a lawyer

SERBIA (CONTINUED)	11 February 2014	TESIC (Nos. 4678/07 AND 50591/12)	2	Violation of Art. 10	Disproportionate interference with the applicant's freedom of expression in a democratic society on account of the pension-related deductions imposed in the course of the enforcement proceedings without considering her dire financial and medical situation (2/3 of the applicant's pension was withheld and sent to her former lawyer on a monthly basis as compensation following her conviction of criminal defamation)
				No violation of Art. 34	Insufficient elements suggesting that the domestic authorities had hindered with the applicant's right to individual petition, in particular with the correspondence addressed to the applicant's former counsel
SLOVAKIA	11 February 2013	FRANEK (No. 14090/10)	3	Violation of Art. 6 § 1	Domestic constitutional court's exclusion from its review part of the applicant's arguments had prevented him from asserting his right and effectively using the review proceedings resulting in a breach of his right to court
"THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA"	6 February 2014	VIKENTJJEVIK (No. 50179/07)	2	No violation of Art. 1 of Prot. No. 1	Lawful and proportionate interference with the applicant's property rights as its aim was to correct fundamental defects resulting from the restitution proceedings which had ignored the rights and the financial interests of the state and those of third parties
THE REPUBLIC OF MOLDOVA	11 February 2014	SANDU (No. 16463/08)	2	Violation of Art. 6 § 1	Unfairness of proceedings on account of the domestic courts' failure to properly assess whether the applicant had been incited to commit the offence by the police or whether there had been any indication that the offence would have been committed without such intervention (despite the non-involvement of the applicant in any criminal activity prior to the relevant events, the domestic courts did not analyse the relevant factual and legal elements which would have helped them distinguish entrapment from a legitimate form of investigate activity even though they had reason to suspect that there was an entrapment)
				Violation of Art. 2 (procedural)	Domestic authorities' failure to carry out an effective investigation into the death of the applicant's son
				Violation of Art. 1 of Prot. No. 1	Unlawful interference with the applicant's property right

TURKEY	4 February 2014	ORUK (IN FRENCH ONLY) (No. 33647/04)	2	Violation of Art. 2 (positive obligations)	Domestic authorities' failure to take urgent and appropriate measures to protect the lives of the people living near a military shooting exercise area, which resulted in the deaths of the applicant's son and of 5 other children, and domestic authorities' discontinuation of the criminal proceedings brought by the applicant against those responsible
	11 February 2014	GULIZAR TUNCER GUNES (IN FRENCH ONLY) (No. 32696/10)	3	Violation of Art. 3 (substantive and procedural)	Excessive and unjustified use of police force and ineffective criminal proceedings in that respect
	18 February 2014	BATMAZ (IN FRENCH ONLY) (No. 714/08)	3	Violation of Art. 6 § 1	Excessive length of proceedings (almost 19 years and 11 months)
		BAYRAM GUCLU (No. 31535/04)	3	Violation of Art. 6 § 3 (c) in conjunction with Art. 6 § 1	Deprivation of the applicant's right to legal assistance in police custody
		TUM BEL-SEN (IN FRENCH ONLY) (Nos. 38927/10, 47475/10 AND 47476/10)	3	Violation of Art. 11	Domestic court's refusal to recognize the applicant's ability to negotiate collective agreements had violated the right of local-authority employees to form and to join trade unions for the protection of their interests
	25 February 2014	ALICAN DEMIR (IN FRENCH ONLY) (No. 41444/09)	2	Violation of Art. 5 § 1	Unlawful continuation of applicant's detention (the applicant had to serve a longer period than the one he would have to serve according to the domestic law and the benefits to which he had been entitled)
				Violation of Art. 5 § 3	Continuation of applicant's detention on insufficient grounds
				Violation of Art. 5 § 4	Lack of a prompt judicial review concerning the lawfulness of the applicant's continued detention
	25 February 2014	MAKBULE KAYMAZ AND OTHERS (IN FRENCH ONLY) (No. 651/10)	2	Violation of Art. 2 (substantive)	Applicants' relatives had been killed following a police operation which had not been planned in order to minimize the risks while it is not established that the lethal force used had been absolutely necessary
				Violation of Art. 2 (procedural)	Ineffective investigation into the deaths of the applicants' relatives
				No violation of Art. 3	Lack of specific factors that would give the applicants' suffering a distinct dimension from the emotional distress which may be regarded as inevitable for the family members of victims of serious violations of human rights
				No violation of Art. 14 in conjunction with Art. 2	Applicants' allegations had been manifestly ill-founded

B. The decision on admissibility

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 1 to 31 January 2014. 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 VIOLATION	DECISION
FRANCE	21 January 2014	RHEIMS AND OTHERS (IN FRENCH ONLY) (No. 32492/08)	Art. 1 of Prot. No. 1 (illegal taxation of the applicants based on a fiscal fiction)	Inadmissible as manifestly ill- founded
ITALIA	14 January 2014	STEFANELLI (IN FRENCH ONLY) (No. 13139/08)	Articles 6 § 2, 8 and 17 of the international covenant on civil and political rights (domestic authorities' press conference incriminating the applicant as the author of criminal offence; media echoes in this respect)	Partly inadmissible as manifestly ill- founded (Articles 6 § 2, 8 and 17 of international covenant on civil and political rights), partly inadmissible for non-exhaustion of domestic remedies (Art. 8)
POLAND	7 January 2014	ZABOR (No. 33690/06)	Art. 8 and 1 of Prot. No. 1 (domestic authorities' alleged violation of the applicant's right to respect for his home)	Partly incompatible <i>ratione materiae</i> with the provisions of the Convention (the flat being not classified as the applicant's "home" within the meaning of Art. 8), partly inadmissible as manifestly ill- founded (Art. 1 of Prot. No. 1)
SWITZERLAND	7 January 2014	TAVEL (IN FRENCH ONLY) (No. 41170/07)	Art. 14 in conjunction with Art. 8 (no access to the applicant family inheritance and the financial maintenance granted by his family)	Incompatible <i>ratione materiae</i> with the provisions of the Convention

THE UNITED KINGDOM	7 January 2014	M.V. (No. 52657/08)	Mainly Art. 3 (mental anguish suffered by the applicant on account of domestic authorities' failure to conduct an effective investigation into her allegations of sexual abuse), Art. 13 (no effective remedy in this respect), Art. 4 (domestic authorities' failure to protect the applicant from forced labour)	Partly inadmissible as manifestly ill-founded (concerning the applicant mental anguish and domestic authorities' decision not to prosecute and Art. 4), partly introduced out of time (concerning the conduct of the investigation)
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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 Chambers, which is in charge of the case. A **selection** of those cases is proposed below. Those decisions are published with a delay on the Court's website. Therefore the decisions listed below cover only the period from 11 to 31 October 2013.

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.

STATE	DATE OF DECISION TO COMMUNICATE	CASE TITLE	KEY WORDS OF QUESTIONS SUBMITTED TO THE PARTIES
ARMENIA	25 October 2013	ARZUMANYAN (No. 63845/09)	Alleged discrimination of the applicant on the basis of his political views.
AZERBAIJAN	15 October 2013	YAGUBLU (No. 20443/11)	Alleged discrimination of the applicants to stand as candidates in free elections because of biased and dependent electoral commissions and approval of the election results while their appeals challenging them are still pending before the Supreme Court.
BULGARIA	16 October 2013	METODIEV AND OTHERS IN FRENCH ONLY (No. 58088/08)	Domestic authorities' refusal to register the applicant's association as a cult on the ground of conditions unknown to applicable law.
CROATIA	21 October 2013	LABOVIĆ (No. 13712/11)	Deprivation of the applicants' property on the ground of a contract they signed while they were minor.

CROATIA (CONTINUED)	21 October 2013	<u>SEKUL</u> (No. 43569/13)	Prolonged inability for the applicant to live with his wife in the flat he had purchased in 1997 but which was unliveable due to major construction flaws so he now lives in a retirement home, separated from his wife who lives in a nurse home.
CZECH REPUBLIC	21 October 2013	AFONIN <u>IN FRENCH ONLY</u> (No. 29226/11)	Obligation made to the applicant, in order to establish his own paternity, to provide a survey report denying the paternity of the current father.
ESTONIA	23 October 2013	<u>KALDA</u> (No. 17429/10)	Applicant's access to legal websites, including the Council of Europe one, denied by the domestic authorities.
FRANCE	14 October 2013	BOUILLE <u>IN FRENCH ONLY</u> (No. 46569/11)	Domestic authorities' refusal to give back to the applicant the samples taken from her husband's body for an autopsy.
		LES AUTHENTIKS <u>IN FRENCH ONLY</u> (No. 4696/11)	Allegedly unlawful and unjustified dissolution of the applicant's associations after troubles with football club supporters.
GERMANY	14 October 2013	<u>CLEVE</u> (No. 48144/09)	Exclusion of the applicant from any contact with his daughter, while he had been found not guilty of sexual assaults on her.
		<u>FURCHT</u> (No. 54648/09)	Applicant's conviction essentially based on evidence obtained by entrapment.
NORWAY	23 October 2013	<u>BECKER</u> (No. 21272/12)	Interference with the applicant's right not to be compelled to disclose her journalistic sources on account of her conviction for having refused to give evidence about her contacts
POLAND	10 October 2013	<u>PACHNICZ</u> (No. 29754/11)	Refusal of the applicant's request for exemption from the court fee in its entirety while he has been in prison for a long time and does not have any money left so he is prevented from pursuing his civil claim necessary for the purposes of exhaustion of domestic remedies.
ROMANIA	23 October 2013	NISTOR AND 1 OTHER REQUEST <u>IN FRENCH ONLY</u> (No. 35091/12 53168/12)	Presence of security cameras in cells and visiting room of the applicants.

ROMANIA (CONTINUED)	25 October 2013	PARTI L'ALLIANCE SOCIALISTE <u>IN FRENCH ONLY</u> (No. 47306/11)	Refusal by the domestic authorities to change the name of the applicant political party into the „Romanian Communist Party“ because of the connotation with the awful events committed by the communist party before 1989 and the potential risk it may represent for the national security, even if the applicant does not have the same ideology.
RUSSIA	15 October 2013	<u>NAZARENKO</u> (No. 39438/13)	Alleged lack of effective investigation into allegations of child abuse on the applicant's daughter and, after the annulment of his paternity, discontinuation of the civil proceedings he had initiated to protect his daughter's interests.
		<u>SHESTOPALOV</u> (No. 46248/07)	No investigation carried out about the applicant's torture in police custody - considering he was minor at this time - and forced statement of his classmate's rape.
	16 October 2013	<u>BAYEV</u> (No. 67667/09)	Prohibition of "homosexual propaganda".
	22 October 2013	<u>ABRAMYAN AND 1 OTHER APPLICATION ZHIRKOVA AND OTHERS AND 4 OTHER APPLICATIONS</u> (No. 38951/13 59611/13 AND 16203/13)	<i>De facto</i> expropriation of the applicants' bathhouses.
	23 October 2013	<u>YEVDOKIMOVA</u> (No. 31946/12)	Domestic authorities' decision to change the time and location of the applicant's meeting.
TURKEY	14 October 2013	BACAKLILAR <u>ONLY IN FRENCH</u> (No. 19204/08)	Death of the applicant's child due to the alleged inefficiency of the medical staff.
UKRAINE	14 October 2013	<u>SHVYDKA</u> (No.17888/12)	Conviction of the applicant for having expressed her negative opinion about the President.
	23 October 2013	<u>KUZMENKO</u> (No. 49526/07)	Allegedly arbitrary search of the applicant's home as neither any members of his family nor himself were implicated in the criminal proceedings at issue and there were no reasonable grounds to believe that the item searched for would be in his flat.

PartOne

§2 - EUROPEAN COMMITTEE OF SOCIAL RIGHTS

A. Reclamations and Decisions

1. Reclamations

[No reclamation during the period under observation]

2. Decisions

STATE	COMPLAINANT	RECLAMATION NUMBER	SUBJECT MATTER	DECISION
FRANCE	European Action of the Disabled	81/2012	Access of children and adolescents with autism to education and access of young adults with autism to vocational training	Violation of Article 15§1 and of Article E taken in conjunction with Article 15§1

B. Other information

■ New resolutions adopted by the Committee of Ministers (05.02.2014)

The Committee of Ministers adopted a resolution CM/ResChS(2014)1 concerning the follow-up on the ECSR's decision on admissibility and the merits in the case Swedish Trade Union Confederation (LO) and Swedish Confederation of Professional Employees (TCO) v. Sweden. It proposed a directive of the European Parliament and of the Council on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services. The Committee also adopted a resolution CM/ResChS(2014)2 concerning the follow-up of the decision Action européenne des handicapés (AEH) v. France ([Read Resolution CM/ResChs\(2014\)1](#) - [Resolution CM/ResChs\(2014\)2](#)).

PartOne

§3 - RECOMMENDATIONS & RESOLUTIONS

A. Recommendations

[No reclamation during the period under observation]

B. Resolutions

[No reclamation during the period under observation]

PartOne

§4 - OTHER INFORMATION OF GENERAL IMPORTANCE

A. Information from the Committee of Ministers

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

B. Information from the Parliamentary Assembly

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

C. Information for the Commissioner for Human Rights

■ Police abuse: a serious threat to the rule of law (25.02.2014)

The Commissioner denounced police abuse as a multifaceted phenomenon, that includes excessive use of violence against protesters, the mistreatment of people in detention, the targeting of minority as well as ethnic profiling. He underlined that all allegations of police misconducts must be effectively investigated and encouraged the creation of independent police complaints mechanisms ([Read more](#) - [Read in Russian](#)).

D. Information from the monitoring mechanisms

■ ECRI: Publication of conclusions on the implementation of its priority recommendations in respect of Armenia, Bosnia and Herzegovina, Spain and Turkey (25.02.2014)

The committee published conclusions on the implementation of a number of priority recommendations made in its country reports on Armenia, Bosnia and Herzegovina, Spain and Turkey which had been released in 2011 ([Read more](#)).

■ GRECO: 67th Bureau Meeting (21.02.2014)

■ GRETA: 13th meeting of the Committee of the parties (07.02.2014)

The 13th meeting of the Committee of the parties of the Council of Europe Convention on Action against Trafficking in Human Beings was held in Strasbourg on Friday, 7 February 2014.

On the basis of GRETA's reports, the Committee of the parties adopted recommendations addressed to Luxembourg, Serbia and Slovenia. Further, the Committee considered reports submitted by the authorities of Albania, Bulgaria, Croatia and Denmark concerning measures taken to comply with the Committee of the parties' recommendations on the implementation of the Convention. The Committee took note of these reports and welcomed the measures taken by the authorities of Albania, Bulgaria, Croatia and Denmark. The Committee decided to transmit their reports to GRETA in order for them to be taken into consideration during the second evaluation round.

The next meeting of the Committee of the parties will be held on 7 July 2014.

■ Conference "Not for Sale – Joining Forces against Trafficking in Human Beings" (from 12.02.2014 to 18.02.2014)

The conference has been organised by the Council of Europe and the OSCE on the occasion of the Austrian Chairmanship of the Council of Europe and the Swiss OSCE Chairmanship ([Link to the OSCE webpage on the conference](#)).

PartTwo

INFORMATION BY COUNTRY

This part presents a selection of information, which is deemed to be mainly relevant for only one country.

Please, refer to the index above (p.3) to find the country you are interested in. Only countries concerned by at least one piece of information issued during the period under observation are listed below.

Albania

A. Execution of the judgments of the European Court of Human Rights

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

B. Resolutions, signatures and ratifications

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

C. Other information

■ CPT: The committee has visited Albania (18.02.2014)

A delegation of the CPT carried out a periodic visit to Albania from 4 to 14 February 2014. The CPT's delegation assessed progress made since the previous periodic visit in 2010, in particular as regards the treatment and conditions of detention of persons in police custody and the situation in prison establishments (including the regime for juveniles and inmates held in high-security units and the living conditions of ill prisoners). The delegation also reviewed the treatment and legal safeguards offered to involuntary patients in a psychiatric hospital ([Read more](#)).

■ FNCM: Publication of Committee of Ministers' resolutions (20.02.2014)

([Read more](#)).

Azerbaijan

A. Execution of the judgments of the European Court of Human Rights

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

B. Resolutions, signatures and ratifications

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

C. Other information

■ FCNM: Fourth Evaluation Round on-site visit to Azerbaijan (25.02.2014)

A MONEYVAL team of evaluators visited Azerbaijan from 17 to 22 February 2014 in order to prepare a 4th evaluation round report. The evaluation team was greeted by representatives from various authorities involved in the prevention of money laundering and the financing of terrorism in Azerbaijan.

During the visit, which was coordinated by the state Committee for Securities (SCS), the evaluation team met with representatives from the Financial Monitoring Service, the Central Bank, the SCS, the Ministry of National Security, the Ministry of Taxes, the General Prosecutor's Office, the Ministry of Internal Affairs, the Ministry of Finance, the Ministry of Foreign Affairs, the state Customs Committee, the Ministry of Justice and the Ministry of Communications and Information Technologies. Meetings were also held with judges from the Supreme Court and first instance court as well as with representatives from the financial and non-financial sectors. The meetings were all held in Baku.

At the conclusion of its mission on Saturday, 22 February, the MONEYVAL team shared and discussed the initial findings with representatives of the Azeri authorities. In accordance with MONEYVAL's Rules of Procedure, a draft report will now be prepared for review and adoption by a MONEYVAL Plenary in December 2014.

Belgium

A. Execution of the judgments of the European Court of Human Rights

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

B. Resolutions, signatures and ratifications

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

C. Other information

■ ECRI: The committee has published a new report on Belgium (25.02.2014)

The European Commission against Racism and Intolerance (ECRI) today published its fifth report on Belgium. ECRI's Chair, Mr Christian Ahlund, noted steps forward, but also a number of issues, such as the problematic application of the anti-discrimination legislation in certain areas and certain questionable aspects of the integration programmes ([Read more](#)).

Bulgaria

A. Execution of the judgments of the European Court of Human Rights

CASE	DATE	RESOLUTION	CONCLUSION
Gulub Atanasov (No. 73281/01)	6 February 2009	CM/ResDH(2014)17	Examination closed

B. Resolutions, signatures and ratifications

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

C. Other information

■ FCNM: Adoption of the 3rd cycle Opinion on Bulgaria (12.02.2014)

The Advisory Committee on the Framework Convention for the Protection of National Minorities adopted the 3rd cycle Opinion on Bulgaria on 11 February 2014. This Opinion is restricted for the time-being. It will now be submitted to the Committee of Ministers, which is to adopt conclusions and recommendations.

Czech Republic

A. Execution of the judgments of the European Court of Human Rights

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

B. Resolutions, signatures and ratifications

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

C. Other information

■ CPT: Publication of a report on the Czech Republic (18.02.2014)

The CPT has published the [report](#) on its periodic visit to the Czech Republic in September 2010, together with the [responses](#) of the Czech authorities ([Read the report](#)).

Denmark

A. Execution of the judgments of the European Court of Human Rights

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

B. Resolutions, signatures and ratifications

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

C. Other information

■ CPT: The committee has visited Denmark (18.02.2014)

A delegation of the CPT carried out a periodic visit to Denmark from 4 to 13 February 2014. It was the CPT's fifth periodic visit to Denmark ([Read more about the visit](#)).

■ GRETA: Government reply to recommendations (04.02.2014)

([Read more](#)).

France

A. Execution of the judgments of the European Court of Human Rights

CASE	DATE	RESOLUTION	CONCLUSION
Ressiot and others (No. 15054/07+)	28 September 2012	CM/ResDH(2014)8	Examination closed
Agnelet (No. 61198/08)	1 February 2013	CM/ResDH(2014)9	Examination closed
Fraumens (No. 30010/10)	10 April 2013	CM/ResDH(2014)9	Examination closed
Oulahcene (No. 44446/10)	10 April 2013	CM/ResDH(2014)9	Examination closed
Eon (No. 26118/10)	14 June 2013	CM/ResDH(2014)10	Examination closed

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

B. Resolutions, signatures and ratifications

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

C. Other information

■ GRECO: Publication of an interim compliance report (13.02.2014)

([Read more about the report](#)).

Germany

A. Execution of the judgments of the European Court of Human Rights

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

B. Resolutions, signatures and ratifications

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

C. Other information

■ ECRI: The committee has published a new report on Germany (25.02.2014)

The ECRI has published its fifth report on Germany. Christian Ahlund, Chair of ECRI, said that there are positive developments but that some concerns remain, including the lack of facilities and resources to assist victims of discrimination and the under-representation of children of immigrant background in pre-schools and secondary schools preparing pupils for university ([Read more](#)).

Ireland

A. Execution of the judgments of the European Court of Human Rights

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

B. Resolutions, signatures and ratifications

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

C. Other information

■ **FNCM: Publication of Committee of Ministers' resolutions (20.02.2014)**

([Read more](#)).

Luxembourg

A. Execution of the judgments of the European Court of Human Rights

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

B. Resolutions, signatures and ratifications

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

C. Other information

■ GRETA: Recommendation of the Committee of the parties (07.02.2014)

([Read more](#)).

Montenegro

A. Execution of the judgments of the European Court of Human Rights

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

B. Resolutions, signatures and ratifications

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

C. Other information

■ FCNM: Publication of the 2nd Advisory Committee Opinion (25.02.2014)

The 2nd Opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities on Montenegro has been published at the request of the authorities together with the government comments on the Opinion ([Read the opinion](#)).

Netherlands

A. Execution of the judgments of the European Court of Human Rights

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

B. Resolutions, signatures and ratifications

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

C. Other information

■ GRETA: Reply to questionnaire (05.02.2014)

([Read more](#)).

Poland

A. Execution of the judgments of the European Court of Human Rights

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

B. Resolutions, signatures and ratifications

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

C. Other information

■ FCNM: Publication of the 3rd Advisory committee opinion (07.02.2014)

The 3rd Opinion on Poland of the Advisory Committee on the Framework Convention for the Protection of National Minorities has been published at the request of the authorities, just a few weeks after its adoption.

Portugal

A. Execution of the judgments of the European Court of Human Rights

CASE	DATE	RESOLUTION	CONCLUSION
Carvalho Acabado (No. 30533/03)	15 February 2006		
Companhia Agricola de penha Garcia, S.A and 16 other cases "agrarian reform" (No. 21240/02+)	19 March 2007		
Herdade Da Comporta - Actividades Agro Silvicolas eTuristicas, S.A. (No. 41453/02)	31 March 2008		
Sociedade Agricola Herdade Da Palma S.A (No. 31677/04)	12 November 2007		
Campos Costa and Others (No. 10172/04)	30 January 2008		
Companhia Agricola da Barrosinha S.A (No. 21513/05)	15 April 2008	CM/ResDH(2014)11	Examination closed
Costa Capucho and 23 other cases "Agrarian Reform" (No. 44311/04+)			
Sociedade Agricola da Herdade das varzeas, LDA and 22 other cases "Agrarian reform" (No. 17199/05+)	23 December 2008		
Companhia Agricola Cortes e Valbom S.A (No. 24668/05)	30 December 2008		
De Sousa Carvalho Seabra (No. 25025/05)	16 March 2009		
De Avellar Cordeiro Zagallo (No. 30844/05)	4 October 2010		
Kindler de Barahona (No. 31720/05)	10 May 2009		

<u>Melo e Faro Maldonado Passanha and others</u> (No. 44386/05)	24 May 2009	<u>CM/ResDH(2014)11</u>	Examination closed
<u>Simoes Alves Noronha</u> (No. 35254/05)			
<u>Vasconcelos Do Couto and 23 other cases "Agrarian reform"</u> (No. 30808/05)	3 June 2009		
<u>Companhia Agricola do Vale de Agua, S.A</u> (No. 11019/06)	15 March 2010		
<u>Sampaio de Lemos and 22 other "Agrarian reform" cases</u> (No. 41954/05+)	28 June 2010		
<u>Vilhena Peres Santos Lanca Themudo e Melo and others</u> (No. 1408/06)	15 March 2010		
<u>Companhia Agricola das Polvorosas S.A</u> (No. 12883/06)	16 June 2010		
<u>Lopes Fernandes</u> (No. 29378/06)	8 September 2010		
<u>Pinto Romao de Sousa Chaves and others</u> (No. 44452/05)	15 September 2010		
<u>Monteiro De Barros de Arriaga and 15 other cases "agrarian reform"</u> (No. 24678/06+)	19 July 2011		
<u>Silva Barreira Junior</u> (No. 38317/06+)			
<u>Sociedade Agricola Do Ameixial, SA.</u> (No. 10143/07)	11 April 2011		
<u>Sociedade Agricola Vale de Ouro S.A.</u> (No. 44051/07)	27 June 2012		
<u>Sancho Cruz and 14 other cases "Agraria Reform"</u> (No. 8851/07)	18 April 2011		
<u>Helena Da Graca Pina</u> (No. 59423/09)	15 May 2011		
<u>Companhia Agricola Do Maranhao - Camar SA</u> (No. 335/10)	22 May 2011		

Passanha Braamcamp Sobral (No. 10145/07)	12 July 2011	CM/ResDH(2014)11	Examination closed
Colares Pereira Fernandes Soares (No. 43359/07)	22 August 2012		

B. Resolutions, signatures and ratifications

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

C. Other information

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

Romania

A. Execution of the judgments of the European Court of Human Rights

CASE	DATE	RESOLUTION	CONCLUSION
Belasin (No. 15402/04)	15 February 2008	CM/ResDH(2014)12	Examination closed
Blidaru (No. 8695/02)	31 March 2008		
Buzatu (No. 34642/97)	6 June 2005		
Gheorghiu T. and D.I. (No. 31678/96)	21 May 2003		
Lancranjan Franchini and Others (No. 26298/05)	10 July 2012		
Lipanescu and others (No. 17139/04+)	27 September 2011		
Mihalache (No. 15859/07)	25 September 2012		
Muresan (No. 8015/05)	14 September 2009		
S. C. Aectra Agrochemicals S.A. and Munteanu (No. 18780/04+)	11 June 2013		
S.C. Concordia International S.R.L. Constanta (No. 38969/02)	20 March 2012		
Calmanovici (No. 42250/02)	1 October 2008	CM/ResDH(2014)13	Examination closed
Lazar (No. 23395/05)	31 May 2012		
Mihuta (No. 13275/03)	14 September 2009		
Raducu (No. 70787/01)	21 July 2009		
Scundeanu (No. 10193/02)	2 May 2010		
Stoican (No. 3097/02)	6 January 2010		
Tarau (No. 3584/02)	24 May 2009		
Tiron (No. 17689/03)	7 July 2009		

B. Resolutions, signatures and ratifications

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

C. Other information

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

Russia

A. Execution of the judgments of the European Court of Human Rights

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

B. Resolutions, signatures and ratifications

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

C. Other information

■ Sochi should not divert attention from violations of rights against LGBT people (06.02.2014)

The General Rapporteur on the rights of LGBT people of the PACE reminded the increasing verbal and physical violence against these persons, and pointed out the recurrence of cases of people being charged with spreading so-called homosexual propaganda, which are reported virtually every day by human rights defenders, social networks and the media. The opening of Sochi Winter Olympic Games should not divert attention from the increasing violation of LGBT people rights ([Read more](#)).

■ Russia monitors: sentences for Bolotnaya Square demonstrators disproportionate (25.02.2014)

The PACE co-rapporteurs for the monitoring of Russia expressed their deep concern at prison sentences, rendered the 24 February for demonstrators in the Bolotnaya Square events of 6 May 2012. The co-rapporteurs found these sentences very high and disproportionate, and they recalled the importance of freedom of assembly for a democracy ([Read more](#)).

Serbia

A. Execution of the judgments of the European Court of Human Rights

CASE	DATE	RESOLUTION	CONCLUSION
Dokic (No. 1005/08)	20 March 2012	CM/ResDH(2014)14	Examination closed
Ristic (No. 32181/08)	18 April 2011	CM/ResDH(2014)18	Examination closed

B. Resolutions, signatures and ratifications

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

C. Other information

■ GRETA: Reply to questionnaire (04.02.2014)

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

■ Recommendation of the Committee of the parties (07.02.2014)

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

Slovenia

A. Execution of the judgments of the European Court of Human Rights

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

B. Resolutions, signatures and ratifications

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

C. Other information

■ GRETA: Recommendation of the Committee of the parties (07.02.2014)

([Read more](#)).

Ukraine

A. Execution of the judgments of the European Court of Human Rights

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

B. Resolutions, signatures and ratifications

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

C. Other information

■ Commissioner for Human Rights: Firm action against police impunity needed (10.02.2014)

The Commissioner stated, following his visit, that the state has a responsibility to condemn unequivocally the police misconducts and ensure effective investigations into the violations which occurred, as well as to impose dissuasive sanctions. He pointed out the necessity to fill the legislative gaps in the area of freedom of peaceful assembly, recalling ECHR's judgment *Vyrentsov v. Ukraine* ([Read more \[Ukrainian\]](#)).

■ PACE: Monitors, in Kyiv, strongly condemned violence in Ukraine (18.02.2014)

PACE co-rapporteurs for the monitoring of Ukraine strongly condemned the violence that took place in the country, which caused several deaths. The PACE President supported their work and asked for the end of the bloodshed. She called on all parties to respect the agreement reached. In a later statement, the rapporteurs demanded full investigation for the "Maidan blood-bath" and the prosecution of all those responsible, including those in the chain of command. The co-rapporteurs recalled that there cannot be impunity for human rights violations, and welcomed the fact that an advisory panel to investigate human rights abuses is part of the agreement ([Read more - "Stop the bloodshed in Ukraine" - Ukraine monitors demanded full investigation into responsibility for Maidan blood-bath - President called on all parties to respect the agreement](#)).

■ CPT: The committee has returned to Ukraine (26.02.2014)

A delegation of the CPT has returned to Ukraine to carry out a one-week ad hoc visit ([Read more](#)).

■ GRECO: Publication of a compliance report (26.02.2014)

([Read more about the report](#)).

United Kingdom

A. Execution of the judgments of the European Court of Human Rights

CASE	DATE	RESOLUTION	CONCLUSION
Beggs (No. 25133/06)	29 April 2013	CM/ResDH(2014)15	Examination closed
Eweida and others (No. 48420/10)	27 September 2013	M/ResDH(2014)16	Examination closed

B. Resolutions, signatures and ratifications

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

C. Other information

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