



REGULAR SELECTIVE INFORMATION FLOW

for the attention of the National Human Rights Structures

Issue#118

[1 - 31 March 2014]

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. 9)

B. Decisions on admissibility (p.14)

C. Communicated cases (p. 14)

§2 - European Committee of Social Rights (p. 16)

A. Resolutions & Decisions (p. 16)

B. Other information (p. 16)

§3 - Recommendations & Resolutions (p. 17)

A. Recommendations (p. 17)

B. Resolutions (p. 17)

§4 - Other information of general importance (p. 18)

A. Information from the Committee of Ministers (p. 18)

B. Information from the Parliamentary Assembly (p. 18)

C. Information from the Commissioner of Human Rights (p. 19)

D. Information from the Council of Europe monitoring mechanisms (p. 19)

PART II - INFORMATION BY COUNTRY (p. 21)

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

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.

The preparation of the RSIF has been supported as from 2013 by the "Versailles St-Quentin Institutions Publiques" research centre of the University of Versailles St-Quentin-en-Yvelines. It is entrusted to Alix Motais de Narbonne, Barbara Sanchez-Cadinot, Mariella Sognigbé, Pavlos Aimilios Marinatos, Guillaume Verdier and Mahaliana Ravaloson, with the technical help of Quentin Michael and under the supervision of Thibaut Fleury Graff, Ph.D, Associate Professor at Versailles St-Quentin-en-Yvelines University.

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

[AZERBAIJAN](#), 9, **21**
BOSNIA AND HERZEGOVINA, 13, 18
BULGARIA, 9
[CROATIA](#), **22**
[CZECH REPUBLIC](#), 15, **23**
[DENMARK](#), 7, **24**
FRANCE, 1, 2, 13, 18
[GERMANY](#), 9, 18, **25**
[GREECE](#), 10, **26**
HUNGARY, 10, 13
[ITALY](#), 15, **27**
[LATVIA](#), **28**
[LITHUANIA](#), **29**

[MONTENEGRO](#), **30**
[NORWAY](#), **31**
ROMANIA, 10, 14
[RUSSIA](#), 6, 11, 14, **35**
[SPAIN](#), **32**
SWEDEN, 11, 13, 17, 18
SWITZERLAND, 6, 11, 13, 18
["THE FORMER YUGOSLAV REPUBLIC OF
MACEDONIA"](#), 14, **33**
[TURKEY](#), 5, 7, 12, 14, **34**
[UKRAINE](#), 12, **35**
[UNITED KINGDOM](#), 12, **36**

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 (1-31 March 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.

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

FAZLI ASLANER V. TURKEY (IN FRENCH ONLY) (No. 36073/04) – Importance unspecified – 4 March 2014 – Violation of Article 6 – Domestic authorities’ failure to ensure impartiality of the judges

The case concerned administrative proceedings in which three judges were involved on more than one occasion, in the context of successive appeals.

The Court tried to examine the impartiality of the judges by observing whether there were ascertainable facts, which could raise doubts, apart from their personal conduct. Thus, what mattered was the scope of the measures taken by the judge before the trial.

The Court noted that domestic authorities had to rule about the regularity of the first judgement, which had been upheld by the second one. Therefore, they had to rule on the same issue, for the first and the second judgement, namely whether the authorities were bound by the ranking in the competition. In fact, there was no justification given as to the need to include the three judges suspected to be impartial in the second judicial formation. In addition, one of them had presided at the sitting, so that he could lead the discussions during the deliberations. It means that the applicant’s doubts about the impartiality of the bench could be regarded as objectively justified; and Article 6 § 1 had been breached. Under Article 41 (Just satisfaction), the Court held that Turkey was to pay the applicant EUR 6,000 in respect of non-pecuniary damage.

HOWALD MOOR AND OTHERS V. SWITZERLAND (Nos. 52067/10 and 41072/11) – Importance unspecified – 11 March 2014 – Violation of Article 6 – Domestic authorities’ failure to take into account the latency period for diagnosing diseases due to asbestos dust, in calculating the limitation period for damage claims.

The case concerned a worker who was diagnosed with malignant pleural mesothelioma caused by his exposure to asbestos due to his work. He died in 2005. Claims for damages have been dismissed by domestic authorities because they were time-barred. In fact, the absolute time limit of ten years from the date of the occurrence of the damage had expired.

The Court noted that any claim would be bound from the outset to fail as long as the ten-year period started running on the date when the person had been exposed to the asbestos dust, because the victim is not aware of his right yet.

It was satisfied by the legitimate aim pursued by the rule of limitation period, namely legal certainty. However, as the persons suffering from these diseases can be diagnosed only many years after the triggering events, the systematic application of this rule leads to deprive them of the opportunity to defend their rights, so that domestic authorities should have taken this fact into account in calculating the limitation period.

In view of the exceptional circumstances in the present case, the Court considered that the applicants’ access to a court had been restricted due to this limitation period, in breach of Article 6 § 1 of the Convention.

Under Article 41 (Just satisfaction), the Court held that Switzerland was to pay the applicants EUR 12,180 jointly in respect of non-pecuniary damage. It also awarded up to EUR 5,000 in respect of costs and expenses.

MATYTSINA V. RUSSIA (No. 58428/10) – Importance 2 – 27 March 2014 – Violation of Article 6 §1 – Domestic authorities’ failure to make it easier for the defence to challenge expert’s reports – No violation of Article 6 §3 – Fairness of proceedings despite the absence of the applicant’s victim at the trial

The case concerned the conviction of a yoga instructor of “illegal medical practice” after a participant in one of her courses experienced serious psychological problems.

Violation of Article 6 §1

The Court observed that the defence have had difficulties throughout the proceedings as to the link between the mental disorder and the participation in the programmes of the association. Indeed, the key expert for the prosecution had never been questioned by the defence; the latter could not participate in the process in order to obtain expert reports at the investigation stage, before the charges. Moreover, additional examinations had been refused by domestic authorities. Finally, the defence could not challenge the expert reports with their own counter-evidence, which put the applicant in a disadvantageous position compared with the prosecution. Moreover, domestic authorities have had declared inadmissible two expert opinions proposed by the defence. Nevertheless, one concluded that the association’s programmes were not to be classified as “medical”, and therefore was favourable to the defence - now the applicant. That report had thus either never been produced in domestic court. So, the Court found that it was very difficult for the defence to effectively challenge both groups of expert evidence submitted to the trial court by the prosecution, on which the case against her was built. Accordingly, there had been a violation of Article 6 § 1.

No violation of Article 6 §3

The Court considered that the decision had not been arbitrary even though the woman who took part in the applicant’s courses and experienced psychological problems did not testify in person in the trial. The Court considered in particular that her testimony had not yielded any conclusive evidence against the applicant. The issue was not to know whether she was sick, it actually was to determine the causal link between her mental disorder and her participation in the course. Therefore, the Court was prepared to conclude that her absence from the trial had not significantly prejudiced the interest of the defence, not leading to a violation of Article 6 § 3 (d).

Article 41 (Just satisfaction)

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

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

BIAO V. DENMARK (No. 38590/10) – Importance 2 – 23 March 2014 – No violation of Article 8 – Fair balance struck between the public interest and the applicants’ need to be granted family reunion – No violation of Article 14 in conjunction with Article 8 – Reasonable and objective justification of the existence of the applicants’ stronger ties to another country.

The case concerned the refusal by the domestic authorities to grant family reunion to a naturalised Danish citizen and his Ghanaian wife because they did not comply with the requirement that they must not have stronger ties with another country.

No violation of Article 8

The Court recalled that a state is entitled to control the entry and residence of aliens into its territory. Therefore, the admission of relatives of persons residing on its territory will vary according to the particular circumstances and the general interest.

In this very case, the Court observed that domestic authorities had struck a fair balance between the applicants’ and public interest. Indeed, they had ensured effective immigration control and observed the applicants’ need to be granted family reunion in Denmark.

Then, the Court found that the spouse had very strong ties to Ghana but no ties to Denmark, apart from having married a naturalised Danish citizen. It also took the view that the couple could not have been unaware of the eventual precarious immigration of the spouse as the “attachment requirement” had entered into force in July 2012 and they got married in February 2013.

Finally, the Court noted that the refusal to grant family reunion in Denmark by the domestic authorities did not prevent the couple from exercising their right to family life in Ghana or any other country.

Accordingly, the Court held that there had been no breach of Article 8.

No violation of Article 14 in conjunction with Article 8

The Court had reiterated that Article 14 concerns a difference in treatment of persons in relevantly similar situations. Then it would be discriminatory if it has no objective or reasonable justification.

The Court had not been convinced by the argumentation of the applicants complaining having been discriminated against on the basis of race and ethnic origin in the application of the 28-year rule.

However, it found that there had been a difference in treatment between the applicant, who had been a Danish national for fewer than 28 years and persons who had been Danish nationals for more than 28 years. It recalled that at the relevant time, the applicants’ ties to Denmark had clearly not been stronger than their ties to another country. As for the husband, he had been a Danish national for less than two years, when he had been refused family reunion. So the Court did not find the refusal disproportionate to the aim of the 28-year rule.

Consequently, in the specific circumstances of the applicants’ case, there had been no violation of Article 14 taken in conjunction with Article 8.

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

DILIPAK AND KARAKAYA V. TURKEY (IN FRENCH ONLY) (Nos. 7942/05 and 24838/05) – Importance 2 – 4 March 2014 – Violation of Article 6 – Domestic authorities’ failure to give the applicants the opportunity to participate in civil proceedings – Violation of Article 10 – Disproportionate interference with the applicant’s right to freedom of expression on account of their condemnation for defamation

The case concerned a judgment against two journalists for having written articles that were considered offensive towards a former Commander-in-Chief of the Navy and member of the National Security Council, Admiral Güven Erkaya. Nevertheless, they could not participate in the civil proceedings against them. Therefore, they had not been given the opportunity to defend their interests.

Violation of Article 6

While the former Commander-in-Chief's family brought civil proceedings to obtain damages from the two journalists, the postal services were not able to serve either the statement of claim or the writ of summons on them. Then, domestic court delivered a judgment in the absence of the defendants, who had never appeared at the hearings. The applicants had indicated that they had only become aware of the proceedings when they received the orders to pay. The Court found it quite troubling that, when it came to enforcing the judgment, the real addresses of the two journalists had then been traced without difficulty. It observed that the two journalists had not had the possibility of a new trial in their presence, whereas neither of them had waived such right.

Therefore, Article 6 had been breached.

Violation of Article 10

The Court first reiterated that any decision awarding damages for defamation had to maintain a reasonable relationship of proportionality with the harm caused to the person's reputation. So, a fair balance had to be struck between the interests of freedom of expression and the rights of others.

The Court observed that the articles in question were part of a debate about the political role of the army. Indeed, the applicants had criticised the role of that high-ranking dignitary of the army comparing his decisions with a coup d'état. The Court noted that these remarks had clearly fallen within a matter of general interest relating to a major event. According to the Court, the articles fundamentally served to highlight certain shortcomings in the democratic process.

Lastly, it observed that the damages awarded against the applicants by domestic authorities had been disproportionate. Indeed, the award had led to the seizure of one applicant's home with a view to its sale by auction. The Court took the view that it was a sanction that was likely to have a chilling effect on all journalists and not only on the applicants.

As the interference had not been proportionate to the legitimate aim pursued, the Court found that there had been a violation of Article 10 of the Convention.

Article 41 (Just satisfaction)

The Court reserved the question of just satisfaction, as it was not ready for decision. It invited domestic authorities and the applicant to submit observations on this question and, in particular, to inform it of any agreement they might reach.

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	6 March 2014	ALLAHVERDIYEV (No. 49192/08)	3	Violation of Art. 5 § 1	Unlawful detention of the applicant (his detention had not been based on a judicial order)
				Violation of Art. 5 § 3	Domestic authorities' failure to provide sufficient reasons justifying the extension of the applicant's detention while they did not examine his arguments for release
BULGARIA	4 March 2014	DURALIYSKI (No. 45519/06)	3	Violation of Art. 6 § 1	Domestic court's failure to submit to adversarial proceedings a decisive question and to consider a crucial piece of evidence in the absence of which it had based its findings
		MICROINTELECT OOD (No. 34129/03)	2	Violation of Art. 1 of Prot. No. 1	Domestic authorities' failure to ensure the applicant company's ability to challenge the measures interfering with its rights under Art. 1 of Prot. No. 1 and to provide any safeguards against arbitrariness
	11 March 2014	STOEV AND OTHERS (IN FRENCH ONLY) (No. 41717/09)	3	Violation of Art. 3 (procedural)	Domestic authorities' failure to carry out a diligent and prompt investigation which resulted to the termination of the proceedings as the prosecution of the offence had been time-barred
	25 March 2014	M.G. (IN FRENCH ONLY) (No. 59297/12)	2	Violation of Art. 3	Real risk of ill-treatment in case of the applicant's extradition to his country of origin
		STOYANOV-KOBULADZE (No. 25714/05)	3	Violation of Art. 6 § 1	Unfairness of proceedings on account of the domestic supreme court's refusal to reopen proceedings which deprived the applicant of the possibility to have the charges against him determined in his presence
		ANTOFIE (IN FRENCH ONLY) (No. 7969/06)	3	Violation of Art. 6 § 1	Domestic court's dismissal of the applicants' request without a prior clarification on the type of evidence expected
GERMANY	27 March 2014	MULLER (No. 54963/08)	2	No violation of Art. 6 § 2	No breach of the presumption of innocence during the examination of the applicant's request for probationary release by the domestic courts

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

GREECE	27 March 2014	ERFAR-AVEF (IN FRENCH ONLY) (No. 31150/09)	3	No violation of Art. 6 § 1	Proportional interference with the applicant's right to access to court given the circumstances of the case and the margin of appreciation of the relevant state regarding the conditions of admissibility of an action
				Violation of Art. 6 § 1	Excessive length of proceedings (2 years and 8 months)
HUNGARY	11 March 2014	GAL (No. 62631/11)	3	Violation of Art. 5 § 3	Extension of the applicant's pre-trial detention on insufficient grounds and domestic authorities' failure to justify the revocation of the house arrest order, a less coercive measure
ROMANIA	18 March 2014	COOPERATIVA DE CREDIT SATMAREANA (IN FRENCH ONLY) (No. 32125/04)	3	Violation of Art. 6 § 1	Domestic high court's dismissal of the applicant's appeal
		BERARU (No. 40107/04)	3	Violation of Art. 6 §§ 1 and 3 (b), (c) and (d)	Unfairness of proceedings
		STARK (IN FRENCH ONLY) (No. 31968/07)	3	Violation of Art. 3 (substantive)	Poor conditions of detention (overcrowding, lack of hygiene)
		SZABO AND OTHERS (No. 8193/06)	3	Violation of Art. 6 § 1	Excessive length of proceedings (8 years and 9 months)
	25 March 2014	CONTOLORU (No. 22386/04)	3	Violation of Art. 5 § 3	Repeated extensions of the applicant's pre-trial detention on insufficient grounds (1 year and 4 months)
		LARIE AND OTHERS (IN FRENCH ONLY) (No. 54153/08)	3	Violation of Art. 2 (procedural)	Domestic authorities' failure to carry out an effective and prompt investigation into the circumstances surrounding the deaths of the applicants' relatives
		OTET (IN FRENCH ONLY) (No. 14317/04)	3	Violation of Art. 6 § 1	Domestic court's failure to examine the applicant's arguments related to the civil action that had not been lodged within the statutory time-limit thus rendering unfair the proceedings

RUSSIA	6 March 2014	GORBULYA (No. 31535/09)	3	Violation of Art. 13	Lack of an effective remedy concerning the applicant's complaints under Art. 3	
				Violation of Art. 3 (substantive)	Poor conditions of detention (overcrowding)	
				Violation of Art. 3 (substantive)	Poor conditions of detention (inadequate sleeping arrangements, insufficient daylight and extremely poor artificial lighting, limited access to outdoor exercise)	
				Violation of Art. 3 (substantive)	Applicant's prolonged placement in solitary confinement (almost 2 years) without any evaluation of his individual situation or any assessment of whether the measure in question was appropriate or pursued any specific aim had amounted to inhuman and degrading treatment	
				No violation of Art. 3 (substantive)	Adequate and effective medical care during applicant's detention	
				Violation of Art. 3 (substantive)	Poor conditions of detention (lack of access to sanitary facilities, insufficient access to natural light and fresh air)	
	6 March 2014	GORDIYENKO (No. 21462/06)	3	No violation of Art. 3 (substantive)	Absence of sufficient evidence to confirm the applicant's allegations of ill-treatment (the applicant did not ask the medical specialist to examine him any further after the medical report which concluded that he had no signs of injuries or illness)	
				No violation of Art. 3 (procedural)	Effective investigation into the applicant's allegations of ill-treatment	
	13 March 2014	PAKSHAYEV (No. 1377/04)	3	Violation of Art. 6 §§ 1 and 3 (c)	Unfairness of proceedings on account of the applicant's deprivation of legal assistance while in police custody (the confession statement made without the benefit of legal advice had served as the sole basis for the applicant's conviction)	
				STAROKADOMSKIY (No. 2) (No. 27455/06)	2	Violation of Art. 5 § 1
Violation of Art. 6 § 1						Lack of a public hearing
			Violation of Art. 6 § 1	Excessive length of criminal proceedings (7 years and 10 months)		
SWEDEN	27 March 2014	W.H. (No. 49341/10)	2	No violation of Art. 3	No real risk suggesting that the applicant would be submitted to ill-treatment in case of her expulsion to the country of her origin in a different region	
SWITZERLAND	25 March 2014	PALANCI (No. 2607/08)	3	No violation of Art. 8	No failure of the relevant state to strike a fair balance between the applicant's interests and its own while the aims pursued had been proportionate	

THE UNITED KINGDOM	4 March 2014	THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS (No. 7552/09)	1	No violation of Art. 14 taken in conjunction with Art. 9	Fair balance struck between public interests and religious rights
TURKEY	25 March 2014	FILIZ (IN FRENCH ONLY) (No. 28074/08)	3	Violation of Art. 5 § 3	Excessive length of pre-trial detention on insufficient grounds (11 months) and domestic authorities' failure to consider any alternative measures
		BAYAR (IN FRENCH ONLY) (Nos. 39690/06, 40559/06, 48815/06, 2512/07, 55197/07, 55199/07, 55201/07 AND 55202/07)	3	Violation of Art. 6 (in all eight cases) Violation of Art. 10 (in all eight cases)	Disproportionate interference with the applicants' right to access to a court Unjustified interference with the applicants' right to freedom of expression
		KARAHAN (IN FRENCH ONLY) (No. 11117/07)	3	Violation of Art. 3 (procedural)	Ineffective investigation into the applicant's allegations of ill-treatment by police officers (the investigation conducted by administrative bodies could not have been considered as being independent)
UKRAINE	13 March 2014	ALEKSANDR VLADIMIROVICH SMIRNOV (No. 69250/11) ANDREY YAKOVENKO (No. 63727/11) DANILOV (No. 2585/06) ZINCHENKO (No. 63763/11)	3	Violation of Art. 3 (substantive) (concerning the first applicant)	Poor conditions of detention (overcrowding, ventilation problems, lighting, heating and nutrition)
				Violation of Art. 6 §§ 1 and 3 (c) (concerning the first applicant)	Unfairness of proceedings on account of the applicant's deprivation of legal assistance at the beginning of the investigation proceedings
				Violation of Art. 3 (substantive) (concerning the second applicant)	Poor conditions of detention (lack of personal space, poor ventilation, lighting, poor sanitary facilities)
				Violation of Art. 13 in conjunction with Art. 3 (concerning the second applicant)	Lack of an effective remedy in respect of the applicant's complaints of the conditions of his detention
				Violation of Art. 3 (substantive) (concerning the third applicant)	Ill-treatment of the applicant while in police custody
				Violation of Art. 3 (procedural) (concerning the third applicant)	Ineffective investigation into the applicant's allegations of ill-treatment
				Violation of Art. 3 (substantive) (concerning the fourth applicant)	Poor conditions of detention (overcrowding, poor sanitary facilities)
				No violation of Art. 6 §§1 and 3 (c) (concerning the fourth applicant)	No breach of the applicant's right to defence or of his right to a fair trial
				Violation of Art. 13 (concerning the fourth applicant)	Lack of an effective remedy in respect of the applicant's complaints of the conditions of his detention

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 28 February 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	18 February 2014	GORE (IN FRENCH ONLY) (No. 53727/13)	Art. 3 (lack of appropriate medical care in detention facility)	Inadmissible as manifestly ill-founded
SWEDEN	11 February 2014	MOREN AND OTHERS (No. 13224/06)	Art. 1 of Protocol No. 1 (lack of compensation for minerals extracted from the applicants' properties)	Inadmissible as manifestly ill-founded
SWITZERLAND	18 February 2014	CIMENDAG (No. 55137/12)	Art. 6 (deprivation of the applicant's right to a fair hearing on account of the fact that his conviction was based on the thoughts he revealed to his psychiatrist), Art. 7 (unfairness of proceedings on account of the fact that the applicant should have been protected by his psychiatrist's duty of professional confidentiality)	Inadmissible as manifestly ill-founded

C. The communicated cases

The European Court of Human Rights publishes on a weekly basis a list of the communicated cases on its website. These are cases concerning individual applications which are pending before the Court. They are communicated by the Court to the respondent state's Government with a statement of facts, the applicant's complaints and the questions put by the Court to the Government concerned. The decision to communicate a case lies with one of the Court's Chamber, which is in charge of the case. A **selection** of those cases is proposed below. Those decisions are published with a delay on the Court's website. Therefore the decisions listed below cover only the period from 1 to 15 November 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
BOSNIA AND HERZEGOVINA	11 November 2013	KONGRESNA NARODNA STRANKA AND OTHERS (No. 414/11)	Ineligibility of the applicant's party and the applicants to stand for election to the House of Peoples and the Presidency since they do not declare affiliation with any of the "constituent peoples"
HUNGARY	7 November 2013	KARÁCSONY AND OTHERS (No. 42461/13) SZANYI (No. 35493/13) SZÉL AND OTHERS (No. 44357/13)	The applicants were fined for disrupting parliamentary meetings and votes while, according to them, this was only the expression of their political opinion on issues of public interest since they are Members of Parliament. Moreover, the measures targeted them as members of the opposition party, constituting an alleged discrimination on the ground of political affiliation

ROMANIA	6 November 2013	I.M. (No. 36934/08)	Alleged ineffective investigation by the domestic authorities and trial imposing an excessive burden on the applicant to prove physical resistance to rape since she had no signs of physical violence and of resistance against the perpetrators, without taking into consideration her age and physical and psychological condition or the fact that six adult men had participated in her rape
		NEAGU (No. 59042/10)	Prison authorities' failure to respect the recommendations of the applicant's doctors to provide him with an accompanying person and a wheelchair, and to ensure his transportation by ambulance. According to the applicant, these failures, together with the poor conditions of detention, caused his illness to recur
RUSSIA	4 November 2013	A.H. AND OTHERS (No. 6033/13)	The procedures to adopt Russian children by the applicants were stopped by a newly-passed-Russian law prohibiting adoption of Russian nationals by nationals of the United States, while, given that they were at advanced stages of the adoption procedure, a bond had been already formed between the prospective adoptive parents and children
		CHUGUNOV (No. 18883/12)	Poor conditions of detention and alleged pressure from the prison authorities on the applicant to make him withdraw his application before the Court
	8 November 2013	BAGDONAVICIUS AND OTHERS (No. 19841/06)	Alleged discrimination from the domestic authorities, which decided the demolition of the applicants' homes, their forced eviction, loss of possessions and separation of their families because they were Roma
		GATSALOVA (No. 41318/10)	Domestic authorities' refusal to let the applicant access the body of her killed relative for religious burial according to Islamic traditions and customs
"THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA"	4 November 2013	MITOVI (No. 53565/13)	Domestic authorities' failure to enforce the Centre's decisions regarding the applicants' access rights to see their families
TURKEY	15 November 2013	BAYAR AND GÜRBÜZ (VI) (No. 603/09)	Conviction of the applicant for publishing a terrorist organisation's declarations whereas he only published an article with a statement by the Peoples' Defence Forces, the armed wing of the PKK, an illegal organisation

PartOne

§2 - EUROPEAN COMMITTEE OF SOCIAL RIGHTS

A. Reclamations and Decisions

1. Reclamations

STATE	COMPLAINANT	RECLAMATION NUMBER	SUBJECT MATTER
CZECH REPUBLIC	European Roma and Travellers Forum (ERTF)	104/2014	The ERTF has alleged violations of Article 11 and 16 by the state's systemic violations of Roma's rights to adequate housing and to health, such as forced eviction

2. Decisions

STATE	COMPLAINANT	RECLAMATION NUMBER	SUBJECT MATTER	DECISION
ITALY	International Planned Parenthood Federation European Network (IPPF EN)	87/2012	Alleged violations of Article 11 and Article E by the state, through an ineffective guarantee of women's right to have access to procedures for the termination of pregnancy	Violation of Article 11 of the Charter, and Article E read in conjunction with Article 11

B. Other information

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

PartOne

§3 - RECOMMENDATIONS & RESOLUTIONS

A. Recommendations

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

B. Resolutions

AUTHOR	DATE	TEXT NUMBER	SUBJECT MATTER	DECISION
PACE	7 March 2014	1980	Increasing the reporting of suspected sexual abuse of children	The PACE called on states to create a framework which encourages all professionals working with children and all citizens to report suspected sexual abuse (Read more)
		1982	The ECHR: the need to reinforce the training of legal professionals	The PACE acknowledged the work of member states' various training bodies for law professionals, and invited states to call on the services of the HELP Programme to help them introduce such training (Read more)

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

■ Combating abuses by sects against minors on PACE agenda (03.03.2014)

PACE Legal Affairs Committee proposed establishing more measures and policies at national and European level to protect minors from the excesses of sects, such as strengthening of state monitoring of private schools and home schooling, awareness-raising measures for welfare services, judges and police, the penalisation of abuse of personal weakness, and production of statistics on excesses of sects ([Read more](#) - [Draft text](#)).

■ How parliaments can work better with national human rights bodies (07.03.2014)

PACE's Equal Opportunities Committee has spelled out a series of ways that parliaments and NHRIs can work together better, particularly on equality and non-discrimination issues. He notably encouraged national parliaments to seek advice on new laws from NHRIs ([Read more](#) - [Draft resolution and report](#)).

■ Parliamentarians can give victims of trafficking a voice (10.03.2014)

The PACE President denounced trafficking in human beings as a modern form of slavery and one of the worst forms of violations of human rights, dignity and integrity. She encouraged member states to join the European Convention on Action against Trafficking in Human Beings ([Read more](#) - [President's speech](#)).

■ Schools should be the place where young people learn to live in harmony (11.03.2014)

The Culture Committee underlined states' responsibility to ensure "the right to education of adequate quality", regardless of budgetary restrictions resulting from the crisis, which limit states' margin for action ([Read more](#) - [Motion for a resolution](#)).

■ Combating the rise of neo-Nazism demands a co-ordinated response (12.03.2014)

The Chairperson of the Committee on Political Affairs and Democracy stated that the rise of neo-Nazi movements requires a co-ordinated response, on a European level. The Sweden's Minister for European Affairs and Democracy pointed out the correlation between Swedish students' intolerant attitudes and the number of lessons dedicated to democracy and human rights, and it was stressed that the focus should be set on education, prevention and early reaction to manifestations of neo-Nazism and hate speech ([Read more](#)).

■ A specific status for young migrants reaching the age of majority (13.03.2014)

The Migration Committee called for the establishment of a transition status for unaccompanied migrant children reaching the age of majority, and for them to continue to be granted, during the transition phase, the most elementary rights. This transition category, which could cover persons between the ages of 18 and 25, should be accompanied by political measures geared to welfare assistance and education, extensions of housing assistance and access to health care ([Read more](#) - [Read the report - Unaccompanied and separated asylum seekers turning 18](#)).

■ Alternatives to sub-standard IDP collective centres (13.03.2014)

The Committee of Migration expressed its concern about the often deplorable living conditions of IDPs housed in collective centres. It adopted a report putting forward alternative housing measures, whether integration in the local community or voluntary and safe returns ([Read more](#) - [Read the report](#) - [Europe lags behind in its efforts to resettle refugees](#) - [Better ways to help refugees find work](#)).

■ New standards to protect privacy and data online (13.03.2014)

Approving a report, the PACE Culture Committee underlined that online surveillance, profiling or storage of user data must be carried out in line with the standards of the ECHR ([Read more](#) - [Read the report](#) - [Interview by Axel Fischer \[German only\]](#)).

■ Protecting the rights of traditional national minorities is a political priority (14.03.2014)

The Committee on Equality and Non-Discrimination stated that the protection of the rights of national minorities, including traditional national minorities, should remain a political priority, and can be ensured through the protection of the right to identity, protection of minority languages, mother tongue education and effective participation in economic and public life ([Read more](#) - [Read the report](#)).

■ Securing decent work for all (14.03.2014)

The PACE Social Affairs Committee stated the need, given the erosion of labour rights, job insecurity and the lack of quality employment prospects, that national strategies be drawn up to ensure decent work for everyone in conditions of equity, security and human dignity ([Read more](#) - [Read the report](#)).

■ A “No Hate Parliamentary Alliance against racism and intolerance” (20.03.2014)

The Chairperson on the Committee on Equity and Non-Discrimination called on political leaders to take a public stand against racism and intolerance, and proposed the setting up of a No Hate Parliamentary Alliance against racism and intolerance, involving the PACE, national parliaments, the European Parliament and other international assemblies ([Read more](#)).

■ Upholding child protection and the well-being of children in times of crisis (27.03.2014)

The PACE General rapporteur on Children, at the conference “Growing with Children’s rights”, highlighted the importance of uphold and extend basic social and health services to children, in times of tight budgetary constraint ([Read more](#) - [Conference website](#)).

■ Anger at increase in executions worldwide (28.03.2014)

The general rapporteur of the PACE on the abolition of the death penalty has expressed her indignation over the increased number of executions carried out in the world, revealed in an Amnesty International report published on 27 March 2014 ([Read more](#)).

C. Information for the Commissioner for Human Rights

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

D. Information from the monitoring mechanisms

■ CPT: The Committee announced it will visit ten states in 2015 (20.03.2014)

The Committee intends to examine the treatment of persons deprived of their liberty in the following ten countries:

- Armenia
- Bosnia and Herzegovina
- France
- Germany
- Luxembourg
- Malta
- Republic of Moldova
- Serbia
- Sweden
- Switzerland

The CPT will also organise ad hoc visits in 2015 whenever it considers this is required by the circumstances ([Read more](#)).

■ ECRI: UN and Council of Europe experts join forces (20.03.2014)

Two key international mechanisms for the fight against racism, intolerance and xenophobia have combined forces to strengthen this fight in Europe and beyond, on the occasion of the International Day on the Elimination of Racial Discrimination ([Read more](#)).

■ **ECRI: Political leaders have central role to play in countering racism and hate crime, said heads of European human rights institutions on International Day for the Elimination of Racial Discrimination (21.03.2014)**

Political will and leadership are vital to countering racism, discrimination and hate crime, the heads of three intergovernmental human rights institutions said in a joint statement on the occasion of the International Day for the Elimination of Racial Discrimination ([Read more](#))

■ **FNCM election of two experts on the Advisory Committee (03.03.2014)**

[Read more.](#)

■ **GRECO: 63rd Plenary Meeting in Strasbourg (from 24.03.2014 to 28.03.2014)**

■ **GRETA: 19th meeting in Strasbourg (from 17.03.2014 to 21.03.2014)**

[Read the list of decisions.](#)

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.

Azerbaijan

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

■ PACE: Concern at announcement of jail sentence on two opposition politicians (21.03.2014)

The co-rapporteurs for the monitoring of Azerbaijan expressed their serious concern at the announcement of a seven-year jail sentence, on charges of inciting the Ismaili protests, on two opposition politicians. In the light of the justified doubts on the charges and judgments, they called on the state to review the court's decision in accordance with all available legal instruments ([Read more](#)).

Croatia

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 Croatia (18.03.2014)

CPT has published the report on its most recent periodic visit to Croatia, which took place in September 2012, together with the Croatian Government's response ([Read the report](#)).

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

■ Commissioner for Human Rights: Urgent action needed to protect Roma from racist extremism (18.03.2014)

The Commissioner pointed out the increased frequency of anti-Roma events. He called on the Czech authorities to take preventive measures, which should include the effective sanctioning of organisations that promote racial discrimination, and banning demonstrations in the vicinity of Roma neighbourhoods when there are indications that the participants intend to march towards these neighbourhoods with the aim of targeting Roma communities ([Read more - Letter to the Czech authorities](#) - [Reply of the Czech authorities](#)).

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

■ Commissioner for Human Rights: Better protection needed for migrant children in Denmark (24.03.2014)

In spite of positive changes introduced in 2012, the Commissioner noted that further progress is needed to ensure full respect of migrant children's rights, in particular to ensure the right to family reunification. Progress is also required to replace substituted decision-making with supported decision-making for persons considered incapable of managing their own matters due to psycho-social or intellectual disabilities ([Read more](#) - [Read the report](#) - [Comments of the Danish authorities](#)).

■ FCNM: visit of the Advisory Committee (18.03.2014)

A delegation of the Advisory Committee on the Framework Convention for the Protection of National Minorities visited Åbenrå and Copenhagen from 19-21 March 2014 in the context of the monitoring of the implementation of this convention ([Read more](#)).

Germany

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: Receipt of the 4th cycle state Report (10.03.2014)

Germany submitted its fourth state Report in English (and German) on 11 March 2014, pursuant to Article 25, paragraph 2, of the Framework Convention for the Protection of National Minorities. It is now up to the Advisory Committee to consider it and adopt an opinion intended for the Committee of Ministers.

Greece

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

■ A rapporteur called on Greece to improve the situation at the Korydallos prison hospital (03.03.2014)

The rapporteur on equal access to health care expressed her concern about the poor conditions of detention at the Korydallos prison hospital, notably pointing out a lack of medical treatment ([Read more](#)).

■ ECRI: Preparation of a report on Greece (24.03.2014)

ECRI visited Greece from 9 to 14 March 2014 as the first step in the preparation of a monitoring report ([Read more](#)).

Italy

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: Receipt of the 4th state Report (17.03.2014)

Italy submitted its fourth state Report in English (and Italian) on 12 March 2014, pursuant to Article 25, paragraph 2, of the Framework Convention for the Protection of National Minorities. It is now up to the Advisory Committee to consider it and adopt an opinion intended for the Committee of Ministers.

Latvia

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 Latvia (11.03.2014)

CPT has published the report on its visit to Latvia, carried out in September 2013, together with the response of the Latvian authorities ([Read the report](#)).

Lithuania

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

■ PACE: Rapporteur urged Lithuanian Parliament to reject law change targeting LGBT rights (12.03.2014)

The General Rapporteur of the PACE on the rights of LGBT people has urged Lithuania to reject a change in the law which could impose administrative fines on those demonstrating publicly in support of LGBT rights, describing the proposed reform as “an unacceptable breach of human rights” ([Read more](#)).

Montenegro

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: Montenegro needs to do more to address past human rights violations and ensure media freedoms (21.03.2014)

The Commissioner, at the end of a four-day visit, called on Montenegrin authorities to step up their efforts to provide full redress to all the victims of serious human rights violations that occurred during the wars in the 1990s, and to eliminate discrimination. However, he welcomed the on-going legislative initiatives aimed at improving the framework for action against discrimination, strengthening the role of the Ombudsman in this field, and fighting hate speech ([Read more](#)).

Norway

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: Preparation of a report on Norway (19.03.2014)

A delegation of the ECRI visited Norway from 10 to 14 March 2014 as the first step in the preparation of a monitoring report ([Read more](#)).

Spain

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: Receipt of the 4th state report (10.03.2014)

Spain submitted its fourth state Report in English (and Spanish) on 4 March 2014, pursuant to Article 25, paragraph 2, of the Framework Convention for the Protection of National Minorities. It is now up to the Advisory Committee to consider it and adopt an opinion intended for the Committee of Ministers.

“The former Yugoslav Republic of Macedonia”

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

■ PACE: PACE delegation hoped that the presidential election will represent a smooth process (12.03.2014)

The PACE delegation to assess the pre-electoral climate in the state regretted the obvious polarisation of the media, which appeared to be more a tool for propaganda than a means to disseminate information to the public, and expressed concerns about the alleged growth of pressure on the media. It expressed the hope that the electoral campaign will be a smooth one without any deviations towards nationalistic and ethnocentric paths ([Read more](#)).

■ GRECO: Publication of an evaluation report (17.03.2014)

In a report published on “The former Yugoslav Republic of Macedonia”, GRECO considers insufficient and expresses concern on the effectiveness of the implementation and enforcement of the legal framework governing the prevention of corruption among members of Parliament, judges and prosecutors ([Read the report](#)).

Turkey

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

■ PACE: Total blocking access to YouTube contrary to the case-law of the ECHR (28.03.2014)

The PACE President stated that the total blocking of access to YouTube is a further worrying development regarding freedom of expression and is contrary to the case-law of the ECHR. She recalled the need of restrictions on freedom of expression to be strictly regulated, and called on the state to respect the rulings of the ECHR and to refrain from such blocking of websites and social media ([Read more - Josette Durrieu: blocking twitter accounts in Turkey would be a serious violation of freedom of expression](#)).

■ CPT: Publication of a report on Turkey (13.03.2014)

CPT has published the report on its January 2013 visit to the F-type High-Security Closed Prison on the island of Imralı in Turkey, together with the response of the Turkish Government ([Read the report](#)).

Ukraine

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

■ PACE: statement issued by the Committee on Legal Affairs and Human Rights (03.03.2014)

The Committee of Legal Affairs and Human Rights condemned without reservation the violation of the territorial integrity of Ukraine by armed forces of the Russian Federation. It called on the PACE to send a fact-finding mission to Crimea as soon as possible ([Read more](#)).

■ PACE: Help with laying foundations for democratic reforms in Ukraine (25.03.2014)

The PACE President offered the CoE's help in assisting Ukraine to overcome the great challenges it faces. She stated that one of the priorities should be to guarantee that the rights of all national and linguistic minorities will be fully protected. Furthermore, she underlined that there must be no impunity for the human rights abuses that occurred during the Maidan protests ([Read more - PACE President strongly condemned Russia's recognition of the independence of Crimea](#) - [PACE President discussed Ukraine with UN Secretary-General Ban Ki-moon](#)).

■ Commissioner for Human Rights: Fight against impunity and judicial reforms are necessary to improve human rights protection (04.03.2014)

Releasing a report following his visit, the Commissioner stressed the urgency of addressing the shortcomings which he pointed out, in order to improve the human rights situation in the state. He notably stated that the state must stop co-operation with persons assembled on an ad hoc basis for the policing of demonstrations and other law enforcement functions, and highlighted numerous reports about ineffective safeguards against ill-treatment ([Read more](#) - [Read in Ukrainian](#) - [Read the report](#)).

■ ECRI: statement by the ECRI concerning Ukraine (27.03.2014)

The ECRI wishes to express its grave concern at serious allegations of intimidation and discrimination against Ukrainian speakers and Tatars in the Crimean region of Ukraine, now under the de facto control of the Russian Federation ([Read more](#)).

United Kingdom

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 United Kingdom (27.03.2014)

CPT has published the [report](#) on its seventh periodic visit to the United Kingdom in September 2012, together with the [response](#) of the United Kingdom Government ([Read more](#)).