

# REGULAR SELECTIVE INFORMATION FLOW

for the attention of the National Human Rights Structures

Issue#138

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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 (1-29 February 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.

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

**CAVIT TINARLIOĞLU V. TURKEY (IN FRENCH ONLY) — No. 3648/04 — Importance 2 — 2 February 2016 — No violation of Article 2 and no violation of Article 8 — No evidence of a breach of domestic authorities’ duty to ensure individual security concerning sea activities**

The applicant was in a holiday club. While he was swimming in the sea he had been struck by a boat from the club. He was rescued and taken to the hospital but following the accident he was left disabled at 45%. An expert concluded that club’s sub-contractor, who was operating the boat at the time of the accident, was wholly responsible. The domestic court found the club management, the sub-contractor and the applicant were partly responsible for the accident. The sub-contractor was sentenced to prison and payment of a fine but the sentence was commuted to a fine, as he rescued the victim. No

proceedings were brought against the club management. The applicant submitted a prior compensation claim, which was dismissed.

#### Article 2

The Court recalled that Article 2 could not be interpreted as guaranteeing absolute safety to each individual in all activities. The Court found domestic authorities' responsibility could not be engaged, as the main cause for the accident was the applicant and the sub-contractor's behaviours.

The Court underlined that there had been neither bias nor prejudice in the examination of the applicant's allegations before domestic courts and the length of the proceedings had been reasonable regarding the complexity of the case. The Court further considered that not only had the administrative proceedings been adequate, they had also satisfied the criteria laid down by the Court's case-law concerning the State's procedural obligations under Article 2.

Accordingly, the Court held that there had been no violation of Article 2 of the Convention.

#### Article 8

In view of the reasoning leading it to find that there had been no violation of Article 2, the Court saw no reason to reach a different conclusion in respect of the complaint under Article 8 of the Convention.

### **ISENC V. FRANCE ([IN FRENCH ONLY](#)) — No. 58828/13 — Importance 3 — 4 February 2016 — Violation of Article 2 — Domestic authorities' failure to prevent the suicide of a depressive detainee**

The applicant is the father of a detainee who committed suicide in prison. When his son had been sent to prison, the judge made a note for the prison governor saying that the prisoner might seek to harm himself so he should be monitored. 12 days after his imprisonment he hanged himself with a sheet while he was alone in the cell as his cellmates were taking a shower. His father lodged a claim for compensation but was dismissed.

The Court recalled that protecting the right to life must not impose an impossible or disproportionate burden on the authorities. It observed that the judge and the police officer who admitted the victim to prison both noted his suicidal inclinations. Even if the detainee was checked every hour after being placed in a shared cell, a domestic legislation provided that "care of an inmate in distress could not be reduced to monitoring measures alone". The Court considered that the monitoring measure had not been sufficient to conclude that domestic authorities had complied with their positive obligation to protect the applicant's son's life. Moreover, domestic authorities had not been able to prove the victim had been examined by a doctor. The Court refused to take into account the fact that the medical service responsible for prison inmates did not come under the authority of the prison administration. The Court held that, although provided for in the domestic law, the arrangements for collaboration between the prison and medical services in supervising inmates and preventing suicides had not worked, so there had been a violation of Article 2 of the Convention.

#### Article 41 (just satisfaction)

The Court held that France was to pay the applicant EUR 20,000 in respect of non-pecuniary damage and EUR 6,588 in respect of costs and expenses.

### **Civek v. TURKEY ([In French only](#)) - No. 55354/11 - Importance 2 - 23 February 2016 - Violation of Article 2 - Domestic authorities' failure to provide the applicant's mother with effective protection against the threat of her husband**

The case concerned the murder of the applicants' mother by their father. Despite several measures taken against the husband, he murdered the applicants' mother when he was released from prison.

The Court first noted that the domestic authorities had been aware of the husband's violence against his wife. The Court also noted that domestic courts had adopted a number of measures against the applicants' father, including prosecuting him, remanding him in custody and then placing him under judicial supervision. However, the Court held that the domestic authorities had not taken the appropriate practical action to prevent their mother's murder, when her husband had been released. Considering the dangerousness of this man, the Court concluded that domestic authorities had not provided the applicants' mother with effective protection. Consequently, the Court found that the authorities had not reacted to prevent the applicants' mother's murder despite knowing that she was under a genuine and serious threat, and found a violation of Article 2 of the Convention.

Article 41 (Just satisfaction)

The Court held that Turkey was to pay the applicants EUR 50,000 euros in respect of non-pecuniary damage and EUR 3,000 in respect of costs and expenses.

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

**MOZER V. THE REPUBLIC OF MOLDOVA AND RUSSIA (No. 11138/10) - Importance 1 - 23 February 2016 - No violation of Article 3 by the Republic of Moldova - No effective control on the "MRT"- Violation of Article 3 by Russia - Domestic authorities' failure to ensure good conditions of detention - No violation of Article 5 § 1 by the Republic of Moldova - Significant legal and diplomatic efforts to support the applicant - Violation of Article 5 § 1 by Russia - Domestic authorities' failure to show the compliance of the "MRT courts" with the Convention's standards - No violation of Article 8 and 9 by the Republic of Moldova - No effective control on the "MRT" - Violation of Article 8 and 9 by Russia - Illegitimate, and disproportionate restrictions with the applicant's right to see his family and pastor while in prison - No violation of Article 13 in conjunction with Articles 3, 8 and 9 by the Republic of Moldova - Domestic authorities' diplomatic trial to ensure an effective remedy to the applicant - Violation of Article 13 in conjunction with Articles 3, 8 and 9 by Russia - Domestic authorities' failure to indicate any effective remedies available to the applicant**

The case concerned a Moldovan national who complained that he had been arrested and detained unlawfully by the authorities of the self-proclaimed "MRT" ("Moldovan Republic of Transdniestria") on suspicion of defrauding two companies, for one of which he worked. According to his submissions, he had also been absent from some of the hearings concerning his detention pending trial. He further maintained that he had not been given the medical assistance required by his condition and that he had been held in inhuman conditions of detention. Moreover, he complained that he had been prevented from seeing his parents and his pastor, in breach of Article 8 and Article 9. He finally complained, in particular, that he did not have an effective remedy in respect of his complaints.

The Court first recalled that complaints in respect of the Transdniestrian region fell within both States' jurisdiction. Indeed, although Moldova had no effective control over the acts of the "MRT", the Court pointed out that the region was recognised under public international law as part of Moldova's territory, and that it gave an obligation for that State, under Article 1, to use all the legal and diplomatic means available to it to continue to guarantee the enjoyment of the rights under the Convention to those living there. As regards Russia, the Court reiterated that the "MRT" was only able to continue to exist because of Russian military, economic and political support. In those circumstances, the region's high level of dependency on Russian support gave a strong indication that Russia continued to exercise effective control and decisive influence over the "MRT" authorities.

Therefore, the Court found that the facts complained of fell within the jurisdiction of both the Republic of Moldova and of Russia.

### Article 3

As regards the complaints under Article 3, the Court observed that although the doctors had considered the applicant's health condition to be deteriorating and the specialists and equipment required to treat him to be lacking, the "MRT" authorities had not only refused to transfer him to a civilian hospital for treatment but they had also exposed him to further suffering and a more serious risk to his health by transferring him to an ordinary prison. Given the lack of any explanation for the refusal to offer him appropriate treatment, the Court found that the applicant's medical assistance had not been adequately secured. Moreover, reports of the CPT had confirmed the very poor conditions in detention facilities in the "MRT". On that basis, the Court found it established that the conditions of the applicant's detention had amounted to inhuman and degrading treatment.

As regards the States' responsibility, the Court considered that it was primarily for Russia – as the State which had effective control over the unrecognised entity at issue - to ensure good conditions of detention. The Court therefore found that there had been no violation of Article 3 by Moldova and that there had been a violation of Article 3 by Russia.

### Article 5

The Court had previously found that the "MRT courts", which had ordered the applicant's detention, belonged to a system, which did not comply with these standards. It also noted the circumstances in which the applicant had been arrested, especially the order for his detention for an undefined period of time and the examination in his absence of the appeal against the extension of his detention, and found it incompatible with the Convention.

As regards the States' responsibility, the Court referred to its findings under Article 3. It considered that it was primarily for Russia to show that the "MRT courts" complied with the principles of the Court's case-law, which it had not. The Court held that there had been a violation of Article 5 § 1 by Russia. However, the Court considered that the Moldovan Government had made significant efforts to support the applicant. It noted in particular, that the authorities had made a number of appeals to other countries, asking them to assist in securing his rights. Furthermore, the Moldovan Supreme Court, following a request from the applicant, had quashed his conviction. The Court concluded that the Republic of Moldova had fulfilled its obligations in respect of the applicant.

Therefore, there had been no violation of Article 5.

### Article 8 and Article 9

On the basis of the information before it, the Court saw no reason to doubt the applicant's submission that he had been completely denied visits by his parents during the first six months of his detention and that the pastor who had attempted to visit him had been denied access. Furthermore, it was unclear whether there was any legal basis for those restrictions and no reasons had been advanced to justify them. The Court considered that it had not been shown that the interferences with the applicant's rights under Article 8 and Article 9 had pursued a legitimate aim or had been proportionate to that aim.

For the same reasons given in respect of Articles 3 and 5, the Court found that there had been no violation of Article 8 and Article 9 by Moldova and that there had been a violation of Article 8 and Article 9 by Russia.

### Article 13 in conjunction with Articles 3, 5, 8 and 9

The Court referred to its finding that Moldova, having no means of controlling the actions of the "MRT" authorities, had been under an obligation to use all the legal and diplomatic means available to continue to guarantee to those living in the Transdniestrian region the enjoyment of the rights and freedoms defined in the Convention. It observed that Moldova had created a set of judicial,



investigative and civil service authorities which worked in parallel with those created by the “MRT”. They notably had the function of enabling cases to be brought before the Moldovan authorities, which could then initiate diplomatic and legal steps to attempt to intervene in specific cases. In that light, the Court considered that the Republic of Moldova had thus fulfilled its obligations. Accordingly, there had been no violation of Article 13 of by Moldova.

The Court referred to its finding that Russia continued to exercise effective control over the “MRT”. In the absence of any submission by the Russian Government as to any remedies available to the applicant, the Court concluded that there had been a violation of Article 13 in conjunction with Articles 3, 8 and 9 by Russia.

#### Article 41 (Just satisfaction)

The Court held that Russia was to pay the applicant EUR 5,000 in respect of pecuniary damage, EUR 20,000 in respect of non-pecuniary damage and EUR 4,000 in respect of costs and expenses.

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

#### **MEIER V. SWITZERLAND (IN FRENCH ONLY) - No. 10109/14 - Importance 1 - 9 February 2016 - No violation of Article 4 § 2 - Domestic authorities’ large room of manoeuvre in authorising compulsory work for a prisoner of retirement age**

The case concerned the requirement for a prisoner to work beyond the retirement age. The Court had to assess whether it had involved any “forced or compulsory labour”, in breach of Article 4 of the Convention. According to domestic law, the applicant had performed work under threat of a penalty. The Court held that the question whether Article 4 of the Convention applied to this situation should be assessed in the light of the purpose, nature and extent of the compulsory work and the manner in which it had to be performed.

As regards the purpose of the compulsory work, the Court accepted the domestic authorities’ argument that the duty of prisoners to continue working even beyond retirement age was part of the drive to reduce the harmful effects of incarceration. The Court took the view that suitable, reasonable work could help structure prisoners’ everyday lives and keep them active, which were important objectives for the well-being of a long-term prisoner. As regards the nature of the work, the Court referred to the observations of the Committee for the Prevention, which had showed that compulsory work did not apply to all prisoners to the same extent and that it had to be tailored, depending on the circumstances, to the prisoner’s abilities, fitness for work and state of health. It observed that the applicant only worked about three hours a day. Finally, it should be noted that the applicant was paid for his work.

With regard to practice in Council of Europe member States, the Court concluded in the absence of a sufficient consensus concerning the requirement for prisoners to work beyond retirement age. Therefore, domestic authorities enjoyed a considerable room for manoeuvre, and no absolute prohibition of such work could be inferred from Article 4 of the Convention.

The Court found that there had been no violation of Article 4 of the Convention.

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

**RYWIN V. POLAND (IN FRENCH ONLY) — No. 6091/06 — Importance 2 — 18 February 2016 — No violation of Article 3 — Domestic authorities’ proportionate decision to keep the applicant in a prison equipped with a medical unit — No violation of Article 6 §2 — No evidence of a breach of the applicant’s right to be presumed innocent contained in a parliamentary report — No**

## **violation of Article 6 §1 — No evidence of an infringement of the principle of fairness due to communication between the parliamentary commission and the prosecutor's office**

The applicant is a film producer who had been condemned for trading in influence concerning the amendment of the Broadcasting Act. His appeal was dismissed and the domestic court refused to suspend the execution of the prison sentence regarding the applicant chronic medical conditions.

### Article 3

The applicant had been sentenced to two years' imprisonment. An expert's report had found that he could be imprisoned in a prison equipped with a medical unit. The applicant made several appeals to contest the appropriateness of keeping him in prison, but as he remained unable to produce the requisite medical data, the courts had taken the view that he was seeking to obstruct the procedure to ascertain whether his state of health was compatible with detention. The Court noted that while in prison he had been monitored by the prison medical staff and also by specialists from outside the prison.

The Court reiterated that it could not substitute its own view for that of the domestic courts with regard to the applicant's continuing detention and the national authorities had fulfilled their obligation to protect the applicant's physical well-being. Hence there had been no violation of Article 3.

### Article 6 §2

The Court observed that work of a parliamentary commission of inquiry had been conducted in parallel with the criminal proceedings against the applicant. The case concerned a matter of public interest as even the Prime Minister had been involved. There had therefore been major reasons in the public interest for the procedure before the commission to be conducted publicly and transparently, and for public opinion to be informed about the findings of its report. The Court took the view that, read in the light of the report as a whole and the context in which they had been made, the commission's findings had to be seen as a means for it to inform the Parliament that the high-ranking public officials identified therein were strongly suspected of committing the offense of bribery. The Court noted that even if the applicant was mentioned as the "agent" of the public officials involved, the report's conclusions had not included any finding as to whether criminal proceedings should be brought against the applicant, or any comment on his possible criminal liability for complicity in bribery.

The Court concluded that the impugned statements had not breached the applicant's right to be presumed innocent. Accordingly, there had been no violation of Article 6 § 2.

### Article 6 §1

The Court observed that none of the judges had been criticised for demonstrating any personal bias or prejudice against the applicant. The tribunal's impartiality was therefore not at issue.

The Court noted that cooperation between the commission and the judicial authorities conducting the criminal proceedings was permitted, and even in certain circumstances required, by domestic law. Even if the commission brought the information it had gathered to the attention of the public prosecutor, there was nothing to suggest that the use of the information as evidence in the criminal proceedings had taken place in breach of the relevant legal rules.

In sum, the Court observed that the applicant had been convicted after adversarial proceedings during which it had been open to him to submit to the courts any arguments he deemed useful for his defence. The reasoning of the judgments delivered by the criminal courts did not reveal anything to suggest that the judges had been influenced by the statements of the members of the commission or by the findings in its report.

To conclude, the Court did not detect any infringement of the principle of fairness in the criminal proceedings against the applicant, thus there had therefore been no violation of Article 6 §1 of the Convention.

**[NAVALNY AND OFITSEROV V. RUSSIA](#) (Nos. 46632/13 AND 28671/14) - Importance 2 - 23 February 2016 - Violation of Article 6 §1 - Domestic courts' arbitrary application of the law**

The case concerned the complaint by an opposition activist and a businessman that the criminal proceedings leading to their conviction for embezzlement had been arbitrary and unfair, and based on an unforeseeable application of criminal law.

The Court first observed in particular that the complaints were based on the same underlying allegation that the third person's conviction (named X) in separate accelerated proceedings had been instrumental in circumventing important guarantees to which they would have been entitled if all three co-accused had been tried together. The criminal charges against the applicants had been based on the same facts as those against X. It was therefore undeniable that any facts established and legal findings made in the proceedings against X had been directly relevant to the applicants' case. In those circumstances it would have been essential for safeguards to be in place to ensure that decisions taken in the proceedings against X would not undermine the fairness of the subsequent proceedings against the applicants. However, the Court came to the conclusion that the two basic requirements for guaranteeing the fairness of proceedings, when co-accused were being tried in separate sets of proceedings, had not been fulfilled.

Furthermore, the Court considered that the trial court had had an obvious interest in remaining concordant, because any conflicting findings made in related cases could have undermined the validity of both judgments issued by the same court. The risk of issuing contradictory judgments was a factor that had discouraged the judges from finding out the truth and had diminished their capacity to administer justice, according to the Court. Similarly, X's conviction with the use of plea-bargaining and accelerated proceedings had compromised his competence as a witness in the applicants' case. Indeed, standing later as a witness, X had been compelled to repeat his statements made as an accused during plea-bargaining.

As regards the complaint of an allegedly arbitrary application of the law, the Court observed that the domestic courts had found the first applicant guilty of acts indistinguishable from regular commercial middleman activities and the second for fostering them. In this case, the Court was faced with a situation where the acts described as criminal fell entirely outside the scope of the provision under which the applicants had been convicted. In other words, the criminal law had been arbitrarily construed to the applicants' detriment. Moreover, the Court noted that domestic courts had dismissed without examination the first applicant's allegation of political prosecution, which the Court considered at least arguable.

Those findings showed that the Russian courts had failed to ensure a fair hearing in the applicants' case. The Court concluded that the criminal proceedings against the applicants had been in violation of Article 6 §1.

#### Article 41 (Just satisfaction)

The Court held that Russia was to pay each of the applicants EUR 8,000 in respect of non-pecuniary damage, and in respect of costs and expenses EUR 48,053 to the first applicant and EUR 22,893 to the second applicant.

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

#### **DALLAS V. THE UNITED KINGDOM (No. 38395/12) - Importance 2 - 11 February 2016 - No violation of Article 7 - Sufficiently clear and accessible domestic law concerning offence of contempt**

The case concerned the applicant's conviction for contempt of court as a result of her conducting Internet research in relation to the criminal case she was trying as a juror. She notably complained that the common law offence of contempt of court had not been sufficiently clear.

The Court first recalled that Article 7 lays down the principle that the criminal law must not be extensively construed to an accused's detriment. It also reiterated that offences had to be clearly defined by law and be both accessible and foreseeable. The Court noted that there was no dispute between the parties as to the correct test for common law contempt of court. The test required, in particular, that two elements be present: an act which created a "real risk" of prejudice to the administration of justice; and an intention to create that risk. In this case, the Court found that the applicant had been found by the domestic court to have caused actual risk of prejudice and that it must have been evident to any juror that deliberately introducing extraneous evidence into the jury room contrary to an order of the trial judge amounted to intending to commit an act that at the very least carried a real risk of being prejudicial to the administration of justice. The Court therefore held that the test for contempt of court applied in this case had been both accessible and foreseeable. The law-making function of the courts had remained within reasonable limits and the judgment in her case could be considered, at most, a step in the gradual clarification of the rules of criminal liability for contempt of court through judicial interpretation.

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

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

**SODAN V. TURKEY ([IN FRENCH ONLY](#)) — No. 18650/05 — Importance 3 — 2 February 2016 — Violation of Article 8 — Domestic authorities' liability for transferring a civil servant on basis of his private life — Violation of Article 6 §1 — Domestic authorities' liability for unjustified length of proceedings**

The applicant is civil servant who was deputy governor of the capital. After an investigation it was stated that his wife wore an Islamic veil and that he "had an introverted personality". He was later transferred to a post of deputy governor in the provinces. He lodged an application but was dismissed.

Article 8

The Court looked for the reasons of the transfer in order to check their conformity to the Convention. The Court noted the authorities attached a great importance to his religious beliefs and his wife's attire, which showed a link between them and the transfer. The Court recalled that imposing a certain duty of discretion or restraint on civil servants was possible. Nevertheless, it observed that the applicant had never shown bias in his work, and that the fact his wife wore an Islamic veil was a matter of private life. Hence, this transfer, even if provided for by law and pursuing the legitimate aim of protecting civil service neutrality, had created a disproportionate interference with the applicant's private life.

The Court thus found there had been a violation of Article 8.

Article 6 §1

The Court held that the proceedings had been quite long, without any justification, as it lasted more than 6 years, thus there had been a violation of Article 6 §1.

Article 41 (Just satisfaction)

The Court held that Turkey was to pay the applicant EUR 9,000 in respect of non-pecuniary damage.

**[N. TS. V. GEORGIA](#) (No. 71776/12) — Importance 3 — 2 February 2016 — Violation of Article 8 — Domestic authorities' liability for ignoring children's will when ordering them to return to their father**

The applicants are a woman and her three nephews. After the death of their mother the boys lived with their aunts while their father was in detoxification cure. Later, a domestic court disregarded a report that found the children suffered from separation anxiety disorder and showed a negative attitude towards their father and ordered the boys' return to their father. After several appeals the maternal family was dismissed. However, the decision remained unenforced, as the boys refused to move in with their father and two attempts to hand them over to him were unsuccessful.

#### Article 8

The Court considered the aunt had a close link to the boys, so she was able to act on their behalf. Moreover, the Social Service Agency could not represent the boys as it was involved in the case. Hence, the complaint was admissible.

The Court noted that the interests of the boys had not been fully represented as the Social Service Agency had not specific rights as a party. Moreover, representatives of the Agency had not had regular contacts with the boys.

The Court found that the domestic courts did not take into account the fact that the boys did not want to live with their father and that several reports by psychologists warned about potential risks to the boys' psychological health if they were forcefully returned to their father.

Thus the domestic decision had been contrary to the boys' best interests and there had been a violation of Article 8.

#### Article 41 (Just satisfaction)

The Court held that Georgia was to pay the applicants EUR 10,000 in respect of non-pecuniary damage and EUR 900 in respect of costs and expenses.

#### **SOARES DE MELO V. PORTUGAL ([IN FRENCH ONLY](#)) — No. 72850/14 — Importance 2 — 16 February 2016 — Violation of Article 8 — Domestic authorities' disproportionate measure of removing children from their mother**

The applicant had ten children. She had no income and the father was polygamous and barely at home. The Child and Youth Protection Commission (CPCJ) had an agreement with the parents according to which the mother kept the custody of her minor children if she took care of them and looked for employment, and the father had to provide financial support.

As the family did not comply with the agreement, the CPCJ initiated a procedure. The prosecutor later decided that seven of the children had to be taken into care with a view to adoption. The mother had been granted a right to contact her children but her appeals concerning their removal and adoption had been dismissed.

The Court observed that even if the family's incomes were very low, domestic authorities had not made any attempt to provide them a financial support. They decided to remove the children from their mother without trying to find any solution allowing them to stay with her under better conditions, especially as there was a particularly strong emotional bond between the applicant and her children. The Court noted that undergoing sterilisation was a clause in the agreement and that the applicant's refusal had been held against her. The Court found sterilisation had huge implications so that it should never be a condition for retaining parental rights. Likewise, the Court found that preventing the applicant from seeing her children while there was no sign of violence or abuse was contrary to their best interests.

The Court also noted that no psychologist examined the mother or the children and that the applicant did not have a lawyer as it was not mandatory. This lack of counsel did not allow to be sure the applicant understood what was at stake in the proceedings but also that she could take part effectively in them.

The Court therefore considered that the order for seven of the applicant's children to be taken into care with a view to their adoption, and its enforcement in respect of six of them, had not been appropriate to the legitimate aim pursued or necessary in a democratic society. The measure was disproportionate, as domestic authorities did not try to find another solution. The Court thus held there had been a violation of Article 8.

#### Article 41 (just satisfaction)

The Court held that Portugal was to pay the applicant EUR 15,000 in respect of non-pecuniary damage.

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

**ERDENER V. TURKEY ([IN FRENCH ONLY](#)) — No. 23497/05 — Importance 2 — 2 February 2016 — Violation of Article 10 — Domestic authorities' disproportionate restriction to freedom of expression**

The applicant is an MP who talked to a journalist about the medical care given to the Prime Minister in a private university hospital. The hospital lodged a complaint against the applicant for defamation but she was later acquitted. Meanwhile, the hospital filed a civil suit. Compensation was imposed on the applicant and her appeal was dismissed.

The Court found the applicant had made her remark during a private conversation, which meant it was a personal opinion. Moreover, the statement was supported by facts. The Court also observed the domestic court had not taken into account the context and had not looked for the consequences on the hospital's reputation. It only found that the applicant's remark had been sufficient to damage the reputation of the university hospital.

The Court considered that the domestic court had not struck a fair balance between the need to protect the applicant's right to freedom of expression and the need to safeguard the university's reputation. The interference with her right was provided by law but had been disproportionate. Moreover, the question was of public interest as it concerned the Prime Minister.

The Court thus held that the upholding of the defamation claim against the applicant was a disproportionate interference with her right to freedom of expression and was not necessary in a democratic society. It held that there had been a violation of Article 10 of the Convention.

Article 41 (just satisfaction)

The Court held that Turkey was to pay the applicant EUR 2,340 in respect of pecuniary damage, EUR 7,500 in respect of non-pecuniary damage and EUR 1,000 for costs and expenses.

**[MAGYAR TARTALOMSZOLGÁLTATÓK EGYESÜLETE AND INDEX.HU ZRT V. HUNGARY](#) (No. 22947/13) — Importance 2 — 2 February 2016 — Violation of Article 10 — Domestic authorities' liability for disproportionate judgement making internet news portals responsible for the offensive comments of their readers**

The applicants are an association which is the self-regulatory body of the domestic internet content providers and a company which is the owner of one of the major Internet news portals. They had been held liable for comments posted by their readers under an online article. Their constitutional complaint had been dismissed.

As nobody questioned the existence of an interference with the applicant's freedom of expression, the Court noted that this interference had been prescribed by law and had pursued the legitimate aim of protecting the rights of others. Moreover, the applicants could have foreseen the risks and the consequences implied by comments of third-parties on their websites.

Nevertheless, domestic authorities had to take a proportionate decision. The Court recalled that in the case *Delfi AS*, the Court held that, in view of the "duties and responsibilities" of a large professionally managed Internet news portal, the finding of liability of such portals for the comments of some users – whether identified or anonymous – who engage in clearly unlawful speech which infringes the personality rights of others and amounts to hate speech and incitement to violence against them, is not contrary to the Convention. In this case, there was no hate speech or incitement to violence. The Court reminisced about the four criteria used to control the proportionality of the interference: the context and content of the comments, the liability of the authors of the comments, the steps taken by the applicants and the conduct of the injured party and the consequences of the comments.

In this case, the comments concerned a matter of public interest and not defamatory or violent. Moreover, the applicants had set up a notice and take down system to delete defamatory comments. Finally the "victim" of the comments was a private company so the consequences had been much smaller than for an individual. By contrast, the liability had important consequences on the applicants as they are protagonists of electronic media, which play an important role concerning freedom of expression. The domestic courts had not carried out any balancing at all between the interest of freedom of expression on the Internet and the private company's right to its commercial reputation.

The foregoing considerations were therefore sufficient for the Court to conclude that there had been a violation of Article 10.

Article 41 (just satisfaction)

The Court held that Hungary was to pay the applicants EUR 5,100 for costs and expenses.

**SOCIÉTÉ DE CONCEPTION DE PRESSE ET D'ÉDITION V. FRANCE ([IN FRENCH ONLY](#)) - No. 4683/11 - Importance 2 - 25 February 2016 - No violation of Article 10 - Domestic authorities' legitimate decision to refuse the publication of a photograph of a young man tortured**

The case concerned the unauthorised publication by the magazine Choc of a photograph of a young man taken by his torturers while he was in captivity.

The Court first recognised that the refusal of the publication constituted an interference with the magazine's right to freedom of expression. The Court noted that the article as a whole, which concerned a court case and crimes that had been committed, had contributed to a debate of general interest. The Court observed that the photograph, which was shown briefly during a television programme, had been published without the permission of the victim's relatives. The Court shared the domestic courts' view according to which journalists were required to take into account the impact of the information and pictures which they published, especially where these were liable to adversely affect the private and family life of other persons. The Court considered that by merely ordering the photograph to be blacked out, the domestic court had ensured respect for the publication as a whole. Accordingly, the Court took the view that the restriction imposed by the domestic courts on the exercise of the publishing company's rights had been based on relevant and sufficient reasons and had been proportionate to the legitimate aim pursued. It had therefore been necessary for the proper functioning of a democratic society.

The Court thus concluded that there had been no violation of Article 10 of the Convention.

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

**DI TRIZIO V. SWITZERLAND ([IN FRENCH ONLY](#)) — No. 7186/09 — Importance 1 — 2 February 2016 — Violation of Article 14 in conjunction with Article 8 — Domestic authorities' liability for discriminating a mother in the calculation of a disability allowance**

The applicant received a 50% disability allowance after she had to give up work due to back problems. The payment of the allowance stopped after she had twins because she would not have worked full-time anyway at that period (combined method). She lodged a complaint for discrimination on account of sex but was dismissed.

Article 14 in conjunction with Article 8

The Court noted that when the combined method concerning disability benefits had been applied, 97% of cases were related to women and 3% to men in 2009. The legislation concerning the combined method pursued a legitimate aim as the disability insurance tended to insure individuals against the risk of becoming unable, because of disability, to engage in paid employment or perform routine tasks, which they would have been able to perform had they remained in good health. The Court observed that the decision refusing the applicant entitlement to the allowance had been based on her assertion

that she wanted to reduce her working hours in order to take care of her children and her home. Moreover, there were clear indications of a growing awareness that the combined method was no longer consistent with the efforts to achieve gender equality in contemporary society, in which women legitimately sought to reconcile family and professional life.

The Court was not convinced that the difference in treatment to which the applicant had been subjected had any reasonable justification. It held by four votes to three that there had been a violation of Article 14 taken in conjunction with Article 8.

Article 41 (Just satisfaction)

The Court held that Switzerland was to pay the applicant EUR 5,000 in respect of non-pecuniary damage and EUR 24,000 in respect of costs and expenses.

**ÇAM V. TURKEY (IN FRENCH ONLY) - No. 51500/08 - Importance 2 - 23 February 2016 - Violation of Article 14 in conjunction with Article 2 of Protocol No. 1 - Exclusion of the Music Academy solely based on the applicant's blindness**

The case concerned a refusal to enrol the applicant as a student in the National Music Academy because she was blind. The applicant complained of a violation of her right to education, submitting that the State had failed to provide persons with disabilities with the same opportunities as anyone else. She also stated that she had been discriminated against on account of her blindness.

The Court first noted that the applicant's exclusion had been based on the academy's rules of procedure, which required the provision of a medical certificate of physical fitness to attend lessons at the academy, and did not exclude blind persons. It added that the applicant complied with this obligation, as she had provided a medical certificate of physical fitness comprising a reservation regarding her blindness. In the Court's view, the music academy could not justify the refusal to enrol the applicant by her failure to comply with the requisite administrative formalities, and held that the applicant's blindness had been the sole reason for that refusal. Moreover, the Court considered that by passing the admission examination, the applicant had demonstrated that she was fully qualified for enrolment in the music academy. The Court found that the national authorities had made no attempt to identify the applicant's needs and had failed to explain how her blindness could prevent her from attending music lessons. It also noted that the academy had made no attempt to adapt its lessons to blind students. The Court therefore concluded that the refusal to enrol the applicant, which had been based solely on her blindness, was also bound up with the fact that the national authorities had never considered the possibility of making reasonable accommodation for her disability.

In view of that finding, the Court concluded that there had been a violation of Article 14 of the Convention in conjunction with Article 2 of Protocol No. 1.

Article 41 (just satisfaction)

The Court held that Turkey was to pay the applicant EUR 10,000 in respect of non-pecuniary damage, and EUR 3,000 in respect of costs and expenses.

**Pajić v. CROATIA (No. 68453/13) - Importance 2 - 23 February 2016 - Violation of Article 14 taken in conjunction with Article 8 - Domestic authorities' failure to justify a difference in treatment for same-sex couples**

The case concerned the complaint by a national of Bosnia and Herzegovina, who is in a stable same-sex relationship with a woman living in Croatia, of having been discriminated against on the grounds of her sexual orientation when applying for a residence permit in Croatia.



The Court first noted that there was no doubt that the relationship of a same-sex couple fell within the notion of “private and family life” for the purpose of Article 8. Consequently, Article 14 in conjunction with Article 8 applied. In view of the evolution of legal recognition to same-sex couple, the Court took the view that there could be no basis for drawing a distinction between stable same-sex couples who lived together and those who – for professional and social reasons – did not, since the latter situation did not deprive the couples concerned of the stability which brought them within the scope of “family life”. It was undisputed between the parties that the applicant had maintained a stable relationship with her girlfriend, since she regularly travelled to Croatia.

As regards the question of whether the applicant had been discriminated against, the Court noted that the domestic legal system acknowledged in general the possibility that both categories of couples were capable of forming stable committed relationships. However, the relevant provisions of the domestic law essentially reserved the possibility of applying for a residence permit for family reunification to different-sex couples, married or living in an extramarital relationship. The Court took the view that, by tacitly excluding same-sex couples from its scope, domestic law introduced a difference in treatment based on the sexual orientation of the persons concerned, which constituted an interference with her right.

The Court noted that domestic authorities had not shown that this difference in treatment was justified by pursuing a legitimate aim and that there was a reasonable relationship of proportionality between the means employed and the aim sought to be realised.

The Court therefore found that there had been a violation of Article 14 conjunction with Article 8.

Article 41 (Just satisfaction)

The Court held that Croatia was to pay the applicant EUR 10,000 in respect of non-pecuniary damage and EUR 5,690 in respect of costs and expenses.

- **Article 2 of Protocol No. 4**

**GARIB V. THE NETHERLANDS (No. 43494/09) - Importance 1 - 23 February 2016 - No violation of Article 2 of Protocol No. 4 - Domestic authorities' proportionate decision about the applicant's residential restrictions**

The case concerned the complaint by a woman living on social welfare about residential restrictions as a result of which she was unable to freely choose her place of residence.

The Court noted that the applicant had been refused a housing permit that would have allowed her to take up residence with her family in a property of her choice. According to the Court, it had undoubtedly amounted to a restriction on her freedom to choose her residence. The Court then found that it had been in accordance with domestic law, namely with the city legislation, and that it had the legitimate aim to reverse the decline of impoverished inner-city areas and to improve the quality of life. As regards the question of whether the means used to pursue that aim had been proportionate, the Court took the view that the role of the domestic policy-maker was to be given a special weight. In this case, the relevant domestic authorities had addressed increasing social problems in certain areas resulting from impoverishment caused by unemployment. The Court also noted that the restriction remained subject to temporal and geographical limitations and that it included several safeguard clauses. In particular, it required the local authorities to ensure that sufficient housing remained available locally for those who did not qualify for a housing permit.

The Court concluded that the authorities' decisions had been proportionate to the legitimate aim pursued. There had accordingly been no violation of Article 2 of Protocol No. 4.

## 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	4 February 2016	<a href="#">KIRAKOSYAN</a> (No. 2) (No. 24723/05)	3	No violation of Art. 8	The manner in which the search of the applicant's house had been conducted could not be regarded as disproportionate to the legitimate aim pursued
	25 February 2016	<a href="#">DOMAZYAN</a> (No. 22558/07)	3	Violation of Art. 6 § 1	Domestic court's refusal to examine the applicant's counter-claim without providing any legal basis under domestic law
AUSTRIA	16 February 2016	<a href="#">ARZTEKAMMER FÜR WIEN AND DORNER</a> (No. 8895/10)	2	No violation of Art. 10	Necessary interference in a democratic society with the applicant's right to freedom of expression in order to protect the reputation and rights of others
AZERBAIJAN	4 February 2016	<a href="#">HILAL MAMMADOV</a> (No. 81553/12)	2	Violation of Art. 3 (substantive)	Unnecessary and excessive use of police force during the applicant's arrest
				Violation of Art. 3 (procedural)	Ineffective investigation in that respect
				Violation of Art. 34	Hindrance on the applicant's right of individual petition on account of the suspension of his representative's licence to practice law and the impossibility of meeting him in the prison

AZERBAIJAN	11 February 2016	<a href="#">HUSEYNLI AND OTHERS</a> (Nos. 67360/11, 67964/11 AND 69379/11)	2	Violation of Art. 11	Unlawful interference with the applicants' right to freedom of peaceful assembly
				Violation of Art; 6 §§ 1 and 3	Unfairness of proceedings (failure to provide adequate time and facilities for the preparation of the applicants' defence, domestic courts' decisions lacked adequate reasoning, absence of legal assistance)
				Violation of Art. 5 § 1	Arbitrary detention of the applicants
	11 February 2016	<a href="#">IBRAHIMOV AND OTHERS</a> (Nos. 69234/11, 69252/11 AND 69335/11)	2	Violation of Art. 11	Unlawful interference with the applicants' right to freedom of peaceful assembly
				Violation of Art. 6 §§ 1 and 3	Unfairness of proceedings (failure to provide adequate time and facilities for the preparation of the applicants' defence, domestic courts' decisions lacked adequate reasoning, absence of legal assistance)
				Violation of Art. 5	Arbitrary detention of the applicants
BELGIUM	2 February 2016	<b>VAN ZANDBERGEN</b> <a href="#">(IN FRENCH ONLY)</a> (No. 4258/11)	3	No violation of Art. 5 § 1	Necessary continuation of the applicant's detention in a psychiatric hospital
	9 February 2016	<b>CHEEMA</b> <a href="#">(IN FRENCH ONLY)</a> (No. 60056/08)	2	No violation of Art. 6 § 2	No breach of the applicant's right to the presumption of innocence
BULGARIA	16 February 2016	<b>GOVEDARSKI</b> <a href="#">(IN FRENCH ONLY)</a> (No. 34957/12)	3	Violation of Art. 3 (substantive)	Mental distress and anguish of the applicants as a result of the police operation at their home
				Violation of Art. 8	Unlawful search of the applicants' house
				Violation of Art. 13 in conjunction with Art. 3 and 8	Lack of an effective domestic remedy concerning the violations under Art. 3 and 8

<b>CROATIA</b>	16 February 2016	<u><a href="#">VJATOVIC</a></u> (No. 50200/13)	3	Violation of Art. 1 of Prot. No. 1	Unlawful interference with the applicant's right to peaceful enjoyment of her possessions
<b>CYPRUS</b>	23 February 2016	<u><a href="#">MEFAALANI</a></u> (Nos. 3473/11 AND 75381/11)	3	No violation of Art. 5 § 1	Lawful detention pending deportation of the applicant
				Violation of Art. 5 § 4	Lack of a prompt judicial review of the lawfulness of the applicant's detention
<b>GERMANY</b>	18 February 2016	<u><a href="#">BLUHDORN</a></u> (No. 62054/12)	2	No violation of Art. 5 § 1	Necessary continuation of the applicant's detention in a psychiatric hospital
	25 February 2016	<u><a href="#">KLINKENBUSS</a></u> (No. 53157/11)	2	No violation of Art. 5 § 1	Necessary continuation of the applicant's detention in a psychiatric hospital
<b>GREECE</b>	4 February 2016	<b>AMADOU</b> <u>(IN FRENCH ONLY)</u> (No. 37991/11)	3	Violation of Art. 3 (substantive)	Poor conditions of detention pending expulsion (overcrowding, poor hygiene)
				Violation of Art. 3 (substantive)	Poor living conditions of the applicant after his release
				Violation of Art. 5 § 4	Lack of an effective judicial review of the lawfulness of the applicant's detention pending expulsion
	11 February 2016	<b>R.T.</b> <u>(IN FRENCH ONLY)</u> (No. 5124/11)	3	Violation of Art. 3 (substantive)	Poor conditions of detention (serious overcrowding)
				Violation of Art. 13 in conjunction with Art. 3	Lack of an effective domestic remedy concerning the shortcomings in the asylum procedure
				No violation of Art. 5 § 1	Lawful detention pending expulsion
				Violation of Art. 5 § 4	Lack of a prompt judicial review of the lawfulness of the applicant's detention pending expulsion
	18 February 2016	<b>BAKA</b> <u>(IN FRENCH ONLY)</u> (No. 24891/10)	3	No violation of Art. 6 § 1	Fairness of proceedings

GREECE (CONTINUED)	25 February 2016	ADIELE AND OTHERS <a href="#">(IN FRENCH ONLY)</a> (No. 29769/13)	3	Violation of Art. 3 (substantive) (in both cases)	Poor conditions of detention (overcrowding)
		PAPADAKIS AND OTHERS <a href="#">(IN FRENCH ONLY)</a> (No. 34083/13)		Violation of Art. 13 in conjunction with Art. 3 (in both cases)	Lack of an effective domestic remedy concerning the applicants' conditions of detention
ITALY	25 February 2016	OLIVIERI AND OTHERS <a href="#">(IN FRENCH ONLY)</a> (Nos. 17708/12, 17717/12, 17729/12 AND 22994/12)	2	Violation of Art. 6 § 1	Excessive length of administrative proceedings (18 years)
				Violation of Art. 13	Lack of an effective domestic remedy in that respect
LIECHTENSTEIN	18 February 2016	<a href="#">A.K. (No. 2) (No. 10722/13)</a>	2	Violation of Art. 6 § 1	Lack of impartiality
				Violation of Art. 6 § 1	Excessive length of proceedings
				Violation of Art. 13	Lack of an effective domestic remedy concerning the excessive length of the proceedings
THE REPUBLIC OF MOLDOVA	9 February 2016	<a href="#">MESCEREACOV</a> (No. 61050/11)	3	Violation of Art. 3 (substantive)	Poor conditions of detention (overcrowding, poor hygiene, poor quality food, lighting and ventilation problems)
	16 February 2016	CARACET <a href="#">(IN FRENCH ONLY)</a> (No. 16031/10)	3	Violation of Art. 3 (substantive and procedural)	Ill-treatment of the applicant during his arrest and pre-trial detention and ineffective investigation in that respect
				Violation of Art. 5 § 3	Excessive length of applicant's pre-trial detention (14 months) based on insufficient grounds
POLAND	16 February 2016	<a href="#">PALUCH</a> (No. 57292/12)  <a href="#">SWIDERSKI</a> (No. 5532/10)	3	Violation of Art. 3 (substantive)	Domestic authorities' failure to provide sufficient and relevant reasons which could justify the extension of the dangerous detainee regime and the severity of the measures taken such as daily strip searches

PORTUGAL	2 February 2016	<b>MEGGI CALA</b> <b>(<u>IN FRENCH ONLY</u>)</b> <b>(No. 24086/11)</b>	2	Violation of Art. 6 § 1	Domestic Supreme court's restrictive interpretation of a procedural rule infringed the applicant's right of access to a court
ROMANIA	2 February 2016	<b><u>DRAGAN</u></b> <b>(No. 65158/09)</b>	3	Violation of Art. 3 (substantive)	Poor conditions of detention (overcrowding, insalubrious dormitories, poor quality food and poor hygiene) and lack of adequate dental treatment and suitable diet
		<b>TAVIRLAU</b> <b>(<u>IN FRENCH ONLY</u>)</b> <b>(No. 43753/10)</b>	3	Violation of Art. 6 § 1	Excessive length of proceedings (7 years and 6 months)
	23 February 2016	<b><u>ELENA APOSTOL AND OTHERS</u></b> <b>(Nos. 24093/14, 24093/14, 24104/14, 24106/14, 24108/14, 24113/14, 24119/14, 24121/14, 24124/14, 24127/14, 24149/14, 24159/14, 24160/14, 24170/14, 24185/14, 24214/14, 45779/14 AND 45780/14)</b>	3	Violation of Art. 2 (procedural)	Domestic authorities' failure to conduct an effective investigation into the military operations which caused many civilians deaths and casualties

RUSSIA	9 February 2016	<p><a href="#">KHACHUKAYEVY</a> (No. 34576/08)</p> <p><a href="#">NAZYROVA AND OTHERS</a> (Nos. 21126/09, 63620/09, 64811/09, 32965/10 AND 64270/11)</p>	3	Violation of Art. 2 (substantive) (in both cases)	Applicants' relatives may be presumed dead following their unacknowledged detention by state agents
				Violation of Art. 2 (procedural) (in both cases)	Domestic authorities' failure to carry out an effective criminal investigation into the disappearance of the applicants' relatives
				Violation of Art. 3 (substantive) (in both cases)	Applicants' inability to ascertain the fate of their relatives and the manner in which their complaints had been dealt by the domestic authorities caused them mental distress and anguish
				No violation of Art. 3 (substantive) (concerning the first case)	Insufficient amount of distress and anguish in order to give rise to a violation under Art. 3 concerning the third applicant given that she was born after her father's abduction
				Violation of Art. 5 (in both cases)	Unlawful and unacknowledged detention of the applicants' relatives by state agents
				Violation of Art. 13 in conjunction with Art. 2 and 3 (in both cases)	Lack of effective remedies in order to redress the ineffectiveness of the criminal investigation of the disappearance of the applicants' relatives

<b>RUSSIA (CONTINUED)</b>	9 February 2016	<a href="#"><u>SHLYCHKOV</u></a> <b>(No. 40852/05)</b>	3	Violation of Art. 3 (substantive)	Ill-treatment of the applicant while in police custody
				Violation of Art. 3 (procedural)	Ineffective investigation in that respect
				Violation of Art. 6 § 1	Unfairness of criminal proceedings on account of the admission of the applicant's statements obtained under duress
	16 February 2016	<a href="#"><u>ZINOVCHIK</u></a> <b>(IN FRENCH ONLY)</b> <b>(No. 27217/06)</b>	3	No violation of Art. 3 (substantive)	Necessary and proportional use of police force
				Violation of Art. 3 (substantive)	Ill-treatment of the applicant while in police custody
				Violation of Art. 3 (procedural)	Ineffective investigation in that respect
	16 February 2016	<a href="#"><u>DALAKOV</u></a> <b>(35152/09)</b>	2	Violation of Art. 2 (procedural)	Ineffective investigation into the death of the applicant's nephew
Violation of Art. 2 (substantive)				Domestic authorities' failure to take the reasonable measures in order to safeguard the life of the applicant's nephew during the military operation	
	<a href="#"><u>YEVDOKIMOV AND OTHERS</u></a> <b>(Nos. 27236/05, 44223/05, 53304/07, 40232/11, 60052/11, 76438/11, 14919/12, 19929/12, 42389/12, 57043/12 AND 67481/12)</b>	2	Violation of Art. 6 § 1	Domestic courts' failure to properly assess the nature of the civil claims brought by the applicants with a view to deciding whether their presence was indispensable and to consider appropriate procedural arrangements enabling them to be heard	



RUSSIA (CONTINUED)	23 February 2016	<a href="#">ALEKSANDR ANDREYEV</a> (No. 2281/06)	2	Violation of Art. 5 § 1 (c)	Unlawful detention of the applicant (breach of the procedure provided by the domestic law for the arrest of a juvenile suspect in criminal proceedings)
				Violation of Art. 3 (substantive)	Ill-treatment of the applicant while in police custody
				Violation of Art. 3 (procedural)	Ineffective investigation in that respect
		<a href="#">Y.Y.</a> (No. 40378/06)	2	Violation of Art. 8	Unlawful interference with the applicant's right to respect for private life on account of the examination of her medical records and those of her children without her consent
SPAIN	16 February 2016	<b>VLIEELAND BODDY AND MARCELO LANNI</b> ( <a href="#">IN FRENCH ONLY</a> ) (Nos. 53465/11 AND 9634/12)	3	Violation of Art. 6 § 2	Breach of the applicants' right to the presumption of innocence
	23 February 2016	<b>PEREZ MARTINEZ</b> ( <a href="#">IN FRENCH ONLY</a> ) (No. 26023/10)	3	No violation of Art. 6 §§ 1 and 3	Fairness of proceedings given that the applicant had the chance to challenge effectively the charges against him
				No violation of Art. 6 § 1	Fairness of proceedings despite the lack of a public hearing given that the applicant was able to present his arguments in writing through his lawyer
THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA	11 February 2016	<a href="#">MITROVA AND SAVIK</a> (No. 42534/09)	2	No violation of Art. 8	No breach of the applicants' right to respect for their family life given that the domestic authorities took into consideration the child's best interests while the reasons provided were relevant and sufficient
TURKEY	2 February 2016	<a href="#">AYDIN CETINKAYA</a> (No. 2082/05)	3	Violation of Art. 6 § 1	Unfairness of criminal proceedings on account of the admission of the applicant's statements obtained under duress

<b>TURKEY</b> <i>(CONTINUED)</i>	2 February 2016	<b>MUHACIR CICEK</b> <a href="#">(IN FRENCH ONLY)</a> <b>(No. 41465/09)</b>	3	No violation of Art. 2 (substantive)	No evidence suggesting that the military operation had been prepared without minimising the risks for the lives of those unarmed
				Violation of Art. 2 (procedural)	Ineffective investigation into the circumstances of death of the applicants' relative
				No violation of Art. 3 (substantive)	No lack of adequate medical treatment as the wounds of the applicants' relative had reached vital organs and were fatal
				No violation of Art. 14 in conjunction with Art. 2	No evidence suggesting that the ineffectiveness of the investigation had been founded on racial discrimination
	9 February 2016	<b>CELEBI AND OTHERS</b> <a href="#">(IN FRENCH ONLY)</a> <b>(No. 582/05)</b>	3	Violation of Art. 6 § 1	Unfairness of proceedings on account of the divergent domestic case-law concerning the starting point for the limitation period of action for liability damages
				2	Violation of Art. 2 (procedural)
	23 February 2016	<b>OZEN AND OTHERS</b> <a href="#">(IN FRENCH ONLY)</a> <b>(No. 29272/08)</b>	3		No violation of Art. 3 (procedural)
No violation of Art. 3 (substantive)				Absence of evidence suggesting that the applicants had been subjected to police ill-treatment	
<b>THE UNITED KINGDOM</b>	18 February 2016	<a href="#">DOHERTY</a> <b>(No. 76874/11)</b>	3	Violation of Art. 5 § 4	Lack of a prompt judicial review of the lawfulness of the applicant's detention

UKRAINE	11 February 2016	<a href="#">KARPYLENKO</a> (No. 15509/12)	2	Violation of Art. 2 (substantive)	Domestic authorities' failure to provide adequate medical assistance to the applicant's son	
				Violation of Art. 2 (procedural)	Domestic authorities' failure to carry out an effective and thorough investigation into the allegations that the applicant's son's death was caused by inadequate medical treatment	
				Violation of Art. 3 (substantive)	Ill-treatment of the applicant's son	
				Violation of Art. 3 (procedural)	Domestic authorities' failure to carry out an effective and independent investigation into the circumstances in which the applicant's son sustained serious injuries while in detention	
			<a href="#">POMILYAYKO</a> (No. 60426/11)	2	Violation of Art. 3 (substantive)	Ill-treatment of the applicant while in police custody (torture)
					Violation of Art. 3 (procedural)	Ineffective investigation in that respect
	25 February 2016		<a href="#">ZYAKUN</a> (No. 34006/06)	3	Violation of Art. 3 (substantive)	Ill-treatment of the applicant while in police custody (torture)
					Violation of Art. 6 § 1	Unfairness of criminal proceedings on account of the admission of the applicant's statements obtained under duress

## B. The decision on admissibility

Those decisions are published with a slight delay on the Court's website. Therefore the decisions listed below cover the period **from 1 to 30 November 2015**. Those decisions are selected to provide the NHRs with potentially useful information on the reasons of the inadmissibility of certain applications addressed to the Court and/or on the friendly settlements reached.

STATE	DATE	CASE TITLE	ALLEGED VIOLATION	DECISION
CROATIA	24th November 2015	<a href="#">Babić v. Croatia</a>	Violation of Articles 2 and 14 as well as 13 (The criminal-law mechanisms to investigate the applicant's mother's death were ineffective)	Not admissible since the applicant introduced her request out of time
POLAND	24th November 2015	<a href="#">Musiał v. Poland</a>	Violation of Article 3 (The applicant lacked adequate medical treatment due to the refusal to grant him proper psychological treatment)	Rejected as ill-founded (The applicant was received by doctors and specialists who considered that there was no mental disorder, and that he feigned his illness)
RUSSIA	17th November	<a href="#">Sviridovskiy v. Russia</a>	Violation of Articles 3 (complaint about the conditions of transfer to the prison), 6 §3 (unfair proceedings) and 13 (absence of domestic remedies for his reproaches)	Rejected as incompatible <i>ratione materiae</i> with the provisions of the Convention

### C. The communicated cases

The European Court of Human Rights publishes on a weekly basis a list of the communicated cases on its website. These are cases concerning individual applications which are pending before the Court. They are communicated by the Court to the respondent State's Government with a statement of facts, the applicant's complaints and the questions put by the Court to the Government concerned. The decision to communicate a case lies with one of the Court's Chamber which is in charge of the case. A **selection** of those cases **covering the period from 1 to 31 December** 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
AZERBAIJAN	14 December 2015	<a href="#">HASANOV</a> (No. 48653/13) <a href="#">AKHUNDOV</a> (No. 70019/13) <a href="#">MAMMADLI</a> (No. 65597/13)	According to the applicants, their arrests and continued detention were unlawful as there was no reasonable suspicion that they had committed a criminal offence.
CROATIA	1 December 2015	<a href="#">ŠPOLJAR AND DJECJI VRTIC PCELICE</a> (No. 68320/13)	The applicants argue that, as private entrepreneurs, they were discriminated against by the local authorities compared with publicly-owned kindergartens.
RUSSIA	16 December 2015	<a href="#">A.M.</a> (No. 61427/15) <a href="#">M.B.</a> (No 61420/15) <a href="#">Z.A.</a> (No 61411/15)	The applicants complain about the conditions of their stay in the transit zone of the airport and allege that they were as a consequence deprived of their liberty.
SERBIA	14 December 2015	<a href="#">JAKOVLJEVIC</a> (No. 5158/12)	The applicant complains about the disclosure of personal information about his son gathered during a criminal investigation which affected the reputation of his family.
UKRAINE	10 December 2015	<a href="#">LYSAK</a> (No. 23274/14)	The applicant complains that she was arbitrarily subjected to involuntary medical procedures by police officers.
	17 December 2015	<a href="#">PASTRAMA</a> (No. 54476/14)	To the applicant, the destruction of the encampment where she lived was the result of discrimination on the basis of her ethnicity.

<b>UNITED KINGDOM</b>	5 December 2015	<u>TAMIZ</u> <b>(No. 3877/14)</b>	The applicant alleges that the State breached its obligation to protect his right to reputation, since defamatory allegations had been published for three and a half months on a website.
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## 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	10 February 2016	<a href="#">(2016)2</a>	The Internet of citizens	CM recommended that member States recognise digital culture as one of the key issues for modern cultural policy making and revisit their cultural policy approaches with a view to implementing the policy guidelines contained in this recommendation and appended thereto, so as to serve citizens to the best of their ability.

#### B. Resolutions

AUTHOR	DATE	TEXT NUMBER	SUBJECT MATTER	DECISION
CM	24 February 2016	<a href="#">(2016)2</a>	The election of members of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) in respect of Malta and Romania	CM declared the following candidates elected as members of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, with effect from 24 February 2016, for a term of office which will expire on 19 December 2019: Mr Anthony Abela Medici (in respect of Malta) and Mr Răzvan Horațiu Radu (in respect of Romania).



## PartOne

### §4 - OTHER INFORMATION OF GENERAL IMPORTANCE

#### A. Information from the Committee of Ministers

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

#### B. Information from the Parliamentary Assembly

##### ■ PACE President called for unity around the principles of democratic security (09.02.2016)

PACE President called for “unity in the face of the many challenges we are confronted with”. ([Read more](#) - [Opening speech](#))

##### ■ Pedro Agramunt welcomed the agreement on ceasefire and humanitarian aid in Syria (12.02.2016)

PACE President expressed that « the announcement of an agreement over the cessation of hostilities in Syria as well as on the delivery of humanitarian aid to the population is a welcome and encouraging sign. All stakeholders must respect their commitments and ensure that what has been agreed is implemented in practice. » ([Read more](#))

##### ■ PACE rapporteur welcomed steps by WHO to increase access to affordable medicines (17.02.2016)

PACE rapporteur expressed that she « took note with great interest of steps taken by WHO with a view to increasing the accessibility of affordable and innovative medicines ». ([Read more](#))

##### ■ Milena Santerini: strengthening cooperation with the European Parliament on combating all forms of hatred (17.02.2016)

PACE general rapporteur expressed that “antisemitism and islamophobia may differ but their common roots are in hatred and intolerance and we must spare no effort in tackling both”. ([Read more](#))

#### 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.

# Austria

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

CASE	DATE	RESOLUTION	CONCLUSION
<a href="#">Klaus Fuchshuber</a> (No. 11781/13)	23 June 2015	<a href="#">CM/ResDH(2016)9</a>	Examination closed
<a href="#">Martine Hrubesch</a> (No. 70899/10)	21 October 2014	<a href="#">CM/ResDH(2016)9</a>	Examination closed

## B. Resolutions, signatures and ratifications

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

## C. Other information

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

# Bosnia and Herzegovina

## 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: The committee called for efficient coordination and firm steps to implement anticorruption reform (22.02.2016)

The GRECO has published its Fourth Round Evaluation Report on Bosnia and Herzegovina. It focuses on the prevention of corruption amongst members of parliament, judges and prosecutors ([Read more](#) - [Link to the report](#)).

# Bulgaria

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

CASE	DATE	RESOLUTION	CONCLUSION
<a href="#">Tsonyo Tsonev no. 3</a> (No. 21124/04)	16 January 2013	<a href="#">CM/ResDH(2016)10</a>	Examination closed

## B. Resolutions, signatures and ratifications

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

## C. Other information

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

# Croatia

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

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

## B. Resolutions, signatures and ratifications

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

## C. Other information

### ■ GRETA: Publication of a second evaluation report on Croatia (04.02.2016)

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

# Cyprus

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

CASE	DATE	RESOLUTION	CONCLUSION
<a href="#">Michael Theodossiou LTD</a> (No. 31811/04)	14 July 2015	<a href="#">CM/ResDH(2016)5</a>	Examination closed

## B. Resolutions, signatures and ratifications

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

## C. Other information

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

# France

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

CASE	DATE	RESOLUTION	CONCLUSION
<a href="#">Guerdner and others</a> (No. 68780/10)	17 July 2014	<a href="#">CM/ResDH(2016)6</a>	Examination closed

## B. Resolutions, signatures and ratifications

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

## C. Other information

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



# 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

### ■ CM: Resolution on the implementation of the Framework Convention for the Protection of National Minorities by Germany, 03 February 2016

The German authorities are invited to take account of the observations and recommendations contained in Sections I and II of the Advisory Committee's fourth opinion. In particular, they should take measures to improve further the implementation of the Framework Convention. ([Resolution \(2016\)4](#))

## C. Other information

### ■ FCNM: Adoption of a Committee of Minister's resolution on Germany (03.02.2016)

Resolution [CM/ResCMN\(2016\)4](#) on the implementation of the Framework Convention for the Protection of National Minorities by Germany ([Read more](#)).

# Greece

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

CASE	DATE	RESOLUTION	CONCLUSION
<a href="#">Negrepontis-Giannisis</a> (No. 56759/08)	14 April 2014	<a href="#">CM/ResDH(2016)7</a>	Examination closed
<a href="#">Zouboulidis No. 2</a> (No. 36963/06)	6 November 2009	<a href="#">CM/ResDH(2016)8</a>	Examination closed
<a href="#">Varnima Corporation International S.A.</a> (No. 48906/06)	6 November 2009	<a href="#">CM/ResDH(2016)8</a>	Examination closed
<a href="#">Ioannis Drougas</a> (No. 43620/14)	21 April 2015	<a href="#">CM/ResDH(2016)11</a>	Examination closed
<a href="#">Savvas Evgenidis and Others</a> (No. 55000/10)	13 January 2015	<a href="#">CM/ResDH(2016)11</a>	Examination closed
<a href="#">Grigorios Grigoriadis and 5 other Applications</a> (No. 13361/14+)	2 June 2015	<a href="#">CM/ResDH(2016)11</a>	Examination closed
<a href="#">Panagiota Kalli</a> (No. 76453/11)	21 April 2015	<a href="#">CM/ResDH(2016)11</a>	Examination closed
<a href="#">Alkiviadis Karakostas</a> (No. 45500/12)	21 April 2015	<a href="#">CM/ResDH(2016)11</a>	Examination closed
<a href="#">Galini Koumoutsea and Others</a> (No. 36339/14)	21 April 2015	<a href="#">CM/ResDH(2016)11</a>	Examination closed
<a href="#">Christina Kouna</a> (No. 59650/11)	21 April 2015	<a href="#">CM/ResDH(2016)11</a>	Examination closed

<a href="#">Eleftheria Krokidi and Others</a> (No. 36344/14)	21 April 2015	<a href="#">CM/ResDH(2016)11</a>	Examination closed
<a href="#">Ali Mubsher</a> (No. 62179/14)	23 June 2015	<a href="#">CM/ResDH(2016)11</a>	Examination closed
<a href="#">Eleni Papadopoulou-Kombocholi</a> (No. 66068/10)	21 April 2015	<a href="#">CM/ResDH(2016)11</a>	Examination closed
<a href="#">Christina Papathanasiou and others</a> (No. 27488/10)	28 May 2013	<a href="#">CM/ResDH(2016)11</a>	Examination closed
<a href="#">Iraklis Stavrakakis</a> (No. 67002/10)	23 June 2015	<a href="#">CM/ResDH(2016)11</a>	Examination closed
<a href="#">Paraskevi Tsatsa</a> (No. 63695/12)	21 April 2015	<a href="#">CM/ResDH(2016)11</a>	Examination closed
<a href="#">Eleftherios Vasarmidis</a> (No. 51168/11)	21 April 2015	<a href="#">CM/ResDH(2016)11</a>	Examination closed
<a href="#">Nikolaos Vlachakis</a> (No. 37705/14)	21 April 2015	<a href="#">CM/ResDH(2016)11</a>	Examination closed
<a href="#">Eleousa Xintaveloni and 7 other Applications</a> (No. 41014/10)	23 June 2015	<a href="#">CM/ResDH(2016)11</a>	Examination closed

## B. Resolutions, signatures and ratifications

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

## C. Other information

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

# Hungary

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

CASE	DATE	RESOLUTION	CONCLUSION
<a href="#">Laszlo Baracscai</a> (No. 60658/11)	7 July 2015	<a href="#">CM/ResDH(2016)12</a>	Examination closed
<a href="#">Mihaly Bauko</a> (No. 35440/11)	7 July 2015	<a href="#">CM/ResDH(2016)12</a>	Examination closed
<a href="#">Margit Bogatiné Laszlo</a> (No. 27617/10)	7 July 2015	<a href="#">CM/ResDH(2016)12</a>	Examination closed
<a href="#">Janos Brazovics</a> (No. 40134/11)	8 September 2015	<a href="#">CM/ResDH(2016)12</a>	Examination closed
<a href="#">Györgyné Bruzsa</a> (No. 1725/11)	7 July 2015	<a href="#">CM/ResDH(2016)12</a>	Examination closed
<a href="#">Dot-Ing KFT</a> (No. 1925/11)	7 July 2015	<a href="#">CM/ResDH(2016)12</a>	Examination closed
<a href="#">Falco-2000 KFT</a> (No. 23143/11)	7 July 2015	<a href="#">CM/ResDH(2016)12</a>	Examination closed
<a href="#">Pal Farkas</a> (No. 51836/09)	10 March 2015	<a href="#">CM/ResDH(2016)12</a>	Examination closed
<a href="#">Zsolt Fejes</a> (No. 17885/12)	8 September 2015	<a href="#">CM/ResDH(2016)12</a>	Examination closed
<a href="#">Sandor Fodor</a> (No. 132/11)	7 July 2015	<a href="#">CM/ResDH(2016)12</a>	Examination closed
<a href="#">Roza Gubasné Janossy</a> (No. 3594/11)	7 July 2015	<a href="#">CM/ResDH(2016)12</a>	Examination closed
<a href="#">Attila Jakus</a> (No. 70701/11)	7 July 2015	<a href="#">CM/ResDH(2016)12</a>	Examination closed

<a href="#">Istvan Katona and Ildiko Katonané Pinter</a> (No. 40997/11)	7 July 2015	<a href="#">CM/ResDH(2016)12</a>	Examination closed
<a href="#">Erno Katona</a> (No. 31620/11)	7 July 2015	<a href="#">CM/ResDH(2016)12</a>	Examination closed
<a href="#">Péter Gabor Kovacs</a> (No. 67967/10)	21 April 2015	<a href="#">CM/ResDH(2016)12</a>	Examination closed
<a href="#">Adam Löffler</a> (No. 72830/11)	8 September 2015	<a href="#">CM/ResDH(2016)12</a>	Examination closed
<a href="#">Jozsefné Neuberger</a> (No. 27026/12)	8 September 2015	<a href="#">CM/ResDH(2016)12</a>	Examination closed
<a href="#">Viktor Paricsi</a> (No. 49561/11)	7 July 2015	<a href="#">CM/ResDH(2016)12</a>	Examination closed
<a href="#">Gyula Petrecz</a> (No. 20240/12)	8 September 2015	<a href="#">CM/ResDH(2016)12</a>	Examination closed
<a href="#">Laszlo Rekvényi</a> (No. 40857/11)	7 July 2015	<a href="#">CM/ResDH(2016)12</a>	Examination closed
<a href="#">Margit Réthy</a> (No. 74762/13)	19 May 2015	<a href="#">CM/ResDH(2016)12</a>	Examination closed
<a href="#">Ida Samu</a> (No. 34918/11)	7 July 2015	<a href="#">CM/ResDH(2016)12</a>	Examination closed
<a href="#">Tamas Szalay</a> (No. 46746/11)	7 July 2015	<a href="#">CM/ResDH(2016)12</a>	Examination closed
<a href="#">Agnes Iren Tarnok</a> (No. 28975/11)	7 July 2015	<a href="#">CM/ResDH(2016)12</a>	Examination closed
<a href="#">Emese Toth</a> (No. 3187/08)	2 June 2015	<a href="#">CM/ResDH(2016)12</a>	Examination closed
<a href="#">Maria Toth</a> (No. 40882/11)	7 July 2015	<a href="#">CM/ResDH(2016)12</a>	Examination closed
<a href="#">Csaba Nandorné</a>	7 July 2015	<a href="#">CM/ResDH(2016)12</a>	Examination closed

<a href="#">Vari</a> (No. 73510/11)			
<a href="#">Jozsef and Jozsefné Vizsy</a> (No. 56284/09)	2 June 2015	<a href="#">CM/ResDH(2016)12</a>	Examination closed

**B. Resolutions, signatures and ratifications**

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

**C. Other information**

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

# Italy

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

CASE	DATE	RESOLUTION	CONCLUSION
<a href="#">Alikaj and Others</a> (No. 47357/08)	15 September 2011	<a href="#">CM/ResDH(2016)13</a>	Examination closed

## B. Resolutions, signatures and ratifications

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

## C. Other information

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

# Latvia

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

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

## B. Resolutions, signatures and ratifications

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

## C. Other information

### ■ GRETA: Committee's second evaluation round visit to Latvia (01.02.2016)

A delegation of the GRETA carried out an evaluation visit to Latvia from 25 to 29 January 2016. The visit provided an opportunity to assess progress in the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings since the first evaluation visit by GRETA in 2012 ([Read more](#)).



# Malta

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

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

## B. Resolutions, signatures and ratifications

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

## C. Other information

### ■ GRETA: Committee's second evaluation round visit to Malta (22.02.2016)

A delegation of the GRETA carried out an evaluation visit to Malta from 15 to 19 February 2016 ([Read more](#)).

# 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

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

## C. Other information

### ■ PACE rapporteurs: « Credible reforms urgently needed in the Republic of Moldova » (26.02.2016)

PACE co-rapporteurs expected the authorities to implement credible reforms and welcomed the decision to change former PACE member Grigore Petrenco's pre-trial detention into house arrest. ([Read more](#) - [Press announcement](#))

# Portugal

## 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: The committee called on Portugal to strengthen its measures to prevent corruption in respect of parliamentarians, judges and prosecutors (10.02.2016)

In a published report, GRECO calls on Portugal to strengthen its measures to prevent corruption in respect of parliamentarians, judges and prosecutors - in particular integrity, accountability and transparency rules. GRECO stresses that the accountability of members of parliament has been undermined by a conflict of interests' regime and incompatibility rules that are too permissive ([Read more - Link to the report](#)).

# Romania

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

CASE	DATE	RESOLUTION	CONCLUSION
<a href="#">Andei Iulian Barta and 4 other Applications</a> (No. 17965/12)	18 June 2015	<a href="#">CM/ResDH(2016)14</a>	Examination closed
<a href="#">Eugenia Ciuca and 3 other Applications</a> (No. 47025/08)	18 June 2015	<a href="#">CM/ResDH(2016)14</a>	Examination closed
<a href="#">Dragos Mihai Ionescu and 9 other</a> (No. 26380/11)	18 June 2015	<a href="#">CM/ResDH(2016)14</a>	Examination closed
<a href="#">Vasile Istrate</a> (No. 50648/13)	30 June 2015	<a href="#">CM/ResDH(2016)14</a>	Examination closed
<a href="#">Daniel Claudiu Mihaila and 2 other Applications</a> (No. 75741/13)	18 June 2015	<a href="#">CM/ResDH(2016)14</a>	Examination closed
<a href="#">Marius Zoltan SAS</a> (No. 26634/14)	7 July 2015	<a href="#">CM/ResDH(2016)14</a>	Examination closed
<a href="#">Alexandru and Maria Simionovici</a> (No. 24696/14)	21 April 2015	<a href="#">CM/ResDH(2016)14</a>	Examination closed
<a href="#">Vasile Stoian and 2 other Applications</a> (No. 73725/12)	18 June 2015	<a href="#">CM/ResDH(2016)14</a>	Examination closed
<a href="#">Olivia Tudor and 4 other Applications</a> (No. 60713/10)	2 July 2015	<a href="#">CM/ResDH(2016)14</a>	Examination closed

## B. Resolutions, signatures and ratifications

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

## C. Other information

### ■ FCNM: Receipt of the 4th cycle State Report (01.02.2016)

Romania submitted its fourth State Report on 1 February 2016, pursuant to Article 25, paragraph 2, of the Framework Convention for the Protection of National Minorities ([Read more](#)).

# Russian Federation

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

CASE	DATE	RESOLUTION	CONCLUSION
<a href="#">Zoya Vasilyevna Asyutina and 2 others Applications</a> (No. 34138/09)	24 March 2015	<a href="#">CM/ResDH(2016)15</a>	Examination closed
<a href="#">Aleksandr Veniaminovich Sokolov and 2 other Applications</a> (No. 32967/06)	6 May 2014	<a href="#">CM/ResDH(2016)15</a>	Examination closed
<a href="#">Dmitriy Ionasovich Tamarovichus</a> (No. 62413/09)	7 April 2015	<a href="#">CM/ResDH(2016)15</a>	Examination closed

## B. Resolutions, signatures and ratifications

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

## C. Other information

### ■ CPT: The committee returned to the North Caucasian region of the Russian Federation (16.02.2016)

A delegation of the CPT has recently completed a nine-day ad hoc visit to the North Caucasian region of the Russian Federation. The visit, which began on 4 February 2016, was the CPT's thirteenth visit to this part of the Federation since the year 2000 ([Read more](#)).

# Slovak Republic

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

CASE	DATE	RESOLUTION	CONCLUSION
<a href="#">Mikolajova</a> (No. 4479/03)	18 April 2011	<a href="#">CM/ResDH(2016)16</a>	Examination closed
<a href="#">Mizigarova</a> (No. 74832/01)	14 March 2011	<a href="#">CM/ResDH(2016)17</a>	Examination closed
<a href="#">Trancikova</a> (No. 17127/12)	13 April 2015	<a href="#">CM/ResDH(2016)18</a>	Examination closed

## B. Resolutions, signatures and ratifications

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

## C. Other information

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

# Spain

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

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

## B. Resolutions, signatures and ratifications

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

## C. Other information

### ■ CPT: The committee examined treatment of foreign nationals during a removal operation by air from Spain (23.02.2016)

A delegation of the CPT has recently examined the treatment of foreign nationals during a removal operation by air from Spain, coordinated and co-financed by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex) ([Read more](#)).



# Sweden

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

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

## B. Resolutions, signatures and ratifications

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

## C. Other information

### ■ CPT: Publication of a report (17.02.2016)

The CPT published a report on its May 2015 visit to Sweden ([Read more](#) - [Read the report](#)).

## “The former Yugoslav Republic of Macedonia”

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

CASE	DATE	RESOLUTION	CONCLUSION
<a href="#">Agrariakoop-Skopje</a> (No. 18181/11)	23 September 2014	<a href="#">CM/ResDH(2016)19</a>	Examination closed
<a href="#">Violeta Ilievska and others and 3 Other Applications</a> (No. 10875/05)	23 September 2014	<a href="#">CM/ResDH(2016)19</a>	Examination closed
<a href="#">Evzi Isaki and TD Kolos Komerc</a> (No. 221/10)	23 September 2014	<a href="#">CM/ResDH(2016)19</a>	Examination closed
<a href="#">Blaze Lazev and 4 Other Applications</a> (No. 28493/11)	2 June 2015	<a href="#">CM/ResDH(2016)19</a>	Examination closed
<a href="#">Blagoja Markovski and 7 Other Applications</a> (No. 12666/07+)	17 June 2014	<a href="#">CM/ResDH(2016)19</a>	Examination closed
<a href="#">Mavkov and 5 Other Applications</a> (No. 9961/05+)	4 March 2014	<a href="#">CM/ResDH(2016)19</a>	Examination closed
<a href="#">Dimitar Micov and Others</a> (No. 3723/12)	21 April 2015	<a href="#">CM/ResDH(2016)19</a>	Examination closed
<a href="#">Mitik and 5 other Applications</a> (No. 22642/09+)	4 March 2014	<a href="#">CM/ResDH(2016)19</a>	Examination closed
<a href="#">Irina Nikolova</a> (No. 75971/12)	1 July 2014	<a href="#">CM/ResDH(2016)19</a>	Examination closed
<a href="#">Zoran Petkovik</a> (No. 35272/09)	23 September 2014	<a href="#">CM/ResDH(2016)19</a>	Examination closed

<a href="#">Robert Poposki</a> (No. 57570/09)	26 August 2014	<a href="#">CM/ResDH(2016)19</a>	Examination closed
<a href="#">V.Z. and Others</a> (No. 56649/11)	1 July 2014	<a href="#">CM/ResDH(2016)19</a>	Examination closed

## B. Resolutions, signatures and ratifications

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

## C. Other information

### ■ PACE: Rapporteurs urged political forces in Skopje to reach an agreement before early elections (19.02.2016)

PACE rapporteurs for post-monitoring dialogue with “the former Yugoslav Republic of Macedonia”, ending a visit to the country, have urged political forces in Skopje to reach an agreement before early elections. ([Read more- Announcement of the visit](#) )

# 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 President condemned terrorist attack in Ankara (18.02.2016)

PACE President expressed his deepest sympathies to the people of Turkey and the Turkish authorities in letters to the Speaker of the Turkish Grand National Assembly and to Foreign Affairs Minister, and condemned terrorist attack in Ankara. ([Read more](#))

# Ukraine

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

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

## B. Resolutions, signatures and ratifications

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

## C. Other information

### ■ PACE: Co-rapporteurs on Ukraine urged parliament to press ahead on decentralisation (09.02.2016)

PACE co-rapporteurs urged Ukraine's parliamentarians to press ahead with constitutional changes on decentralisation. The co-rapporteurs also welcomed the adoption at first reading of the constitutional amendments regarding the judiciary, but cautioned that some of the transitional provisions may not be in line with recommendations of the Venice Commission, the Council of Europe's group of independent legal experts. ([Read more](#) - [Monitoring co-rapporteurs to visit Ukraine](#) )

# United Kingdom

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

CASE	DATE	RESOLUTION	CONCLUSION
<a href="#">Piper</a> (No. 44547/10)	21 July 2015	<a href="#">CM/ResDH(2016)20</a>	Examination closed

## B. Resolutions, signatures and ratifications

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

## C. Other information

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