



REGULAR SELECTIVE INFORMATION FLOW

for the attention of the National Human Rights Structures

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Information **selected** by the « Versailles St-Quentin Institutions Publiques » research centre (Versailles St-Quentin-en-Yvelines University, France), under the responsibility of the Directorate of Human Rights (DG I) of the Council of Europe
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Introduction

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

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

The selection of the information included in the Issues is made by the "Versailles-St-Quentin Institutions Publiques" research centre (VIP – University of Versailles-St-Quentin-en-Yvelines, France) under the responsibility of the Directorate of Human Rights. It is based on what is deemed relevant to the work of the NHRs (including Ombudsman Institutions, National Human Rights Commissions and Institutes, Anti-discrimination Bodies). A particular effort is made to render the selection as targeted and short as possible. Readers are expressly encouraged to give any feedback that may allow for the improvement of the format and the contents of this tool.

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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 July – 31 August 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.

A. Judgments

1. Judgments deemed of particular interest to the NHRs

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

Some judgments are only available in French.

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

Note on the Importance Level:

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

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

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

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

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

- **Right to life (Art. 2)**

[CENTRE FOR LEGAL RESOURCES ON BEHALF OF VALENTIN CÂMPEANU V. ROMANIA](#) (No. 47848/08) - Importance 3 - 17 July 2014 - Violation of Article 2 – Admissibility of a claim made by a NGO on behalf of the victim; Domestic authorities’ failure to ensure the necessary protection and the appropriate care of the victim - Violation of Article 13 - Domestic authorities’ failure to provide people suffering from mental disabilities and claiming to be victims with appropriate mechanism for redress – Application of Article 46 – Obligation made to domestic authorities to ensure the representation of mentally ill persons

The case concerned the death of an 80 years old man who was HIV positive and suffered from a severe mental disability. The application was lodged by a non-governmental organisation (Centre Fort Legal Resources, CLR) on his behalf.

Violation of Article 2

The Court first held that due to the exceptional circumstances of the case, the CLR could lodge the application on behalf of the victim, so that the complaint had been admissible. Indeed, the Convention had to be interpreted as guaranteeing practical and effective rights and not theoretical and illusory rights. Moreover, it found that the latter could not initiate any proceedings to complaint about his situation while he was alive without proper legal support, so that he was in a less favourable position than that of any applicant in previous cases dealt with by the Court.

Besides, the Court found that the victim had never been consulted, nor informed about his transfer from one medical unit to another and for his admission to the Poiana Mare Neuropsychiatric Hospital ("PMH"), although he had fully legal capacity.

It also took the view that while transferring him, domestic authorities did not prioritize the establishment that would be able to give appropriate medical care and support to the victim, but had focused on the one who would accommodate him.

It noticed that the victim had been ultimately admitted to the PMH although the latter had previously refused him, and although it was not equipped to handle patients with mental health problems. In addition, such difficulties were known by domestic authorities but they kept on letting the victim at PMH, which was endangering his life.

The Court then observed that he was transferred from one unit to another without any diagnosis; that no meaningful examination had been conducted to establish the causes of his mental state; that he had mainly been treated with sedatives, and not with antiretroviral medication, as it is required.

Furthermore, the Court specified that during his entire life, the victim had been under domestic authorities' responsibility. They had therefore an obligation concerning his treatment and should have given plausible explanations on the matter.

Such failure to provide him with appropriate care had been one of the causes of his untimely death, in breach of Article 2.

The Court had also found a violation of Article 2 as regards the procedural requirements because domestic authorities had failed to clarify the circumstances of the victim's death, nor had they been able to identify those responsible for it. Of particular importance was the absence of autopsy immediately after his death.

Violation of Article 13 in conjunction with Article 2

The Court had considered that domestic authorities had failed to provide an appropriate compensation mechanism to people with mental disabilities claiming to be victims under Article 2. It also found that they had not referred to any other procedure that could establish the liability of the concerned staff.

Given those findings, it held that there had been a violation of Article 13 in conjunction with Article 2.

Article 41 (Just satisfaction)

The Centre for Legal Resources had not submitted any claims in respect of pecuniary or non-pecuniary damage. As regards the costs and expenses incurred, the Court held that domestic authorities were to pay EUR 10,000 to the CLR and EUR 25,000 to the organisation Interights, which acted as advisor to counsel for the CLR before the Court.

Article 46

The Court alleged that the circumstances in respect of which it had found a violation of Article 2 and Article 13 revealed the existence of a structural problem, so that it had to indicate general measures for the execution of the judgment. It had recommended domestic authorities to ensure that mentally disabled persons in a situation comparable to that of Mr Câmpeanu were provided with independent representation in view of complaint about their health and treatment before a court or other independent body, under the supervision of the Committee of Ministers.

ATAYKAYA V. TURKEY ([IN FRENCH ONLY](#)) (No. 50275/08) - Importance 2 - 22 July 2014 - Violation of Article 2 - Domestic authorities' failure to frame the use of tear-gas grenades during demonstrations – Article 46 – Obligation made to domestic authorities to reinforce the guarantees on the use of tear-gas

The case concerned the death of the applicant's son caused by a tear-gas grenade fired by the police during an illegal demonstration while the latter was leaving his place of work.

The Court had to examine whether the investigation about the death of the applicant's son had been effective or not. It observed that though it had been opened, the individuals could not be identified as they were wearing balaclavas. As to the Court, this impossibility to identify the forces had conferred immunity from prosecution on the responsible.

In addition, the Court noted that significant delays had occurred and that domestic authorities had failed to reduce the risk of collusion between the investigating authorities and the police and to order an expert report to determine the manner in which the shot had been fired.

Moreover, as it reiterated its last judgment, the Court found that at the time of the illegal demonstration, there had been no domestic law governing the use of tear-gas grenades during such events, so that no instructions about their use had been known. That is why the Court concluded that domestic authorities had failed in their positive obligations to protect life.

By the way, the Court considered that nothing proves the necessity, nor the proportionality, of the use of lethal force against the applicant's son. Article 2 had therefore been breached in its substantive and procedural aspects.

Under [Article 41 \(Just satisfaction\)](#), the Court held that domestic authorities were to pay the applicant EUR 65,000 in respect of non-pecuniary damage, and EUR 5,000 in respect of costs and expenses.

Under [Article 46 \(binding force and execution of judgments\)](#), the Court emphasized the need to reinforce the guarantees regarding the use of tear-gas grenades. As the investigation at national level was still open, the Court also considered that new investigative measures should have to be taken, under the supervision of the Committee of Ministers, in order to identify and punish the responsible for the death of the applicant's son.

[AL NASHIRI V. POLAND AND HUSAYN \(ABU ZUBAYDAH\) V. POLAND](#) (Nos. 28761/11 AND 7511/13) - Importance 1 - 24 July 2014 - Violation of Articles 2 and 3 taken together with Article 1 of Protocol No. 6 as regards Al Nashiri - Risk of death penalty on account of domestic authorities' facilitation of the applicant's transfer to the jurisdiction of a Guantanamo military commission - Violations of Article 3 - Domestic authorities' failure to investigate effectively and promptly; domestic authorities' failure to attempt to prevent the interrogation, therefore the torture, of the applicants from occurring - Violation of Article 5 – Undisclosed detention of the applicants on domestic authorities' territory - Violation of Article 6 §1 - Domestic authorities' responsibility on account of their cooperation in the applicants' transfer from their territory to Guantanamo - Violation of Article 8 - Unjustified interference with the applicants' right - Violation of Article 13 - Lack of effective investigation and of effective remedy - Violation of Article 38 - Domestic authorities' refusal to submit evidence required by the Court – Article 46 – Obligation made to domestic authorities' to ensure that the first applicant would not be subjected to death penalty

The cases concerned allegations of ill-treatment and torture of two men suspected of terrorist acts. Furthermore, their detention had been undisclosed and they alleged being held at the CIA "black site" in Poland.

Violation of Articles 2 and 3 taken together with Article 1 of Protocol No. 6

The Court observed that the domestic authorities had facilitated the transfer of the first applicant to the jurisdiction of the military commission. Nevertheless, this had exposed the applicant to serious risk of death penalty following his trial. Then, there had been a violation of Articles 2 and 3 taken together with Article 1 of Protocol No. 6 in the case of the first applicant.

Violation of Article 3

The Court first noted that the criminal investigation opened by domestic authorities had not been prompt enough, nor thorough, neither effective, in violation of the procedural aspects of Article 3.

Then, it held that the applicants had been subjected to torture and ill-treatment. Though it had been the exclusive responsibility of the CIA, it had reiterated that domestic authorities had an obligation to

ensure that individuals within their jurisdiction were not subjected to torture. Nevertheless, domestic authorities had facilitated the whole process and had not tried to prevent such events. Therefore, given their acquiescence, they had to be regarded as responsible for the violation of the applicants' rights committed on their territory. Besides, they had allowed the CIA to transfer the applicants to the other secret detention facilities, so that they had exposed the applicants to serious risks of further ill-treatment, in breach of Article 2.

Violation of Article 5

Relying on its conclusions concerning Article 3, the Court found that the applicants' undisclosed detention had been under domestic authorities' responsibility because it had happened on their territory. Then there had been a violation of Article 5.

Violation of Article 6

The Court observed that as domestic authorities should be aware of the fact that terrorist suspects tried before a military commission in Guantanamo would not be guaranteed a fair trial, their cooperation and assistance concerning the applicants' transfer from their territory had engaged their responsibility. Indeed, they had to know the risk of flagrant denial of justice it could have raised. There had therefore been a violation of Article 6 §1.

Violation of Article 8

The Court found that there had been an interference with the applicants' right to respect for their private and family life. The latter had not been in conformity with the domestic law, nor had it been justified, in breach of Article 8.

Violation of Article 38

The Court noted that domestic authorities had refused to comply with its requests for submission of evidence. Then, they had failed to discharge their obligations under Article 38.

Article 41 (Just satisfaction)

The Court held that domestic authorities were to pay each applicant EUR 100,000 in respect of non-pecuniary damage. In the case of Husayn (Abu Zubaydah), it had awarded the applicant EUR 30,000 in respect of costs and expenses; and no claim for costs and expenses was made in the case of Al Nashiri.

Article 46

The Court decided that domestic authorities were required to seek to remove as soon as possible the risk that the applicant Al Nashiri could be subjected to death penalty by seeking assurances from the United States authorities that such penalty would not be imposed.

BRINCAT AND OTHERS V. MALTA (Nos. 60908/11, 62110/11, 62129/11, 62312/11, AND 62338/11) - Importance 2 - 24 July 2014 - Violation of Article 2 - Domestic authorities' failure to take practical measures to protect the applicants, whose lives had been endangered - Violation of Article 8 - Domestic authorities' failure to take practical measures to protect the remainder of the applicants.

The case concerned employees of a ship repair yard run by the Government from 1968 to 2003 who were exposed to asbestos and therefore suffered conditions linked to this exposure.

The Court had reiterated domestic authorities' obligation to ensure that individuals could assess the risks to their health and lives, especially when it comes to dangerous activities.

It observed that domestic authorities had to be aware of the dangers arising from the exposure of asbestos at least from the early 1970s. However, the applicants had not been informed about such risks and had not been protected in an adequate way until early 2000s while they had quitted. Furthermore, domestic law did not adequately regulate asbestos related activity and no measure to protect endangered employees had been provided.

In conclusion, although domestic authorities had a margin of appreciation on how to manage such risks, the seriousness of the threat posed by asbestos had lead the Court to find that they had failed to legislate or to take other practical measures under Articles 2 and 8.

Then, there had been a violation of Article 2 in respect of the applicants whose relative had died; and a violation of Article 8 in respect of the remaining applicants.

Under Article 41 (Just satisfaction), the court held that domestic authorities were to pay, in respect of non-pecuniary damage EUR 30,000, jointly, to the applicants in application No. 62338/11; EUR 12,000 to the first applicant in application No. 62312/11; EUR 1,000 to the second applicant in application No. 62312/11; EUR 9,000 to each of the remaining applicants; and, in respect of costs and expenses, EUR 6,000 jointly to the group of applicants in each application.

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

HARAKCHIEV AND TOLUMOV V. BULGARIA (Nos. 15018/11 AND 61199/12) - Importance unspecified - 8 July 2014 - Violations of Article 3 - Domestic authorities' failure to provide the applicants with adequate conditions of detention; domestic authorities' failure to give life prisoners the opportunity to rehabilitate themselves for release - Violation of Article 13 - Domestic authorities' failure to establish a remedy leading to the real improvement of the conditions of detention – Article 46 – Obligation made to domestic authorities to reform the prison regime applicable to life prisoners

The case concerned the sentencing of life imprisonment of one of the applicants, without commutation, and the poor conditions of detention of the two applicants due to the strict detention regime.

Violations of Article 3

The Court observed the inadequacy of material conditions of detention. In fact, though it agreed that isolation of prisoners could be justified by special security reasons, this was not justified in the applicants' case. By the way, such measure had been implemented immediately upon their sentencing.

The Court also concluded to poor conditions of detention while finding the inadequate ventilation, lighting, heating, hygiene, food and medical care, in breach of Article 3 of the Convention.

Besides, the Court had reiterated its last conclusion in the previous case-law on the matter while saying that life prisoners have to be aware of the conditions in order to be released; and should have the opportunity to rehabilitate themselves.

Therefore, it observed that the first applicant had been deprived of any hope of release, so that Article 3 had been breached.

Violation of Article 13

The Court acknowledged that there had been a possibility to seek injunctive relief. However, it observed that such possibility had been theoretical and had not been convincingly established in practice. Indeed, such remedy could not lead to an improvement of the regime and the conditions of their detention.

Then, given that the applicants did not have effective domestic remedies in respect of their complaint concerning their poor conditions of detention, Article 13 had been breached.

Article 41 (Just satisfaction)

Concerning the fact that Mr Harakchiev could not obtain a reduction of his sentence of life imprisonment, the Court considered that the finding of a violation constituted sufficient just satisfaction for any non-pecuniary damage. However, the Court held that domestic authorities were to pay Mr Harakchiev and Mr Tolumov EUR 4,000 and EUR 3,000, respectively, for the non-pecuniary damage flowing from the poor conditions of their detention. Finally, it awarded them EUR 5,600 for costs and expenses.

Article 46

The Court reiterated that in addition to domestic authorities' obligation to pay just satisfaction, it might indicate the type of individual and/or general measures that have to be taken.

Then, it held that domestic authorities should reform, preferably by means of legislation, the legal framework governing the prison regime applicable to life prisoners, concerning particularly the imposition of a highly restrictive prison regime and the immediate and automatic isolation of all life prisoners.

[SVINARENKO AND SLYADNEV V. RUSSIA](#) (Nos. 32541/08 AND 43441/08) - Importance 3 - 17 July 2014 - Violation of Article 3 - Undermined image and inferiority feelings resulting from the confinement in a cage - Violation of Article 6 §1 - Existence of significant delays in the criminal proceedings.

The case concerned the applicants' confinement in metal cages during their hearings before courtroom.

Violation of Article 3

The Court had stated before that placing defendants in metal cages when they appeared before a court had been in breach of Article 3 given that such treatment had not been justified by security considerations in the respective case.

In the present case, the Court observed that the applicants had been seen by number of witnesses and that their hearings had been open to the general public. It therefore found that their exposure to the public eye in a cage must have brought feelings of humiliation, fear and inferiority. Furthermore, they had been exposed to such humiliation during the entire jury trial, which lasted more than a year.

In addition, the Court noticed that such treatment might undermine presumption of innocence given that judges could have a negative image of the applicants as being dangerous.

As it was not convinced by domestic authorities' allegation that the treatment's purpose was to prevent escape or to deal with aggressive behaviour, it finally concluded that the applicants' confinement in a metal cage in the courtroom had amounted to degrading treatment, in breach of Article 3.

Violation of Article 6

The Court noted that the criminal proceedings against the applicants had lasted more than six years. Then, there had been significant delays attributable to domestic authorities during the period when the case was pending before the trial court for the second and third time. Indeed, during that time, the applicants had been detained on remand, which had required particular diligence by domestic authorities. As the Court considered all difficulties of the case, it held that domestic authorities were still responsible for the efficiency of their justice system. It concluded that the length of the proceedings had been unreasonable, in breach of Article 6.

Article 41 (Just satisfaction)

The Court held that domestic authorities were to pay each applicant EUR 10,000 in respect of non-pecuniary damage, and in respect of costs and expenses: EUR 2,000 to Mr Svinarenko and EUR 4,000 to Mr Slyadnev.

[LYAPIN V. RUSSIA](#) (No. 46956/09) - Importance 2 - 24 July 2014 - Violations of Article 3 – Ill-treatment of the applicant; domestic authorities' failure to open criminal investigation though the credible evidence in support of the applicant's complaint

The case concerned domestic authorities' refusal to open criminal investigations into credible allegations of torture and ill-treatment of the applicant while he was at the hands of the police.

The applicant had provided a detailed account of his alleged ill-treatment which had been acknowledged by domestic authorities. The Court, then, found no reason to depart from that conclusion. Actually, the applicant was gagged, tied up with a rope, punched, kicked and subjected to electric shocks by the police in order to extract his confession to the thefts to which he was charged.

The Court observed that such treatment had caused physical and mental suffering, which had amounted to torture, in breach of Article 3.

Besides, the Court observed that although there had been credible evidence in support of the applicant's allegation, domestic authorities had refused to open a criminal case.

As a consequence, the applicant could not identify his alleged torturers, and police officers who could have shed light on the circumstances of his ill-treatment had never been questioned as witnesses.

As to the Court, given the several cases of this kind against Russia, such refusal to open a criminal investigation into credible allegations of ill-treatment in police custody had constituted a domestic authorities' failure to comply with the obligations under Article 3. It stressed that such failure had fostered police officer's sense of impunity. In conclusion, there had been a violation of Article 3 on

account of the lack of investigation.

Under Article 41 (Just satisfaction), the Court held that domestic authorities were to pay the applicant EUR 45,000 in respect of non-pecuniary damage and EUR 3,715 in respect of costs and expenses.

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

GEORGIA V. RUSSIA (I) (No. 13255/07) - Importance 1 - 03 July 2014 - Violation of Article 3 - Domestic authorities' failure to provide Georgian nationals with good condition of detention - Violation of Article 5 §1 - Arbitrary coordinated policy of arresting - Violation of Article 5 §4 - Lack of effective and accessible remedies against the arrest, detention and expulsion orders of the Georgian nationals - Violations of Article 13 in conjunction with Article 5 §1 and with Article 3 - Lack of effective and accessible remedies against the arrest, detention and expulsion orders of the Georgian national - Violation of Article 38 - Domestic authorities' failure to justify the secrecy of the circulars needed for investigation - Violation of Article 4 of Protocol No. 4 - Massive expulsions all over the country - No violation of Articles 8, 1 and 2 of Protocol No. 1 and 1 of Protocol No. 7 - Lack of evidence and substantiated complaint

The case concerned the arrests, detention and expulsion of several Georgian nationals from Russia from the end of September 2006 to the end of January 2007.

Violation of Article 3

As regards the detention conditions, the Court observed the statements made by Georgian witnesses and by international organisations. It noted that all reports referred to overcrowded cells, lack of food, water and of hygiene. The Court was therefore not convinced by Russian authorities who alleged that detention conditions were good. It also reiterated that this problem was recurrent in Russia and the Court had no reason justifying a departure from its last conclusion. So, the Court concluded that the detention conditions had amounted to an administrative practice in breach of Article 3 of the Convention.

Violation of Article 5

The Court found that there had been a coordinated policy of arresting. It noted that expulsion had been preceded by arrests and considered that those arrests had been arbitrary. Therefore, the latter had amounted to an administrative practice in breach of Article 5 §1. In addition, as it found that no effective remedies were available to Georgian nationals, Article 5 §4 had also been breached.

Violation of Article 13 in conjunction with Article 5 §1 and Article 3

Holding that there had been no effective and accessible remedies to Georgian nationals in respect of their arrests, their expulsion orders, their detentions and the conditions of the latter. So, there had been a violation of Article 13 in conjunction with Article 5 and Article 3.

Violation of Article 38

The Court reiterated domestic authorities' obligation to furnish all necessary facilities for the effective conduct of an investigation. However, Russian authorities had refused to provide the Court with necessary documents for the investigation, alleging that they were "State secret".

The Court observed that Russian authorities had failed to justify the secrecy of the concerned circulars. Then, it concluded that there had been a violation of Article 38.

Violation of Article 4 of Protocol No. 4

The Court reiterated that this Article was applicable to lawfully and unlawfully residents. All the reports showed that expulsions had followed recurrent pattern all over Russia, with the same coordination between the administrative and judicial authorities. It noted that thousands of expulsion orders expelling Georgian nationals had been made. It agreed that each State had the right to establish its own immigration policy; however, that could not justify practices incompatible with obligations under the Convention. As to the Court, the expulsions of Georgian nationals during the period in question had amounted to an administrative practice in breach of Article 4 of Protocol No. 4.

No violation of Article 1 of Protocol No. 7

The Court considered that Georgian authorities had failed to establish that there had been arrests and expulsions of lawfully Georgian residents during the period in question. Then, this complaint was not sufficiently substantiated and that the evidence was insufficient to conclude to a violation.

No violation of Article 8 and Articles 1 and 2 of Protocol No. 1

The Court also considered that the complaints under those Articles were not sufficiently substantiated, so that there had been no violation of them.

Article 41 (Just satisfaction)

The Court had reserved the question of the application of Article 41 of the Convention. It invited the parties to submit, within twelve months from the judgment, their observations on the matter and to notify the Court of any agreement that they may reach.

NEDİM ŞENER V. TURKEY AND ŞİK V. TURKEY (Nos. 38270/11 AND 53413/11) – Importance 3 - 08 July 2014 - Violation of Article 5 §3 – Unjustified continued pre-detention – Violation of Article 5 §4 – Domestic authorities’ failure to give the applicants the opportunity to challenge confidential evidences – Violation of Article 10 – Chilling effect of an unreasonably long detention on the freedom of expression

The cases concerned the length of a continued pre-detention of investigative journalists, accused of “serious terrorist offences”.

Violation of Article 5 §3

The Court had been informed by domestic authorities about the fact that the applicants were suspected of being members of a criminal organisation. But it observed that this offence was not listed among the ones justifying pre-trial detention. Therefore, as to the Court, it was doubtful whether it was necessary to remand the accused in custody for more than a year in the context of a preliminary investigation.

Moreover, domestic authorities had failed to give substantial reasons justifying the refusal of the applicants’ request for release on bail. Then, the Court considered that there had been no specific evidence establishing the need to keep the applicants in pre-trial detention. Actually, there had been a stereotyped list of general reasons, however, as to the Court that was not sufficient.

Therefore, in accusing the applicants from the outset of the investigation of “serious terrorists offences”, domestic authorities had based the unjustified length of the detention on irrelevant and insufficient reasons, in breach of Article 5 §3.

Violation of Article 5 §4

The Court first reiterated that domestic authorities had to guarantee that the applicants were made aware of any observations submitted and had the opportunity to challenge them. However, it noted that the accusations against the applicants were based mainly on information provided by third parties and not by the applicants.

Then, the Court found that the applicants and their lawyer did not have the possibility to challenge the allegations against them as the key items of evidence were not revealed due to the need of confidentiality. The latter, however, were crucial in order to determinate the lawfulness of their detention.

Therefore, Article 5 §4 had been breached.

Violation of Article 10

The Court considered that the unjustified length of the detention could have a chilling effect on the applicants’ willingness to express their point of views on matters of public interest and could cause self-censorship for any investigative journalist that would comment on such subjects. So, as the measures had not been proportionate to the legitimate aims pursued and then, unnecessary in a democratic society, there had been a violation of Article 10 of the Convention in both cases.

Article 41 (Just satisfaction)

The Court held that domestic authorities were to pay EUR 20,000 euros to the first applicant and EUR 10,000 to the second one, in respect of non-pecuniary damage.

KIM V. RUSSIA (No. 44260/13) - Importance 2 - 17 July 2014 - Violation of Article 3 - Poor conditions of detention - Violation of Article 5 §1 - Unreasonable length of the detention - Violation of Article 5 §4 - Domestic authorities' failure to provide the applicant with a successful judicial review of his illegal detention – Article 46 – Obligation made to domestic authorities to provide a mechanism for judicial review of detention

The case concerned the arrest and detention of a stateless person with a view to be expelled.

Violation of Article 3

The detention centre for aliens where the applicant was detained is designed for short-term detention so that it only provides very basic facilities. Therefore, the Court found that the applicant had been deprived of running water or toilets in his cell; nor had he adequate hygiene facilities in relation to the number of detainees. It also observed that the applicant could exercise only once every two or three weeks for thirty minutes. In addition, the detention centre had been constantly overcrowded. Given these reasons, the Court held that there had been a violation of Article 3.

Violation of Article 5 §4

The Court observed that all the applicant's attempts to seek any form of review had been unsuccessful. The applicant had therefore been unable to obtain a judicial review of his detention and its lawfulness. As domestic authorities, the Court acknowledged a breach of Article 5 §4.

Violation of Article 5 §1

Domestic authorities had alleged that the applicant's detention had been justified before they had received the letter from Uzbekistan Embassy making clear that his expulsion to Uzbekistan was impossible, given that he was not a national from that State. Domestic authorities then acknowledged a breach of Article 5 §4 after that period.

The Court noticed that the only measure taken by domestic authorities had been to write to Uzbekistan Embassy, asking for travel document for the applicant. Actually, the first letter had been sent more than four months after the applicant's placement in custody. So, the Court had not been convinced that domestic authorities had really tried to obtain the delivery of those documents.

The applicant could not receive consular assistance, nor advice, as he was a stateless person. The Court also noticed that under domestic law, the maximum period of detention as a penalty for an administrative offence was thirty days; it then considered that the measure applied to the applicant had been more severe than a punitive measure, in breach of Article 5 §1.

Article 41 (Just satisfaction)

The Court held that domestic authorities were to pay the applicant EUR 30,000 in respect of non-pecuniary damage and EUR 1,070 in respect of costs and expenses.

Article 46

The Court considered it necessary to indicate general measures to be taken by domestic authorities in order to prevent other similar violations. It observed that they had to provide a mechanism enabling individuals to bring proceedings for the examination of the lawfulness of their detention.

It also recommended them to take appropriate measures to limit detention periods.

Besides, due to the applicant's statelessness, the Court noted that the latter risked being detained again. Therefore, it considered that individual measures had to be taken in order to prevent him from being arrested and detained again.

ČALOVSKIS V. LATVIA (No. 22205/13) - Importance 2 - 24 July 2014 - No violation of Article 3 – Lack of real risks of ill-treatment by American authorities in case of extradition – Violation of Article 3 – Humiliating placement of the applicant in a metal cage during his hearing – Violation of Article 5 §1 – Unlawful pre-extradition detention – Violation of Article 5 §4 – Domestic authorities' failure to put at the disposal of the applicant a procedure to examine the lawfulness of his detention – Rule 39 – Obligation made to domestic authorities not to expel the applicant until the final judgment of the Court

The case concerned the applicant's arrest and pending extradition to the United States as regards the allegation of his involvement in cybercrime-related offences.

No violation of Article 3

The Court was not convinced that the applicant would be exposed to a real risk of ill-treatment if he were extradited to the United States because there had been no indication that cybercrime offences suspicions would raise such risks under the United States' practices.

Nor had it been convinced by the applicant's allegation that the United States' sentence would be much higher than Latvia's, as it found that no real disproportionality had been established.

In addition, while the applicant had complained that the sentence would be served far from his home, the Court had not found any exceptional circumstances to prevent him from extradition and noted the diplomatic assurance given by American authorities to honour his request to serve his sentence in Latvia.

Therefore, there had been no violation of Article 3 as regards the granting of extradition.

Violation of Article 3

The Court observed that dock with metal bars had been permanently installed in the courtroom while the applicant's hearing had been held. The latter had been placed in the dock because it had been his place as a person awaiting a decision on extradition, not for security purpose. However, several photographs of the applicant behind bars had been published and exposed to general public.

Therefore, given the circumstances and the excessive effects of the arrangements in the courtroom, the Court had perceived the placement of the applicant in a metal cage as humiliating, in breach of Article 3.

Violation of Article 5 §1

Under domestic law, there had to be an extradition request before pre-extradition detention. Such request had to establish the reasonable basis to believe that the individual had committed the offense for which extradition was sought. However, the Court noted that domestic authorities had not referred to such clear and concrete information.

Therefore, the Court held that the applicant's pre-extradition detention had not been in accordance with the procedure prescribed by domestic law, following the Extradition Treaty, in violation of Article 5 §1.

Violation of Article 5 §4

The Court observed that the applicant had not at his disposal any procedure by which the lawfulness of his detention could have been examined by a domestic court. Indeed, while domestic authorities had alleged that the latter could apply to a prosecutor for release, the Court had reiterated that a prosecutor's decision is not a decision taken by a court. Besides, domestic authorities had failed to establish that a complaint to the Constitutional Court could ensure a review of the applicant's deprivation of liberty and release order. Furthermore, the Court observed that domestic courts had dismissed the applicant's request for a review of his detention because his pre-extradition detention had not been subjected to their review.

Given this lack of procedure at his disposal, the Court held that there had been a violation of Article 5 §4.

Article 41 (Just satisfaction)

The Court held that domestic authorities were to pay the applicant EUR 5,000 in respect of non-pecuniary damage.

Rule 39 (Interim measures)

The Court had indicated that domestic authorities should not expel the applicant until this judgment became final or until the Court took a further decision on this matter.

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

GERASIMOV AND OTHERS V. RUSSIA (Nos. 29920/05, 3553/06, 18876/10, 61186/10, 21176/11, 36112/11, 36426/11, 40841/11, 45381/11, 55929/11 AND 60822/11) - Importance unspecified - 1 July 2014 - Violation of Article 6 – Excessive length of proceedings – Violation of Article 13 – Lack of effective remedy in that respect – Violation of Article 1 of Protocol No. 1 – Domestic authorities’ failure to provide the applicants with flats as decided in a final judgment – Article 46 – Obligation made to domestic authorities to set up an effective remedy at national level securing adequate and sufficient redress for the non-enforcement or delayed enforcement of judgments; application of the pilot judgment procedure

The case concerned eleven applicants that were victims of excessive delays in the enforcement of judgments imposing domestic authorities to grant them various benefits in kind.

Violation of Article 6

The Court observed that parties had agreed on the fact that the delays in the enforcement of the judgments breached the applicants’ right to a fair trial. According to the Court, they delays had been unreasonably long. So, Article 6 had been breached.

Violation of Article 13

The Court had reiterated its last judgment concerning delayed enforcement of judgments in Russia: though compensation under domestic law is possible and was actually granted in some cases, prospects of success are conditional and depend on the establishment of domestic authorities’ fault.

Moreover, under domestic law, the scope of judgments imposing monetary obligations to domestic authorities had to be restricted, so that the applicants could not dispose of any effective remedy, in breach of Article 13 of the Convention.

Violation of Article 1 of Protocol No. 1

Six of the eleven applicants had obtained judgments that obliged domestic authorities to provide them with flats. And the delays in the enforcement of those judgments are seen as an interference with those applicants’ right to peaceful enjoyment of their possession. By the way, this asset is considered as a possession for the purpose of Article 1 of Protocol No. 1. The latter had therefore been breached.

Article 41 (Just satisfaction)

The Court held that domestic authorities were to pay the applicants sums between EUR 900 and 9,000 – totalling EUR 59,325 – in respect of non-pecuniary damage, and a total of EUR 1,967 in respect of costs and expenses to two of the applicants.

Article 46

The Court noted that the non-enforcement or delayed enforcement of judicial decisions are systemic problems in Russia although there were some improvements after the first pilot judgment. It could not accept the excuse of a lack of funds to justify such delays.

It reiterated that it was not to the Court to indicate the specific measures to be taken, leaving the margin of appreciation to domestic authorities. However, it considered that the problem could be resolved through an amendment of domestic legislation. Therefore, the Court held that Russia had to set up, within one year from the date on which the judgment becomes final, an effective remedy at national level securing adequate and sufficient redress for the non-enforcement or delayed enforcement of judgments imposing obligations on domestic authorities, in cooperation with the Council of Europe’s Committee of Ministers.

Finally, regarding other pending similar cases, it held that Russia had to grant redress, within two years from the date on which the judgment becomes final, to all the victims that lodged their applications with the European Court of Human Rights before this judgment. It also decided to adjourn the proceedings in all similar cases against Russia for a maximum of two years.

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

ASHLARBA V. GEORGIA (No. 45554/08) - Importance unspecified - 15 July 2014 - No violation of Article 7 – Foreseeability of a domestic law fighting against “criminal underworld”

The case concerned the precision of a domestic law aiming to fight against criminal underworld by punishing individuals for their membership to a criminal syndicate.

The Court first had to state that Article 7§1 required that an offence and its penalties had to be clearly defined by the law. However, it went on to say that law could not always be precise, because there might be an inevitable element of judicial interpretation in adapting the laws to the changing circumstances of society.

Then, the Court had noticed that the “thieves’ underworld” had a large influence in the prison sector as well as in the public one, so that it had understood domestic authorities’ will to combat effectively these dangerous criminal syndicates.

Besides, the Court observed that domestic law was part of a wider legislative package and actually contained detailed explanations of terms such as “thieves’ underworld” or “thief-in-law”. Then, it could not be convinced by the applicant’s argument alleging that these terms were foreign to him.

So, it concluded that the applicant could have foreseen that his actions could result in his criminal responsibility through the wider legislation in place.

Then, there had been no violation of Article 7 of the Convention.

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

M.P.E.V. AND OTHERS V. SWITZERLAND (IN FRENCH ONLY) (No. 3910/13) - Importance 3 - 08 July 2014 - Violation of Article 8 - Domestic authorities’ failure to strike a fair balance between community’s interests and the three applicants’ interests on account of their decision to deport one of them to Ecuador

The case concerned the expulsion of a father to Ecuador as his application in order to be granted asylum had been rejected by domestic authorities.

The Court first considered that the complaint had been admissible because domestic authorities had failed to establish that there had been a possibility to appeal against the domestic decision. Moreover, the relationship between the three applicants was qualified by the Court as a “family life” within the meaning of Article 8 because they have had regular contacts.

Then, the Court had to examine whether domestic authorities, while taking the decision, had struck a fair balance between the relevant interests, namely: the three applicants’ right to respect for their private and family life; and the community’s interest.

The Court noted the offences committed by the father and his convictions and concluded that they had been of a moderate nature; it also observed that he had not re-offended since 2009.

It found that domestic authorities had failed to give consideration to the interests of the applicants as they still had close personal contacts. Domestic authorities did not even consider the child’s best interest while examining father’s case. In addition, father’s state of health could be jeopardised if he had to return to Ecuador.

Finally, the Court found that the family’s asylum proceedings had lasted for more than ten years.

Given all that findings, the Court concluded that the decision had been disproportionate, in breach of Article 8.

Article 41 (Just satisfaction)

The Court did not make an award in respect of just satisfaction, as the applicants accepted that the finding of a violation of the Convention would constitute adequate just satisfaction for non-pecuniary damages. But it held that domestic authorities were to pay the three applicants EUR 4,500 in respect of costs and expenses.

HÄMÄLÄINEN V. FINLAND (No. 37359/09) - Importance 1 - 16 July 2014 – No violation of Article 8 – No violation of the applicant’s right to respect for a private life on account of the obligation made to her to change her marriage into a civil partnership after she became a woman – No violation of Article 14 taken in conjunction with Articles 8 and 12 – Lack of similarity between the applicant’s case and non-transsexuals’ case

The case concerned the complaint of a male-to-female transsexual that she had to convert her marriage to a civil partnership in order to obtain the full official recognition of her new gender.

No violation of Article 8

Both parties had agreed that there had been an interference with the applicant’s right to respect for her private life because she had not been granted a female identity gender.

However, the Court first had to specify that the Convention did not impose an obligation on States to allow same-sex marriage, nor to make special arrangements for situations such as the present one. It had emphasized that domestic authorities had a wide margin of appreciation about such issues given the absence of consensus between the Member States.

The Court had examined domestic authorities’ option to convert marriage into civil partnership. It found that the differences between both statuses did not involve an essential change in the applicant’s legal situation, except for the establishment of paternity, adoption outside of the family and the family name. Those exceptions were only applicable whether those issues had not been settled beforehand, and this was not the applicant’s case.

The Court therefore observed that those who converted to civil partnership continued to enjoy the same level of legal protection. It also observed that the civil partnership would not affect the paternity of the applicant’s daughter; that the gender assignment had no legal effect on the responsibility for the child’s care. In conclusion, the change to a civil partnership would have no implications for the applicant’s family life.

So, the Court held that such requirement of conversion had not been disproportionate and that domestic authorities had struck a fair balance between the competing interests in the case. Article 8 had therefore not been breached.

No violation of Article 14 taken in conjunction with Article 8 and Article 12

The applicant had complained that all those who are not transsexual and obtained legal gender recognition at birth and are married were not required to convert their situation as she had to do. However, the Court held that those situations were not sufficiently similar and cannot be compared to each other.

Then, there had been no violation of Article 14 taken in conjunction with Article 8 and Article 12.

ROUILLER V. SWITZERLAND (IN FRENCH ONLY) (No. 3592/08) - Importance unspecified - 22 July 2014 - No violation of Article 8 – Wrongful decision of the applicant to change her children’s county of habitual residence

The case concerned the removal of the applicant’s children from France to Switzerland by the latter, being granted residence after her divorce.

The Court had been convinced by domestic authorities’ allegation that the applicant had wrongfully removed her children as she had disregarded the conditions of the divorce decree and unilaterally changed the children’s country of habitual residence. It also acknowledged their point of view that the child’s wish to stay in Switzerland did not suffice to justify the application of one of the exceptions to a child’s return provided for in Article 13 of the Hague Convention.

Finally, the Court considered that domestic authorities had properly taken into account the mother’s arguments and took a reasonable decision as regards the exceptions allowed by the Hague Convention. So, there had been no violation of Article 8.

- **Freedom of thought, conscience and religion (Art. 9)**

S.A.S. v. FRANCE (No. 43835/11) – Importance 1 – 1 July 2014 – No violation of Articles 8 and 9 – Domestic authorities’ proportionate decision to ban full-face veil in public to preserve the conditions of “living together” – No violation of Article 14 – Domestic authorities’ objective and reasonable decision to ban full-face veil, even though it has specific and negative effects on Muslim women

The case concerned a complaint of a French national who, as a practising Muslim, could not longer wear the full-face veil in public following the entry in force of a domestic law prohibiting the concealment of one’s face in public areas.

No violation of Articles 8 and 9

The Court found that there had been an interference with the exercise of the applicant’s rights under Articles 8 and 9, but that the latter had been prescribed by domestic law.

Furthermore, it agreed that this interference pursued two of the legitimate aims listed in Articles 8 and 9, namely: (a) public safety; (b) protection of the rights and freedoms of others.

In particular, concerning the protection of the rights and freedoms of others, the Court agreed with domestic authorities that the barrier raised by the veil concealing the face in public was susceptible to undermine the notion of “living together” as the face plays a significant role in social interaction. Moreover, it understood domestic authorities’ opinion that this barrier could breach the right of others to live in a space of socialisation, which made living together easier, even though the notion of “living together” had to be used carefully due to risks of abuse.

For these reasons, the Court held that there had been no violation of Articles 8 and 9 of the Convention.

No violation of Article 14

Even though the ban had specific negative effects on the situation of Muslim women who wished to wear full-face veil in public, the Court observed that the measure had an objective and reasonable justification. So, Article 14 had not been breached.

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

A.B. v. SWITZERLAND (IN FRENCH ONLY) (No. 56925/08) - Importance unspecified - 1 July 2014 - Violation of Article 10 - Domestic authorities’ failure to establish the negative impact on the accused’s rights of the disclosure of confidential documents

The case concerned the sanction of a journalist who had published documents in breach of the confidentiality of the judicial investigation in criminal proceedings. He was sentenced to a suspended term of one month imprisonment, replaced by a fine of EUR 2,667.

According to the Court, domestic authorities had not established how the disclosure of the confidential information could have had a negative influence on the rights of the person concerned. Actually, they had solely considered that the premature disclosure of the statements and the letters from the accused to the judge had impaired his rights to be presumed innocent and to have a fair trial. However, the trial took place two years after the article was published and the concerns expressed by the accused in the article did not lead to the present conclusions. Therefore, the negative influence of the disclosure of such confidential information was not established.

Then, the Court had to examine domestic authorities’ justification about the interference with the accused’s right to respect for his private life. It found that he had not used any remedy to ensure such a right although that remedies were available under domestic law.

In addition, concerning the form of the article, the Court noted that freedom of expression was applicable to “information”, or inoffensive “ideas” but also offensive “ideas”. So, the expressions used in the article did not raise an issue, the objective was to attract the public’s attention.

The Court also reiterated that the penalty should not amount to a form of censorship in order to discourage the press from expressing its criticism.

Therefore, the Court considered that the fine imposed had been disproportionate to the aim pursued;

even if the grounds for the conviction had been significant, they were not sufficient to justify such sanction. Article 10 had then been breached.

Under Article 41 (Just satisfaction), the Court held that domestic authorities were to pay the applicant EUR 5,000 for costs and expenses.

AXEL SPRINGER AG (No. 2) v. GERMANY (IN FRENCH ONLY) (No. 48311/10) – Importance 2 – 10 July 2014 – Violation of Article 10 – Domestic authorities’ failure to establish a pressing social need for putting the protection of a former Chancellor above the right to freedom of expression

The case concerned the publication of an article in a daily newspaper that had reported politician’s suspicions about the conditions and circumstances of the appointment of the former Chancellor as chairman of the supervisory board of a German-Russian consortium.

The Court first noted that the article had reported on the former Chancellor’s conduct in the exercise of his term of office as Federal Chancellor, and not about his private life.

According to the Court, the article did not constitute allegations of facts but a simple expression of a value judgment. Furthermore, it had reiterated that as regards his political personality, the former Chancellor had to be more tolerant than a private citizen.

Then, it had emphasized that the role of the press was to impart information on all matters of public interest, so that its freedom of expression in political arena is fundamental. It held that a newspaper could not be required to constantly verify the merits of every comment made by a politician about another one.

That is why it concluded that the newspaper had not exceeded the limits of journalistic freedom in publishing such comments. It considered that domestic authorities had failed to establish that there had been a pressing social need for putting the protection of the reputation of a former Federal Chancellor above the applicant’s right to freedom of expression.

Therefore, there had been a violation of Article 10.

Under Article 41 (Just satisfaction), the Court held that domestic authorities were to pay the applicant EUR 41,338.25 in respect of costs and expenses.

- **Freedom of assembly and association (Art. 11)**

NEMTSOV v. RUSSIA (No. 1774/11) – Importance unspecified – 31 July 2014 – Violation of Article 3 - Domestic authorities’ failure to challenge the applicant’s allegation on his poor conditions of detention – Violation of Article 5 – Arbitrary and unlawful detention of the applicant – Violation of Article 6 §1 – Domestic authorities’ failure to dismiss the coherent evidence given by eyewitnesses in support of the applicant’s allegation – Violation of Article 11 – Lack of connection between the applicant’s arrest and the purpose of legal provision for disobeying the police – Violation of Article 13 – Domestic authorities’ failure to reject the applicant’s complaints without examination on the merits

The case concerned the arrest and detention of a well-known opposition leader following his participation in a political demonstration during which he had a speech against President Putin, and following the allegation that he committed an administrative offence.

Violation of Article 11

The Court first observed that the applicant had been arrested no more than one or two minutes after he had reached the police cordon. It had been convinced by the applicant’s submissions that there had been cogent elements to doubt the official reasons for his arrest and the charges against him. Indeed, it noted that no eyewitnesses had seen the applicant agitating except for the two policemen who arrested him; furthermore, it was unclear how the alleged sequence of events could have occurred within only two minutes.

Therefore, the Court concluded that the applicant’s arrest was decided without any connection with the legal provision for disobeying lawful orders of the police. Consequently, such interference with the applicant’s right to freedom of assembly had been arbitrary and unlawful.

According to the Court, such detention had the effect of discouraging the applicant and the others from

participating in protest rallies. Therefore, there had been a violation of Article 11 in the light of Article 10.

Violation of Article 6

Relying on its findings on Article 11 and because domestic courts had only based their conclusions on the two policemen's statement, the Court held that the whole proceeding had not been fair, in breach of Article 6.

Violation of Article 5

The Court concluded to a violation of Article 5 having regard to its finding that the applicant's arrest, detention and prison sentence had been arbitrary and unlawful.

Violation of Article 3

The Court observed that domestic authorities had failed to challenge the applicant's allegation on his poor conditions of detention, due to the lack of clear evidence. So, the Court observed that the applicant had been detained for about forty hours in a small cell with no window, no sanitary equipment, no bed or beddings.

As to the Court, the cumulative effects of those factors had amounted to inhuman and degrading treatment, in breach of Article 3.

Violation of Article 13

The Court noticed that the applicant had not at his disposal an effective legal remedy at national level with respect to his complaint under Article 3 as the latter had been rejected by domestic courts without real examination on the merits, in breach of Article 13.

Article 41 (Just satisfaction)

The Court held that domestic authorities were to pay the applicant EUR 26,000 in respect of non-pecuniary damage and EUR 2,500 in respect of costs and expenses.

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

ZORNIĆ V. BOSNIA AND HERZEGOVINA (No. 3681/06) – Importance 2 – 15 July 2014 – Violation of Article 14 in conjunction with Article 3 of Protocol No. 1 – Unjustified discrimination against “citizens” and “constituent peoples” – Violation of Article 1 of Protocol No. 12 – Discriminatory Constitutional provisions – Article 46 – Obligation made to domestic authorities to provide every citizen of Bosnia and Herzegovina with the right to stand for elections

The case concerned the applicant's ineligibility to stand for election to the House of Peoples and the Presidency of Bosnia and Herzegovina because she was part of the “citizens” and not affiliated with the so-called “constituent peoples”.

Violation of Article 14 in conjunction with Article 3 of Protocol No. 1

The Court first declared the complaint admissible even if the applicant had not used a constitutional appeal before lodging her application with the European Court of Human Rights because it found that such remedy was not effective.

Then, concerning the complaint about ineligibility to the House of Peoples, it had reiterated its last conclusion on a previous case-law, saying that personal self-classification had not to be taken into consideration for being eligible to the House of Peoples of Bosnia and Herzegovina.

Though it took note that such exclusion had pursued the aim of restoring peace due to the conflict in Bosnia and Herzegovina between 1992 and 1995, it had considered that significant positive developments had been made, so that there cannot be any objective and reasonable justification of the exclusion anymore.

Therefore, there had been a violation of Article 14 in conjunction with Article 3 of Protocol No. 1.

Violation of Article 1 of Protocol No. 12

For the same reasons given by the Court to conclude to a violation of Article 14, Article 1 of Protocol No. 12 had been breached.

Besides, the Court had held that preventing the applicant from running for election to the Presidency

had been discriminatory. It had already concluded this way on a previous similar case-law and did not find any reason to depart from that jurisprudence in this case. Then, Article 1 of Protocol No. 12 had also been breached.

Article 41 (Just satisfaction)

The Court did not award just satisfaction as the applicant had not submitted any claim for it.

Article 46

The Court found that the violations in this case are due to domestic authorities' failure to take appropriate measures as regards the previous similar case-law: *Sejdić and Finci case*. It considered that the time had come for a political system, which would provide every citizen of Bosnia and Herzegovina with the right to stand for elections to the House of Peoples as well as Presidency without discrimination. According to the Court, this would necessarily require constitutional changes.

- **Article 1 of Protocol No. 1**

MILHAU V. FRANCE ([IN FRENCH ONLY](#)) (No. 4944/11) – Importance 2 – 10 July 2014 – Violation of Article 1 of Protocol 1 – Domestic authorities' decision to order the transfer of an individually-owned asset

The case concerned a decision taken by domestic authorities ordering the transfer of an individually-owned asset in payment of a compensatory financial provision.

The Court first noted that the measure of compulsory transfer of an asset to pay a compensatory financial provision had a legal basis and had pursued the legitimate aim of finding a rapid solution to the financial effects of divorce, a matter of public interest.

It also observed that domestic authorities had failed to take into consideration the other means of payment of the applicant although the latter owned other substantial assets enabling him to reimburse his debt by paying a lump sum. Nevertheless, domestic law had encouraged the payment of the compensatory financial provision in the form of a lump sum.

Therefore, the Court had concluded that domestic authorities had failed to strike a fair balance between the demands of general interests of the community and the requirements of the protection of the individual's rights, in breach of Article 1 of Protocol No. 1.

Under [Article 41 \(Just satisfaction\)](#), the court held that domestic authorities were to pay the applicant EUR 10,000 in respect of non-pecuniary damage and EUR 11,672 in respect of costs and expenses.

[STATILEO V. CROATIA](#) (No. 12027/10) – Importance 2 – 10 July 2014 – Violation of Article 1 of Protocol No. 1 – Applicant's inability to use and possess his property – Article 46 – Obligation made to domestic authorities to modify domestic law on housing

The case concerned a new domestic legislation that made the applicant, unable to use and possess his flat, to rent it or to charge the market rent for its lease.

The Court had considered that there had been an interference with the applicant's property rights because the latter had been unable to physically possess his flat, to collect the market rent for it and to terminate the lease. However, the Court had agreed that such restrictions have had legal basis and had pursued the legitimate aim of the social protection of tenants as well as protection of the economic well-being of the country.

Besides, it observed the extremely low rent the applicant was entitled to collect - about EUR 14; the restricted conditions for the termination of the lease; and the lack of a statutory time-limit on the new protected lease scheme or any of the related restrictions on landlords' rights.

It had been incontestable that the rent he had been entitled to was disproportionately lower than the market rent. According to the Court, there had been no demands of general interest to justify such disproportionality, so that domestic authorities had failed to strike a fair balance between the general interests of the community and the protection of the applicant's property rights, in breach of Article 1 of Protocol No. 1.

Under [Article 41 \(Just satisfaction\)](#), the Court held that domestic authorities were to pay the applicant's heir EUR 8,200 in respect of pecuniary damage; EUR 1,500 in respect of non-pecuniary damage and

EUR 850 for costs and expenses.

Article 46

The Court observed that the problem concerns the housing legislation itself. Then, it held that domestic authorities had to take appropriate measures in taking into consideration the three shortcomings it had identified, in order to redress the balance between the interests of landlords in granting profit of their property and on the general interest of the community.

ALIŠIĆ AND OTHERS V. BOSNIA AND HERZEGOVINA, CROATIA, SERBIA, SLOVENIA AND “THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA” (No. 60642/08) – Importance 2 – 16 July 2014 – Violation of Article 1 of Protocol No. 1 by Serbia and Slovenia – Domestic authorities’ failure to keep the applicants from waiting too long in order to obtain a repayment – Violation of Article 13 by Serbia and Slovenia – Domestic authorities’ failure to provide the applicants with reasonable prospects of success in order to obtain a repayment – Article 46 – Obligation made to domestic authorities to allow the applicants and individuals in their position to recover their “old” foreign-currency savings

The case concerned the applicants’ inability to recover “old” foreign-currency savings in Slovenian and Serbian banks after the dissolution of the Socialist Federal Republic of Yugoslavia.

Violation of Article 1 of Protocol No. 1

The Court first declared that the complaint had been admissible given that applicants’ “old” foreign-currency savings had constituted “possessions” within the meaning of Article 1 of Protocol No. 1.

Then, the Court alleged that there had been an interference with applicant’s property rights because they were unable to withdraw their savings. However, such interference had been prescribed by domestic law and had pursued the legitimate aim of protecting banking systems following the dissolution of Socialist Federal Republic of Yugoslavia.

The Court therefore examined whether domestic authorities had struck a fair balance between the competing interests.

It observed that since the dissolution of the SFRY, given that domestic authorities had disposed banks’ assets as they had seen fit, Slovenia and Serbia had been respectively responsible for Ljubljanska Banka Ljubljana’s debt to Ms Ališić and Mr Sadžak and for Investbanka’s debt to Mr Šahdanović.

It finally examined whether there had been any good reasons for the failure of domestic authorities to repay the applicants for so many years. It found that the applicants had been kept waiting for too long even while considering domestic authorities’ margin of appreciation and exceptional circumstances. Therefore, it had concluded that Slovenia and Serbia had failed to strike a fair balance between the general interest of the community and the property rights of the applicants. For these reasons, there had been a violation of Article 1 of Protocol No. 1 by Slovenia in respect of Ms Ališić and Mr Sadžak and by Serbia in respect of Mr Šahdanović.

Violation of Article 13

The Court observed that Slovenian authorities had failed to demonstrate that at least one of the several decisions ordering the payment of “old” foreign-currency savings had been enforced. Besides, as regards a civil action against Ljubljanska Banka before Croatian courts, there had been no reasonable prospects of success as that bank had no longer assets in Croatia. So, in the absence of available remedies in order to obtain repayment, there had been a violation of Article 13 by Slovenia in respect of Ms Ališić and Mr Sadžak and by Serbia in respect of Mr Šahdanović.

Article 41 (Just satisfaction)

The Court held that Serbia was to pay Mr Šahdanović EUR 4,000 in respect of non-pecuniary damage, and that Slovenia was to pay the two other applicants EUR 4,000 each in respect of non-pecuniary damage.

Article 46

Given the systemic situation identified, the Court considered that domestic authorities had to take appropriate general measures. It means that Slovenia and Serbia should make all necessary arrangements, including legislative amendments, within one year and under the supervision of the Committee of Ministers in order to allow the applicants and individuals in their position to recover their “old” foreign-currency savings in domestic branches of Serbian and Slovenian banks.

ОАО НЕФТЯНАЯ КОМПАНИЯ YUKOS V. RUSSIA (No. 14902/04) – Importance 2 – 31 July 2014 – Application of Article 41 as regards violation of Article 6 – Lack of causal link between the violation found and the alleged pecuniary damage – Application of Article 41 as regards violation of Article 1 of Protocol No. 1 – New calculation of the fees resulting in an amount of the overall pecuniary damage of EUR 1,866,104,634.

The case concerned the awarding of just satisfaction of the applicant after the finding of the violations of Article 6 and Article 1 of Protocol No. 1 following the judgment delivered by the Court on 20 September 2011.

Application of Article 41 as regards violation of Article 6

The Court had already found that the applicants have had insufficient time to prepare their case before the lower court, in breach of Article 6. However, it could not speculate as to what the outcome of these proceedings might have been. Therefore, it found that there had been no sufficient proof of a causal link between the violation found and the alleged pecuniary damage.

For these reasons, there was no ground for an award in this respect.

Application of Article 41 as regards Article 1 of Protocol No. 1

The Court had already found that there had been a violation of Article 1 of Protocol No. 1 because the doubling of the penalties for 2001 had been unlawful. It then observed that the amount of pecuniary damage to Yukos resulting from these payments was of EUR 1,299,324,198.

It also had already found that the violation was due to domestic authorities' failure to strike a fair balance between the legitimate aim of the proceedings and the measures employed. Such disproportionate character of the enforcement proceedings had though significantly contributed to Yukos' liquidation. The Court had then calculated the fees and deducted from that amount the fees for 2000 and 2001. It assessed the amount of pecuniary damage at EUR 566,780,436.

The overall pecuniary damage therefore amounted to EUR 11,866,104,634.

As Yukos did not exist anymore, the Court held that domestic authorities should pay this amount to Yukos' shareholders and their legal successors and heirs, in proportion to their nominal participation in the company's stock.

It also held that the finding of violation had constituted a sufficient satisfaction for non-pecuniary damage; and order domestic authorities to pay the Yukos International Foundation, EUR 300,000 in respect of costs and expenses.

- **Article 3 of Protocol No. 1**

FIRTH AND OTHERS V. THE UNITED KINGDOM (Nos. 47784/09, 47806/09, 47812/09, 47818/09, 47829/09, 49001/09, 49007/09, 49018/09, 49033/09 AND 49036/09) – Importance 3 – 12 August 2014 – Violation of Article 3 of Protocol No. 1 – Domestic authorities' failure to amend their legislation in order to comply with the Convention concerning the inability of prisoners to vote in elections to the European Parliament

The case concerned the inability of ten prisoners to vote in elections to the European Parliament as an automatic consequence of their conviction.

The Court had reiterated its findings on previous case-law that the statutory ban on prisoners voting in European Parliament elections had been incompatible with Article 3 of Protocol No. 1. It had already indicated that domestic authorities should amend their legislation in order to make electoral law compatible with the Convention. However, in spite of the recent steps taken by domestic authorities, the legislation had not been amended, so that there had been a violation of Article 3 of Protocol No. 1.

Under Article 41 (Just satisfaction), like on its previous case law, the Court held that the finding of the violation had constituted just satisfaction. It therefore declined to award any compensation. Moreover, it had rejected the applicant's claim for legal costs as lodging such application had been straightforward and thus did not require any legal assistance, so that the legal costs claimed had not been reasonably incurred. Indeed, such application only required the citation of Article 3 of Protocol No. 1 due to the previous case-law.

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
ALBANIA	15 July 2014	MARKU (No. 54710/12)	3	Violation of Art. 6 § 1	Restriction of applicant's right to access to court
AZERBAIJAN	31 July 2014	ALIYEVA AND ALIYEV (35587/08)	2	Violation of Art. 2 (procedural)	Domestic authorities' failure to carry out an adequate and effective investigation into the circumstances surrounding the killing of the applicants' son
		JANNATOV (No. 32132/07)	3	No violation of Art. 3 (substantive)	Absence of sufficient evidence to confirm the applicant's allegations of ill-treatment in police custody
				Violation of Art. 3 (procedural)	Ineffective investigation into the applicant's allegations of ill-treatment
				Violation of Art. 6	Unfairness of proceedings given that the applicant had not had an effective opportunity to challenge the authenticity of the evidence and to oppose to its use in the domestic proceedings
		TERSHIYEV (No. 10226/13)	3	No violation of Art. 3	No real risk suggesting that the applicant would be submitted to ill-treatment in case of his extradition to the country of his origin
				Violation of Art. 13 in conjunction with Art. 3	Lack of an effective remedy which would have enabled the applicant to challenge his extradition order

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

BULGARIA	1 July 2014	DIMITROV AND OTHERS (No. 77938/11)	3	Violation of Art. 2 (procedural)	Domestic authorities' failure to carry out an effective criminal investigation into the circumstances of death of the applicants' relative in the hands of state agents
				Violation of Art. 3 (procedural)	Domestic authorities' failure to carry out an effective investigation into the circumstances of ill-treatment of the applicants' relative in the hands of state agents which resulted in his death
				No violation of Art. 6 § 1	Fairness of proceedings given that, despite the public statements made by public figures and their participation in organized campaigns which intended to lead the domestic courts as to the manner in which the case should be decided, the domestic judges did not yield to the pressure and remained impartial and independent
	15 July 2014	TSVETELIN PETKOV (No. 2641/06)	2	Violation of Art. 8 (positive obligations)	Domestic authorities' failure to strike a fair balance between the applicant's right to private life and the right of the child to have a father established given that they had not given the applicant an opportunity to take part in the proceedings in which he had been declared the father of the child or to have those reopened in order to present his evidence, namely, the DNA results showing he was not the biological father of the child
CROATIA	10 July 2014	MARCAN (No. 40820/12)	3	No violation of Art. 6 §§ 1 and 3 (c) and (d)	Fairness of proceedings as the applicant had been given the opportunity to defend himself, examine evidence and have evidence against him examined
	24 July 2014	DRAGIN (No. 75068/12)	3	No violation of Art. 5 § 1 (c)	Lawful pre-trial detention (no arbitrariness in the interpretation and application of the relevant domestic law)
				Violation of Art. 5 § 3	Excessive length of pre-trial detention (1 year and 5 months)
		REMETIN (No. 2) (No. 7446/12)	3	Violation of Art. 8 (procedural)	Domestic authorities' failure to conduct effective criminal proceedings in order to identify and punish the perpetrators

DENMARK	8 July 2014	M.E. (No. 58363/10)	3	No violation of Art. 3	No real risk at the time of the implementation of the deportation order suggesting that the applicant would be submitted to ill-treatment in case of his removal to the country of his origin
				No violation of Art. 8	No failure of the domestic courts to strike a fair balance between the applicant's interests and the prevention of disorder or crime given the gravity of the offenses he committed and the existing ties with his country of origin
ESTONIA	31 July 2014	JUSSI OSAWE (No. 63206/10)	3	No violation of Art. 6 § 1	Applicant's right of access to a court had not been restricted in a disproportionate manner given that she had not used the domestic remedies available to her in the first set of proceedings which prevented her to pursue the second set of proceedings without the first ones having been successfully completed
GREECE	31 July 2014	F.N. (IN FRENCH ONLY) (No. 78456/11)	3	Violation of Art. 3 (substantive)	Poor conditions of detention (overcrowding, poor hygiene)
				Violation of Art. 3 (substantive)	Applicant's living conditions after his release had constituted inhuman and degrading treatment
				Violation of Art. 13 in conjunction with Art. 3	Lack of an effective remedy concerning the applicant's complaint of inadequate conditions of detention
				No violation of Art. 5 § 4	Applicant's detention had been examined by the domestic court which, after taking into consideration all relevant factors that could justify the release or the continuation of the applicant's detention, had exercised a judicial review of the lawfulness of the detention

GREECE (CONTINUED)	31 July 2014	TATISHVILI (IN FRENCH ONLY) (No. 26452/11)	3	Violation of Art. 3 (substantive)	Poor conditions of detention in police premises (overcrowding, lack of recreational activities, lack of meals)
				No violation of Art. 5 § 1	Reasonable length of applicant's detention pending removal
				No violation of Art. 5 § 4	No lack of a judicial review concerning the lawfulness of the applicant's detention pending removal
ITALY	1 July 2014	GUADAGNO AND OTHERS (IN FRENCH ONLY) (No. 61820/08)	3	Violation of Art. 6 § 1	Domestic authorities' legislative intervention which intended to put an end to the dispute between the applicants and the relevant state had not been justified by compelling and overriding reasons in the general interest
				3	Violation of Art. 3 (substantive)
	15 July 2014	PANETTA (IN FRENCH ONLY) (No. 38629/10)	3		Violation of Art. 3 (procedural)
Violation of Art. 6 § 1				Excessive length of proceedings (13 years and 11 months)	
MONTENEGRO	22 July 2014	BULATOVIC (No. 67320/10)	3	Violation of Art. 3 (substantive)	Poor conditions of detention (overcrowding)
				No violation of Art. 3 (substantive)	Domestic authorities' failure to provide for a further medical examination did not attain a sufficient level of severity in order to entail a violation of Art. 3 (no indication in the case file suggested that the recommended examination was urgent or that without it the applicant was left to suffer any pain)
				Violation of Art. 5 § 3	Excessive length of pre-trial detention (more than 5 years)

NORWAY	24 July 2014	KAPLAN AND OTHERS (No. 32504/11)	3	Violation of Art. 8	Domestic authorities' failure to strike a fair balance between the first applicant's need to be able to remain in the relevant state in order to maintain his contact with his daughter (suffering from psychiatric problems within the spectrum of autism illness) in her best interest, and their public interest in ensuring effective immigration control and prevention of disorder or crime
POLAND	1 July 2014	RUSZKOWSKA (No. 6717/08)	2	No violation of Art. 14 taken in conjunction with Art. 1 of Prot. No. 1	Applicant's survivors' pension had been equally divided between all biological and foster children according to the relevant domestic legal provisions (the way in which the survivor's pension had been divided between biological and foster children did not constitute a financial burden or had an appreciable impact on the applicant's and her biological children's situation)
				No violation of Art. 14 taken in conjunction with Art. 8, or of Art. 8 or Art. 1 of Prot. No. 1 taken alone	Applicant's complaints had been related to the one examined under Art. 14 taken in conjunction with Art. 1 of Prot. No. 1, thus, the factors to be taken into consideration when assessing the proportionality of the measure complained would be similar and would led to the same finding, namely, the non-violation of these provisions
ROMANIA	1 July 2014	BLAGA (No. 54443/10)	3	Violation of Art. 8	Domestic courts' failure to promptly adopt the final decision which would have allowed the reunion between the applicant and his children had constituted a disproportionate interference with his right to respect for his family life
				Violation of Art. 6 § 1	Excessive length of the divorce-and-custody proceedings (more than 4 years and 8 months)

ROMANIA (CONTINUED)	1 July 2014	BUCIAS (No. 32185/04)	3	Violation of Art. 1 of Prot. No. 1	Domestic authorities' failure to recognize the applicants' right to the effective enjoyment of their possessions given that, despite the annulment of the sale of their immovable property to the first buyer, they had not been able to have its subsequent sale to another buyer annulled as well
		MIHAILESCU (No. 46546/12)	3	Violation of Art. 3 (substantive)	Poor conditions of detention (overcrowding)
		SIMON (IN FRENCH ONLY) (No. 34945/06)	3	Violation of Art. 5 § 3	Extension of applicant's pre-trial detention on insufficient grounds
	8 July 2014	DULBASTRU (IN FRENCH ONLY) (No. 47040/11)	3	Violation of Art. 3 (substantive)	Poor conditions of detention (overcrowding)
		STOIAN (No. 33038/04)	3	Violation of Art. 3 (substantive)	Ill-treatment of the applicant during his arrest by police officers
	15 July 2014	BUTIUC AND DUMITROF (No. 19320/07)	3	Violation of Art. 3 (procedural)	Ineffective investigation into the applicant's allegations of ill-treatment
				Violation of Art. 3 (substantive)	Applicant's submission to degrading treatment on account of the abusive strip-searches
RUSSIA	10 July 2014	M.S. (No. 8589/08)	3	Violation of Art. 3 (substantive)	Inadequate conditions of the applicant's transfer to and from the courthouse and to the correctional colony
				Violation of Art. 13	Lack of an effective remedy concerning the applicant's complaint of inadequate conditions of transport
				Violation of Art. 3 (substantive)	Domestic authorities' failure to ensure adequate medical treatment to the applicant during his detention
				No violation of Art. 3 (substantive)	Adequate medical treatment
				No violation of Art. 34	Absence of sufficient factual basis suggesting that there had been an interference with the applicant's right of petition

RUSSIA (CONTINUED)	10 July 2014	RAKHIMOV (No. 50552/13)	3	Violation of Art. 3	Real risk of ill-treatment in case of the applicant's removal to his country of origin
				Violation of Art. 3 (substantive)	Poor conditions of detention (overcrowding)
				Violation of Art. 5 § 1	Unlawful detention of the applicant
				Violation of Art. 5 § 1 (f)	Unlawfulness of the applicant's detention pending administrative removal while no attempt had been made in order to find alternative solutions which would secure the enforcement of the expulsion order
				Violation of Art. 5 § 4	Lack of a judicial review of the lawfulness of the applicant's detention pending administrative removal
	17 July 2014	KADIRZHANOV AND MAMASHEV (Nos. 42351/13 AND 47823/13)	3	Violation of Art. 3	Real risk of ill-treatment in case of the applicants' removal to their country of origin
				No violation of Art. 5 § 4	Reasonable length of proceedings
				Violation of Art. 5 § 4	Excessive length of proceedings of the applicant's appeals against the detention orders (concerning the second applicant)
				Violation of Art. 5 § 4	Lack of a judicial review of the applicant's detention (concerning the first applicant)
22 July 2014	MAMADALIYEV (No. 5614/13)	3	Violation of Art. 3	Real risk of ill-treatment in case of the applicant's removal to his country of origin	
SERBIA	1 July 2014	ISAKOVIC VIDOVIC (No. 41694/07)	3	Violation of Art. 8 (positive obligations)	Domestic authorities' failure to conduct effective criminal proceedings against the applicant's neighbour had resulted in his impunity
		RIDIC AND OTHERS (Nos. 53736/08, 53737/08, 14271/11, 17124/11, 24452/11 AND 36515/11)	2	Violation of Art. 6 § 1	Excessive length of the enforcement proceedings concerning the applicants' payment of salary arrears
	15 July 2014	PETROVIC (No. 40485/08)	2	Violation of Art. 2 (procedural)	Domestic authorities' failure to carry out an adequate and effective investigation into the circumstances of death of the applicant's son

SLOVAKIA	22 July 2014	CACKO (No. 49905/08)	3	No violation of Art. 3 (substantive)	Applicant's life sentence cannot be said to constitute a breach of Art. 3 of the Convention
				No violation of Art. 13 in conjunction with Art. 3	According to the domestic legislation, a judicial review of the life sentence imposed on the applicant can be sought if the criteria established by the case-law are met
SWEDEN	24 July 2014	A.A. AND OTHERS (No. 34098/11)	3	No violation of Art. 3	No real risk suggesting that the applicants would be submitted to ill-treatment in case of their removal to their country of origin
SWITZERLAND	22 July 2014	SCHMID (IN FRENCH ONLY) (No. 49396/07)	3	No violation of Art. 6 § 1	No failure of the domestic authorities to provide the applicant with the opportunity to reply to the submissions of the other parties if he had sought permission to do so
THE CZECH REPUBLIC	17 July 2014	T. (IN FRENCH ONLY) (No. 19315/11)	2	No violation of Art. 8	Domestic authorities' decision to place the applicant's daughter in foster care had been taken after consideration of the child's best interest
				Violation of Art. 8 (positive obligations)	Domestic authorities' failure to render a final decision in order to contribute to the maintenance of the family ties between the applicant and his daughter
THE REPUBLIC OF MOLDOVA	1 July 2014	PARENIUC (No. 17953/08)	3	Violation of Art. 6 § 1	Unfairness of proceedings on account of the applicant's incitement to engage in the criminal activity of which she was convicted while there had not been any indication that the offense would have been committed without such intervention

THE REPUBLIC OF MOLDOVA (CONTINUED)	8 July 2014	CJORAP (IN FRENCH ONLY) (No. 4) (No. 14092/06)	3	Violation of Art. 3 (substantive)	Domestic supreme court's decision to compensate the applicant did not deprive him of his victim status given that the amount awarded for the medical operation which had been carried out against his will had been insufficient	
				No violation of Art. 3 (procedural)	Domestic authorities' decision not to prosecute the medical staff had been justified as there had been no evidence suggesting that they had acted with the intention to mistreat the applicant	
	15 July 2014	NINESCU (IN FRENCH ONLY) (No. 47306/07)	2	Violation of Art. 5 § 3	Unjustified pre-trial detention and house arrest of the applicant	
				Tcaci (IN FRENCH ONLY) (No. 3473/06)	3	Violation of Art. 3 (procedural)
	22 July 2014	CHIRICA (IN FRENCH ONLY) (No. 50905/08)	3	Violation of Art. 6 § 1	Domestic administrative authorities' failure to enforce the final judgment delivered in favour of the applicant had infringed his right of access to a court	
				Violation of Art. 13	Lack of an effective remedy concerning the applicant's complaint under Art. 6 § 1	
		CORNEA (No. 22735/07)	3	Violation of Art. 6 § 1	Domestic courts' refusal to allow the applicant to take part in the civil proceedings	
		GRAFESCOLO S.R.L. (No. 36157/08)	3	Violation of Art. 6 § 1	Domestic courts' failure to apply the statute of limitations throughout the proceedings and to summon the applicant company before the domestic supreme court's hearing	
	TURKEY	8 July 2014	YERLI (No. 59177/10)	3	No violation of Art. 3 (substantive)	Absence of sufficient evidence suggesting that the applicant had been arrested and ill-treated by police officers
					Violation of Art. 3 (procedural)	Ineffective investigation into the applicant's allegations of ill-treatment

TURKEY (CONTINUED)	8 July 2014	YURTSEVER AND OTHERS (IN FRENCH ONLY) (No. 22965/10)	3	Violation of Art. 2 (substantive and procedural)	Excessive use of force against the applicants' relative which resulted in his death and lack of an effective investigation in that respect as the perpetrators remain, to this day, unidentified
	15 July 2014	CORAMAN (IN FRENCH ONLY) (No. 16585/08)	3	Violation of Art. 3 (substantive and procedural)	Ill-treatment of the applicant during his arrest by police officers and ineffective investigation in that respect
	22 July 2014	A.D. AND OTHERS (No. 22681/09)	3	Violation of Art. 5 § 1	Unlawful detention of the applicants
				Violation of Art. 5 § 4	Lack of a judicial review of the lawfulness of the applicants' detention
	TUFEKCI (IN FRENCH ONLY) (No. 52494/09)	3	Violation of Art. 3 (procedural)	Lack of an effective investigation into the applicant's allegations of ill-treatment	
UKRAINE	10 July 2014	BUGLOV (No. 28825/02)	3	Violation of Art. 3 (substantive)	Ill-treatment of the applicant while in police custody
				Violation of Art. 3 (substantive)	Poor conditions of detention (overcrowding)
Violation of Art. 5 § 3				Unjustified pre-trial detention of the applicant	
				Violation of Art. 8	Unjustified interference on account of the monitoring of the applicant's correspondence with the Court while his confinement in a disciplinary cell for 10 days for having sent unauthorized letters to the higher domestic prison authorities in order to complain about the conditions of his detention had been a disproportionately severe measure
	17 July 2014	OMELCHENKO (No. 34592/06)	3	Violation of Art. 6 §§ 1 and 3 (c)	Unfairness of proceedings on account of the applicant's inability to obtain legal assistance in the beginning of the investigation and the use of his confessional statements as a basis for his conviction

UKRAINE (CONTINUED)	17 July 2014	OSAKOVSKIY (No. 13406/06)	3	Violation of Art. 3	Applicant's submission to inhuman and degrading treatment in order to extort self-incriminating statements
				Violation of Art. 5 § 3	Extension of applicant's pre-trial detention on insufficient grounds
				Violation of Art. 5 § 4	Lack of a judicial review of the applicant's detention
				Violation of Art. 6 § 1	Excessive length of criminal proceedings

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 30 June 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
ALBANIA	24 June 2014	CANAJ (No. 33705/09)	Art. 1 of Protocol No.12 and Art. 1 of Protocol No.1 in conjunction with Art. 14 (the applicant didn't obtain an old-age pension because of a legal vacuum preventing his years in prison being recognized as insurance years)	Inadmissible as manifestly ill-founded
ITALY	3 June 2014	PAHOR AND OTHERS (No. 61244/09)	Art. 6§1 (unfairness of the criminal proceedings and failure to respect certain time-limits), Art. 14 (the applicants were denied the right to use their mother tongue in the criminal proceedings), Art. 13 (lack of an effective remedy because of the discontinuance of the investigation)	Incompatible <i>ratione materiae</i> with the provisions of the Convention
TURKEY	24 June 2014	Koc (No. 8362/14)	Art. 6§1 (excessive length of the proceedings)	Incompatible <i>ratione personae</i> with the provisions of the Convention

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, concerning the period from 21 January to 15 February 2014.

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
AZERBAIJAN	28 January and 13 February 2014	KHALIKOVA (No. 42883/11) DAMIROV (No. 44083/09)	The authorities ordered the destruction of the applicants' properties for public interest
BOSNIA AND HERZEGOVINA	6 February 2014	MEDŽLIS ISLAMSKE ZAJEDNICE BRČKO AND OTHERS (No. 17224/11)	The letter the applicants wrote to the competent authorities about one candidate lacking professional and moral qualities for the position of director of the multi-ethnic public radio station was published in newspapers, which constitutes defamation according to the candidate
BULGARIA	12 February 2014	L.D. IN FRENCH ONLY (Nos. 7949/11 AND 45522/13)	The applicants cannot establish their paternity through legal proceedings in Bulgarian law
CROATIA	27 January 2014	TRAVAŠ (No. 75581/13)	The applicant was dismissed of his position of teacher of ecclesiastical education because his second civil marriage was contrary to Christian doctrine since he was still religiously married to his previous wife
CZECH REPUBLIC	10 February 2014	LEDVINA IN FRENCH ONLY (No. 64523/12)	The applicant was found guilty on the ground of recordings made in his office for another case
FRANCE	3 February 2014	M'BALA M'BALA IN FRENCH ONLY (No. 25239/13)	The applicant was convicted for public slander against people from Jewish origins or faith whereas he declared that his speech on stage did not contain any form of insult or defamation. The domestic authorities considered that the insult did not result from one of the means prescribed by the law.
HUNGARY	22 January 2014	MAGYAR TARTALOMSZOLGÁLTA TÓK ÉGYESÜLETE AND INDEX.HU ZRT (No. 22947/13)	The domestic authorities required the applicants to moderate the contents of comments made by readers on their websites and the applicants considered this decision as contrary to the freedom of expression and thus the liberty of internet commenting

LATVIA	6 February 2014	<u>S.N. AND T.D.</u> (No. 5794/13)	The applicants, born in what is now the Chechen Republic, fear inhuman treatments if expelled to Russia and they allege their expulsion was ordered as a punishment for the political activities of the Chechen community in Latvia
NORWAY	27 January 2014	<u>WOLLAND</u> (No. 39731/12)	Unlawful seizure of approximately 100,000 documents, belonging to the applicant and his clients, without any legal authority or formalities nor any judicial remedies to challenge it
POLAND	31 January 2014	<u>KALISZCZAK</u> (No. 60389/11)	Because of the unreasonable length of the proceedings, the applicant reminds constantly of the sexual abuse by her father when she was 5 and this has a negative impact on her psychical and moral integrity and on her private life
ROMANIA	14 February 2014	<u>COMAN</u> (No. 29106/13)	The applicant's health deteriorated since the administration of a treatment by the hospital personnel without consulting him, his family or his physician. The applicant was also admitted into the hospital against his will and held in prison-like conditions
		<u>IORDĂCHESCU</u> <u>IN FRENCH ONLY</u> (No. 32889/09)	The applicant's property was sequestered because the authorities considered that the flat was bought with money from illegal activities by the applicant's son
		<u>LI</u> <u>IN FRENCH ONLY</u> (No. 44355/13)	The applicant was expelled for national security without any other detail while this separated him from his family and the company he founded
		<u>MOCANU</u> (No. 43545/13)	Continuous filming of the applicant by a video surveillance camera during his detention in prison
		<u>Rusu</u> <u>IN FRENCH ONLY</u> (No. 66421/09)	The applicant was automatically sentenced to an additional penalty banning him from voting at any elections; as a result he could not vote at the European and presidential elections.
RUSSIA	21 January 2014	<u>KOSTETSKAYA</u> (No. 19483/07)	Dismissal of the applicant from the police for criticising her superiors in public
		<u>KURNOSOVA</u> (No. 36072/07)	Fine because the applicant published a text from the leader of the suspended National Bolsheviks Party's regional branch whereas the applicant assured the author of the text wrote it as a supporter of the National Bolsheviks ideology rather than in his capacity of the leader of the suspended party

	13 February 2014	MOKHAMMAD KHAN (No. 2137/12)	Serious risk of ill-treatment if the applicant was deported to Afghanistan because of the political affiliations of his family in the 1970s. He would also be deprived of proper medical care in that country
		Nosov (No. 26668/09)	The applicant was unable to obtain the dissolution of his marriage and thus forced to legally maintain his marital relations despite desire to register his relationship with his new partner
"THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA"	22 January 2014	NIKOLOVA (No. 75971/12)	Dismissal of the applicant's compensation claim for an alleged medical error as a result of which her right breast had been amputated and her immune system sustained considerable damage
TURKEY	10 February 2014	ÖZTÜRK IN FRENCH ONLY (No. 25774/09)	Because of the unreasonable length of the proceedings, prescription of the penal procedure engendered by the applicant to convict the doctor whose medical error caused the death of his wife
	12 February 2014	EĞİTİM VE BİLİM EMEKÇİLERİ SENDİKASI (EĞİTİM-SEN) AND OTHERS IN FRENCH ONLY (No. 2389/10)	Disproportionate use of force by the police to disperse the applicants' demonstration
UKRAINE	28 January 2014	GONCHAROV (No. 41447/09)	According to the applicant, the time allowed to challenge the paternity entry in the birth registry is too limited.

PartOne

§2 - EUROPEAN COMMITTEE OF SOCIAL RIGHTS

A. Reclamations and Decisions

1. Reclamations

STATE	COMPLAINANT	RECLAMATION NUMBER	SUBJECT MATTER
IRELAND	International Federation for Human Rights (FIDH)	110/2014	Unsatisfactory application of Article 11, 16, 17 and 30 of the RESC, relating to the State's failure to adopt Charter rights within the framework of Local Authority housing, and to ensure the adequacy and habitability of some Local Authority housing.

2. Decisions

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

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

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

PartOne

§4 - OTHER INFORMATION OF GENERAL IMPORTANCE

A. Information from the Committee of Ministers

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

B. Information from the Parliamentary Assembly

■ PACE President met with Ales Bialiatski upon his release (02.07.2014)

The PACE President congratulated Mr Bialiatski on the award of the first Vaclav Havel Human Rights Prize, which he received while imprisoned. She expressed her support for all human rights defenders in Belarus, who fight in very harsh conditions ([Read more](#)).

■ Liliane Maury Pasquier welcomed the adoption of the Convention against Trafficking in Human Organs (11.07.2014)

The Chairperson of the Sub-Committee on Public Health of the PACE welcomed the adoption of the Convention against Trafficking in Human Organs and invited the Committee of Ministers to open it for signature as quickly as possible. However, referring to PACE Opinion 286 on the draft convention, she regretted that none of the recommendations made by the PACE with a view to strengthening the text's scope and effectiveness has been taken on board by the CM ([Read more](#) - [Adopted text of the Convention against Trafficking in Human Organs](#) - [Opinion 286](#)).

■ Truth's onward march continues in the case of the illegal CIA detentions (24.07.2014)

Referring to the disclosure, seven years ago, of credible evidence about the existence of secret CIA prisons in Poland and Romania, and the involvement of other European countries in illegal renditions, the PACE President highlighted two ECtHR judgments, which condemned such renditions, notably on the basis of Article 3 of the ECHR ([Read more](#) - [Case of Husayn \(Abu Zubaydah\) v Poland](#) - [Press release of the ECtHR](#) - [The Council of Europe's investigation into illegal transfers and secret detentions in Europe: a chronology](#)).

■ Children in Gaza are caught up in a war with no respect for their rights, said PACE rapporteur (28.07.2014)

The General rapporteur on children of the PACE urged both conflict parties to immediately follow the UN Security Council's appeal for an immediate and unconditional humanitarian ceasefire ([Read more](#)).

■ Violence against women with disabilities is an invisible reality (29.07.2014)

During a hearing on a little-known problem: "Violence against women with disabilities", the frequent situation of extreme isolation of disabled women was pointed out, and the need to ensure them full respect of their human rights was highlighted ([Read more](#)).

■ Entry into force of the Istanbul Convention: declaration by José Mendes Bota (01.08.2014)

On the occasion of the entry into force of the Istanbul Convention, José Mendes Bota, General rapporteur on violence against women, and other PACE representatives issued statements, to celebrate but also in order to point out the work that has still to be done ([Read more](#) - [A suitable legal framework is needed to tackle effectively violence against women](#) - [The Istanbul Convention, a milestone for the protection of women from violence](#) - [A new Convention for combating domestic violence](#) - [Convention's text](#)).

■ Maria Giannakaki, General rapporteur on combating racism and intolerance (06.08.2014)

In an interview, the newly appointed General rapporteur on combating racism and intolerance exposed her priorities for the coming year, which are composed of general issues such as fighting discrimination and hate speech. For this purpose, she will analyse the rhetoric of racists groups, and

work in close interaction with the CoE No Hate Speech Movement. She also expressed concerns about the rise of neo-Nazi groups in Greece ([Read more](#)).

■ Committee head urged more help for persecuted religious groups in Iraq (19.08.2014)

The Chairperson of the Political Affairs Committee of the PACE has called on the international community to send humanitarian aid to religious groups in Iraq threatened by the terrorist insurgency, and to help restore security ([Read more](#)).

C. Information for the Commissioner for Human Rights

■ Protect women's rights during the crisis (10.07.2014)

Putting forward the jeopardising women rights during the crisis, the Commissioner called on States to stop austerity measures' blindness. He highlighted European conventions protecting women rights and called on States to ensure their active participation in recovery policies ([Read more](#)).

■ Fighting violence against women must become a top priority (29.07.2014)

On the occasion of the entry into force of the Istanbul Convention, on August 1, the Commissioner recalled the importance of combating a pressing human rights issue: gender-related violence ([Read more](#)).

■ Safeguarding human rights in the fight against terrorism (31.07.2014)

In an opinion article, the Commissioner presented his interpretation of two ECtHR judgments, *Al Nashiri v. Poland* and *Husayn (Abu Zubaydah) v. Poland*. He put forward that important lessons should be learned from these judgments. Firstly, ECtHR condemns the abuse of state secrets privilege established in order to determine responsibility for unlawful counter-terrorism act, if used as an excuse to conceal human rights violations. Moreover, forfeiting human rights in the fight against terrorism is a grave mistake as it breeds contempt for the rule of law ([Read more](#) - [Press release of the ECtHR](#)).

■ Maintain universal access to health care (07.08.2014)

The Commissioner stated that Universal access to health care has been undermined by the crisis. Moreover, he asserted that health inequalities are a human rights' issue, and reminded the ECSR's 2013 conclusions about Spain, which stressed that the health system must be accessible to the entire population ([Read more](#) - [ECSR's conclusions](#) - [PACE Resolution 1946 on Equal Access to Health Care](#)).

■ Missing persons in Europe: the truth is yet to be told (28.08.2014)

In Europe, tens of thousands of persons remain missing. On the occasion of the International Day of the victims of enforced disappearance, the Commissioner called on States to overcome the remaining obstacles in establishing the fate of missing persons ([Read more](#)).

D. Information from the monitoring mechanisms

■ ECRI: The committee called for timely action against political parties that promote racism (10.07.2014)

The Council of Europe's European Commission against Racism and Intolerance (ECRI) published on 10 July 2014 its annual report, calling for timely action against extremist organisations that promote racism to avoid an escalation of violence and related criminal activities ([Read more](#); [Annual report](#)).

■ **GRETA: 20th meeting (from 30.06.2014 to 04.07.2014)**

The GRETA held its 20th meeting from 30 June to 4 July 2014 at the Council of Europe in Strasbourg ([Read more](#)).

■ **14th meeting of the Committee of the Parties (07.07.2014)**

The 14th meeting of the Committee of the Parties of the Council of Europe Convention on Action against Trafficking in Human Beings was held in Strasbourg on 7 July 2014. On the basis of GRETA's reports, the Committee of the Parties adopted recommendations addressed to the Government of Azerbaijan, the Netherlands, Sweden and "the former Yugoslav Republic of Macedonia" ([Read more](#)).

PartTwo

INFORMATION BY COUNTRY

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

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

Albania

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

CASE	DATE	RESOLUTION	CONCLUSION
Xheraj (No. 37959/02)	1 December 2008	CM/ResDH(2014)96	Examination closed

B. Resolutions, signatures and ratifications

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

C. Other information

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

Azerbaijan

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

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

B. Resolutions, signatures and ratifications

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

C. Other information

■ PACE: Rapporteur denounced arrest of Azerbaijani human rights defender Leyla Yunus on treason charges (03.08.2014)

The rapporteur on “Strengthening the role and protection of human rights defenders in CoE member States”, Mailis Reps, strongly protested against the arrest, under doubtful charges, of a highly-regarded defender of human rights in Azerbaijan. The rapporteur pointed out this arrest as an unacceptable violation of the State’s duties as a member of the CoE ([Read more](#) - [Rapporteur’s previous statement](#)).

■ Commissioner for Human Rights: Concerns over the situation of human rights defenders in Azerbaijan (07.08.2014)

The Commissioner shown great concerns about the lack of freedom of expression, assembly and association in Azerbaijan. Indeed, shortly after the call of the PACE rapporteur to release Leyla Yunus, arrested under treason charges, the Commissioner pointed out the travel ban imposed on Emin Huseynov and the arrest of Rasul Jafarov, both human rights defenders ([Read more](#) - [Commissioner’s report](#) - [Commissioner’s observations](#)).

■ GRETA: Recommendation of the Committee of the Parties (07.07.2014)

[Read more.](#)

Belgium

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

CASE	DATE	RESOLUTION	CONCLUSION
Riad and Idiab (No. 29787/03+)	24 April 2008	CM/ResDH(2014)92	Examination closed

B. Resolutions, signatures and ratifications

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

C. Other information

■ GRECO: “Corruption amongst members of parliament, judges and prosecutors: Belgium must step up its action regarding integrity and transparency” (28.08.2014)

In a report on Belgium published, GRECO calls for a reinforcement of its preventive measures concerning corruption within parliamentary and judicial institutions.

GRECO has noted the recent establishment of codes of deontology and a Federal Ethics Committee, as well as the introduction of preventive measures for federal parliamentarians, which include a system for the declaration of donations, official appointments, other positions held and assets. However, the regulatory system suffers from a lack of effectiveness and sometimes appears to be unnecessarily complex ([Read more](#)).

■ Publication of a Compliance Report (04.07.2014)

[Read the compliance report.](#)

Bulgaria

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

CASE	DATE	RESOLUTION	CONCLUSION
Yordanov Stanimir (No. 50479/99)	1 December 2008	CM/ResDH(2014)97	Examination closed
Bogomil Dimitrov Simeonov (No. 49258/06)	1 October 2013	CM/ResDH(2014)98	Examination closed

B. Resolutions, signatures and ratifications

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

C. Other information

■ FCNM: Publication of the 3rd ACFC Opinion (05.08.2014)

The Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities has published its Third Opinion on Bulgaria together with the government comments ([Read the Third Opinion](#)).

Cyprus

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

CASE	DATE	RESOLUTION	CONCLUSION
Shchukin and others (No. 14030/03)	29 October 2010	CM/ResDH(2014)93	Examination closed

B. Resolutions, signatures and ratifications

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

C. Other information

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

Czech Republic

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

CASE	DATE	RESOLUTION	CONCLUSION
Rashed (No. 298/07)	27 February 2009	CM/ResDH(2014)99	Examination closed

B. Resolutions, signatures and ratifications

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

C. Other information

■ PACE: Spirit of Václav Havel lives on in the Czech Republic (29.08.2014)

After her visit to the Czech Republic, the PACE President was pleased to note that “the political and human rights spirit of Václav Havel lives on in the country”. However, she stated that there remain some gaps in terms of important CoE instruments that the State need to commit to, including the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, the Convention on Preventing and Combating Violence against Women and Domestic Violence and the Convention on Action against Trafficking in Human Beings ([Read more](#) - [Václav Havel Human Rights Prize](#) - [Dosta! - Congress Prize for Municipalities](#)).

■ FCNM: Publication of the Fourth cycle State Report (29.07.2014)

[Link to the report.](#)

France

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

CASE	DATE	RESOLUTION	CONCLUSION
Association culturelle du Temple Pyramide (No. 50471/07)	30 April 2013	CM/ResDH(2014)100	Examination closed
Association des Chevaliers du Lotus D'or (No. 50615/07)	30 April 2013	CM/ResDH(2014)100	Examination closed
Eglise Evangélique Missionnaire and Salaun (No. 25502/07)	30 April 2013	CM/ResDH(2014)100	Examination closed

B. Resolutions, signatures and ratifications

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

C. Other information

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

Germany

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

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

B. Resolutions, signatures and ratifications

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

C. Other information

■ CPT: Publication of a report on Germany (24.07.2014)

The CPT has published the report on its most recent visit to Germany, which took place from 25 November to 2 December 2013, together with the response of the German authorities ([More about the report](#)).

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

CASE	DATE	RESOLUTION	CONCLUSION
Vasilios Asimakopoulos (No. 26362/10)	28 May 2013	CM/ResDH(2014)101	Examination closed
Tsatsis (No. 9920/13)	1 October 2013	CM/ResDH(2014)101	Examination closed
Vasiliki, Anna-Maria and Aggeliki Bousiou (No. 26885/10+)	28 May 2013	CM/ResDH(2014)101	Examination closed
Zappas (No. 2725/13)	1 October 2013	CM/ResDH(2014)101	Examination closed

Corrigendum: Contrary to what was reported in RSIF No.121, the following cases are still under the supervision of the Committee of Ministers:

CASE	DATE	RESOLUTION	CONCLUSION
Bekir-Ousta and Others (No. 35151/05)	11 January 2008	CM/ResDH(2014)84	Interim resolution
Emin and Others (No. 34144/05)	1 December 2008	CM/ResDH(2014)84	Interim resolution
Tourkiki Enosi Xanthis and Others (No. 26698/05)	29 September 2008	CM/ResDH(2014)84	Interim resolution

B. Resolutions, signatures and ratifications

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

C. Other information

■ GRECO: Publication of a Compliance Report (07.08.2014)

[Read the report.](#)

Hungary

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: Hungary should do more for the human rights of Roma, migrants and persons with disabilities (04.07.2014)

The Commissioner stated that the situation of human rights in the State needs to be addressed, notably in view of improving the situation of Roma and of persons with disabilities. He welcomed the imposed ban of racist organisations, but in a letter, called on the State to ensure an enabling environment for NGOs ([Read more - Commissioner expressed concern over NGOs - Commissioner's letter to the State \[Hungarian\]](#) - [State's reply](#)).

■ GRETA: First evaluation visit to Hungary (17.07.2014)

A delegation of the GRETA carried out an evaluation visit to Hungary from 8 to 11 July 2014. The visit was organised in the context of the first round of evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings ([Read more](#)).

Italy

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

CASE	DATE	RESOLUTION	CONCLUSION
Bracci (No. 36822/02)	15 February 2006	CM/ResDH(2014)102	Examination closed
Majadallah (No. 62094/00)	26 March 2007	CM/ResDH(2014)102	Examination closed

B. Resolutions, signatures and ratifications

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

C. Other information

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

KOSOVO

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: Trafficking in human organs in Kosovo: “Truth’s onward march continues also in this case” (30.07.2014)

The PACE President welcomed the fact that in the case of trafficking in human organs in Kosovo, truth’s onward march continues ([Read more](#) - [PACE Resolution 1782](#) - [PACE Resolution 1784](#) - [European Union Special Investigative Task Force \(SITF\)](#)).

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

■ FCNM: Adoption of Committee of Ministers' Resolutions (06.08.2014)

[Read the resolutions.](#)

Liechtenstein

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

■ MONEYVAL: Report on the 4th round assessment visit to Liechtenstein (03.07.2014)

The mutual evaluation report on the 4th assessment visit to Liechtenstein is now available. The report was adopted at MONEYVAL's 44th Plenary Meeting (Strasbourg, 31 March – 4 April 2014) ([Read the report](#)).

Malta

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: Adoption of Committee of Ministers' Resolutions (06.08.2014)

[Read the resolutions.](#)

Monaco

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

CASE	DATE	RESOLUTION	CONCLUSION
Hoyos Tobon (No. 27922/11)	18 December 2012	CM/ResDH(2014)103	Examination closed

B. Resolutions, signatures and ratifications

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

C. Other information

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

Netherlands

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

CASE	DATE	RESOLUTION	CONCLUSION
A. (No. 4900/06)	20 October 2010	CM/ResDH(2014)104	Examination closed

B. Resolutions, signatures and ratifications

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

C. Other information

■ GRETA: Recommendation of the Committee of the Parties (07.07.2014)

[Read more.](#)

Poland

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

CASE	DATE	RESOLUTION	CONCLUSION
Bystrowski (No. 15476/02)	8 March 2012	CM/ResDH(2014)105	Examination closed

B. Resolutions, signatures and ratifications

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

C. Other information

■ ECRI: Preparation of a monitoring report on Poland (03.07.2014)

A delegation of the ECRI visited Poland from 23 to 27 June 2014 as the first step in the preparation of a monitoring report. During its visit, ECRI's delegation gathered information on legislation, hate speech, violence, integration policies, LGBT issues and other topics. The delegation held meetings in Warsaw and Bialystok with representatives of the government, local authorities, independent bodies and NGOs ([Read more](#)).

Romania

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: Vulnerable groups require better protection in Romania (08.07.2014)

The Commissioner denounced the degrading treatments of children and persons with disabilities in institutions, and strongly underlined the need of a deinstitutionalisation. He also urged the State to allocate adequate resources to the National Authority for Child Protection, and to pay more attention to the problems of anti-Gypsyism ([Read more](#) - [Read the report \[Romanian\]](#) - [State's comments](#)).

■ MONEYVAL: Report on the 4th round assessment visit to Romania (29.07.2014)

The mutual evaluation report on the 4th assessment visit to Romania is now available. The report was adopted at MONEYVAL's 44th Plenary Meeting (Strasbourg, 31 March – 4 April 2014) ([Read the report](#)).

Russian Federation

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

CASE	DATE	RESOLUTION	CONCLUSION
Averyanova and others (No. 18284/10)	3 June 2010	CM/ResDH(2014)94	Examination closed

B. Resolutions, signatures and ratifications

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

C. Other information

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

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

CASE	DATE	RESOLUTION	CONCLUSION
Del Rio Prada (No. 42750/09)	21 October 2013	CM/ResDH(2014)107	Examination closed

B. Resolutions, signatures and ratifications

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

C. Other information

■ CPT: Visit of the Committee to Spain (22.07.2014)

A delegation of the CPT carried out an ad hoc visit to Spain from 14 to 18 July 2014, focusing on the situation of foreign nationals deprived of their liberty under aliens legislation.

In this context, the delegation went to the Spanish exclave in Melilla, located on the northern coast of Africa, in order to examine the treatment of foreign nationals by the *Guardia Civil* at the fenced border with Morocco. To this end, the delegation interviewed numerous foreigners in the Melilla Centre for the Temporary Stay of Migrants (*Centro de Estancia Temporal de Inmigrantes*). Particular attention was also paid to the procedures applied to foreign nationals in the context of their interception and removal ([Read more](#)).

■ FCNM: Visit of the Advisory Committee on the Framework Convention (16.07.2014)

A delegation of the Advisory Committee on the Framework Convention for the Protection of National Minorities visited Madrid, Sevilla and Barcelona from 7-11 July 2014 in the context of the monitoring of the implementation of this convention. This was the fourth visit of the Advisory Committee to Spain. The Delegation had meetings with the representatives of all relevant ministries, public officials, NGOs, as well as national minority organisations. The Delegation included Ms Ivana JELIĆ, Advisory Committee member elected in respect of Montenegro, Ms Petra ROTER, Advisory Committee member elected in respect of Slovenia, and Ms Sarah BURTON, Administrator, Secretariat of the Framework Convention for the Protection of National Minorities.

Sweden

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

CASE	DATE	RESOLUTION	CONCLUSION
Söderman (No. 5786/08)	12 November 2013	CM/ResDH(2014)106	Examination closed

B. Resolutions, signatures and ratifications

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

C. Other information

■ GRETA: Recommendation of the Committee of the Parties (07.07.2014)

[Read more.](#)

Switzerland

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

■ GRECO: Publication of a Compliance Report (04.07.2014)

[Read the report.](#)

“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

■ FCNM: Publication of the fourth cycle State Report (15.07.2014)

[Link to the report.](#)

■ GRETA: Recommendation of the Committee of the Parties (07.07.2014)

[Read more.](#)

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: Presidential candidates in Turkey able to campaign freely, but playing field not level (11.08.2014)

Freedoms of assembly and association were respected in the 10 August presidential election in Turkey, international election observers said. However, the Prime Minister's use of his official position, along with biased media coverage, gave him a distinct advantage over the other candidates ([Read more](#)).

Ukraine

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

CASE	DATE	RESOLUTION	CONCLUSION
Balkovoy (No. 18960/12)	3 June 2010	CM/ResDH(2014)95	Examination closed

B. Resolutions, signatures and ratifications

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

C. Other information

■ PACE: Call for new impetus on essential reforms in Ukraine (16.07.2014)

Following a visit, the PACE co-rapporteur for the monitoring of Ukraine reiterated a call on the State to investigate the human rights violations of 2 May promptly and transparently. She welcomed the work done on this issue by a group of civil society experts and journalists, which, she said, deserves the full support of the authorities and the international community. Also, the PACE co-rapporteur urged CoE member States to make funds and resources available to deal with the humanitarian consequences of the hostilities ([Read more](#) - [Announcement of the visit](#)).

■ Commissioner for Human Rights: Urgent action needed to protect internally displaced person (17.07.2014)

The Commissioner stated the need to develop a governmental strategy to provide durable solutions with regard to accommodation and opportunities for livelihood for those IDPs who are traumatized by the hostilities and need special care ([Read more](#) - [Commissioner's letter to the State](#)).