



REGULAR SELECTIVE INFORMATION FLOW

for the attention of the National Human Rights Structures

Issue # 137

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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 (1-31 January 2016) by the European Court of Human Rights, the European Committee of Social Rights, the Committee of Ministers, the Parliamentary Assembly and other Council of Europe monitoring mechanisms.

PartOne

§1 - EUROPEAN COURT OF HUMAN RIGHTS

A. Judgments

1. Judgments deemed of particular interest to the NHRs

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

Some judgments are only available in French.

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

Note on the Importance Level:

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

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

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

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

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

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

ALPAR V. TURKEY (IN FRENCH ONLY) - No. 22643/07 - Importance 3 - 26 January 2016 - Violation of Article 3 - Domestic authorities’ failure to ensure the applicant an effective criminal investigation

The case concerned the applicant’s allegation of ill-treatment during an identity check and during subsequent questioning at a police station. He also alleged that he had not benefitted from an effective investigation, and complained of the excessive length of the proceedings.

With regard to the allegations of ill-treatment, the Court considered that it could not assert, with sufficient clarity, that the applicant’s lesions were solely the result of violence inflicted during the incident and following his arrest. It therefore held that this part of the application was manifestly ill-founded.

With regard to the investigation into the allegations of ill-treatment, the Court noted that domestic authorities had questioned all the police officers about three years after the applicant's complaint.

Furthermore, the Court noted that the decision discontinuing the proceedings was not issued until almost six years after the complaint had been lodged. It also found that the prosecutor's office had issued its order discontinuing the proceedings approximately five years after the complaint had been lodged, that the judicial authorities had dismissed it without providing genuine legal reasoning and without determining the degree of force used during the arrest, and that the criminal investigation had concerned only the allegations of ill-treatment after the applicant's arrest.

Therefore, the Court found that domestic authorities had not conducted an effective investigation into the applicant's complaint, and for that reason it held that there had been a violation of Article 3 of the Convention.

Article 41 (Just satisfaction)

The Court held that Turkey was to pay the applicant EUR 5,000 in respect of non-pecuniary damage and EUR 2,000 in respect of costs and expenses.

- **Prohibition of slavery and forced labour (art. 4)**

L.E. v. GREECE ([IN FRENCH ONLY](#)) — No. 71545/12 — Importance 1 — 21 January 2016 — Violation of Article 4 — Domestic authorities' failure to protect the applicant from human trafficking — Violation of Article 6§1 — Domestic authorities' liability for the length of the proceedings — Violation of Article 13 — Domestic authorities' failure to ensure an effective remedy to the applicant against the delay in the proceedings

The applicant is a Nigerian national who had been forced into prostitution into one of the Contracting States for more than two years before she lodged a criminal complaint. Then she had to wait more than 9 months to be officially recognised as a victim of human trafficking for the purpose of sexual exploitation.

Article 4

The Court recalled that Article 4 imposed on the States a series of positive obligations concerning the protection of victims of trafficking. The Court considered that the relevant domestic legislation was capable of providing the applicant with practical and effective protection, but that the domestic authorities' delay in the inquiry and proceedings amounted to a failing in terms of the measures that they could have taken to protect her.

The Court noted a lack of promptness as well as failings with regard to the domestic procedural obligations under Article 4 of the Convention and held that there had been a violation of this Article.

Article 6§1 and Article 13

The Court noted that about two and a half years had passed between the applicant's civil-party application to join the proceedings and 20 July 2009, the date on which the hearing in the case had been suspended until such time as the suspects were found and arrested.

The Court considered that the length of the proceedings in question had been excessive for one level of jurisdiction and had not met the "reasonable time" requirement. The Court held that there had been a violation of Article 6 § 1.

The Court found the applicant had no means to complain about the length of the proceedings, which deprived her from an effective remedy. Thus, the Court found there had been a violation of Article 13.

Article 41 (Just satisfaction)

The Court held that Greece was to pay the applicant EUR 12 000 in respect of non-pecuniary damage and EUR 3,000 in respect of costs and expenses.

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

BERGMANN V. GERMANY — No. 23279/14 — Importance 1 — 7 January 2016 — No violation of Article 5 — No violation of the applicant’s right to liberty as his detention prevented him from committing an offence — No violation of Article 7 — Preventive detention justified by the applicant’s need for treatment

The applicant was sentenced to 15 years in prison and was placed in preventive detention after he served his full sentence. After he had spent ten years in preventive detention, the courts responsible for the execution of sentences ordered the continuation of the measure at regular intervals. At the time of his offences and conviction the maximum period for preventive detention had been ten years but the law had been amended and the duration of a convicted person’s preventive detention could be extended to an unlimited period of time. The applicant complained his placement in preventive detention since 2001 breached his right to liberty.

Article 5

The Court considered the applicant as a “person of unsound mind” for the purpose of (e) of Article 5 § 1 as the domestic courts had found that he suffered from a mental disorder, namely a sexual deviance and that there was a high risk that he would commit the most serious sexually motivated violent offences, similar to those of which he had been convicted, if released.

The Court also noted that his conditions of detention provide him with the necessary treatment and that his case was regularly re-examined by a judge.

The Court concluded that the applicant’s preventive detention could be justified under Article 5 § 1 (e) as detention of a person “of unsound mind”.

There had accordingly been no violation of Article 5 § 1.

Article 7

The Court noted that the applicant’s preventive detention had been imposed following his conviction for a criminal offence and its implementation had been determined by the courts responsible for the execution of sentences, which belonged to the criminal justice system. Because of the individualised and reinforced medical and therapeutic care which was now provided to mental health patients the Court considered that contrary to the case of M. v. Germany, the preventive detention was no longer to be classified as a “penalty” within the meaning of Article 7 § 1, as the applicant needed to treat his mental disorder.

There had accordingly been no violation of Article 7.

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

BORG V. MALTA (No. 37537/13) - Importance 2 - 12 January 2016 - Violation of Article 6 § 3 in conjunction with Article 6 § 1 - Domestic authorities’ failure to ensure the applicant the right to legal assistance at the pre-trial stage

The case mainly concerned the complaint by a convicted offender of not having had any legal assistance during questioning in police custody, resulting from the absence of any provisions under domestic law in force at the time allowing for legal assistance during pre-trial investigation and questioning by the police.

The Court first recalled that early access to a lawyer is an important procedural safeguards. It reiterated that access to a lawyer should be provided as from the first interrogation of a suspect by the police, unless it is demonstrated in the light of the particular circumstances of each case that there are compelling reasons to restrict this right.

In this case, the applicant had not waived the right to be assisted by a lawyer at that stage of the proceedings – a right which was not available. It followed that he had been denied the right to legal assistance at the pre-trial stage as a result of a systemic restriction in domestic law applicable to all accused persons. There had accordingly been a violation of Article 6 § 3 (c) in conjunction with Article 6 § 1.

Article 41 (Just satisfaction)

The Court held that Malta was to pay the applicant EUR 2,500 in respect of non-pecuniary damage and EUR 2,185 in respect of costs and expenses.

IVANOVSKI V. « THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA » — (No. 29908/11) — Importance 2 — 21 January 2016 — No violation of Article 6 § 1 (lack of access to court) — No denial of the applicant's right to access to court — Violation of Article 6 § 1 (unfairness of the proceedings) — Domestic authorities' liability for biased proceedings — Violation of Article 8 — Domestic authorities' liability for disproportionate infringement to the applicant's right to respect for private life

The applicant is the former president of the domestic Constitutional Court. A domestic lustration law forbid civil servants from collaborating with the State security services and the applicant submitted a declaration of non-collaboration. An inquiry proved his statement was false and he was deregistered by the Lustration Commission. While the proceedings against him were still pending, the Prime minister made a public declaration in which he accused the applicant of driving the Constitutional court to invalidate part of the lustration law. The applicant complained the proceedings had been unfair, that the Commission lacked impartiality, but was dismissed by domestic courts.

Article 6 § 1

The Court found there had been no violation of his right to a fair trial as he had access to a court, which heard an expert on his suggestion.

Concerning the Prime minister's statement, the Court found that it denounced the applicant as a collaborator of the secret police of the former regime, while the proceedings were still pending which prevented the commission from being impartial.

The Court concluded that the proceedings, taken as a whole, had not satisfied the requirements of a fair hearing, thus there had been a violation of Article 6 § 1 on account of overall unfairness of the proceedings.

Article 8

The deregistration of the applicant constituted an interference with his right to respect for his private life, but this interference was statutory as it pursued the legitimate aim of the protection of national security. Nevertheless, the commission did not take into account that the applicant had been forced to collaborate, which implies his deregistration had not been necessary in a democratic society. Moreover, the Court noted the applicant had not only been dismissed from the office of judge of the Constitutional Court, but he had also been banned from taking any employment in the public service or academia for a period of five years, which constituted a disproportionate interference with his rights.

Hence, there had been a violation of Article 8.

Article 41 (Just satisfaction)

The Court held that "The former Yugoslav Republic of Macedonia" was to pay the applicant EUR 4,500 in respect of non-pecuniary damage and EUR 850 in respect of costs and expenses.

IASIR V. BELGIUM (IN FRENCH ONLY) - No. 21614/12 - Importance 3 - 26 January 2016 - No violation of Article 6 - No failure of domestic courts to apply aggravating circumstance of murder in the applicant's conviction for robbery

The case concerned the applicant's allegation that his conviction based on the aggravating circumstance of murder in the commission of the robbery had been in breach of his right to be presumed innocent and his right to a fair trial.

The Court first reiterated that it was not its function to deal with errors of fact or of law allegedly committed by domestic courts unless and in so far as they might have infringed rights and freedoms protected by the Convention. It noted that domestic law recognised the existence of an aggravating

circumstance of murder when an offender “participated by abstention” in a murder committed by another. In the present case, the Court noted that even though the applicant had not personally committed the murder to facilitate the robbery, this had been regarded as an aggravating circumstance in his conviction.

The Court observed that the domestic court had inferred from the analysis of the facts that the applicant had not physically participated in the police officer’s murder. However, the domestic court had concluded that since the applicant was at the scene with a stolen car, wearing gloves and a hood, and heavily armed, he must have been aware that the aggravating circumstance of murder might become an element or a foreseeable consequence of the main offence of robbery. According to the Court, domestic courts had given sufficient reasoning for the application of the aggravating circumstance in the applicant’s case and had analysed with sufficient care the voluntary element of the offences.

There had not therefore been a violation of the applicant’s right to be presumed innocent under Article 6 § 2 of the Convention.

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

GOUARRÉ PATTE V. ANDORRA ([IN FRENCH ONLY](#)) - No. 33427/10 - Importance 2 - 12 January 2016 - Violation of Article 7 - Domestic court’s failure to apply the retrospective application of the criminal law more favourable to the accused - Violation of Article 13 - Lack of legal remedies available to the applicant

The case concerned the applicant’s conviction for three sexual offences committed while carrying out his duties as a doctor. He especially was sentenced to the ancillary penalty of a lifetime ban on practicing his profession, without being able to obtain revision of this sentence.

Article 7

The Court first recalled that application of a criminal law providing for a more lenient penalty, even one enacted after the commission of the offence, had become a fundamental principle of criminal law.

In this case, domestic courts had themselves taken the view that a lifetime ban on practicing the profession of medicine was an ancillary penalty, added to deprivation of liberty as the main penalty. The Court noted that domestic law had established that ancillary penalties could not be longer in duration than the most severe main penalty, which was more favourable to the applicant. Furthermore, the Court stressed that the principle of the retrospective application of the criminal law more favourable to the accused was expressly recognised in domestic law, even in the event of a final judgment, as was the case here. Nevertheless, the Court noted that domestic courts had continued to apply the most severe penalty. According to the Court, there had been no valid reason to exclude the applicant from benefiting from the retrospective application of the law more favourable to the accused.

The Court concluded that there had been a violation of Article 7 of the Convention in so far as the domestic courts had not applied domestic law.

Article 13

The Court noted that domestic law had not provided for specific procedure enabling a convicted person to apply to the courts for revision of his or her sentence where the relevant courts failed to do so. In the light of its conclusions with regard to Article 7 of the Convention and to the extent that it had not been demonstrated that there existed an effective remedy available to the applicant to raise the issue of the application of the more favourable provisions of domestic law, the Court considered that there had been a violation of Article 13 taken together with Article 7 of the Convention.

Article 41 (Just satisfaction)

The Court held that Andorra was to pay the applicant EUR 12,000 euros in respect of non-pecuniary damage and EUR 14,250 in respect of costs and expenses.

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

BĂRBULESCU V. ROMANIA (No. 61496/08) - Importance 2 - 12 January 2016 - No violation of Article 8 - No failure of domestic authorities to strike a fair balance between the applicant's right to respect for his private life and correspondence and the interests of his employer

The case concerned the applicant's dismissal by his employer for having used the company's Internet for personal purposes during working hours in breach of internal regulations. He complained that his employer's decision to terminate his contract had been based on a breach of his privacy

First of all, the Court considered that the fact that the employer had accessed the applicant's professional Internet account and that the record of his communications had been used in the domestic litigation to prove the employer's case was sufficient to engage the applicant's "private life" and "correspondence". However, it did not find it unreasonable that an employer would want to verify that employees were completing their professional tasks during working hours and noted that the employer had accessed the applicant's account in the belief that it contained client-related communications. Moreover, the Court noted that the applicant had been able to raise his arguments related to the alleged breach of his private life and correspondence before the domestic courts.

The Court therefore concluded that the domestic courts had struck a fair balance between the applicant's right to respect for his private life and correspondence under Article 8 and the interests of his employer. There had therefore been no violation of Article 8 of the European Convention.

SZABÓ AND VISSY V. HUNGARY (No. 37138/14) - Importance 2 - 12 January 2016 - Violation of Article 8 - Domestic authorities' failure to ensure sufficient safeguards against abuse of secret anti-terrorist surveillance

The case concerned the domestic legislation on secret anti-terrorist surveillance introduced in 2011. The applicants complained that they could potentially be subjected to unjustified and disproportionately intrusive measures within the domestic legal framework on secret surveillance for national security purposes. They alleged in particular that this legal framework was prone to abuse, notably for want of judicial control. They also complained that their exposure to secret surveillance without judicial control or remedy breached their rights.

Firstly, the Court noted that the Constitutional Court, having examined the applicants' constitutional complaint on the merits, had implicitly acknowledged that they had been personally affected by the legislation in question. Moreover, the domestic law does not apparently provide any possibility for an individual who suspected that their communications were being intercepted to lodge a complaint with an independent body. Considering these two circumstances, the Court was of the view that the applicants could therefore claim to be victims of a violation of their rights under the European Convention. The Court then found that there had been an interference with the applicants' right to respect for private and family life, and that it was prescribed by domestic law and pursued the aim to safeguard national security and/or to prevent disorder or crime.

Furthermore, the Court was satisfied that the two situations permitting secret surveillance for national security purposes under domestic law, namely the danger of terrorism and rescue operations of national citizens in distress abroad, were sufficiently clear to give citizens an adequate indication as to the circumstances in which and the conditions on which public authorities were empowered to resort to such measures. However, the Court was not convinced that domestic law provided safeguards, which were sufficiently precise, effective and comprehensive. For instance, the Court named the fact that domestic authorities simply have to identify to the government minister responsible the name of the "range of persons" to be intercepted, without demonstrating their actual or presumed relation to any terrorist threat. Moreover, according to the Court, the duration of the surveillance was not clearly determined. The Court also noted that these stages of authorisation and application of secret surveillance measures lacked judicial supervision. Indeed, for the Court, supervision by a politically responsible member of the executive, such as the Minister of Justice, did not provide the necessary guarantees against abuse. In the Court's view, external, preferably judicial control of secret surveillance activities offers the best guarantees of independence, impartiality and a proper procedure.

As concerned the procedures for redressing any grievances caused by secret surveillance measures, the Court could not identify any provisions in domestic law permitting a remedy granted to those who are subjected to secret surveillance.

Therefore, the Court concluded that there had been a violation of Article 8 of the Convention.

Article 41 (just satisfaction)

The Court held that the finding of a violation constituted in itself sufficient just satisfaction for any non-pecuniary damage sustained by the applicants. It awarded EUR 4,000 for costs and expenses.

MANDET V. FRANCE ([In French only](#)) - No. 30955/12 - Importance 2 - 14 January 2016 - No violation of Article 8 - No failure of domestic courts to guarantee the child's best interests in assessing his paternity

The case concerned the quashing of the formal recognition of paternity made by the mother's husband at the request of the child's biological father. They considered these measures to be disproportionate, having regard to the best interests of the child which, they submitted, required that the legal parent-child relationship, established for several years, be maintained, and that his emotional stability be preserved. Lastly, they criticised the court for having ordered the child to undergo a genetic test against his will, and for having considered his refusal as a factor which confirmed the untruthfulness of his recognition by the mother's husband.

The Court first took the view that by quashing the legal parent-child relationship between the child and the mother's husband, the domestic courts had changed, from a legal viewpoint, an important element of the family structure within which the child had developed for several years, replacing it with another legal father-child relationship. It concluded that this decision amounted to an interference with the child's right to respect for his private and his family life.

It first noted that this interference had been in accordance with the law and held that it had the aim of protecting the rights and freedoms of others, namely the child's biological father.

The Court noted that it was not correct that the domestic courts had taken the child's refusal to submit to the tests as a factor confirming their conclusions as to the untruthfulness of the formal recognition of paternity. However, it observed that the domestic court's conclusion had not been based on this refusal, but on a calculation of the legal period of conception and an assessment of the evidence submitted in adversarial argument by the parties. On this basis, domestic courts had found that the applicants had not proved that they were living together or had maintained a sexual relationship during the period the child was conceived, in opposition to the child's biological father. The Court then noted that the domestic courts had done what could be expected of them to involve the child in the decision-making process. It had noted that the child had been informed of the proceedings and knew that his paternity was being challenged, and that he had sent letters to the judges in which he expressed his wish not to change his parent-child relationship with the mother's husband. In addition, the Court noted that the reasoning in the domestic courts' decisions showed that the child's best interests had been duly placed at the heart of their considerations. In taking this approach, they had found that, although the child considered that the mother's husband was his father, his interests lay primarily in knowing the truth about his origins.

Lastly, it was to be noted that by conferring parental responsibility to the mother, the domestic courts' decisions had not prevented the child from continuing to live as part of his current family, in accordance with his wishes.

Consequently, the Court held that there had been no violation of Article 8.

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

RODRIGUEZ RAVELO V. SPAIN ([IN FRENCH ONLY](#)) - No. 48074/10 - Importance 3 - 12 January 2016 - Violation of Article 10 - Domestic court's failure to strike a fair balance between the need to maintain the authority of the judiciary and the need to protect the applicant's freedom of expression

The case concerned expressions used by the applicant, a lawyer, in a written application containing value judgments regarding a judge and attributing blameworthy conduct to her. The applicant complained about his conviction and sentence on the grounds that these were a disproportionate interference in the exercise of his right to express himself freely in the context of his professional

duties.

The Court first held that Mr Rodriguez the applicant's conviction by the domestic courts for the offence of libelling the district judge amounted to interference in the exercise of his right to freedom of expression. It noted that this interference had been prescribed by domestic law and that it had pursued the legitimate aim of protecting the reputation and rights of the district judge and maintaining the authority and impartiality of the judiciary. Nevertheless, the Court considered that, although serious and discourteous, the terms used the applicant had not been uttered in the courtroom as such since they had been expressed in writing and only the judge and the parties had been aware of them.

Furthermore, the statements had mainly concerned the manner in which the judge concerned had conducted the case and, although aggressive, they had been submitted in the context of defending his client's interests. The Court also took the view that the applicant's conviction was capable of having a chilling effect on lawyers in situations where they were called upon to defend their clients. The criminal courts examining the case had therefore failed to strike a fair balance between the need to maintain the authority of the judiciary and the need to protect the applicant's freedom of expression.

There had therefore been a violation of Article 10 of the Convention.

Article 41 (Just satisfaction)

The Court held that Spain was to pay the applicant EUR 8,100 euros in respect of pecuniary damage and that the finding of a violation of Article 10 of the Convention was in itself sufficient just satisfaction for any non-pecuniary damage that might have been sustained by the applicant.

KALDA V. ESTONIA — (No.17429/10) — Importance 2 — 19 January 2016 — Violation of Article 10 — Domestic authorities' failure to ensure access to information to prisoners

The applicant is a prisoner who complained about domestic authorities' refusal to grant him access to three websites. He alleged this ban prevented him from finding legal information for court proceedings in which he was engaged. He lodged a complaint but was dismissed.

The Court noted that imprisonment inevitably involved a number of restrictions on prisoners' communication with the outside world and Article 10 could not be interpreted as obliging Contracting States to provide access to Internet to prisoners. Nevertheless, domestic authorities choose to grant access to Internet to prisoners, so preventing them from accessing websites containing legal information constituted an interference with the applicant's right to receive information.

According to the Court, this interference had been "prescribed by law" and served the aim of the protection of rights of others and the prevention of disorder and crime. Nevertheless, the fact that granting access would imply security and economic considerations did not make the restriction necessary in a democratic society.

The Court thus found there had been a violation of Article 10.

Article 41 (just satisfaction)

The Court held, by six votes to one, that the finding of a violation constituted sufficient just satisfaction for the non-pecuniary damage sustained by the applicant.

GÖRMÜŞ AND OTHERS V. TURKEY — (IN FRENCH ONLY) — No. 49085/07 — Importance 2 — 19 January 2016 — Violation of Article 10 — Domestic authorities' disproportionate infringement to freedom of expression

The applicants work for a magazine, which published an article based on documents classified "confidential" by the Chief of Staff of the armed forces. The article concerned the introduction of a system for classifying publishing companies and journalists according to whether they were "favourable" or "hostile" to the armed forces, so that specific journalists could be excluded from activities organised by the army. After the publication, the magazine was searched by domestic authorities. The applicants lodged an appeal against the search warrant, but it was dismissed.

The Court noted that the main organisations representing the media had protested against this selective practice and that the article contributed to public debate on the armed forces' relationship with political life in general.

The Court found that the search within the computers of the magazine, in order to identify the sources, was such as to deter potential sources from assisting the press in informing the public on matters concerning the armed forces, including when they were of public interest.

The Court acknowledged that the confidential nature of information concerning the internal organisation and functioning of the armed forces was in principle justified but in the present case, the reasons for which the contested documents had been classified as confidential were not justified. Thus, the Court considered that the contested article had been highly pertinent in the debate on discrimination against the media by domestic authorities. Citizens had an interest in receiving clarifications, in order to maintain confidence in the domestic authorities. The Court also noted domestic courts did not check whether the documents really had to be confidential or not.

Examining the proportionality of the interference, the Court considered that the search of the magazine's premises, the transfer to external discs of the entire contents of the computers had undermined the protection of sources to a greater extent than an order requiring them to reveal the identity of the sources. The Court considered that the intervention had been disproportionate.

Accordingly, the Court concluded that there had been a violation of Article 10 of the Convention, holding that the interference with the journalists' right to freedom of expression had not been proportionate to the legitimate aim sought and that, in consequence, it had not been necessary in a democratic society.

Article 41 (Just satisfaction)

The Court held that Turkey was to pay one applicant EUR 2,750, two other applicants EUR 1,650 each, two others EUR 850 each and the last one EUR 500 in respect of non-pecuniary damage.

DE CAROLIS AND FRANCE TELEVISIONS V. FRANCE — (IN FRENCH ONLY) — No. 29313/10 — Importance 2 — 21 January 2016 — Violation of Article 10 — Domestic authorities' liability for infringement to the applicants' freedom of expression

The applicants are the national television company and the chairman of one of the channels. The channel broadcasted a documentary about the 11 September 2001 attacks. The documentary showed victims' families who worried that the economic links between their countries and Saudi Arabia might jeopardize the trial against a Saudi Prince who they accused of having assisted and financed the Taliban. The Prince brought defamation proceedings against the applicants. The chairman and the journalist who made the documentary were found guilty of public defamation against an individual and the channel was declared civilly liable for the damage caused. The applicants' appeal was dismissed.

The Court observed that the judgement was an interference with the applicants' freedom of expression and that this interference was provided by law and pursued the legitimate aim of protecting the reputation or rights of others. The Court also observed that the documentary concerned a subject of general interest but it reiterated that the limits of permissible criticism were wider when it came to civil servants, like the Prince, acting in a public capacity in the course of their official duties than in the case of ordinary private persons. In view of both those factors, the State's margin of appreciation had been particularly limited.

The Court studied the documentary and found that it had sufficient factual basis. It found that the journalist had distanced herself from the various testimonies by using the conditional tense and by referring to the "presumed support" of the Prince for Osama bin Laden.

The Court therefore concluded that the way in which the subject had been dealt with did not contravene the standards of responsible journalism. Thus the Court found the interference was disproportionate and not necessary in a democratic society, leading to a violation of Article 10.

Article 41 (Just satisfaction)

The Court held that France was to pay the applicants EUR 11,500 in respect of pecuniary damage and EUR 30,000 in respect of non-pecuniary damage.

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

FRUMKIN V. RUSSIA — (No. 74568/12) — Importance 1 — 5 January 2016 — Violation of Article 11 — Domestic authorities' liability for arbitrary arrest during a peaceful protest — Violation of Article 5§1 — Domestic authorities' liability for unjustified detention — Violation of Article 6§1 and §3 — Domestic authorities' infringement to the applicant's right to a fair hearing after ignoring his explanation

The applicant took part in a protest that ended up in confrontations between the police and protesters. The route planned by the organisers and the domestic authorities for the protest included a park but it was blocked by a cordon of riot police. Some people tried to break the cordon, which led to a "sit down strike". The police asked the protest to be closed but some activists refused and were arrested. Further complaints against the police were dismissed in the criminal proceedings against some of the participants of the protest. The applicant was sentenced to 15 days of administrative detention and his appeal was dismissed.

Article 11

On the one hand, the Court found that the sit-in leaders had demanded to have the park opened up for the assembly and that they had made that demand known to the police. Moreover, as evidenced by video footage submitted by the parties and confirmed by witness accounts, only 20 to 50 people had sat on the ground, leaving sufficient space for those wishing to pass. Finally, the sit-in had remained strictly peaceful. The police did not respond to the organisers' demand. Thus, the authorities had failed to respond to the alarming developments in a constructive manner and to take simple and obvious steps at the first signs of the conflict allowed it to escalate, leading to the disruption of the previously peaceful assembly.

There had accordingly been a violation of Article 11 on account of the authorities' failure to ensure the peaceful conduct of the assembly.

On the other hand, the applicant stayed peacefully within the limits allowed by the police. According to the Russian Government's submissions and the judgments of the domestic courts, he had been arrested, detained and sentenced to 15 days' imprisonment for obstructing traffic and disobeying lawful police orders to stop doing that. The judgement did not take into account his explanation, which was that, in the confusion, he had not been quick enough to leave the area. Therefore, even assuming that his arrest, pre-trial detention and administrative sentence had complied with domestic law and had pursued one of the legitimate aims under Article 11 § 2 – presumably public safety – the measures taken against him had been grossly disproportionate to the aim pursued.

There had accordingly been a violation of Article 11 on account of the applicant's arrest, pre-trial detention and administrative penalty.

Article 5

The applicant had been detained with no explanation between his arrest and his transfer to court, which meant approximately two days.

In the absence of any explanation given by the authorities for not releasing him, the 36-hour detention pending trial had been unjustified and arbitrary. There had accordingly been a violation of Article 5 § 1.

Article 6

The Court found a violation of Article 6 §§ 1 and 3 (d), concluding that the administrative proceedings against the applicant, taken as a whole, had been conducted in breach of his right to a fair hearing. It noted in particular that the only evidence against him had not been tested in the judicial proceedings. The courts had based their judgment exclusively on standardised documents submitted by the police and had refused to accept additional evidence.

Article 41 (Just satisfaction)

The Court held that Russia was to pay the applicant EUR 25,000 in respect of non-pecuniary damage and EUR 7,000 in respect of costs and expenses.

GÜLCÜ V. TURKEY — (No.17526/10) — Importance 2 — 19 January 2016 — Violation of Article 11 — Domestic authorities' liability for the applicant's disproportionate sentence

The applicant had been arrested and detained when he was a minor for throwing stones at the police during a demonstration organised by an illegal armed organisation. He spent more than 2 months in prison, then his case was re-examined and he was acquitted of the charge of membership of a terrorist organisation, but was convicted of disseminating propaganda in support of a terrorist organisation, participation in a demonstration and resistance to and obstruction of the security forces.

The applicant complained about his conviction for having participated in a demonstration and alleged that the combined sentence imposed on him had been disproportionate.

First of all, the Court considered the applicant had no violent intentions when he took part in the manifestation, so he could refer to Article 11.

The Court found that the applicant's conviction constituted an interference with his right to freedom of assembly, and this interference had been provided by law and pursued the legitimate aim of preventing disorder and crime and the protection of the rights and freedoms of others. Nevertheless, the domestic court did not provide sufficient reasons for convicting the applicant of membership of a terrorist organisation and disseminating propaganda in support of a terrorist organisation. Moreover, the Court found the sentence of more than 4 years imprisonment to be disproportionate with the applicant's age at the moment of the facts, as he was only 15, and was not necessary in a democratic society.

The Court thus held there had been a violation of Article 11.

Article 41 (Just satisfaction)

The applicant did not submit a claim for just satisfaction within the time-limit and the Court therefore considered that there was no call to make an award on that account.

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 judgment.

For more detailed information, please refer to the cases.

STATE	DATE	CASE TITLE	IMP.	CONCLUSION	KEY WORDS
ARMENIA	21 January 2016	GHUYUMCHYAN (No. 53862/07) TOVMASYAN (No. 11578/08)	3	Violation of Art. 6 § 1	Disproportionate restriction of the effective access to the domestic Cassation Court given that the procedural requirement only allowed to licensed advocates to lodge appeals, thus, the right to access to that level of jurisdiction depended on the financial situation of the appellants
	21 January 2016	SAFARYAN (No. 576/06)	3	Violation of Art. 1 of Prot. No. 1	Domestic authorities' prohibition on alienation of the applicant's property amounted to an interference with her right to peaceful enjoyment of possessions
AUSTRIA	12 January 2016	GENNER (No. 55495/08)	3	No violation of Art. 10	Justified and proportionate interference with the applicant's right to freedom of expression given that the reasons provided by the domestic court were relevant and sufficient and that the penalty imposed to him was quite moderate taking into account the nature of his statement and the circumstances in which it was made
BELGIUM	19 January 2016	M.D. AND M.A. (IN FRENCH ONLY) (No. 58689/12)	3	Violation of Art. 3	Real risk of ill-treatment in case of the applicants' removal to their country of origin

BELGIUM (CONTINUED)	19 January 2016	Sow (IN FRENCH ONLY) (No. 27081/13)	2	No violation of Art. 3	No real risk suggesting that the applicant would be submitted to a further excision procedure in the event of her removal to her country of origin
				No violation of Art. 13 in conjunction with Art. 3	Effective domestic remedies concerning the applicant's complaint under Art. 3
BULGARIA	21 January 2016	BORIS KOSTADINOV (No. 61701/11)	3	Violation of Art. 3 (substantive)	Excessive use of police force during the applicant's arrest
				Violation of Art. 3 (substantive)	Ill-treatment of the applicant while in police custody
				Violation of Art. 3 (procedural)	Ineffective investigation into the applicant's allegations of police ill-treatment in the course of his arrest
	28 January 2016	KIRIL ANDREEV (No. 79828/12)	3	Violation of Art. 5 § 1	Unlawful detention of the applicant
CROATIA	7 January 2016	VRTAR (No. 39380/13)	3	Violation of Art. 6 § 1	Excessive length of enforcement proceedings 2 years and 8 months)
				Violation of Art. 13	Lack of an effective domestic remedy in that respect
	12 January 2016	BILBIJA AND BLAZEVIC (No. 62870/13)	3	Violation of Art. 2 (procedural)	Ineffective investigation into the circumstances of the applicants' mother's death
	12 January 2016	TRESKAVICA (No. 32036/13)	3	No violation of Art. 2 (procedural)	No failure of the domestic authorities to conduct an effective investigation into the death of the applicants' relative
THE CZECH REPUBLIC	14 January 2016	DUONG (IN FRENCH ONLY) (No. 21381/11)	3	No violation of Art. 8	Justified and proportionate interference with the applicant's rights under Art. 8
	14 January 2016	MASLAK AND MICHALKOVA (IN FRENCH ONLY) (No. 52028/13)	2	No violation of Art. 8	Justified and proportionate interference with the applicants' rights under Art. 8 while sufficient guarantees were taken under domestic law against arbitrariness

GERMANY	28 January 2016	PARTEI DIE FRIESEN (No. 65480/10)	2	No violation of Art. 14 in conjunction with Art. 3 of Prot. No. 1	The imposition of the minimum threshold of 5% of the votes cast applicable under the domestic electoral law which resulted to the exclusion of the applicant party, had not amounted to discriminatory treatment
GREECE	14 January 2016	VENTOURIS AND VENTOURI (IN FRENCH ONLY) (No. 45290/11)	3	Violation of Art. 6 § 1	Domestic authorities' failure to comply with the judgments issued by the domestic administrative court of appeal and the domestic Supreme Administrative Court
	21 January 2016	H.A. (IN FRENCH ONLY) (No. 58424/11)	3	Violation of Art. 3 (substantive)	Poor conditions of detention (overcrowding, poor hygiene)
				Violation of Art. 5 § 1	Domestic authorities' failure to act with due diligence in order to carry out the applicant's expulsion rendered his detention unlawful
				Violation of Art. 5 § 4	Lack of an effective and prompt judicial review of the applicant's detention pending expulsion
	28 January 2016	KONSTANTINOPOULOS AND OTHERS (IN FRENCH ONLY) (No. 69781/13)	3	No violation of Art. 3 (substantive)	Applicants' conditions of detention did not reach the threshold of severity required in order to give rise to a violation under Art. 3
				Violation of Art. 13 in conjunction with Art. 3	Lack of an effective domestic remedy concerning the applicants' conditions of detention
	28 January 2016	PATRIKIS AND OTHERS (IN FRENCH ONLY) (No. 50622/13)	3	Violation of Art. 3 (substantive)	Poor conditions of detention (overcrowding, poor hygiene, insufficient food)
				Violation of Art. 13 in conjunction with Art. 3	Lack of an effective domestic remedy in this regard

HUNGARY	5 January 2016	<u>SÜVEGES</u> (No. 50255/12)	2	Violation of Art. 5 § 3	Excessive length of applicant's pre-trial detention
				No violation of Art. 5 § 4	Effective review of the lawfulness of the applicant's detention
				Violation of Art. 6 § 1	Excessive length of proceedings (10 years)
				No violation of Art. 8	No failure of the domestic authorities to strike a fair balance between the competing interest at take, while the restrictions of the applicants' right to respect for their private and family life did not go beyond what was necessary in a democratic society in order to attain the legitimate aims intended
	12 January 2016	<u>MIRACLE EUROPE</u> <u>KFT</u> (No. 57774/13)	3	No violation of Art. 9	Proportionate restriction on the applicant's religious conduct to the legitimate aim pursued by his house arrest
				Violation of Art. 6 § 1	Unfairness of proceedings on account of the discretionary and unconstitutional reassignment of the applicant's litigation to another domestic court that could not be regarded as an independent and impartial tribunal established by law

ITALY	14 January 2016	D.A. AND OTHERS (IN FRENCH ONLY) (Nos. 68060/12, 16178/13, 23130/13, 23149/13, 64572/13, 13662/13, 13837/13, 22933/13, 13668/13, 13657/13, 22918/13, 22978/13, 22985/13, 22899/13, 9673/13, 158/12, 3892/12, 8154/12 AND 41143/12)	2	Violation of Art. 6 § 1	Domestic authorities' failure to comply with the enforceable judgments in the applicants' favour
				Violation of Art. 1 of Prot. No. 1	Domestic authorities' prolonged failure to comply with the enforceable judgments violated the applicants' right to peaceful enjoyment of possessions as it prevented them from receiving the money they had legitimately expected to receive
				Violation of Art. 13	Lack of an effective domestic remedy in that respect
				Violation of Art. 2 (procedural)	Excessive length of compensation proceedings
LATVIA	7 January 2016	DAVIDSONS AND SAVINS (Nos. 17574/07 AND 25235/07)	3	No violation of Art. 6	Impartial composition of the domestic court
				Violation of Art. 6	Partial composition of the domestic court due to the judges' prior involvement in the same criminal proceedings
LITHUANIA	12 January 2016	BUTERLEVICIUTE (No. 42139/08)	3	No violation of Art. 6 § 1	The lack of an oral hearing before the first instance domestic court did not constitute a violation under Art. 6 § 1
				Violation of Art. 6 § 1	Unfairness of proceedings on account of the lack of notification of the oral hearings before the domestic appellate court
	19 January 2016	ALBRECHTAS (No. 1886/06)	3	Violation of Art. 5 § 4	Unfairness of proceedings concerning the review of the applicant's detention on account of his impossibility to adequately challenge the statements of the main witness as they had not been communicated to him

LITHUANIA (CONTINUED)	19 January 2016	<u>G.B.</u> (No. 36137/13)	2	No violation of Art. 8	No failure of the domestic authorities to make adequate and effective efforts towards the applicant's reunification with her daughters
MALTA	12 January 2016	<u>MOXAMED ISMAACIL AND ABDIRAHMAN WARSAME</u> (Nos. 52160/13 AND 52165/13)	3	No violation of Art. 3 (substantive)	Applicants' conditions of detention did not reach the threshold of severity required in order to give rise to a violation under Art. 3
				No violation of Art. 5 § 1	Lawful detention of the applicants
				Violation of Art. 5 § 4	Lack of a prompt and effective remedy under domestic law that would have allowed the applicants to challenge the lawfulness of their detention
THE REPUBLIC OF MOLDOVA	12 January 2016	MORGOCI (IN FRENCH ONLY) (No. 13421/06)	3	Violation of Art. 3 (substantive, procedural)	Ill-treatment of the applicant while in detention, ineffective investigation in this respect and poor conditions of pre-trial detention
	19 January 2016	CAZANBAEV (IN FRENCH ONLY) (No. 32510/09)	3	Violation of Art. 3 (substantive)	Excessive use of police force during the applicant's arrest
				Violation of Art. 3 (procedural)	Ineffective investigation in that respect
	26 January 2016	<u>BALAKIN</u> (No. 59474/11)	3	Violation of Art. 5 § 3	Excessive length of applicant's pre-trial detention (29 months) while not based on reasonable and sufficient reasons
				No violation of Art. 34	No evidence suggesting that the domestic authorities had failed to comply with their obligations under Art. 34

NETHERLANDS	12 January 2016	A.G.R. (No. 13442/08)	3	No violation of Art. 3 (in all cases)	No real risk suggesting that the applicants would be subjected to ill-treatment in the event of their removal to their country of origin
		A.W.Q. AND D.H. (No. 25077/06)		No violation of Art. 13 taken together with Art. 3 (concerning the third case)	Effective domestic remedies concerning the applicant's complaint under Art. 3
	12 January 2016	M.R.A. AND OTHERS (No. 46856/07)	3	Violation of Art. 3 (substantive)	Domestic authorities' failure to provide sufficient and relevant reasons which could justify the imposition of dangerous detainee regime and the severity of the measures taken as they exceeded the legitimate requirements of security in prison
		S.D.M. AND OTHERS (No. 8161/07)			
POLAND	12 January 2016	KARYKOWSKI (No. 653/12)	3	Violation of Art. 3 (substantive)	Domestic authorities' failure to provide sufficient and relevant reasons which could justify the imposition of dangerous detainee regime and the severity of the measures taken as they exceeded the legitimate requirements of security in prison
		PRUS (No. 5136/11)			
ROMANIA	5 January 2016	ROMANIUK (No. 59285/12)	2	Violation of Art. 3 (substantive)	Poor conditions of detention (overcrowding)
		CATALIN EUGEN MICU (IN FRENCH ONLY) (No. 55104/13)		No violation of Art. 3 (substantive)	Adequate medical care while, concerning the applicant's contamination with hepatitis C, there is no evidence to hold the domestic authorities accountable
ROMANIA	12 January 2016	BOACA AND OTHERS (No. 40355/11)	3	Violation of Art. 3 (substantive)	Ill-treatment of the applicants at the hands of the police
				Violation of Art. 3 (procedural)	Ineffective investigation in that respect
				No violation of Art. 14 in conjunction with Art. 3 (substantive)	No evidence suggesting that racist attitudes played a role in the police actions
				Violation of Art. 14 in conjunction with Art. 3 (procedural)	Lack of any apparent investigation into the complaint of discrimination

ROMANIA (CONTINUED)	19 January 2016	AURELIAN OPREA (No. 12138/08)	3	Violation of Art. 10	Unnecessary interference with the applicant's right to freedom of expression in a democratic society
	26 January 2016	CIRNICI (IN FRENCH ONLY) (No. 35030/14)	3	Violation of Art. 3 (substantive)	Poor conditions of detention (overcrowding)
	26 January 2016	MUNCACIU (IN FRENCH ONLY) (No. 12433/11)	3	Violation of Art. 6 § 1	Unfairness of proceedings on account of the domestic court's failure to communicate to the applicant the other party's pleadings thus breaching the adversarial principle
RUSSIA		KLEYN (No. 44925/06)	3	Violation of Art. 5 § 1 (a)	Unlawful detention
				Violation of Art. 5 § 1 (c)	Unlawful detention
				No violation of Art. 5 § 1 (c)	Lawful detention
				Violation of Art. 5 § 5	Lack of an enforceable right to compensation
	5 January 2016	MANEROV (No. 49848/10)	3	Violation of Art. 5 § 4	Domestic authorities' failure to consider the substance of the applicant's appeal to reject his request for release
				Violation of Art. 5 § 4	Excessive length of the appeal proceedings against the detention order (34 days)
	MINIKAYEV (No. 630/08)	3	Violation of Art. 3 (substantive)	Excessive use of force against the applicant during his arrest	
			Violation of Art. 3 (procedural)	Ineffective investigation into the applicant's allegations of ill-treatment	

RUSSIA (CONTINUED)	12 January 2016	KHAYLETDINOV (No. 2763/13)	2	Violation of Art. 3 (substantive)	Inadequate medical assistance
				Violation of Art. 5 § 3	Continuation of the applicant's detention on insufficient grounds without considering alternative preventive measures
				Violation of Art. 13	Lack of an effective domestic remedy that could have been used to prevent the alleged violations or their continuation and provide the applicant with adequate and sufficient redress for his complaints under Art. 3
	26 January 2016	R. (No. 11916/15)	2	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)	Ill-treatment of the applicant by state agents while in the detention centre for aliens
	26 January 2016	R. (No. 11916/15)	2	Violation of Art. 3 (procedural)	Ineffective investigation in that respect
				Violation of Art. 5 § 4	Lack of a judicial review of the lawfulness of the applicant's detention pending expulsion
				Violation of Art. 5 § 1	Unlawful detention (lack of legal basis)
	26 January 2016	SALAMOV (No. 5063/05)	3	Violation of Art. 1 of Prot. No. 1	Unjustified interference with the applicant's property while the domestic authorities did not put forward any arguments as to the lawfulness, legitimate aim or proportionality of the interference
				Violation of Art. 1 of Prot. No. 1	Unjustified interference with the applicant's property while the domestic authorities did not put forward any arguments as to the lawfulness, legitimate aim or proportionality of the interference

RUSSIA (CONTINUED)	26 January 2016	SALIKHOVA AND MAGOMEDOVA (No. 63689/13)	3	No violation of Art. 2 (substantive)	No evidence suggesting that state agents were responsible for the abduction of their relative
				Violation of Art. 2 (procedural)	Lack of a prompt and effective investigation into the circumstances of the abduction of the applicants' relative
SERBIA	12 January 2016	MILOJEVIC AND OTHERS (Nos. 43519/07, 43524/07 AND 45247/07)	3	Violation of Art. 8	The legal basis on which the applicants were dismissed did not satisfy the requirement of foreseeability thus rendering their dismissal unlawful
				Violation of Art. 6 § 1	Unfairness of proceedings
THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA	7 January 2016	GEROVSKA POPCEVSKA (No. 48783/07) JAKSOVSKI AND TRIFUNOVSKI (Nos. 56381/09 AND 58738/09) POPOSKI AND DUMA (Nos. 69916/10 AND 36531/11)	2	Violation of Art. 6 § 1	Unfairness of proceedings on account of the lack of the requisite impartiality and independence of the domestic State Judicial Council (participation of the then President of the domestic Supreme Court and the Minister of Justice)
			2		
			3		
	21 January 2016	NESKOSKA (No. 60333/13)	2	No violation of Art. 2 (procedural)	Effective investigation into the death of the applicant's son as the alleged misconduct complained had not been prejudicial to the effective conduct of the investigation
TURKEY	12 January 2016	IRMAK (No. 20564/10)	3	Violation of Art. 6 § 3 (c) in conjunction with Art. 6 § 1	Unfairness of proceedings on account of the lack of legal assistance afforded to the applicant
UKRAINE	7 January 2016	ANDREY ZAKHAROV (No. 26581/06)	3	Violation of Art. 34	Domestic authorities' refusal to provide the applicant without unjustified delay with a copy of his appeal

UKRAINE (CONTINUED)	14 January 2016	<u>RODZEVILLO</u> (No. 38771/05)	3	Violation of Art. 3 (substantive)	Poor conditions of detention (overcrowding)
				Violation of Art. 13 in conjunction with Art. 3	Lack of an effective domestic remedy in that respect
				Violation of Art. 8	Domestic authorities' failure to consider the applicant's family situation in their refusal to transfer him to a prison facility located closer to his parents' home
	21 January 2016	<u>SIREDZHUK</u> (No. 16901/03)	3	Violation of Art. 6 § 1	Excessive length of proceedings (9 years and 9 months)
				No violation of Art. 6 § 1	The absence of a more detailed reasoning provided by the domestic courts for their judgements or the fact that they did not expressly respond to some of the applicant's arguments did not result in the breach of his rights under Art. 6 § 1
				No violation of Art. 10	Justified interference with the applicant's right under Art.10 while neither the conclusions reached by the domestic courts concerning the defamatory nature of his statements had been arbitrary nor the penalties imposed on him had been excessive

B. The decision on admissibility

These 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 October 2015**. They 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
CYPRUS	20 October 2015	Chakkas and Others v. Cyprus	Violation of Articles 8 and 13 of the Convention, in conjunction with Article 14, and Art. 1 of Protocol No. 12 (unjustified discrimination towards the applicants' children)	The applicants could not be considered as direct victims of the violation and their demands must therefore be considered as incompatible <i>ratione personae</i> with the Convention
LITHUANIA	20 October 2015	Baliutienė and Baliutis v. Lithuania	Violation of Article 2 (ineffectiveness of the authorities to investigate properly the circumstances of the applicant's death in a dam when kayaking)	Rejected as ill-founded: criminal proceedings are not always necessary, and a compensation can be sought in civil proceedings.
UKRAINE	6 October 2015	Portyanko v. Ukraine	Violation of Articles 6 and 13 of the Convention, and Art. 1 of Protocol No. 1 (refusal of the domestic authorities to grant compensation for damages to the applicant)	The complaint is incompatible <i>ratione materiae</i> with 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 **covering the period from 1 to 30 November** is proposed below.

NB: The statements of facts and complaints have been prepared by the Registry (solely in one of the official languages) on the basis of the applicant's submissions. The Court cannot be held responsible for the veracity of the information contained therein.

STATE	DATE OF DECISION TO COMMUNICATE	CASE TITLE	KEY WORDS OF QUESTIONS SUBMITTED TO THE PARTIES
ARMENIA	30 November 2015	VARDANYAN (No. 2265/12)	The applicants allege that his relative died as a result of the ill-treatment inflicted and did not commit suicide.
CROATIA	5 November 2015	VUČINA (No. 58955/13)	The applicant complains about a breach of her right to respect for her private life by the erroneous publication of a photograph of her in a magazine.
GERMANY	4 November 2015	THINNES (No. 28989/14)	The applicant argues that the prolongation of his preventive detention beyond ten years violated the prohibition on retrospective punishment.
HUNGARY	16 November 2015	DÖMÖTÖR (No. 10851/13)	The applicants complain about the failure of the police to take law-enforcement measures against private individuals, to prevent or mitigate the racially motivated harassment that they suffered.
LATVIA	17 November 2015	CINIS (No. 35726/10)	The applicant complains that he was convicted of a repeated administrative offence even though his guilt with regard to the first administrative offence had not yet been established according to law.
POLAND	2 November 2015	RYDZYŃSKA (No. 20206/11)	The applicant complains about her involuntary confinement in a psychiatric hospital and of the fact that she did not receive any compensation.

	11 November 2015	<u>WYSOWSKA</u> (No. 12792/13)	The applicant alleges that she was discriminated against on the ground of being born out of wedlock.
	18 November 2015	<u>NAWROT</u> (No. 77850/12)	The applicant complains about the domestic courts refused to release him from a psychiatric hospital in spite of the psychiatrist's report confirming that he was not suffering from a mental illness.
THE UNITED KINGDOM	24 November 2015	<u>10 HUMAN RIGHTS ORGANISATIONS AND OTHERS</u> (No. 24960/15)	The applicants complains about the legal framework governing the interception of communications content and data.
RUSSIA	3 November 2015	<u>DZAUROVA</u> (No. 44199/14)	The applicant complains that the domestic courts failed to duly notify her of the hearings before the courts of both instances.
	6 November 2015	<u>SAZHIN</u> (No. 10936/06)	According to the applicant, the level of costs which the domestic courts ordered him to pay was too high and that the domestic courts failed to take into account that his pension was his only income and that he had a daughter who was a dependant.

PartOne

§2 - EUROPEAN COMMITTEE OF SOCIAL RIGHTS

A. Reclamations and 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

AUTHOR	DATE	TEXT NUMBER	SUBJECT MATTER	DECISION
CM	13 January 2016	(2016)1	Protecting and promoting the right to freedom of expression and the right to private life with regard to network neutrality	With a view to protecting and promoting the right to private life and the right to freedom of expression, CM recommended that member States take all the necessary measures to safeguard the principle of network neutrality in their policy frameworks, having due regard to the guidelines set out in the appendix to the recommendation. Furthermore, CM promoted these guidelines in other international and regional fora that deal with the issue of network neutrality.

B. Resolutions

AUTHOR	DATE	TEXT NUMBER	SUBJECT MATTER	DECISION
PACE	26 January 2016	2086	Request for partner for democracy status with the Parliamentary Assembly submitted by the Parliament of Jordan	PACE mentioned several areas where further progress were needed, in particular: continuing the constitutional reform; strengthening the role of the parliament and consolidating the separation of powers; implementing justice reform with a view to ensuring the independence and impartiality of the judiciary; applying the moratorium on executions that was established in 2006 and abolishing the death penalty; constitutionally guaranteeing equality between men and women; and adopting the Elections Act.

<p>PACE</p>	<p>26 January 2016</p>	<p>2087</p>	<p>Introduction of sanctions against parliamentarians</p>	<p>PACE invited all member states to rally round to protect the status of their parliamentarians and avoid any violation or infringement of their security in the future. Furthermore, PACE reiterated its belief that “blacklists” cannot be allowed without undermining the Council of Europe’s values and impeding the effort to promote peace and human rights.</p>
<p>PACE</p>	<p>27 January 2016</p>	<p>2088</p>	<p>The Mediterranean Sea: a front door to irregular migration</p>	<p>PACE called for a European border guard system, expanding the mandate of the EU’s border agency Frontex, including to enable it to organise return operations, and more action to disrupt smugglers’ networks. In the meantime, PACE expressed that search and rescue operations should be continued, with much greater support for Greece and Italy to create large-scale emergency facilities, and a “permanent mechanism” set up to relocate refugees arriving in their shores to other European countries. Furthermore, PACE called for a centralised register and unified procedures to record and identify the dead, with a view to tracing missing persons. Finally, PACE expressed that states should increase access to legal migration channels to Europe and do more to tackle the root causes of the crisis.</p>

PACE	27 January 2016	2089	Organised crime and migrants	<p>PACE expressed that the aim must be to use all possible means to transform migrant smuggling, and the various offences often associated with it, “from low-risk, high-return to high-risk, low-return activities”. Furthermore, PACE called on member and non-member States to ratify and to implement the United Nations Convention against Transnational Organised Crime and its Protocol against the Smuggling of Migrants by Land, Sea and Air, and the Council of Europe’s 2005 Anti-Money Laundering Convention and Criminal Law Convention on Corruption; and to implement the specific recommendations of MONEYVAL and the Financial Action Task Force. Finally, PACE called on member States to develop and apply a full range of investigative and prosecutorial techniques against migrant smuggling.</p>
PACE	27 January 2016	2090	Combating international terrorism while protecting Council of Europe standards and values	<p>PACE expressed that the fight against terrorism must be reinforced while ensuring respect for human rights, the rule of law and the common values upheld by the Council of Europe. Thus, PACE called on parliaments and governments of member States to ensure the necessity and proportionality of measures taken in their fight against terrorism.</p>
PACE	27 January 2016	2091	Foreign fighters in Syria and Iraq	<p>PACE called on member states to raise public awareness of the foreign fighters phenomenon, which is a growing threat to domestic and international security. Furthermore, PACE suggested a few avenues on how to step up the international response to the problem, and argued for a greater Council of Europe contribution to addressing its underlying causes.</p>
PACE	28 January 2016	2093	Recent attacks against women: the need for honest reporting and a comprehensive response	<p>PACE stressed that violence against women cannot be combatted effectively without reliable data. PACE called on Council of Europe member states, which have not yet done so, to sign and/or ratify the Istanbul Convention.</p>

PACE	28 January 2016	2095	Strengthening the protection and role of human rights defenders in Council of Europe member States	PACE called on member states to refrain from acts of intimidation and reprisals against human rights defenders. PACE proposed that the Committee of Ministers take a number of measures to enhance the protection of human rights defenders, such as establishing a platform, similar to that created for journalists, and publicly and regularly reporting on individual cases of repression.
PACE	28 January 2016	2096	How to prevent inappropriate restrictions on NGO activities in Europe?	PACE called on member States of the Council of Europe to fully implement the well-established standards on freedom of association. Furthermore, PACE called on the Council of Europe to strengthen its co-operation with civil society.
PACE	29 January 2016	2097	Access to school and education for all children	PACE called on parliaments to ensure that national legislation guarantees access to quality education for all. Secondly, PACE called on parliaments to ensure that legislation is duly implemented and that appropriate measures of redress are in place to meet the specific needs of children from vulnerable groups. Finally, parliaments should rethink and reform education systems to prevent school dropout and ensure that no child is left behind.
PACE	29 January 2016	2098	Judicial corruption: urgent need to implement the Assembly's proposals	PACE invited all member states to implement fully and in a timely manner all relevant recommendations of the organs and monitoring bodies of the Council of Europe. Furthermore, PACE called upon the Committee of Ministers to elaborate a model code of conduct for judicial officials, and to gather figure-supported information on prosecutions and convictions of judges for corrupt conduct in member States.

PartOne

§4 - OTHER INFORMATION OF GENERAL IMPORTANCE

A. Information from the Committee of Ministers

■ Daniel Mitov: the fight against terrorism will continue to be a priority far beyond our chairmanship (25.01.2016)

CM Chairman stressed that CM will give the highest priority to the rapid implementation of the Action Plan on the fight against violent extremism and radicalisation leading to terrorism, adopted in May 2015 by the Committee of Ministers. Furthermore, CM Chairman encouraged the governments which have not yet done so, to sign and ratify the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism. ([Read more](#) - [Video: speech by Daniel Mitov](#))

B. Information from the Parliamentary Assembly

■ Sexual assaults in Germany and Switzerland ‘cannot remain unpunished’ (11.01.2016)

PACE General Rapporteur on Violence against Women called on the German and Swiss authorities to bring the perpetrators to justice and for the application of zero tolerance to violence against women. ([Read more](#))

■ ‘Europe slamming its door on refugees: is this really what Europe is about?’ (22.01.2016)

PACE President called on member states to let refugees and migrants live up to their own values, to rise above their national self-interest, and to stand together to offer a helping hand to their neighbours who come to us in distress. ([Read more](#))

■ A rapporteur recalled the importance of ensuring transparency for all clinical test results (22.01.2016)

A PACE rapporteur recalled the importance of ensuring absolute transparency for all clinical test results and thus, recalled the [Resolution 2071 \(2015\)](#) in which PACE recommended, among other things, the adoption of a stricter marketing authorisation policy, including by making it mandatory to publish the results of all clinical tests relating to the medicine for which authorisation is being requested. ([Read more](#))

■ Spaniard Pedro Agramunt elected PACE President (25.01.2016)

The Spaniard Pedro Agramunt has been elected President of the Parliamentary Assembly of the Council of Europe for a mandate of one year, renewable once. ([Read more](#) - [Inaugural address by Pedro Agramunt](#) - [Biography of Pedro Agramunt](#) - [Video: opening session](#))

■ Anne Brasseur: ‘My objective has been to ensure that Europe responds to its challenges with unity and resolve’, Anne Brasseur said (25.01.2016)

PACE President called on all members of PACE to stay united in front of the major challenges Europe is faced with. ([Read more](#) - [Highlights of Anne Brasseur’s activities as PACE President](#) - [Video: press conference Anne Brasseur](#))

■ Anne Brasseur urged return to the gold standard of values – the Convention (25.01.2016)

Anne Brasseur urged her fellow parliamentarians to deal with current challenges by drawing inspiration from the founding values of the Council of Europe, the European Convention on Human Rights. ([Read more](#) - [Video: presentation by Mrs Brasseur](#))

■ PACE elected its Vice-Presidents (25.01.2016)

At the opening of its winter plenary Session today, the Parliamentary Assembly of the Council of Europe elected its Vice-Presidents. ([Read more](#))

■ **Committee named four states whose laws risk leaving children stateless (27.01.2016)**

According to a report from PACE, laws on nationality in Cyprus, Norway, Romania and Switzerland “contain insufficient or no safeguards against childhood statelessness, in breach of regional and international obligations”. Furthermore, approving a draft resolution, PACE’s Migration Committee listed another 11 Council of Europe member states which have “conditional safeguards which do not provide full protection against child statelessness”. ([Read more](#) - [Report](#))

■ **PACE elected its committee Chairpersons (29.01.2016)**

The nine committees of the Parliamentary Assembly of the Council of Europe (PACE) elected this week their Chairpersons. ([Read more](#) - [Chairmanships and Vice-Chairmanships of committees](#))

C. Information for the Commissioner for Human Rights

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

D. Information from the monitoring mechanisms

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

PartTwo

INFORMATION BY COUNTRY

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

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

Armenia

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: Publication of the first report in its 5th Mutual Evaluation Round on Armenia (28.01.2016)

In the first report published by MONEYVAL in the 5th Mutual Evaluation Round, Armenia is urged to develop an effective national policy to investigate and prosecute money laundering. The report analyses the implementation by Armenia of international standards on money laundering and terrorist financing since the last evaluation in 2009, and recommends an action plan to address the shortcomings ([Read more - Link to the report](#)).

Austria

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

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

B. Resolutions, signatures and ratifications

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

C. Other information

■ FCNM: Receipt of the 4th cycle State Report (13.01.2016)

Austria submitted its fourth State Report on 13 January 2015, pursuant to Article 25, paragraph 2, of the Framework Convention for the Protection of National Minorities.

The report is also available in German.

It is now up to the Advisory Committee to consider it and adopt an opinion intended for the Committee of Ministers ([Link to the State Report](#)).

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

■ PACE Resolution: Inhabitants of frontier regions of Azerbaijan were deliberately deprived of water (26 January 2016)

PACE called for unimpeded access by independent engineers and hydrologists to carry out a detailed on-the-spot survey and international supervision of the irrigation canals, the state of the Sarsang and Madagiz dams, the schedule of water releases during the autumn and winter, and aquifer overexploitation. Furthermore, the parliamentarians called on the Armenian authorities to cease using water resources “as tools of political influence or an instrument of pressure”, benefiting only one of the parties to the conflict. ([Link to the Resolution 2085](#))

C. Other information

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

Bulgaria

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: Rosen Plevneliev – “Bulgaria became a pillar of stability on the Balkan region” (26.01.2016)

The president of Bulgaria expressed that “since it joined the Council of Europe in 1992, Bulgaria has come a long way, thanks to the Council of Europe’s guidance in the years of transition, we managed to establish a modern democratic state where human rights and the rule of law are held high” ([Read more](#) - [Video: address by Rosen Plevneliev](#))

■ GRETA: Publication of GRETA’s second report on Bulgaria (28.01.2016)

The GRETA has published its second evaluation report on Bulgaria. The report assesses developments since the publication of GRETA’s first evaluation report on Bulgaria in December 2011 as regards the implementation of the Council of Europe’s Convention on Action against Trafficking in Human Beings ([Read more](#) - [Link to the report](#)).

Georgia

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

CASE	DATE	RESOLUTION	CONCLUSION
Mariam Batiashvili and Irina Batiashvili-Gelashvili (No. 75737/11)	30 June 2015	CM/ResDH(2016)1	Examination closed
Davit Mirtskhulava (No. 18372/04)	2 July 2015	CM/ResDH(2016)1	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 2nd Advisory Committee Opinion (15.01.2016)

The Council of Europe Advisory Committee on the FCNM has published its Second Opinion on Georgia together with the government comments ([Link to the Second Opinion](#) - [Government Comments](#))

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

■ PACE President, ending Germany visit: “We must stop the populists who surf on fear of migrants” (13.01.2016)

PACE underlined that integration should be the top priority in dealing with migrants and refugees, highlighting local integration successes, and praised Germany’s “humanist response” to the current crisis. ([Read more](#))

Ireland

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

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

B. Resolutions, signatures and ratifications

■ CM: Resolution on the election of an expert to the list of experts eligible to serve on the Advisory Committee in respect of Ireland (13 January 2016)

CM declared elected to the list of experts eligible to serve on the Advisory Committee on the Framework Convention for the Protection of National Minorities: Mr Martin Collins, in respect of Ireland. ([Link to the resolution](#))

C. Other information

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

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

■ GRETA: Liechtenstein becomes the 45th party to the Convention (27.01.2016)

On January 27th, Liechtenstein ratified the Convention on Action against Trafficking in Human Beings. The Convention will enter into force as regards Liechtenstein on 1 May 2016.

Republic of Moldova

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

■ CM: Resolution on the election of an expert to the list of experts eligible to serve on the Advisory Committee in respect of the Republic of Moldova (13 January 2016)

CM declared elected to the list of experts eligible to serve on the Advisory Committee on the Framework Convention for the Protection of National Minorities: Ms Aliona Grossu, in respect of the Republic of Moldova. ([Link to the resolution](#))

■ PACE Resolution: Challenge on procedural grounds of the still un-ratified credentials of the parliamentary delegation of the Republic of Moldova (27 January 2016)

Although the composition of the Moldovan delegation “does not comply” with the rule on balance, PACE decided to ratify the credentials of the delegation and asked the Moldovan Parliament to complete its list, in line with the rules, by the beginning of the April session. ([Link to the Resolution 2092](#))

C. Other information

■ PACE: President called on new government in Chisinau to restore citizens' confidence in institutions (21.01.2016)

PACE president called on the authorities to take concrete steps to restore citizens' confidence in institutions, to address widespread corruption, to ensure the integrity of public officials and judicial authorities, and to promote an inclusive political dialogue on the reform agenda. ([Read more](#))

Poland

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

CASE	DATE	RESOLUTION	CONCLUSION
Stankiewicz and Others (No. 48723/07)	14 January 2015	CM/ResDH(2016)2	Examination closed
Braun (No. 30162/10)	4 February 2015	CM/ResDH(2016)2	Examination closed
Tadeusz Argasinski (No. 47006/13)	14 April 2015	CM/ResDH(2016)3	Examination closed
Artur Bakula (No. 72212/12)	31 March 2015	CM/ResDH(2016)3	Examination closed
Bogdan Brocki (No. 65439/12)	19 May 2015	CM/ResDH(2016)3	Examination closed
Marek Damrath (No. 58664/12)	21 April 2015	CM/ResDH(2016)3	Examination closed
Jaroslaw Grygorowicz (No. 57802/10)	14 April 2015	CM/ResDH(2016)3	Examination closed
Grzegorz Hipsz (No. 61709/12)	1 April 2015	CM/ResDH(2016)3	Examination closed
Adrian Kornaus (No. 22356/14)	21 April 2015	CM/ResDH(2016)3	Examination closed
Szczepan Laciak (No. 7688/13)	31 March 2015	CM/ResDH(2016)3	Examination closed
Leszek Orlowski (No. 35681/13)	19 May 2015	CM/ResDH(2016)3	Examination closed
Pawel Prezyna (No. 14750/13)	21 April 2015	CM/ResDH(2016)3	Examination closed
Robert Rakowski (No. 23133/11)	14 April 2015	CM/ResDH(2016)3	Examination closed
Krzysztof Wloch (No. 2042/14)	14 April 2015	CM/ResDH(2016)3	Examination closed
Jacek Zalewski (No. 40379/13+)	31 March 2015	CM/ResDH(2016)3	Examination closed

Iwanczuk (No. 25196/94)	15 February 2002	CM/ResDH(2016)4	Examination closed
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B. Resolutions, signatures and ratifications

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

C. Other information

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

Romania

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

[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: Council of Europe report acknowledges Romania's efforts in prosecuting corruption, calls for more effective prevention measures (22.01.2016)

In a published report, the GRECO stresses that there is in Romania an unprecedented determination in combating corruption-related crimes affecting public institutions. However it calls on its authorities to step up its efforts to prevent it by developing integrity rules for parliamentarians, and increasing the effectiveness of existing measures for judges and prosecutors ([Read more](#) - [Link to the report](#)).

Russian Federation

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

■ CM : Resolution on the election of a member of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) in respect of the Russian Federation (20 January 2016)

CM declared the following candidate elected as member of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, with effect from 20 January 2016 for a term of office which will expire on 19 December 2019: Ms Olga Noyanova. ([Link to the Resolution](#))

C. Other information

■ PACE: Nadia Savchenko detention - 'a serious case of political persecution' (27.01.2016)

The Assembly's rapporteur on humanitarian concerns with regard to captured people during the conflict in Ukraine expressed that « the continuing detention by the Russian Federation of Nadiia Savchenko, Ukrainian parliamentarian and a member of the PACE Committee on Migration, Refugees and Displaced Persons, constitutes a flagrant violation of human rights and a serious case of political persecution of a Ukrainian citizen in Russia ». ([Read more](#))

Spain

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

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

B. Resolutions, signatures and ratifications

■ CM: Recommendation on the application of the European Charter for Regional or Minority Languages by Spain (20 January 2016)

CM called on the Spanish authorities to amend the legal framework with a view to making it clear that the criminal, civil and administrative judicial authorities in the Autonomous Communities can conduct the proceedings in co-official languages at the request of one party. Furthermore, CM called on the Spanish authorities to continue to implement legal and step up practical measures aimed at ensuring that an adequate proportion of the judicial staff posted in the Autonomous Communities concerned by the application of Article 9 of the Charter has a working knowledge of the relevant languages; to continue to implement legal and step up practical measures aimed at ensuring the adequate presence of the co-official languages in the State administration at the level of the Autonomous Communities; to continue to implement measures to ensure the presence of co-official languages in public services, especially in health care services; to continue to ensure that the offer of trilingual education does not adversely affect the protection and promotion of regional or minority languages. Finally, CM called on the Spanish authorities to consider extending the recognition of those regional or minority languages with a co-official status in six Autonomous Communities to other Autonomous Communities provided that there is a sufficient number of users of the regional or minority language involved. ([Link to the Recommendation](#))

C. Other information

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

“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

■ Resolution on the Election of an expert to the list of experts eligible to serve on the Advisory Committee in respect of “the former Yugoslav Republic of Macedonia” (13 January 2016)

CM declared elected to the list of experts eligible to serve on the Advisory Committee on the Framework Convention for the Protection of National Minorities: Ms Melina Grizo, in respect of “the former Yugoslav Republic of Macedonia”. ([Link to the Resolution](#))

C. Other information

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

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: Co-rapporteurs alarmed by escalating violence in south-east Turkey (15.01.2016)

PACE co-rapporteurs urged all sides to refrain from further violence, engage in a ceasefire and resume the peace talks that are urgently needed. Furthermore, PACE co-rapporteurs expressed that freedom of expression and of the media must also be guaranteed so that citizens can be duly and thoroughly informed and can debate the Kurdish issue free from fear, in a democratic society and in line with the European Convention on Human Rights. Finally, co-rapporteurs urged on the authorities to ensure that military operations are conducted in line with international standards. ([Read more](#))

United Kingdom

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

Erratum in the RSIF 136:

CASE	DATE	RESOLUTION	CONCLUSION
Hirst No. 2 (No. 74025/01)	6 October 2005	CM/ResDH(2015)251	The CM adopted an Interim Resolution in its supervision of this case.
Greens and M.T. (No. 60041/08+)	11 April 2011	CM/ResDH(2015)251	The CM adopted an Interim Resolution in its supervision of this case.

B. Resolutions, signatures and ratifications

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

C. Other information

■ MONEYVAL: Guernsey urged to strengthen financial penalties related to money laundering and terrorist financing (15.01.2016)

Council of Europe experts on money laundering and the financing of terrorism have urged the United Kingdom's Crown Dependency of Guernsey to increase the penalties which can be applied to financial institutions in this area. Further progress is needed in the number of investigations, prosecutions and convictions concerning money laundering and the financing of terrorism, and the use of restraint and confiscation orders could also be improved. Overall, however, Guernsey has a mature legal and regulatory system, which has been enhanced by the introduction of modern legislation covering all important aspects of the finance industry ([Read more - Link to the report](#)).