

IV. Main achievements

Introduction

The 2015 Annual Report contained a State by State overview of main achievements since the entry into force of Protocol No. 11 in 1998 (earlier achievements were summarised in the Court's Annual Report of that year celebrating the Court's 40th anniversary).

The 2016 Annual Report intends to provide additional insights into problems which have more recently come before the Committee of Ministers and led to more important reforms. The present overview thus focuses on reforms reported since the beginning of the Interlaken process in 2010. The individual measures adopted in order to erase the consequences of the violations for the individual applicants are not presented in this overview.

In line with the approach in the overview of activities in 2016 (Appendix 5 – Thematic Overview) and that in the country fact sheets (Appendix 9), the presentation is thematic, indicating with respect to each theme the States and cases concerned.

In order to provide as up-to-date information as possible, reforms reported are not limited to those accepted in final resolutions in cases closed, but also includes more important progress made in pending cases; references are here to the presentation of the status of execution in HUDOC-EXEC.

Nota Bene: Cases cited under a specific theme do not necessarily raise all the issues mentioned in the heading. Similarly, the mention of the closure of supervision of a specific case does not necessarily mean that all problems in the area concerned have been solved. In a number of instances, the Committee of Ministers recognised major progress with respect to the solution of certain aspects of a larger problem by allowing a closure of certain cases of a group related to the aspects solved (“partial closure”).

For presentation purposes, only the case leading the group is mentioned; in case of joinder of several groups, only the first group is mentioned.

Thematic examples of achievements reported since interlaken 2010

Under the supervision of the Committee of Ministers, notable progress has been achieved in the following areas:

Actions of security forces and effectiveness of investigations

Prevention of arbitrary detention without reasonable suspicion that the person concerned has committed a crime (notably reinforcement of prosecutors' independence from the executive and the legislator, increased disciplinary liability for prosecutors and clear prohibition for all State authorities from interfering in the handling of individual cases)

Republic of Moldova: Cebotari, Final resolution (2016)147; Musuc, see status of execution; Armenia: Khachatryan and Others, Final resolution (2016)184

Control of the lawfulness of detention in the context of police operations on the high seas

France: Medvedyev and Others, Final resolution (2014)78

Proportionate use of force during arrest and other interventions, including more precise instructions – notably as regards the handling of the use of lethal force and dangerous immobilisation techniques

Bulgaria: Tzekov and 5 other cases, Final resolution (2016)274; Estonia: Korobov and Others, Final resolution (2016)105; France: Guerdner and Others, Final resolution (2016)6, Darraj, Final resolution (2016)216; Greece: Makaratzis, see status of execution; Republic of Moldova: Colibaba, Final resolution (2016)146; Poland: Dzwonkowski, Final resolution (2016)148

Protection against the use of threats of torture or other ill-treatment by the police in order to obtain information

Germany: Gäfgen, Final resolution (2014)289

Improvement of the planning and implementation of anti-terror operations to better take into account the risk of collateral damages affecting innocent persons

Russian Federation: Finogenov, see status of execution

Independence and effectiveness of investigations concerning police (including involvement of victims or their relatives) into allegations of excessive use of force, ill-treatment (including in police custody), as well as in face of ordinary crimes reported

Bulgaria: Seidova and Others, Final resolution (2013)101; Cyprus: Shchukin and Others, Final resolution (2014)93; Czech Republic: Eremiasova and Pechova, Final resolution (2014)69; Hungary: Knetty and Barta, Final resolution (2011)297; Republic of Moldova: Colibaba, Final resolution (2016)146, Cebotari, Final resolution (2016)147; Poland: Dzwonkowski, Final resolution (2016)148; Romania: Barbu Anghelescu, Final resolution (2016)150; Serbia: Stanomirovic, see status of execution

Independence and effectiveness of investigations concerning troops on mission abroad in case of allegations of illegal killings, ill-treatment or deprivations of liberty

Netherlands: Jaloud, pending, see status of execution; United Kingdom: Al-Skeini and Others, Final resolution (2016)298, Al-Jedda, Final resolution (2014)271

Strengthening procedures to investigate possible racial motives (notably related to Roma)¹⁶ behind excessive use of force or criminal actions

Greece: Makaratzis, see status of execution; Romania: Barbu Anghelescu, Final resolution (2016)150; Slovak Republic: Mizigarova, Final resolution (2016)17

Availability of a right to damages, notably non pecuniary damages, in case of abuses by security forces

Armenia: Khachatryan and Others, Final resolution (2016)184; Estonia: Korobov and Others, Final resolution (2016)105

Right to life - protection against ill-treatment: specific situations

Security Forces

Securing of areas with land mines, notably to protect children

Turkey: Pasa and Erkan Erol, Final resolution (2011)16

Improvement of guarantees surrounding body searches in prison or in connection with trials

France: El Shennawy, Final resolution (2015)77

Introduction of a possibility for life prisoners to seek, after having served a fixed tariff, a review of their situation allowing, if deemed appropriate, conditional release and ensuring that decisions taken are subject to judicial review

United Kingdom: Vinter, see status of execution

Protection against:

sexual abuse by relatives

Romania: M. and C., Final resolution (2013)233

school violence

Turkey: Kayak, Final resolution (2016)302

Independence and effectiveness of investigations into deaths in hospital

Poland: Byrzykowski, Final resolution (2013)208

16. The terms "Roma and Travellers" are being used at the Council of Europe to encompass the wide diversity of the groups covered by the work of the Council of Europe in this field: on the one hand a) Roma, Sinti/Manush, Calé, Kaale, Romanichals, Boyash/Rudari; b) Balkan Egyptians (Egyptians and Ashkali); c) Eastern groups (Dom, Lom and Abdal); and, on the other hand, groups such as Travellers, Yenish, and the populations designated under the administrative term "Gens du voyage", as well as persons who identify themselves as Gypsies.

Reception / Expulsion / Extradition

General

Convention protection applies also in case of naval or coast guard operations on the high seas (non-refoulement)

Italy: Hirsi Jamaa and Others, Final resolution (2016)221

Ensure that transfers do not take place when the receiving country cannot guarantee reception conditions and asylum procedures that meet Convention requirements, **notably within the area covered by the Dublin regulations**

Belgium: M.S.S., Final resolution (2014)272

Availability of effective remedies with automatic suspensive effect in case of entry prohibitions (notably in case of confinement in international areas of airports or other waiting zones)

France: Gebremedhin, Final resolution (2013)56

Examination of asylum applications

Improved examination of asylum requests (notably as regards the risks faced, including post flight risks, the risk of denial of justice and the quality of diplomatic assurances) and granting regular suspensive effect to appeals

Belgium: M.S.S., Final resolution (2014)272, Singh and Others, Final resolution (2014)112; Malta: Suso Musa, Final resolution (2016)277; Switzerland: A.A., Final resolution (2015)95; United Kingdom: Othman (Abu Qatada), Final resolution (2013)198

Ensuring that the right to family life may be adequately taken into account in expulsion proceedings, including where national security grounds are invoked

Bulgaria: Al-Nashif, Final resolution (2015)44; Norway: Nunez, Final resolution (2013)117

Prevention of excessive formalism in the examination of requests for residence permits

Netherlands: G.R., Final resolution (2014)293

Reception and detention

Improvement of the handling of unaccompanied minors, including detention issues

Belgium: Mubilanzila and Kaniki Mitunga, Final resolution (2014)226

Improved judicial procedures to ensure that the lawfulness of detention (including in reception zones in airports) **awaiting a decision on asylum or in view of expulsion** is speedily reviewed (including the right to order release if detention is no longer required or if there are no prospects of implementation of removal decisions within a reasonable time)

Czech Republic: Buishvili, Final resolution (2015)98; **Greece:** S.D., see *status of execution*; **Latvia:** Nassr Allah, Final resolution (2016)192; **Malta:** Suso Musa, Final resolution (2016)277; **United Kingdom:** A. and Others, Final resolution (2013)114

Amendments' ensuring that detention in view of expulsion/extradition is based on sufficiently precise legislation and ordered only on the basis of a formal decision (even where the measure is ordered on national security grounds)

Bosnia and Herzegovina: Al Hamdani, Final resolution (2014)186; **Czech Republic:** Rashed, Final resolution (2014)99; **Greece:** Mathloom, Final resolution (2014)232; **Romania:** Al-Agha, Final resolution (2016)110; **San Marino:** Toniolo, Final resolution (2014)283

Development of alternatives to detention with a view to expulsion for national security reasons where there are no prospects of effective removal

United Kingdom: A. and Others, Final resolution (2013)114

Improvement of the conditions of detention of migrants and asylum seekers, and ensuring the existence of effective remedies

Greece: S.D., see *status of execution*; **Malta:** Suso Musa, Final resolution (2016)277

Prohibition of slavery and forced labour

Protection against human trafficking and subjection to servitude

France: C.N. and V., Final resolution (2014)39; **United Kingdom:** C.N., Final resolution (2014)34

Protection of rights in detention

Lawfulness of detention

Ensuring that pre-trial detention is always covered by judicial orders, including the special problems which may occur when transferring detained persons between federal structures

Russian Federation: Bednov, Final resolution (2015)249; **Switzerland:** Borer, Final resolution (2016)240

Abolition of the rule that no specific detention orders are required once the investigating authorities have sent the case files to the trial court

Georgia: Patsuria, Final resolution (2011)105; **Republic of Moldova:** Sarban, see *status of execution*

Quality of the control of lawfulness of pre-trial detention, notably introduction of a right for the accused to be served prosecutor motions for extension of detention, to attend hearings and/or to have access to relevant parts of the case-file (including assistance of an interpreter) and obligations on the courts to provide reasons; also acceleration of appeal proceedings and ensuring that release orders are rapidly enforced

Czech Republic: Husak, Kneble and Krejcir, Final resolution (2013)120; **Estonia:** Ovsjannikov, Final resolution (2015)136; **Germany:** Mooren, Final

resolution (2011)216; **Hungary:** Imre, Maglódi, Csáky and Bárkányi, Final resolution (2011)222; **Latvia:** Shannon, Final resolution (2016)64; **Poland:** Laskiewicz, Final resolution (2013)85, Ladent, Final resolution (2016)32; **Russian Federation:** Bednov, Final resolution (2015)249; **Turkey:** Demirel, Final resolution (2016)332

Measures to limit length of pre-trial detention

Latvia: Bannikov, Final resolution (2015)137; **Turkey:** Demirel, Final resolution (2016)332

Introduction of special rules adapted to the situation of minors

Turkey: Nart, Final resolution (2016)304

Deduction of house arrest as periods spent in detention when calculating prison sentence

Romania: Ciobanu, Final resolution (2015)28

Speedy review of the lawfulness of continued detention after expiry of the tariff

United Kingdom: Betteridge, Final resolution (2013)217

Control of the justification for placement under special prison regime for “dangerous detainees” or in isolation, including judicial review of such decisions or specific interferences with Convention rights caused

Bulgaria: Yankov, Final resolution (2013)102; **Poland:** Horych, Final Resolution (2016)128; **Romania:** Enache, see *status of execution*

Protection against arbitrary detention in psychiatric hospital, notably by ensuring that such detention is always ordered by a court and not by social authorities or through the simple consent of the guardian

Bosnia and Herzegovina: Tokic and Others, Final resolution (2014)197; **Czech Republic:** Sýkora, Final resolution (2015)75; **Bulgaria:** Yankov, Final resolution (2013)102

Imposition of ceilings on the duration of detention for non-payment of the personal guarantee fixed in case of breach of bail conditions, depending on the amount of bail bond

Malta: Gatt, Final resolution (2014)165

Introduction or improvement of possibilities to obtain compensation for illegal detention and/or abolition of the obligation to prove one’s innocence in order to receive compensation for detention on remand if acquitted

Belgium: Capeau, Final resolution (2011)43; **Bulgaria:** Yankov, Final resolution (2013)102; **Estonia:** Harkmann and Bergmann, Final resolution (2010)158; **Georgia:** Jgarkava, Final resolution (2016)25; **Ireland:** D.G., Final resolution (2014)234; **Republic of Moldova:** Cebotari, Final resolution (2016)147; **Turkey:** Aydemir and Michalko, Final resolution (2013)47

Conditions of detention

Improvement of the conditions of detention on remand centres and prisons, including problems related to overcrowding

Estonia: Kochetkov, Final resolution (2013)9; **France:** R.L. and M.-J.D., Final resolution (2014)113; **Netherlands:** Mathew, Final resolution (2016)126; **Romania:** Bragadireanu, see *status of execution*; **Poland:** Orchowski, Final resolution (2016)254

Measures to ensure adequate conditions for the preparation and distribution of food in accordance with religious beliefs

Romania: Vartic No. 2, Final resolution (2014)221

Increased right to family visits, including possibilities to organise “direct contact” visits

Poland: Klamecki No. 2, Final resolution (2013)228

Introduction of an effective remedy for unsatisfactory prison conditions (whether by way of monetary compensation or in the form of reduction of sentence)

Estonia: Kochetkov, Final resolution (2013)9; **Italy:** Torreggiani and Others, Final resolution (2016)28

Proportionality and adequacy of disciplinary measures (including in case of persons with mental illness)

Bulgaria: Yankov, Final resolution (2013)102; **France:** Renolde, Final resolution (2016)24; **Netherlands:** Mathew, Final resolution (2016)126

Use of coercive measures in the context of involuntary confinement in mental hospital

Croatia: M.S. No. 2, see *status of execution*

Proportionality of interventions by security forces to maintain order in prison

Romania: Iorga and Others, Final resolution (2016)265

Independence and effectiveness of investigations vis-à-vis the penitentiary staff into allegations of disproportionate use of force or ill-treatment

Romania: Barbu Anghelescu, Final resolution (2016)150

Improvement in the handling of mentally-ill persons in police custody and measures to limit pre-placement detention of mentally-ill offenders in ordinary remand centres

Netherlands: Morsink, Final resolution (2014)294; **United Kingdom:** M.S., Final resolution (2013)175

Better access to media and physical exercise for “dangerous detainees” subjected to special detention regimes (often involving lengthy solitary confinement)

Poland: Horych, Final resolution (2016)128

Conditions of detention - medical care

Improvement of health care for prisoners, including special problems such as HIV or mental health problems

Albania: Dybeku and Grori, Final resolution (2016)273; **France:** R.L. and M.-J.D., Final resolution (2014)113, Renolde, Final resolution (2016)24; **Georgia:** Ghavtadze, Final resolution (2014)209, Jashi, Final resolution (2014)162; **Poland:** Kaprykowski, Final resolution (2016)278

Detention and other rights

Abolition of blanket bans on prisoners' voting

Austria: Frodl, Final resolution (2011)91; **Romania:** Calmanovici, Final resolution (2014)13; **Turkey:** Soyler, see status of execution

Right to compassionate leave increased (i.e. leave to visit dying child in hospital and attend funeral)

Poland: Giszczak, Final resolution (2013)65

Creation of a clear and detailed framework for control of prisoners' correspondence

Netherlands: Doerga, Final resolution (2011)137; **Poland:** Klamecki No. 2, Final resolution (2013)228

Functioning of justice

Access to court

Introduction or improvement of procedures to contest the lawfulness of acts of public bodies and officials

Armenia: Khachatryan, Final resolution (2015)37, Saghatelyan, Final resolution (2016)211; **Serbia:** Backovic, Final resolution (2013)44

Access to the highest courts, notably abolition of excessively formalistic requirements

Armenia: Melikyan, Final resolution (2014)44; **Belgium:** L'Erablière A.S.B.L., Final resolution (2013)224; **Bulgaria:** Angel Angelov, Final resolution (2013)153; **Greece:** Alvanos and Others and 3 other cases, Final resolution (2016)178; **Czech Republic:** Adamicek and 3 other cases, Final resolution (2013)58; **Luxembourg:** Kemp and Others, Final resolution (2012)93; **Poland:** Siałkowska, Final resolution (2013)147, Subicka, Final resolution (2015)146; **Slovak Republic:** Kovárová, Final resolution (2016)138

Access to court/and or right to appeal in case of administrative offences

Bulgaria: Kamburov No. 2, Final resolution (2013)99; **France:** Cadene and 2 other cases, Final resolution (2016)283

Introduction of a possibility to obtain a determination of civil claims brought in criminal proceedings also in case these have been discontinued because of statutes of limitations, amnesty or death of the accused

Bulgaria: Antanasova, Final resolution (2013)239

Access to court through reforms of court fees and rules on legal representation and abolition of requirement of regular residence in the country to obtain legal aid

Belgium: Anakomba Yula, Final resolution (2016)243; **Georgia:** FC Mretebi, Final resolution (2010)163; **Poland:** Tabor, Final resolution (2011)239; **United Kingdom:** Zagorodniy, Final resolution (2016)92

Access to court as regards measures taken in the context of the implementation of labour market programs affecting “civil” rights

Sweden: Mendel, Final resolution (2013)196

Protection of minority shareholders’ right of access to court

Czech Republic: Suda, Final resolution (2012)18

Judicial independence

Disciplinary procedures against judges ensuring the independence of the competent body

Croatia: Olujic, Final resolution (2011)194; **Ukraine:** Oleksandr Volkov, see *status of execution*

Independence of military court

Turkey: Ibrahim Gürkan, Final resolution (2016)303

Contempt of court issues to be dealt with by another court than the one concerned

Cyprus: Kyprianou, Final resolution (2015)47

Respect for final judicial decisions

Abolition or limitation of executive prerogatives to challenge final domestic decisions

Bulgaria: Mancheva, Final resolution (2014)201; **Bosnia and Herzegovina:** Jeličić, Final resolution (2012)10; **Romania:** Androne, Final resolution (2013)232

Due enforcement of domestic judicial decisions, in particular against the State or State owned companies (including the setting up of a central state fund to honour such judgments)

Armenia: Khachatryan, Final resolution (2015)37; **Georgia:** “Iza” Ltd and Makrakhidze, Final resolution (2011)108; **Italy:** Ventorino, Final resolution (2016)316; **Montenegro:** Boucke, Final resolution (2016)165, Milic, Final resolution (2016)223; **Russian Federation:** Timofeyev / Burdov No. 2, Final resolution (2016)268; Gerasimov, see *status of execution*; **The former Yugoslav Republic of Macedonia:** Atanasovic and Others, Final resolution (2016)35

Enforcement of decisions regarding children

Romania: Lafargue, Final resolution (2014)282

Speedy execution of foreign judgments (exequatur) relating to child maintenance

France: Dinu, Final resolution (2013)157

Length of judicial proceedings

Ensuring trial within a reasonable time:

in civil proceedings including the setting up of effective compensatory and acceleratory remedies

Bulgaria: *Finger / Dimitrov and Hamanov*, Final resolution (2015)154; **Cyprus:** *Buj*, Final resolution (2011)47; **Estonia:** *Saarekallas Oü*, Final resolution (2014)286; **Germany:** *Rumpf*, Final resolution (2013)244; **Greece:** *Michelioudakis*, Final resolution (2015)231; **Italy:** *Andreoletti*, Final resolution (2015)246; **Portugal:** *Oliveira Modesto and Others*, Final resolution (2016)149, *Martins de Castro*, Final resolution (2016)99; **Romania:** *Nicolau*, Final resolution (2016)151; **Slovak Republic:** *Maxian and Maxianova*, see *status of execution*; **Slovenia:** *Lukenda*, Final resolution (2016)354; **The former Yugoslav Republic of Macedonia:** *Atanasovic and Others*, Final resolution (2016)35; **Turkey:** *Ormanci and Others*, Final resolution (2014)298

in “civil” proceedings before administrative courts including the setting up of effective compensatory and acceleratory remedies

Austria: *Rambauske*, Final resolution (2015)222; **Cyprus:** *Buj*, Final resolution (2011)47; **Estonia:** *Saarekallas Oü*, Final resolution (2014)286; **Germany:** *Rumpf*, Final resolution (2013)244; **Greece:** *Vassilios Athanasiou and Others*, Final resolution (2015)230, *Papazoglou and Others*, Final resolution (2016)94; **Italy:** *Di Bonaventura*, Final resolution (2016)358; **Poland:** *Fuchs*, Final resolution (2016)359; **Portugal:** *Oliveira Modesto and Others*, Final resolution (2016)149, *Martins de Castro*, Final resolution (2016)99

in criminal proceedings, including speeding up criminal investigations and the setting up of effective compensatory and acceleratory remedies

Austria: *Donner and 5 other cases*, Final resolution (2016)212; **Bulgaria:** *Finger / Dimitrov and Hamanov*, Final resolution (2015)154; **Germany:** *Rumpf*, Final resolution (2013)244; **Greece:** *Michelioudakis*, Final resolution (2015)231; **Lithuania:** *Sulcas*, Final resolution (2014)291; **Luxembourg:** *Schuhmacher*, Final resolution (2014)216; **Portugal:** *Oliveira Modesto and Others*, Final resolution (2016)149, *Martins de Castro*, Final resolution (2016)99; **Romania:** *Nicolau*, Final resolution (2016)151; **Serbia:** *Ristić*, Final resolution (2014)18

Fair trial

Improved reasoning of judicial decisions

Armenia: *Sholokhov*, Final resolution (2015)116; **Belgium:** *Taxquet*, Final resolution (2012)112; **The former Yugoslav Republic of Macedonia:** *Atanasovskij*, Final resolution (2015)152

Measures to ensure consistency of domestic courts’ case-law

Romania: *Beian*, Final resolution (2015)04

Oral hearing in administrative cases

Armenia: *Stepanyan*, Final resolution (2015)38

Improved respect by civil courts for administrative court findings concerning the lawfulness of State acts

Bulgaria: Kehaya, Final resolution (2013)238, Decheva and Others, Final resolution (2014)137

Respect for the adversarial principle in civil proceedings

Romania: Grozescu, Final resolution (2013)55

Measures to improve Assize Court proceedings in criminal cases (jury trials)

Belgium: Taxquet, Final resolution (2012)112

Access of the accused to relevant information in criminal “lustration” proceedings

Poland: Matyjek, Final resolution (2014)172

Improved possibilities to obtain the reopening of criminal cases decided in absentia (without the person having been duly informed of the proceedings)

Bulgaria: Aliykov, Final resolution (2014)259

Recognition of the right of the accused to remain silent and to be assisted by a lawyer when interrogated in police custody

Monaco: Navone and Others, Final resolution (2014)266

No punishment without law

Remedying excessively vague criminal legislation

Estonia: Livik, Final resolution (2010)157

Abolition of retroactive application of criminal law (including special issues such as retroactive extension of “preventive detention” not foreseen when the person was convicted)

Bosnia And Herzegovina: Maktouf and Damianovic, see [status of execution](#); Germany: M., Final resolution (2014)290; Spain: Del Rio Prada, Final resolution (2014)107

Protection of home, private and family life

Right to home and privacy

Affording Roma and travellers improved protection against eviction from publicly owned sites put at their disposal

United Kingdom: Buckland, Final resolution (2013)237

Ensuring that eviction decisions take into account the consequences for the leaseholder (proportionality test)

Croatia: Ćosić, Final resolution (2011)48

Limitation of broad police powers to issue stop and search orders without suspicion of crime concerning persons or vehicles (power henceforth apply only where senior police officers suspect an act of terrorism)

United Kingdom: Gillan and Quinton, Final resolution (2013)52

Introduction of a prohibition on photo abusively interfering with the right to privacy

Sweden: Söderman, Final resolution (2014)106

Parental rights

Mechanisms for the swift resolution of parental conflicts and for safeguarding parents' rights (visiting or other) to their children

Czech Republic: Bergmann, Final resolution (2013)155; Italy: Roda and Bonfatti, Final resolution (2016)27

Swift judicial decisions and effective implementation thereof in cases of international kidnappings (cases under the Hague Convention on the civil aspects of international abduction)

Czech Republic: Macready, Final resolution (2012)21

Abolition of automatic public care for certain criminal convictions

Malta: M.D. and Others, Final resolution (2014)265

Possibilities to reopen paternity proceedings in the light of new evidence linked to new scientific methods (DNA)

Slovak Republic: Paulik, Final resolution (2013)195

Access to medically-assisted procreation for persons with genetic diseases

Italy: Costa and Pavan, Final resolution (2016)276

Abortion

System put in place to make practical the right to seek and obtain lawful abortion within the limits set by the Constitution

Ireland: A., B. and C., Final resolution (2014)273

Acquisition, use, disclosure or retention of private information

Control of secret surveillance measures and effective remedies

Lithuania: Drakšas, Final resolution (2016)124

More detailed rules for the holding of confidential police registers and improved supervision of the respect of these rules

Bulgaria: Dimitrov-Kazakov, Final resolution (2013)119

Limitations introduced on the keeping of fingerprints or DNA profiles in police records where persons were eventually not prosecuted or acquitted

France: M.K., Final resolution (2016)310; United Kingdom: Goggins, Final resolution (2014)91; S. and Marper, see status of execution

Freedom of religion and conscience

Revision of the system of conscientious objection to reduce extra length and provide redress to conscientious objectors unjustly convicted

Armenia: Bayatyan, Final resolution (2014)225

Abolition of the requirement to divulge one's faith when taking oath of office as a lawyer

Greece: Alexandridis, Final resolution (2016)312

Lifting of the prohibition to wear religious headgears and garments in public areas

Turkey: Ahmet Arslan and Others, Final resolution (2016)330

Freedom of expression

Introduction of an obligation to provide properly substantiated and reasoned decisions with respect to the selection, refusal or invalidation of broadcasting licences

Armenia: Meltex Ltd and Mesrop Movsesyan, Final resolution (2011)39

Abrogation of the possibility to prohibit the future publication of whole periodicals because of an article deemed to have constituted propaganda in favour of a terrorist organisation

Turkey: Ürper and Others, Final resolution (2014)130

Limitation of parliamentary immunity in defamation matters to exclude statements made without link to the exercise of a parliamentary function

Italy: Patrono, Cascini and Stefanelli, Final resolution (2016)119

Decriminalisation of defamation and insult

Montenegro: Šabanović, Final resolution (2016)44

Freedom of assembly and association

Adoption of a precise legal framework for peaceful assemblies

Armenia: Galstyan, Final resolution (2016)185

Filling of legislative lacuna so as to protect against unfair dismissal also on the grounds of political opinion

United Kingdom: Redfearn, Final resolution (2013)223

Protection of property

Adoption of legislation required for the settling of a state bond scheme

Russian Federation: Malysh and Others, Final resolution (2012)134

Adoption of legislation required to honour an earlier legislative engagement to compensate victims of Soviet era repression

Georgia: Klaus and Yuri Kiladze, Final resolution (2015)41

Introduction of a new system of rent and property regulations to ensure a fair balance between the interests of landlords and tenants to solve problems inherent in an earlier rent control scheme

Norway: Lindheim, Final resolution (2016)46; Poland: Hutten-Czapska, Final resolution (2016)259

Adoption of a repayment scheme for “old” foreign currency accounts frozen after the dissolution of the Socialist Federative Republic of Yugoslavia

Slovenia: Alisić and Others, see status of execution

Recognition of the right of property owners with ethical objections to hunting to withdraw from hunting associations (which may by law be created against their will)

Germany: Herrmann, Final resolution (2016)188; Luxembourg: Schneider, Final resolution (2013)34

Mechanism to provide redress (restitution or compensation) to owners of properties nationalised under the former communist regime was accepted as in principle capable of offering adequate redress

Romania: Draculet, Final resolution (2014)274, see also status of execution in Maria Atanasiu and Others and Strain

Right to education

Measures to facilitate the enrolment of Roma children in the national education system and monitor regular attendance and special instructions and training to teachers

Croatia: Orsus, see status of execution; Greece: Sampanis and Others, Final resolution (2011)119; Sampani, see status of execution

Electoral rights

Submission of a property and income declaration no longer a pre-requisite for registration for parliamentary elections

Armenia: Sarukhanyan, Final resolution (2014)108

Narrowing of the scope of persons ineligible for parliamentary elections to those who were formerly directly involved in the KGB’s primary functions

Latvia: Adamsons, Final resolution (2014)279

Improved control of the regularity of elections and of actions of the central electoral commission

Georgia: Pichkur, Final resolution (2016)36

Freedom of movement

Abolition of the possibility to impose travel bans for unpaid taxes and of automatic imposition of such ban in case of breach of immigration rules of a third country

Bulgaria: Makedonski, Final resolution (2013)2; Stamose, Final resolution (2014)249

Obligation to provide more in depth justifications for travel bans imposed for the purposes of pending criminal proceedings

Bulgaria: Pfeifer, Final resolution (2015)67; Poland: Miazdzyk, Final resolution (2016)261

Discrimination

Abolition of discriminations based on...

...sexual orientation

in the right to engage civil unions

Greece: Vallianatos and Others, Final resolution (2016)275

in the enjoyment of succession rights to jointly rented flats

Poland: Kozak, Final resolution (2013)81

in the enjoyment of rights under insurance schemes for civil servants

Austria: P.B. and J.S., Final resolution (2011)42

in the enjoyment of the right to adopt children

Austria: X. and Others, Final resolution (2014)159

...nationality

in the enjoyment of family allowances

Greece: Zeibek, Final resolution (2012)34; Italy: Dhabbi, Final resolution (2015)203

...ethnic origin

in the enjoyment of state support in repairing the consequences of acts of ethnic violence which occurred before ratification of the Convention (Roma) (vast array of measures adopted to make good consequences suffered)

Romania: Moldovan and Others, Final resolution (2016)39

...other grounds

as regards the right of unmarried fathers to obtain child custody

Austria: Sporer, Final resolution (2015)19; Germany: Zaunegger, Final resolution (2014)163

as regards the right of single parents to accede to full adoption

Luxembourg: Wagner and J.M.W.L., Final resolution (2013)33

as regards the right of persons unjustly “erased” from the lists of residents after Slovenia’s independence (granting of the right to seek reinstatement in their residence rights and compensation for consequences of the “erasure”)

Slovenia: Kuric and Others, Final resolution (2016)112

as regards the right of refugees enjoying a time-limited leave to remain to be joined by their spouses married abroad “post-flight” (a limitation not upheld vis-à-vis spouses married abroad “before flight” - right of reunification granted)

United Kingdom: Hode and Abdi, Final resolution (2014)05

Limitation on the use of restrictions of rights

Preventing abuse of power through the use of arrest and pre-trial detention for purposes other than those accepted under Article 5 (notably reinforcement of prosecutor independence of the executive and the legislator, increased disciplinary liability for prosecutors and a clear prohibition for all state authorities to interfere in the handling of individual cases)

Republic of Moldova: Cebotari, Final resolution (2016)147

Effective remedies – general issues

Introduction of a general remedy for all types of violations of the Convention

Turkey: Özbek, Final resolution (2013)254

Reopening of proceedings to give effect to judgments of the European court – developments since 2010

(an overview of the earlier situation can be found in documents CDDH(2006)008 Addendum III, CDDH(2008)008 Add. I.; updated information are presented on the website of the CDDH).

In criminal cases

Cyprus: Kyprianou, Final resolution (2015)47; Georgia: Jgarkava, Final resolution (2016)25; Italy: Bracci, Final resolution (2014)102

Extending right to ask for reopening of proceedings to include also the prosecutor

Georgia: see Appendix 6

In civil, criminal and administrative cases

Andorra: Ute Saur Valnet, see status of execution

In civil cases related to the status of the person

France: see Appendix 6