

REGULAR SELECTIVE INFORMATION FLOW

for the attention of the National Human Rights Structures

Issue#142

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CONTENTS

(click on a title to reach it)

[Introduction \(p.ii\)](#)

[Index by country \(p.ii\)](#)

[PART I - GENERAL INFORMATION \(p.2\)](#)

[§1 - European Court of Human Rights \(p.3\)](#)

[A. Judgments \(p.3\)](#)

[1. Judgments deemed of particular importance to the NHRSS \(p.3\)](#)

[2. Other judgments \(p.17\)](#)

[B. Decisions on admissibility \(p.25\)](#)

[C. Communicated cases \(p.26\)](#)

[§2 - European Committee of Social Rights \(p.28\)](#)

[A. Resolutions & Decisions \(p.28\)](#)

[B. Other information \(p.28\)](#)

[§3 - Recommendations & Resolutions \(p.29\)](#)

[A. Recommendations \(p.29\)](#)

[B. Resolutions \(p.29\)](#)

[§4 - Other information of general importance \(p.33\)](#)

[A. Information from the Committee of Ministers \(p.33\)](#)

[B. Information from the Parliamentary Assembly \(p.33\)](#)

[C. Information from the Commissioner of Human Rights \(p.34\)](#)

[D. Information from the Council of Europe monitoring mechanisms \(p.34\)](#)

[PART II - INFORMATION BY COUNTRY \(p.35\)](#)

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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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Index by Country

- ALBANIA, [36](#), 37
ARMENIA, [38](#)
AZERBAIJAN, 4, 5, 26, [39](#), 40
BELGIUM, [41](#)
BOSNIA AND HERZEGOVINA, [42](#)
BULGARIA, 18, [43](#)
CROATIA, 18, 26, [44](#)
CYPRUS, 16, [45](#), 78, 79
CZECH REPUBLIC, [46](#)
DENMARK, [47](#)
ESTONIA, 19, 25, [48](#)
FINLAND, 34, [49](#)
FRANCE, 1, 2, 10, 11, 12, 19
GEORGIA, 5, 6, 7, 8, [50](#), 51
GERMANY, 15, 19
GREECE, 7, 19, 20, 30, [51](#), 52
HUNGARY, 14, 15
IRELAND, [53](#), 81
ITALY, 13, 14, 15, 20, [54](#)
LATVIA, 20, [55](#)
LIECHTENSTEIN, [56](#)
LITHUANIA, 12, 26, [57](#)
MALTA, 13
MONTENEGRO, 20
NETHERLANDS, 20, 34, [60](#)
NORWAY, [61](#)
POLAND, 20, 21, 26, [62](#)
PORTUGAL, 8, 9, 21, 34, [65](#)
REPUBLIC OF MOLDOVA, 34
ROMANIA, 21, [66](#)
RUSSIA, 6, 7, 21, 25, 26, 34
SERBIA, 22, [70](#), 71, 73
SLOVAK REPUBLIC, [72](#)
SLOVAKIA, 22
SLOVENIA, 70, [73](#)
SPAIN, 11, 12, [74](#)
SWEDEN, 25, [75](#)
SWITZERLAND, 9, 22, [76](#)
THE FORMER YUGOSLAV REPUBLIC OF
MACEDONIA, 22
TURKEY, 3, 4, 5, 11, 22, 25, 52, [78](#), 79
UKRAINE, 22, 23, 24, 27, [80](#)
UNITED KINGDOM, 24, 52, [81](#)

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 (1-30 June 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)**

HALIME KILIÇ V. TURKEY ([IN FRENCH ONLY](#)) - No. 63034/11 - Importance 2 - 28 June 2016 - Violation of Article 2 - Domestic authorities’ failure to protect the applicant’s daughter from her violent husband - Violation of Article 14 - Domestic authorities’ failure to protect women from domestic violence

The case concerned the death of the applicant’s daughter who was killed by her husband despite having lodged four complaints and obtained three protection orders and injunctions.

Article 2

The Court noted that the applicant’s daughter had applied to the authorities four times, stating each time that she feared for her own and her children’s lives and requesting protection. The Court reiterated that the effectiveness of the protection measures could only be guaranteed by appropriate

control mechanisms. However, the Court found that it had taken 19 days for the first order of the family court to be served and eight weeks for the second. Those delays could not but deprive the applicant's daughter of the benefit of the measure of immediate protection. The Court considered that it had deprived them of any effectiveness, thus creating a situation in which the applicant's son-in-law could continue assaulting his wife with impunity.

Having regard to the foregoing, the Court concluded that there had been a violation of Article 2 of the Convention.

Article 14

The Court first reiterated the findings it had reached regarding the failure by the domestic authorities to provide the applicant's daughter with effective protection and the impunity that had been afforded to her husband. In the Court's view, that impunity reflected wilful denial on the part of the national authorities regarding the seriousness of the incidents of domestic violence, and regarding the particular vulnerability of the victims of that violence. The Court found that the domestic authorities had created a climate that was conducive to domestic violence.

The Court therefore concluded that there had been a violation of Article 14 of the Convention taken in conjunction with Article 2.

Article 41 (Just satisfaction)

The Court held that Turkey was to pay the applicant EUR 65,000 in respect of non-pecuniary damage.

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

YUNUSOVA AND YUNUSOV V. AZERBAIJAN (No. 59620/14) — Importance 3 — 2 June 2016 — Violation of Article 34 — Domestic authorities' failure to prove they complied with interim measures — Violation of Article 3 — Domestic authorities' failure to provide the applicants with adequate medical care during their detention

The applicants are a couple of human rights defenders. They had been imprisoned for large-scale fraud and high treason. They both had health problems. During their detention they made a request under Rule 39 of the Rules of Court in order to be provided with adequate medical care in prison. Subsequently, domestic authorities monthly provided the Court with letters containing general information about the applicants' health. Once they had been released, the applicants complained that none of these monthly letters contained any medical prescriptions or recommendations made by the doctors who had examined them and that their medical care in prison had been inadequate.

Article 34 RP

The Court noted that the monthly letters had not contained any supporting medical documents, which prevented the Court from assessing the quality of the treatment the applicants had been receiving in prison and whether their detention conditions had been adequate for their medical needs. Hence the Court found that domestic authorities had failed to comply with the interim measure indicated under Rule 39 of its Rules of Court, in breach of its obligation under Article 34 to provide all the necessary facilities to make possible the proper and effective examination of applications.

Article 3

It was undisputed that the applicants had had several serious medical problems during their detention, requiring appropriate medical care on a regular, systematic and comprehensive basis. The wife had not been examined by the right specialist and had received medical assistance from friends. The husband had not been provided with any medical prescriptions or recommendations concerning his treatment in detention. As the Court had not been provided with full information on their treatment, it had not been able to check if the couple had been provided with adequate medical treatment in detention. Moreover, the couple had been transferred to the prison service's medical department and the husband had later been released on health grounds.

The Court therefore believed that, as a result of inadequate medical treatment, the couple had been exposed to prolonged mental and physical suffering, amounting to inhuman and degrading treatment, in violation of Article 3 of the Convention.

Article 41 (just satisfaction)

The Court held that Azerbaijan was to pay EUR 13,000 in respect of non-pecuniary damage to each applicant and EUR 4,000, for costs and expenses to both applicants, jointly.

ENVER AYDEMIR V. TURKEY ([IN FRENCH ONLY](#)) — No. 26012/11 — Importance 2 — 7 June 2016 — Violation of Article 3 — Domestic authorities' failure to convict the perpetrators of ill-treatment of a conscientious objector

The applicant refused to perform military service because of his religious beliefs, he had been prosecuted, and he alleged ill-treatment during pre-trial detention, on account of his refusal.

The Court found it established that the applicant had been assaulted during pre-trial detention and it further noted that several sets of criminal proceedings had been instituted against the applicant and it considered that the cumulative effect of his criminal convictions was likely to repress his intellectual personality. In the Court's view, these aspects were sufficiently serious to render the treatment complained of inhuman and degrading.

Moreover, the Court noted that, if the applicant's allegations had been investigated, the perpetrators had not been convicted.

The Court therefore concluded that there had been a violation of the substantive and procedural aspects of Article 3 of the Convention.

Article 41 (Just satisfaction)

The Court held that Turkey was to pay the applicant EUR 15,000 in respect of non-pecuniary damage and EUR 3,000 in respect of costs and expenses.

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

[MERABISHVILI V. GEORGIA](#) (No. 72508/13) - Importance 2 - 14 June 2016 - Violation of Article 5 § 3 - Superficial judicial review of the applicant's request for release - Violation of Article 18 taken in conjunction with Article 5 § 1 - Applicant's pre-trial detention used as leverage in another unrelated investigation

The case concerned the criminal proceedings against the former Prime Minister of Georgia, who was accused of vote-buying and misappropriation of property. He notably alleged that the domestic courts had failed to carry out a proper judicial review of his request for release, and that initiation of criminal proceedings against him and his arrest had been used by the authorities to exclude him from the political life of the country and to obtain information on another case (notably the death of the former Prime Minister).

Article 5 § 3

The Court found that the judicial review of the applicant's request for release had been superficial. Notably, when confirming the applicant's detention without issuing a written decision, or at least orally pronouncing its reasons, the domestic court had failed to establish convincingly the existence of new concrete facts justifying his continued detention. There had accordingly been a violation of Article 5 § 3 of the Convention.

Article 18

The Court first held that the decision to detain the applicant had to be seen in the broader political context and in particular of his high political profile at the time. It noted that many international observers had expressed concerns over the possible use of criminal proceedings against the applicant for an improper, hidden political agenda on the part of the regime. The Court took into account all the evidences that the applicant had been removed from his prison cell for a late-night meeting with the Chief Public Prosecutor and the head of the prison authority. The Court noted that domestic authorities had not provided any meaningful explanation for this incident. Therefore, the Court found that the applicant's pre-trial detention had been used not only for the purpose of bringing him before the competent legal authority on reasonable suspicion of abuse of official authority, but had also been treated by the prosecuting authority as an additional opportunity to obtain leverage in another unrelated investigation, namely into the death of the former Prime Minister.

There had accordingly been a violation of Article 18 of the Convention taken in conjunction with Article 5 § 1.

Article 41 (Just satisfaction)

The Court held that Georgia was to pay the applicant EUR 4,000 in respect of nonpecuniary damage and EUR 8,000 for costs and expenses.

OLEYNIK V. RUSSIA (IN FRENCH ONLY) — No. 23559/07 — Importance 3 — 21 June 2016 — Violation of Article 5§1 — Domestic authorities' liability for unacknowledged detention — Violation of Article 3 — Domestic authorities' liability for not investigating on the detainee's injuries — Violation of Article 8 — Domestic authorities' liability for recording the applicant's conversations

The applicant was a police officer who had been accused of soliciting a bribe and then apprehended. He claimed that, while in custody he had been beaten. After his release he went to the hospital and lodged a complaint, which had been dismissed. He had later been sentenced to two years' imprisonment.

Article 5§1:

The Court considered that, as domestic authorities had not been able to produce reports proving that the alleged apprehension and detention had not taken place, the applicant's detention had been unacknowledged which led to a complete negation of the guarantees that had to be afforded to persons deprived of their liberty and constituted an extremely serious violation of Article 5.

Accordingly, the Court found that the applicant's detention had not been lawful for the purposes of Article 5 § 1 of the Convention, and held that there had been a violation of that provision.

Article 3:

The Court noted that the applicant had not had any injuries before being apprehended but had been found to have injuries when he was examined in hospital a few hours after his release. Furthermore, he had given a detailed account of his ill-treatment, supported by medical evidence, and had consulted a doctor on the day of his release in order to be examined. Anyway, the Court found that domestic authorities had not investigate the applicant's allegations, while it had been under a duty to conduct an effective investigation and thus had not provided a plausible explanation as to the origin of the applicant's injuries.

Consequently, the Court held that the applicant's treatment had amounted to inhuman and degrading treatment in breach of Article 3 of the Convention under its substantive head and under its procedural head.

Article 8:

The Court found that the use of the recording of the applicant's conversations was open to arbitrariness and was inconsistent with the requirement of lawfulness and had amounted to interference with the exercise of his right to respect for his private and family life.

Hence there had been a violation of Article 8 of the Convention.

Article 41 (Just satisfaction) :

The Court held that Russia was to pay the applicant EUR 13,000 in respect of non-pecuniary damage and EUR 1,650 in respect of costs and expenses.

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

PAPAIOANNOU V. GREECE ([IN FRENCH ONLY](#)) — No. 18880/15 — Importance 2 — 2 June 2016 — No violation of Article 6§1 — Proportionate conditions of access to the Supreme Administrative Court

The applicant wanted some parts of a shopping centre that was being built next to his property to be demolished. His application had been rejected and he appealed against this decision. Nevertheless his appeal was dismissed. The applicant then appealed to the Supreme Administrative Court which dismissed his appeal on the ground that the admissibility conditions under section 12 of Law no. 3900/2010, according to which appellants have a procedural obligation to show that the court has not already ruled on a specific legal question, were not satisfied.

The Court found that section 12 required the appellant before the Supreme Administrative Court to show either that there was no case-law concerning the legal question at issue, or that each of the grounds of appeal raised a specific legal question that was decisive for the resolution of the dispute and that the legal aspect of that resolution was at odds with the well-established case-law of the Supreme Administrative Court, another supreme court or a final decision of a lower administrative court. These conditions amounted to a limitation to the right of access to a court, however they are provided for by law. In addition, these restrictions pursued the legitimate aim of limiting the backlog of cases in the Supreme Administrative Court and the significant delays in the administration of justice. Finally, the Court considered that the formalities for lodging an appeal with the Supreme Administrative Court were clear and foreseeable, and were such as to ensure the principle of legal certainty.

In the case in point, the applicant had questioned the constitutionality of section 12, in a very laconic manner. Nevertheless, the Court noted that the Supreme Administrative Court had ruled on the question of the constitutionality of section 12 on 5 July 2012 and that the applicant's appeal had been lodged on 1 October 2012.

Moreover, it found that the conditions, as provided for by law and interpreted by the administrative courts, were not as such disproportionate or in breach of the right of access to the Supreme Administrative Court. The Court thus found that the limitations in question pursued a legitimate aim and that a reasonable relationship was maintained between the means employed and the aim pursued.

Accordingly, the Court found that the applicant had not sustained a disproportionate limitation of his right of access to a court, and that there had been no violation of Article 6 § 1 of the Convention.

[TCHANKOTADZE V. GEORGIA](#) (No. 15256/05) — Importance 2 — 21 June 2016 — Violation of Article 5§1 — Domestic authorities' liability for detention without any judicial decision authorising it — Violation of Article 6§1 — Domestic authorities' failure to sufficiently justify a criminal conviction

The applicant had been the chairperson of the civil aviation agency (CAA). He later resigned, had been accused of abuse of power for failing to abide by a judgment of the Constitutional Court, which had allegedly banned the CAA from charging any fees to civil aviation companies, and had been arrested. He was sentenced to five years' imprisonment and banned from holding public office for two years. He was partly acquitted in appeal and his prison sentence was amended and set at four years. His appeal on points of law was dismissed by the Supreme Court.

Article 5

The Court had underlined that detaining defendants without a specific legal basis or clear rules governing their situation was incompatible with the principles of legal certainty and protection from arbitrariness.

Under domestic law, once the prosecution has terminated the investigation, the competent court decides whether to commit the accused for trial and whether it is necessary to impose a restraint measure on him, but when the case is “complicated” there are no time limits as to when such a hearing is to be held.

These measures resulted in the practice of detaining defendants without any judicial decision for months. In the present case, there had been no judicial decision authorising the applicant’s detention for six months, in violation of Article 5 § 1.

Article 6

The Court noted that domestic court gave no meaningful answer to the applicant’s major defence argument that he merely followed the Constitutional Court’s indication to enter into contractual relationships with civil aviation companies. Moreover, during a period of transition, the civil aviation agency had been allowed to set regulation fees on its own. It was difficult to see why it had been wrongful for the applicant to regulate the matter by issuing the order in question before the new law.

Domestic courts had not taken into consideration those arguments. Indeed, it was difficult to see why the applicant’s acts had been described as criminal at all. The criminal law had been arbitrarily construed to his detriment.

There had accordingly been a violation of Article 6 § 1.

Article 41 (Just satisfaction)

The Court held that Georgia was to pay the applicant EUR 20,000 euros in respect of nonpecuniary damage and EUR 15,000 in respect of costs and expenses.

RAMOS NUNES DE CARVALHO E SÁ V. PORTUGAL (IN FRENCH ONLY) — Nos. 55391/13, 57728/13 AND 74041/13) — Importance 2 — and TATO MARINHO DOS SANTOS COSTA ALVES DOS SANTOS AND FIGUEIREDO V. PORTUGAL (IN FRENCH ONLY) — Nos. 9023/13 AND 78077/1 — Importance 3— 21 June 2016 — Violation of Article 6§1 — Domestic authorities’ failure to review disciplinary decision of the High Council of the Judiciary

The applicants are judges against whom disciplinary proceedings had been brought before the High Council of the Judiciary (HCJ).

Independence and impartiality of the reviewing authorities:

The Court recalled that where at least half of the membership of a tribunal was composed of judges, including the chairman with a casting vote, this would be a strong indicator of impartiality.

The Court noted that, in general, the High Council of the Judiciary could be composed of a majority of non-judicial members appointed directly by the executive and legislative authorities. Consequently, the Court considered that the independence and impartiality of the HCJ could be open to doubt.

Domestic law provided for the possibility of obtaining judicial review of the lawfulness of the HCJ’s decision imposing a disciplinary penalty on a judge.

The Supreme Court of Justice had power to review the lawfulness of the HCJ’s decision but not to review the establishment of the facts by the HCJ, nor could it review the penalty that had been imposed, but only decide whether or not it was proportionate to the offence. The Court considered that it should therefore address the question whether the Supreme Court of Justice had carried out a sufficiently broad review. The Court considered that in reaching its decision the Supreme Court of Justice had not duly examined substantial arguments submitted by the three judges.

One of the applicants had requested a public hearing before the Supreme Court of Justice but her request had been refused without any sufficient reason. Accordingly, it considered that a public hearing, with oral submissions and accessible to the applicant, had been necessary in the present case because the facts had been in dispute and the penalties which were liable to be imposed carried a degree of stigma which was likely to adversely affect the professional honour and reputation of the person concerned. The Court therefore concluded that the domestic authorities had failed to provide the safeguards of a public hearing.

The Court found that there had been a violation, regarding the three judges, of Article 6 § 1 of the Convention.

Article 41 (just satisfaction)

The Court held unanimously that Portugal was to pay two of the applicants EUR 7,800 each in respect of non-pecuniary damage and the third one EUR 5,876 in respect of costs and expenses. It rejected, by six votes to one, their remaining claim for just satisfaction. The Court rejected, by six votes to one, the claim for just satisfaction lodged by the second applicant.

NAÏT-LIMAN V. SWITZERLAND ([IN FRENCH ONLY](#)) — No. 51357/07 — Importance 2 — 21 June 2016 — No violation of Article 6§1 — Justified refusal to hear a case alleging torture committed in another country

The applicant maintained he had been tortured in another country. He lodged a criminal and civil complaint before domestic courts to seek damages. Domestic court declared the claim inadmissible on the ground that the court lacked territorial jurisdiction. The Court found that the refusal to entertain Mr Naït-Liman's civil action had been aimed at ensuring the proper administration of justice. The Court reiterated that it was for the national authorities, particularly the courts, to interpret domestic law. It could not therefore call into question the assessment by the domestic authorities regarding alleged errors of law, save where these were arbitrary or manifestly unreasonable. In the present case there was no link between the applicant's claim and the country.

The Court observed that the respondent State was not bound to accept universal jurisdiction in a civil context, despite the absolute prohibition on torture in international law.

The Court concluded that no convention obligation had obliged domestic authorities to accept the applicant's civil action. Nor had the domestic authorities been under such an obligation under customary law since there was clearly no practice of States in favour of the existence of civil universal jurisdiction.

It concluded that there had therefore been no violation of Article 6 § 1.

[AL-DULIMI AND MONTANA MANAGEMENT INC. V. SWITZERLAND](#) (No. 5809/08) — Importance 2 — 21 June 2016 — Violation of Article 6§1 — Domestic authorities' failure to verify if the UN sanction listings were not arbitrary

The applicants are a company and its managing director, according to the UN Security Council, had been a finance manager for the Iraqi secret services. The confiscation of a certain number of assets had later been ordered, observing that the applicants' names appeared on the lists of individuals and entities drawn up by the UN Sanctions Committee.

All litigants should have an effective judicial remedy enabling them to assert their civil rights, however, the right of access to a court was not absolute, but might be subject to limitations, these being permitted by implication since the right of access by its very nature called for regulation by the State. Domestic authorities had refused to examine the applicants' allegations concerning the compatibility of the confiscation procedure with the fundamental procedural safeguards of a fair hearing enshrined in the Convention, leading to a restriction of their right of access to a court. The Court noted that the refusal had thus pursued a legitimate aim, namely to maintain international peace and security.

The Court reiterated that, in spite of its specific nature as an instrument for the protection of human rights, the Convention was an international treaty to be interpreted in accordance with the relevant norms and principles of public international law. Where a Security Council Resolution did not contain any clear or explicit wording excluding or limiting respect for human rights in the context of the implementation of sanctions at national level, the Court would always presume those measures to be compatible with the Convention and would in principle conclude that there was no conflict of obligations to be resolved by the State.

Before taking the above-mentioned measures, the Swiss authorities had a duty to ensure that the listing was not arbitrary. The applicants should have been afforded at least a genuine opportunity to submit appropriate evidence to a court, for examination on the merits, to seek to show that their inclusion on the impugned lists had been arbitrary.

The Court held that there had been a violation of Article 6 § 1.

Article 41 (just satisfaction)

The Court found that there was no causal link between the violation of Article 6 § 1 and the allegation of pecuniary damage, the existence of such a damage remaining for the time being purely hypothetical. It further observed that the applicants had requested neither a compensation for nonpecuniary damage nor the reimbursement of their costs and expenses. It was not therefore appropriate to reserve the question of just satisfaction and no award was due by way of just satisfaction.

DUCEAU V. FRANCE ([IN FRENCH ONLY](#)) - No. 29151/11 - Importance 2 - 30 June 2016 - Violation of Article 6 § 1 - Breach of the applicant's right of access to a court

The case concerned the dismissal of an appeal, on grounds related to the appointment of the applicant's new lawyer, which had been excessively formalistic.

The Court first observed that the public prosecutor had made written submissions to the effect that the appeal lodged by the applicant's new lawyer against the discontinuance decision was inadmissible on account of the last lawyer's lack of standing. The Court noted that those submissions had been added to the file and they were also available to the parties. Consequently, the Court found that the applicant had been in a position to express his arguments in satisfactory conditions, so as that there had been no breach of the rule that both parties must be heard.

The Court then observed the applicant's right of access to a court and reiterated that it was subject to limitations. However, such limitations must not restrict access in such a way that the very essence of the right is impaired, and they must pursue a legitimate aim and be proportionate. The Court found that the rules on the formalities for appeals were designed to ensure proper administration of justice and compliance with the principle of legal certainty. However, the rules in question should not prevent litigants from making use of an available remedy.

In this case the Court found that the investigating judge and the public prosecutor had been fully informed of the change of lawyer. The Court thus took the view that the domestic courts' inadmissibility decision had breached the due process rights of the applicant and his lawyer, who could no longer, at that stage, rectify an appointment already validated by the investigating judge. The Court took the view that, having notified the identity of his new lawyer to the investigating judge and the judge's clerk, the applicant had had to bear a disproportionate burden which upset the fair balance between, on the one hand, the legitimate concern to ensure compliance with the formal conditions for appointing a new lawyer during the pre-trial investigation, and on the other, the right of access to a court.

The Court found that there had been a violation of Article 6 § 1.

Article 41 (Just satisfaction)

The Court held that France was to pay the applicant EUR 4,000 euros in respect of non-pecuniary damage and EUR 8,730.80 in respect of costs and expenses.

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

KARABEYOĞLU V. TURKEY ([IN FRENCH ONLY](#)) — No. 30083/10 — Importance 2 — 7 June 2016 — No violation of Article 8 — Justified use of telephone tapping in a criminal investigation — Violation of Article 8 — Unjustified use of telephone in a disciplinary investigation — Violation of Article 13 — Lack of remedy against the information obtained as a result of a surveillance measure

The applicant was a public prosecutor whose name appeared during a criminal investigation into an illegal organisation. His phones had been wiretaped and the information thus obtained had been used in the context of a separate disciplinary investigation. All the procedures had later been discontinued.

Article 8:

The Court considered that the monitoring of the applicant's phone lines had interfered with his right to respect for his private life and correspondence, but the interference had been in accordance with domestic law. Moreover, the legislation had been accessible and foreseeable as to its effects, and the applicant had been suspected of belonging to an illegal organisation. The Court concluded that the interference with the applicant's right under Article 8 § 1 of the Convention had been necessary in a democratic society in the interests of national security and for the prevention of disorder and crime. It therefore held that there had been no violation of Article 8 of the Convention as regards the telephone tapping in relation to the criminal investigation.

The Court observed that the material obtained during the monitoring of the applicant's telephone lines had also been used in the disciplinary proceedings against him, thus entailing a breach of domestic law in two respects: the information had been used for purposes other than the one for which it had been gathered and had not been destroyed within the 15-day statutory time-limit after the criminal investigation had ended.

Accordingly, the Court concluded that the interference with the exercise of the applicant's right to respect for his private life had not been "in accordance with the law". The Court thus held that there had been a violation of Article 8 as regards the use in the disciplinary investigation of information obtained by means of the monitoring of the applicant's telephone lines.

Article 13

The Court noted that the Government had not produced any examples to show that in a case of this kind it was possible to challenge a failure to comply with the conditions laid down in domestic law regarding surveillance measures. Hence, no institution was empowered to review the compatibility of the surveillance measure with the Convention requirements.

The Court thus concluded that the applicant had not had a domestic remedy available for securing a review of whether the interference with his right to respect for his private life was compatible with the Convention requirements, either in relation to the criminal or the disciplinary investigations. It therefore found a violation of Article 13 of the Convention.

Article 41 (just satisfaction)

The Court held that Turkey was to pay the applicant EUR 7,500 in respect of non pecuniary damage.

[ALDEGUER TOMÁS V. SPAIN \(No. 35214/09\)](#) - Importance 2 - 14 June 2016 - No violation of Article 14 read in conjunction with Article 8 ECHR and Article 1 of Protocol No. 1 - Domestic authorities' justified refusal of a request for survivor pension for a homosexual

The case concerned the applicant's complaint of having been discriminated against on the ground of his sexual orientation in that he was denied a survivor's pension following the death of his partner, with whom he had lived in a de facto marital relationship. The applicant had been unable to marry his partner under the law in force during the latter's lifetime. Three years after his partner's death, the law legalising same-sex marriage in Spain entered into force.

The Court first held that the applicant's relationship with his late partner fell within the notion of "private life" and that of "family life" under Article 8, in line with its recent case-law concerning the situation and the rights of cohabiting same-sex couples. He alleged that his situation was similar to that of a surviving partner of a heterosexual cohabiting couple, who, while having been unable to marry his or her partner before the law legalising divorce entered into force in 1981, qualified for a survivor's pension by virtue of a provision of that law.

While the Court observed that there were certain similarities between both situations, those elements alone were not sufficient to place the applicant in a relevantly similar position. Indeed, the legal impediment in question was of a different nature in both situations. What was at stake in the case of a heterosexual couple concerned by the legislation before the law of 1981 was an impediment to remarrying which had affected one or both partners, not an impediment to marrying *per se*. The specific factual and legal situation addressed by the 1981 legislation could therefore not be genuinely compared to the position of a same-sex couple who had been ineligible for marriage in absolute terms before the 2005 law.

It followed that there had been no discrimination in the applicant's case and therefore no violation of Article 14 read in conjunction with Article 8 of the Convention and Article 1 of Protocol No. 1.

BIRŽIETIS V. LITHUANIA ([No. 49304/0](#)) - Importance 3 - 14 June 2016 - Violation of Article 8 - Arbitrary prohibition on growing a beard in prison

The case concerned the applicant, who complained about the prohibition on his growing a beard when serving his prison sentence during three years.

The Court first recognised that the prohibition on the applicant growing a beard while in prison had constituted an interference with his right to respect for his private life. It found that it had had a legal basis in domestic law and that it had legitimate aims, namely to prevent disorder and crime among prisoners and to identify them. However, the Court found that the absolute prohibition on prisoners growing a beard had not been proportionate to those aims. Furthermore, the Court noted that the prohibition had not apparently affected other types of facial hair, such as moustaches or sideburns, thus raising concerns that the ban only on beards had been arbitrary.

There had therefore been a violation of Article 8 of the Convention.

Article 41 (Just satisfaction)

The Court held, unanimously, that the finding of a violation had constituted in itself sufficient just satisfaction for the non-pecuniary damage sustained by Mr Biržietis.

VERSINI-CAMPINCHI AND CRASNIANSKI V. FRANCE ([IN FRENCH ONLY](#)) - No. 49176/11 - Importance 2 - 16 June 2016 - Justified interception of telephone conversation between two lawyers and their client

The case concerned the interception, transcription and use in disciplinary proceedings of conversations which the applicants, who are lawyers, had had with one of their client.

The Court first took the view that the interception, recording and transcription of the telephone conversation between the applicants amounted to an interference with their right to respect for their private life and their correspondence. The Court found that it was prescribed by domestic law, namely the Code of Criminal procedure. The Court also noted that the Court of Cassation had already ruled at the relevant time that, as an exception, a conversation between a lawyer and his or her client

overheard while carrying out a lawful investigative measure could be transcribed and added to the file where it appeared that the contents could give rise to a presumption that the lawyer was participating in an offence. The telephone tapping and the transcription in question had been ordered by a judge and carried out under the latter's supervision, a judicial review had taken place in the context of the criminal proceedings brought against the applicant's client and they had obtained a review of the lawfulness of the transcription of the recording in the context of the disciplinary proceedings brought against them.

The Court reiterated that whilst legal professional privilege was of great importance for both the lawyer and his or her client and for the proper administration of justice and was one of the fundamental principles on which the administration of justice in a democratic society was based, it was not, however, inviolable. It primarily imposed certain obligations on lawyers and the lawyer's defence role formed the very basis of legal professional privilege. In the present case, the investigation chamber had annulled some other transcripts on the ground that the conversations recorded had concerned the exercise of the applicants' client defence rights. As to the other transcriptions, they were based on the fact that the contents gave rise to a presumption that one of the applicants had herself committed an offence.

Accordingly, the interference in question was not disproportionate to the legitimate aim pursued – "prevention of disorder" – and could be regarded as "necessary in a democratic society" within the meaning of Article 8 of the Convention.

There had not therefore been a violation of Article 8.

[RAMADAN V. MALTA](#) (No. 76136/12) — Importance 2 — 21 June 2016 — No violation of Article 8 — Domestic authorities' proportionate revocation of citizenship

The applicant was a foreigner who acquired citizenship following his marriage to a national. The wedding had been annulled and the citizenship revoked. The applicant had one child from this marriage and two from another marriage.

The Court found the decision to withdraw the applicant's citizenship not to be arbitrary, as it had clear legal basis, and had been accompanied by procedural safeguards. Moreover, the decision had not had serious consequences on the applicant who was not currently at risk of removal from the country.

Therefore, bearing in mind the situation as it stood to date, the Court found that there had been no violation of Article 8 of the Convention.

[TADDEUCCI AND MCCALL V. ITALY](#) (No. 51362/09) - Importance 1 - 30 June 2016 - Violation of Article 8 taken in conjunction with Article 14 - Domestic authorities' unjustified discrimination toward an unmarried gay couple

The case concerned a refusal by the Italian authorities to grant a residence permit to a gay couple on family grounds.

The Court first found that the applicants, an unmarried gay couple living together on a permanent basis, fell within the concept of "family life". It noted that the refusal to grant one of the applicants a residence permit had meant that he was legally obliged to leave Italy. There had thus been an interference with their family life.

According to the Court's settled case-law, an issue could arise under Article 14 only when there was a difference in the treatment of individuals in comparable situations, or when States did not apply different treatment to individuals whose situations were significantly different. The Court found that it did not appear that the applicants had been treated differently from an unmarried heterosexual couple. Indeed, the exclusion of unmarried partners from the right to obtain a residence permit concerned all unmarried couples, regardless of sexual orientation. However, the Court noted that the applicants could not get married or, at the relevant time, obtain any other form of legal recognition of their situation in Italy, so they could not be classified as "spouses" under national law. The restrictive

interpretation of the notion of family member thus constituted, for homosexual couples alone, an obstacle to the granting of a residence permit on family grounds.

There had thus been a violation of Article 14 taken together with Article 8 of the Convention.

Article 41 (Just satisfaction)

The Court held that Italy was to pay the applicants EUR 20,000 in respect of non-pecuniary damage, and EUR 18,924.58 for costs and expenses.

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

BAKA V. HUNGARY (No. 20261/12) — Importance 1 — 23 June 2016 — Violation of Article 6§1 — Domestic authorities' failure to enable the applicant to challenge a decision before a court — Violation of Article 10 — Domestic authorities' liability for terminating the president of the supreme court's mandate after a public speech

The applicant is the former president of the domestic Supreme Court, whose mandate had been prematurely terminated following the entry into force of the new constitution and the creation of a new highest court.

Article 6§1:

The Court noted that the constitutional principles regarding the independence of the judiciary and the irremovability of judges confirmed that the applicant's entitlement to serve his full term had been protected.

The Court reiterated that, under its case-law, civil servants could be excluded from the scope of Article 6 § 1 of the Convention if two conditions were met: firstly, the national law must have expressly excluded access to a court for the post or category of staff in question, and, secondly, this exclusion had to be justified on objective grounds in the State's interest. In the present case, national law had not expressly excluded access to a court for the applicant in order to challenge the lawfulness of the termination of his mandate. Thus Article 6§1 was applicable but the applicant lacked judicial review.

The Court considered that the respondent State had impaired the very essence of the applicant's right of access to a court, and held that there had been a violation of his right of access to a court, guaranteed by Article 6§1 of the Convention.

Article 10:

The applicant's mandate had been terminated after he had expressed his opinion in a public speech. Due to the link between those two facts, the Court concluded that the premature termination of the applicant's mandate had constituted an interference with the exercise of his right to freedom of expression.

Domestic authorities argued that the termination of the applicant's mandate had been intended to guarantee the authority and impartiality of the judiciary. Nevertheless, in the Court's view, this measure could not serve the aim of increasing the independence of the judiciary, since it was, at the same time, a consequence of the previous exercise by the applicant, the highest office-holder in the judiciary, of his right to freedom of expression, which was incompatible with the aim of maintaining the independence of the judiciary.

Moreover, the Court noted that the applicant's statements did not go beyond mere criticism from a strictly professional perspective and clearly concerned a debate on matters of public interest.

Accordingly, the Court considered that the reasons relied on by the respondent State could not be regarded as sufficient to show that the interference with the applicant's freedom of expression had been necessary in a democratic society. Accordingly, it concluded that there had been a violation of Article 10 of the Convention.

Article 41 (just satisfaction)

The Court held that Hungary was to pay the applicant EUR 70,000 in respect of pecuniary and non-pecuniary damage and EUR 30,000 in respect of costs and expenses.

BRAMBILLA AND OTHERS V. ITALY ([IN FRENCH ONLY](#)) — No. 22567/09 — Importance 2 — 23 June 2016 — No violation of Article 10 — Domestic authorities' proportionate conviction of journalists who illegally intercepted radio communications between law-enforcement officers

The applicants are journalists who intercepted radio communications between policemen in order to arrive quickly at crime scenes and report on them for their local newspaper, and who had been convicted.

The Court underlined the fact that freedom of press was not at stake, as they were only reproached for the possession and use of radio equipment intercepting communications between law-enforcement officers.

It noted in the present case that the persons concerned had acted in a manner that contravened criminal law, which prohibited in general terms the interception by any persons of conversations not addressed to them, including conversations between law-enforcement officers. Hence their behaviour went against the notion of responsible journalism.

Finally, the penalties had not been disproportionate and domestic courts had made an appropriate distinction between the applicants' duty to comply with domestic law and their pursuit of their journalistic activity, which had not been otherwise restricted.

Accordingly, the Court held that there had been no violation of Article 10 of the Convention.

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

[GEOTECH KANCEV GMBH V. GERMANY](#) (No. 23646/09) — Importance 2 — 2 June 2016 — No violation of Article 11 — No breach of freedom of assembly and association in company's obligation to participate in construction industry's social welfare fund — No violation of Article 1 of Protocol No. 1 — Proportionate breach of the right of protection of property

The applicant was a company, which had been forced to participate in a social welfare fund set up by employers' association and the trade union in the building industry.

Article 11:

The Court had to determine whether the obligation to contribute to the social welfare fund was tantamount to compulsory membership in an employers' association adversely affecting the negative aspect of the company's freedom of association.

The Court concluded that such an incentive was too remote to strike at the very substance of its right to freedom of association under Article 11. There had accordingly been no violation of Article 11 as the aim of the fund was to supply the social welfare fund. Moreover, there had been no distinction of treatment between members of the associations and other companies that contributed to the fund.

Finally, the entity of the social welfare fund to which the applicant company was obliged to contribute, was subject to supervision. Hence there had not been any violation of Article 11.

Article 1 of Protocol 1:

The Court found that there had been an interference with the company's rights under Article 1 of Protocol No. 1, which had a basis in domestic law and pursued a legitimate aim, notably to ensure the social protection of all employees working in the building industry and had been proportionate to this aim.

Domestic authorities had acted within their wide room for manoeuvre, which they enjoyed in the area of social and economic policies.

Accordingly there had been no violation of Article 1 of Protocol No. 1.

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

PHILIPPOU V. CYPRUS (No. 71148/10) - Importance 2 - 14 June 2016 - No violation of Article 1 of Protocol No. 1 - Domestic authorities' justified decision of deprivation of the applicant's pension

The case concerned a civil servant who automatically lost his public service retirement benefits when dismissed following disciplinary proceedings brought against him.

The Court had previously observed in general that the deprivation of the entirety of a pension was likely to breach Article 1 of Protocol No. 1. In this case, the Court had to examine whether a fair balance had been struck between the demands of the general interest of the community and the protection of the applicant's right to his public service retirement benefits. It noted that the applicant had benefited from extensive procedural guarantees in the disciplinary proceedings against him, during which his personal situation had been considered in depth. The Court also observed that the applicant had been able to challenge the decision before two levels of jurisdiction. Lastly, he had not been left without any means of subsistence. Thus, weighing the seriousness of the offences committed by the applicant against the effect of the disciplinary measures, the Court found that he had not been made to bear an individual and excessive burden as a result of the loss of his public service retirement benefits.

There had therefore been no violation of Article 1 Protocol No. 1

2. Other judgments issued 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
BULGARIA	2 June 2016	INTERNATIONAL BANK FOR COMMERCE AND DEVELOPMENT AD AND OTHERS (No. 7031/05)	2	Violation of Art. 1 of Prot. No. 1	Domestic authorities' interference with the bank's management, namely, by preventing the applicants appointed to its management from taking up their duties which resulted to the deterioration of the bank's financial situation
				Violation of Art. No. 1 of Prot. No. 1	Domestic authorities' decision to revoke the bank's licence had not been surrounded by sufficient safeguards against arbitrariness
				Violation of Art. 6 § 1	Unfairness of proceedings on account of the lack of proper representation of the bank in the proceedings pursuant the winding-up petition and the refusal of the domestic court to scrutinise the domestic national bank's determination that the bank in question was insolvent
				Violation of Art. 1 of Prot. No. 1 and Art. 13	Freezing of the applicants' bank accounts and impossibility to have that measure effectively reviewed
	9 June 2016	GYULEVA (No. 38840/08)	3	Violation of Art. 6 § 1	Domestic authorities' failure to have the applicant's case re-examined once she had learnt of the judgement against her in order to secure an adversarial hearing
CROATIA	28 June 2016	JAKELJIC (No. 22768/12)	3	Violation of Art. 1 of Prot. No. 1 (in both cases)	Interference with the applicants' right to peaceful enjoyment of their possessions on account of the invalidation of the ownership of the property the applicants had acquired by adverse possession on the basis of a provision which was later on invalidated as unconstitutional
		RADOBULJAC (No. 37685/10)			
		RADOBULJAC (No. 51000/11)	3	Violation of Art. 10	Domestic courts' failure to strike a fair balance between the need to protect the authority of the judiciary and the need to protect the applicant's freedom of expression given that the applicant had not gone beyond the bounds of acceptable criticism

ESTONIA	21 June 2016	LAHTEENMAKI (No. 53172/10)	3	No violation of Art. 6 § 2	No breach of the applicant's presumption of innocence given that the language used by the domestic courts in the civil proceedings, namely, the clarification of what appeared to follow from the decisions taken in the criminal proceedings, was necessary in order to explain what the applicant had failed to disprove
FRANCE	9 June 2016	CHAPIN AND CHARPENTIER (IN FRENCH ONLY) (No. 40183/07)	3	No violation of Art. 12 taken together with Art. 14	The limitation opening the marriage only to opposite-sex couples at the material time did not exceed the margin of appreciation afforded to the relevant state
				No violation of Art. 8 taken together with Art. 14	The differences between the civil union and the marriage regime at the material time did not exceed the margin of appreciation afforded to the relevant state
	16 June 2016	R.D. (IN FRENCH ONLY) (No. 34648/14)	3	Violation of Art. 3	Real risk of ill-treatment in case of the applicant's removal to her country of origin
GERMANY	2 June 2016	PETSCHULIES (No. 6281/13)	2	No violation of Art. 5 § 1	Lawful preventive detention of the applicant despite its lengthy duration (20 years) given the fact that there was still a high risk that the applicant would commit further serious violent offences if released
	30 June 2016	FOLTIS (No. 56778/10)	3	No violation of Art. 6 § 1	Domestic courts' interpretation of the applicable legal provisions concerning legal aid and limitation cannot be considered as arbitrary while the refusal of legal aid did not restrict the applicant's right of access to a court
GREECE	9 June 2016	MEKRAS (IN FRENCH ONLY) (No. 12863/14)	2	Violation of Art. 3 (substantive)	Inadequate medical treatment
				Violation of Art. 5 § 3	Excessive length of applicant's pre-trial detention without considering alternative preventive measures

GREECE (CONTINUED)	16 June 2016	FOURKIOTIS (IN FRENCH ONLY) (No. 74758/11)	2	Violation of Art. 8	Domestic authorities' failure to take adequate and effective measures in order to enforce the applicant's parental rights
	30 June 2016	KAGIA (IN FRENCH ONLY) (No. 26442/15)	3	No violation of Art. 3	Applicant's conditions of detention did not reach the threshold of severity required in order to give rise to a violation under Art. 3
Violation of Art. 13 taken together with Art. 3				Lack of an effective domestic remedy in this regard	
ITALY	23 June 2016	BEN MOUMEN (IN FRENCH ONLY) (No. 3977/13)	3	No violation of Art. 6 §§ 1 and 3 (d)	Fairness of proceedings despite the applicant's inability to confront and question the witness given that his statement had not been the sole evidence on which his conviction was based
		STRUMIA (IN FRENCH ONLY) (No. 53377/13)	3	Violation of Art. 8	Domestic authorities' failure to take all necessary measures in order to assist the applicant in exercising his contact rights in respect of his underage child
LATVIA	30 June 2016	O.G. (No. 2) (No. 69747/13)	3	Violation of Art. 5 § 1	Unlawful detention of the applicant in a psychiatric hospital
MONTENEGRO	21 June 2016	MUGOSA (No. 76522/12)	3	Violation of Art. 5 § 1	Unlawful detention of the applicant
				No violation of Art. 6 § 1	Fairness of proceedings
				Violation of Art. 6 § 2	Breach of the applicant's presumption of innocence given that the domestic high court had pronounced his guilt before it was proved according to law
NETHERLANDS	7 June 2016	R.B.A.B. AND OTHERS (No. 7211/06)	3	No violation of Art. 3	No real risk suggesting that the applicants would be submitted to an excision procedure in the event of their removal to their country of origin
	28 June 2016	OZCELIK (No. 69810/12)	2	Violation of Art. 5 § 4	Domestic court's failure to promptly examine the applicant's appeal against the continuation of his detention
Violation of Art. 5 § 5				Lack of an enforceable right to compensation	
POLAND	28 June 2016	JANUSZ WOJCIECHOWSKI (No. 54511/11)	3	Violation of Art. 3 (substantive)	Poor conditions of detention (overcrowding, lack of separation of the toilet facilities from the cell's living area, limited outdoor exercise, lack of hygiene)
		JOZEF WOS (No. 6058/10)	3	No violation of Art. 3	Effective, prompt and thorough investigation into the applicant's allegations of ill-treatment in the course of his arrest

POLAND <i>(CONTINUED)</i>	28 June 2016	MALEC (No. 28623/12)	2	Violation of Art. 8	Domestic authorities' failure to take adequate and effective measures in order to enforce the applicant's parental rights and his right to contact with his child
PORTUGAL	21 June 2016	SOARES (No. 79972/12)	3	No violation of Art. 10	Proportionate interference with the applicant's right to freedom of expression which pursued a legitimate aim, namely, the protection of reputation
ROMANIA	21 June 2016	EZE (No. 80529/13)	3	Violation of Art. 3 (substantive)	Poor conditions of detention (overcrowding, lack of hygiene)
RUSSIA	21 June 2016	G. (No. 42526/07)	3	Violation of Art. 3 (substantive)	Inadequate medical treatment
				Violation of Art. 3 (substantive)	Poor conditions of detention (overcrowding, lack of privacy)
				Violation of Art. 5 § 3	Excessive length of applicant's pre-trial detention (over 15 months)
		IBRAGIM TSECHOYEV (No. 18011/12) MUTAYEVA AND ISMAILOVA (No. 33539/12)	3	No violation of Art. 2 (substantive, in both cases)	Absence of evidence suggesting that state agents had been implicated in the disappearance of the applicants' relatives
				Violation of Art. 2 (procedural, in both cases)	Domestic authorities' failure to carry out an effective criminal investigation into the circumstances surrounding the disappearance of the applicants' relatives
		IGOSHIN (IN FRENCH ONLY) (No. 21062/07)	3	No violation of Art. 3 (substantive)	Absence of sufficient evidence suggesting that the applicant had been subjected to police ill-treatment
				Violation of Art. 3 (procedural)	Domestic authorities' failure to conduct an effective investigation into the applicant's allegations of police ill-treatment
		VASENIN (No. 48023/06)	3	No violation of Art. 3 (substantive)	Adequate medical treatment
				Violation of Art. 5 § 1	Arbitrary detention of the applicant
Violation of Art. 6 §§ 1 and 3 (c)	Unfairness of proceedings on account of the applicant's absence from the trial hearings and the lack of effective legal assistance				

SERBIA	28 June 2016	DIMOVIC (No. 24463/11)	3	Violation of Art. 6 §§ 1 and 3 (d)	Unfairness of proceedings on account of the applicants' conviction based on untested evidence largely due to the domestic authorities' failure to act diligently concerning the admission of the witness' statement as evidence only after his death
SLOVAKIA	28 June 2016	CICMANEC (No. 65302/11)	3	Violation of Art. 6 § 1	Unfairness of proceedings on account of the domestic authorities' failure to forward to the applicant a copy of the written observations of the domestic courts in response to his constitutional complaint
		SILASOVA AND OTHERS (No. 36140/10)	3	Violation of Art. 1 of Prot. No. 1	Excessive length of proceedings (9 years and 11 months) Infringement of the applicants' right to the peaceful enjoyment of their possessions on account of the compulsory letting of their land which disregarded its actual value
SWITZERLAND	7 June 2016	CICAD (IN FRENCH ONLY) (No. 17676/09)	2	No violation of Art. 10	Proportionate interference with the applicant association's right to freedom of expression which pursued a legitimate aim, namely, the protection of reputation
TURKEY	7 June 2016	CEVAT OZEL (IN FRENCH ONLY) (No. 19602/06)	2	Violation of Art. 8	Unlawful telephone surveillance of the applicant
		KNICK (No. 53138/09)	2	Violation of Art. 1 of Prot. No. 1	Deprivation of the applicant's shares on the basis of an unlawful interference without receiving any compensation for his loss
		SAHIN KUS (IN FRENCH ONLY) (No. 33160/04)	2	Violation of Art. 8	Disproportionate interference with the applicant's private life on account of the annulment and the modification affecting the equivalence of his degree obtained abroad
	21 June 2016	AYBOGA AND OTHERS (No. 35302/08) SEKI (No. 44695/09)	3	Violation of Art. 5 § 4 (in both cases)	Applicants' inability to appear before a court in order to challenge the lawfulness of their pre-trial detention
SAHINKUSU (IN FRENCH ONLY) (No. 38287/06)		3	No violation of Art. 2 (positive obligations, substantive)	Domestic authorities' inability to foresee, in the absence of an objective reason, the existence of a suicide risk	
THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA	2 June 2016	MITROV (No. 45959/09)	2	Violation of Art. 6 § 1	Lack of impartiality
UKRAINE	2 June 2016	INSTYTUT EKONOMICZNYKH REFORM, TOV (No. 61561/08)	2	Violation of Art. 10	Unnecessary interference with the exercise of the applicant company's freedom of expression concerning a matter of public interest

UKRAINE (CONTINUED)	9 June 2016	<u>SARANCHOV</u> (No. 2308/06)	3	Violation of Art. 6 §§1 and 3 (c)	Unfairness of proceedings on account of the domestic authorities' failure to provide the applicant with free legal assistance	
	16 June 2016	<u>IGOR TARASOV</u> (No. 44396/05)	3	Violation of Art. 4 of Prot. No. 7	Double criminal conviction of the applicant for the same offense	
			<u>I.N.</u> (No. 28472/08)	3	Violation of Art. 5 § 1	Unlawful confinement of the applicant in psychiatric hospitals
					Violation of Art. 5 § 5	Lack of an enforceable right to compensation given the fact that the domestic authorities did not find the applicant's involuntary hospitalisation unlawful during the first period while the applicant was not awarded adequate compensation concerning the second period of confinement
					Violation of Art. 6 § 1	Excessive length of proceedings (6 years and 4 months)
	23 June 2016		<u>KLEUTIN</u> (No. 5911/05)	3	No violation of Art. 3 (substantive)	Absence of sufficient evidence in order to establish beyond reasonable doubt that the applicant was subjected to police ill-treatment
					Violation of Art. 3 (procedural)	Domestic authorities' failure to conduct a proper investigation into the applicant's allegations of police ill-treatment
					Violation of Art. 3 (substantive)	Poor conditions of detention (overcrowding, lack of access to outdoor activities)
					Violation of Art. 5 § 1	Arbitrary arrest and detention of the applicant
					Violation of Art. 5 § 1	Unlawful detention of the applicant (lack of legal basis, based on insufficient grounds and without setting any time-limit)
					Violation of Art. 5 § 3	Excessive length of applicant's pre-trial detention (3 years and 4 and a half months)
					Violation of Art. 5 § 4	Lack of appropriate judicial review of the lawfulness of the applicant's detention
			<u>KRIVOSHEY</u> (No. 7433/05)	3	No violation of Art. 6 §§ 1 and 3 (c)	No evidence suggesting that the absence of legal assistance had irretrievably affected the fairness of the proceedings
Violation of Art. 6 § 1					Excessive length of criminal proceedings (11 years)	

UKRAINE (CONTINUED)	23 June 2016	KULYK (No. 30760/06)	3	No violation of Art. 3 (substantive)	Absence of sufficient evidence suggesting that the applicant had been subjected to ill-treatment while at the hands of police officers
				Violation of Art. 3 (procedural)	Ineffective investigation in that respect
				No violation of Art. 34	No evidence suggesting that the real aim of the seizure of the computers of the applicant's representative in the course of unrelated proceedings was to hinder the applicant's representation or to discourage him from pursuing it
	23 June 2016	LOVYGINY (No. 22323/08)	2	Violation of Art. 2 (positive obligations, substantive)	Domestic authorities' failure to take all necessary measures during the planning and organising of the police training exercise in order to minimise the risk to their son's life
				Violation of Art. 2 (procedural)	Ineffective investigation into the actions of the police officers involved in the organisation and conduct of the training exercise during which the applicants' son was shot and died
	23 June 2016	TRUTEN (No. 18041/08)	3	Violation of Art. 3 (substantive)	Poor conditions of detention (lack of personal space, lack of access to outdoor activities)
Violation of Art. 6 §§ 1 and 3 (c)				Unfairness of proceedings on account of the absence of legal assistance	
30 June 2016	KRAVCHENKO (No. 46673/06)	3	Violation of Art. 6 § 1	Excessive length of proceedings (7 years and 8 months)	
			Violation of Art. 6 § 1	Lack of access to court on account of the domestic court's decision to reject the applicant's appeal	
UNITED KINGDOM	28 June 2016	O'NEILL AND LAUCLAN (Nos. 41516/10 AND 75702/13)	3	Violation of Art. 6 § 1	Excessive length of proceedings (almost 9 years for the first applicant and 9 years and 2 months for the second applicant)

B. The decision on admissibility

Those decisions are published with a slight delay of two to three weeks on the Court's website. Therefore the decisions listed below cover the period **from 1 to 31 of March 2016**. They are selected to provide the NHRs with potentially useful information on the reasons of the inadmissibility of certain applications addressed to the Court and/or on the friendly settlements reached.

STATE	DATE	CASE TITLE	ALLEGED VIOLATION	DECISION
ESTONIA	29 March 2016	A.V. v. ESTONIA	Article 8 (The applicant complained of the administration of medicines to a close relative without any permission)	The application was declared inadmissible as incompatible <i>ratione personae</i> to the Convention
RUSSIA	8 March 2016	IVANOV v. RUSSIA	Article 3 (The applicant complained of the degrading treatment that resulted from his caging while talking to his lawyer)	The application was rejected for non exhaustion of domestic remedies
SWEDEN	22 March 2016	PALMÉN v. SWEDEN	Article 4 of Protocol No. 7 (The applicant complained of the revocation of his weapon license following a conviction of assault)	The application was declared inadmissible as incompatible <i>ratione materiae</i> to the Convention (the nature of the condemnation did not fall within the criminal scope of Art. 7 Protocol No. 7)
TURKEY	15 March 2016	CAN v. TURKEY	Article 14 (The applicant complained that he was discriminated against on the basis of his sexual orientation)	The application was declared inadmissible as incompatible <i>ratione materiae</i> of the Convention (Article 14 has to be taken in conjunction with another article and is autonomous)

C. The communicated cases

The European Court of Human Rights publishes on a weekly basis a list of the communicated cases on its website. These are cases concerning individual applications which are pending before the Court. They are communicated by the Court to the respondent State's Government with a statement of facts, the applicant's complaints and the questions put by the Court to the Government concerned. The decision to communicate a case lies with one of the Court's Chamber which is in charge of the case. A **selection** of those cases **covering the period from 1 to 30 of April 2016** 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	21 April 2016	ABBASLI (No. 66881/11)	The applicant claims that he was arrested and convicted prior to the peaceful demonstration he intended to participate in because of his political opinions.
CROATIA	21 April 2016	ČUTURA (No. 55942/15)	The applicant alleges substantial flaws in the procedure for authorising his involuntary hospitalisation, related to the absence of relevant grounds for his involuntary confinement.
	21 April 2016	SRDOČ (No. 10697/15)	The applicant complains that the prison authorities failed to forward to him a package containing valuable items sent by his wife, interfered with his correspondence and refused to allow him to contact his lawyers or family at weekends.
THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA	18 April 2016	TRAJKOVSKI AND ČIPOVSKI (Nos 53205/13 AND 63320/13)	The applicants allege that the collection, storage and processing of their DNA material violated their right to respect for their private life.
LITHUANIA	25 April 2016	ŠIMKUS (No. 41788/11)	According to the applicant, he was tried in criminal proceedings for the same offence he had already been punished for in administrative proceedings.
POLAND	20 April 2016	SZCZUBLEWSKI (No. 27396/11)	According to the applicant, the refusal to grant him legal assistance in connection with the preparation of a cassation appeal had infringed his right to defend himself.
RUSSIA	27 April 2016	MOROZOV (No. 40075/14)	The applicant complains that because his employer failed to provide him with adequate working conditions, he suffered an accident and that he was treated less favourably than people with no disabilities

UKRAINE	21 April 2016	<u>VOSKOBOYNIKOV</u> (No. 33015/06)	The applicant challenges the unlawful search and seizure of the documents in his flat because it was ordered by the investigator and not by the prosecution or the court, and he was informed about it only four days later.
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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

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

B. Resolutions

AUTHOR	DATE	TEXT NUMBER	SUBJECT MATTER	DECISION
CM	1 June 2016	(2016)1	Quality and safety assurance requirements for medicinal products prepared in pharmacies for the special needs of patients	CM recommended that the governments of the States Parties to the Convention on the Elaboration of a European Pharmacopoeia adapt their regulations in accordance with the principles set out in the present resolution: added value of pharmacy preparations and responsibilities of health care professionals; preparation process; product dossier; marketing authorisation; labelling; compliance with pharmacopoeial requirements; reconstitution of medicinal products; authorisation for pharmacies or, if not covered by other national legislation or guidance, licences for companies making preparations for pharmacies; transparency and safety; rational use; surveillance; communication and information to patients; distribution of pharmacy preparations.
CM	1 June 2016	(2016)2	Good reconstitution practices in health care establishments for medicinal products for parenteral use	CM recommended that the governments of the States Parties to the Convention on the Elaboration of a European Pharmacopoeia adapt their regulations in accordance with the provisions set out in the present resolution, including its appendix, pertaining to the: responsibilities; minimum requirements (standards) for reconstitution; handling of risks posed by reconstitution.

PACE	21 June 2016	2118	Refugees in Greece: challenges and risks – A European responsibility	PACE called on the Greek authorities, the European Union and its member States, and other States participating in the European Union's relocation scheme to take steps to ensure respect for the fundamental rights of refugees and migrants and support for the Greek authorities and society, and to reinforce solidarity between European countries in response to what must be seen as a European and not only a Greek problem.
PACE	21 June 2016	2119	Fighting the over-sexualisation of children	PACE called on member states to draft effective legislation and frame policies to prevent the over-sexualisation of children, drawing on studies and scientific data collection. Furthermore, PACE urged states to take legislative action to put limits on the sexualised depiction of children in the media and advertising, and recommended to develop sex and relationship education programmes in schools and support for educational staff, in order to protect children in an over-sexualised environment. Lastly, PACE recommended that the Committee of Ministers consider this issue under the new Council of Europe Strategy for the Rights of the Child (2016-2021).
PACE	21 June 2016	2120	Women in in the armed forces: promoting equality, putting an end to gender-based violence	PACE called on Europe's governments to open all positions in the armed forces to women – and to show “zero tolerance” to gender-based violence in the military. Thus, PACE spelled out a series of steps to ensure more flexible career opportunities for women in the armed forces and to “change mentalities” to promote gender equality. Among other things, equipment and uniforms should be suitable for women's bodies and living quarters adapted for accommodating both men and women, the parliamentarians said.
PACE	22 June 2016	2122	Administrative detention	PACE called on member States to refrain from placing political opponents, human rights activists or journalists in administrative detention in order to punish them or obtain confessions. Nor should administrative detention be used as a means of managing migration or preventing people from taking part in peaceful protests, said the members of the Assembly.

PACE	23 June 2016	2123	Culture and democracy	<p>PACE called on states to foster partnerships between the cultural sectors and the education system, and to invest in the cultural infrastructure of cities, especially in disadvantaged urban areas. The adopted text also advocated a strengthening of the role of local authorities in implementing cultural policies in order to bring decision-making processes regarding culture as close as possible to citizens. Finally, PACE suggested that one of the forthcoming World Forums for Democracy be devoted to “culture and democracy”.</p>
PACE	23 June 2016	2124	Educational and cultural networks of migrant and diaspora communities	<p>PACE recommended that national platforms be set up to allow the different ministries and specialised institutions to work transversally on integration issues, through permanent dialogue with organisations that reflect the opinions of different diaspora communities. Furthermore, governments should provide adequate financial support to diaspora associations to help them professionalise their activities and consolidate their networks. Finally, PACE advocated the setting up of a European parliamentary network on diaspora policies and the establishment of a European platform to collect data and assess the impact of diaspora communities on European societies.</p>
PACE	23 June 2016	2125	Transparency and openness in European institutions	<p>PACE called on the EU to co-operate more closely with the Council of Europe, in particular by joining the Council of Europe’s anti-corruption body GRECO (Group of States against Corruption), and to sign up to the Convention on Access to Official Documents. Furthermore, PACE recommended that legislative footprints be published in order to track any input aimed at influencing EU legislation and policies, and that the Joint Transparency Register be further improved by expanding it to all EU institutions. The European Ombudsman’s recommendations on transparency should also be implemented. Finally, PACE recommended that the Committee of Ministers finalise its legal instrument on the regulation of lobbying activities and consider the need to take measures to regulate the activities of extra-institutional actors in the Council of Europe.</p>

PACE	23 June 2016	2126	The nature of the mandate of members of the Parliamentary Assembly	In the last few years, irregularities occurred in some PACE delegations, bringing to light gaps and shortcomings in the internal regulations, or current practices, of the national parliaments concerned regarding the appointment of national delegations, the composition of committees and the participation of their members in Assembly sessions and committee meetings. Thus, PACE recalled that in the exercise of their Assembly mandate, members should enjoy the protection of a status comprising recognition of a number of general principles.
PACE	23 June 2016	2127	Parliamentary immunity: challenges to the scope of the privileges and immunities enjoyed by members of the Parliamentary Assembly	PACE strongly condemned the breaches by some member States of the immunity status of Assembly members and of the principle of free movement. Thus, PACE expressed that member states that have already undertaken a review process of their system of parliamentary immunities, or intend to do so, are invited to conduct an in-depth analysis of the issues and, in this context, to take into consideration a number of general principles.
PACE	24 June 2016	2128	Violence against migrants	PACE said the best way to protect migrants was the opening of regular migration channels, the promotion of a positive image of migrants in politics and the media, and the development of social inclusion programmes. States should consider the possibility of “reviewing and amending national laws with the aim of ensuring that irregular migration is not considered a criminal offence”.
PACE	24 June 2016	2129	Road safety in Europe as a public health priority	PACE suggested that states should implement and develop legislative and policy measures to reinforce current road safety programmes but also to develop and finance new ones.

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

■ Sport for all - far from a reality (01.06.2016)

The PACE's Committee on Culture, Science, Education and Media called on the member States to reduce gender-based remuneration gaps and disparities in prizes, recognise women athletes' achievements and significantly increase media visibility of women in sport, notably by devoting more public service broadcasting air-time to women's sport and by promoting a non-sexist view of sport. ([Read more](#) - [Adopted report](#))

■ A road safety action plan (03.06.2016)

The Committee on Social Affairs, Health and Sustainable Development urged member states to earmark 10% of their expenditure on road infrastructure for road safety. Furthermore, the Committee encouraged member states to improve co-ordination of their practices by taking account of the diversity of laws and policies in Europe and addressing the main risk factors – alcohol, drugs and the use of medicine – by means of awareness-raising campaigns. ([Read more](#))

■ Mobilising efforts to combat over-sexualisation of children and child 'sexting' (03.06.2016)

In a draft resolution adopted, the Committee on Social Affairs, Health and Sustainable Development called on public authorities to adopt legislative measures to put limits on the inappropriate sexualised depiction of children in the media and advertising sectors. It also urged implementation of policies and programmes to prevent over-sexualisation, and in particular the setting up of supervisory institutions and procedures, as well as measures aimed at empowering children to say no to inappropriate and dangerous behavior. ([Read more](#) - [Adopted report](#))

■ Orlando: President condemned the attack and expressed solidarity with victims and the LGBT community (13.06.2016)

PACE president expressed his shock at and condemnation of the Orlando terror attack that left 50 people dead and more than 50 wounded. He expressed his solidarity with the American people, the victims and with the LGBT community. Furthermore, PACE President reaffirmed solidarity with American people and authorities, and extended his condolences to the victims' families. ([Read more](#))

■ President: « Stand up and show support for refugees » (19.06.2016)

PACE President called on all Europeans to stand up and show their solidarity and support for the more than 50 million refugees worldwide. Furthermore, PACE President invited all Europeans not to fall into the trap set by populist and xenophobic rhetoric. ([Read more](#))

■ **More solidarity and humanity in dealing with refugees (20.03.2016)**

The PACE's Committee on Migration, Refugees and Displaced Persons called upon Council of Europe member States to show more solidarity and humanity in dealing with refugees, and to ensure adequate reception facilities and access to a fair and effective asylum procedure. Particular attention should be paid to the rights of children; thus, the Committee called on all member States to join the Parliamentary Campaign to End Immigration Detention of Children. Finally, the PACE's Committee on Migration, Refugees and Displaced Persons called upon them to further improve the integration of refugees, including recognition of vocational experience and qualifications as well as access to education, employment and social services. ([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

■ **CPT: “European and UN anti-torture bodies: duty to protect dignity of detained persons more relevant than ever in current global context of instability and economic crisis” (24.06.2016)**

Ahead of the International Day in Support of Victims of Torture, which aims at the total eradication of torture, the heads of the two international bodies set up to monitor the treatment of any person deprived of their liberty expressed their deep concern at the risks increased instability poses for the protection and preservation of human dignity ([Read more](#)).

■ **GRECO: Committee's annual report - progress needed in preventing corruption in respect of MP's, judges and prosecutors (01.06.2016)**

The Chair of the Council of Europe's anti-corruption body GRECO, Marin Mrčela, has stressed the need for mobilising policy-makers to address the shortcomings identified in the prevention of corruption prevention in respect of parliamentarians, judges and prosecutors ([Read more](#)).

■ **GRETA: Meeting of National Anti-Trafficking Co-ordinators (23.06.2016)**

On 21-22 June 2016, National Anti-Trafficking Co-ordinators from the 46 states parties to the Council of Europe Convention on Action against Trafficking in Human Beings met at the Council of Europe in Strasbourg to discuss ways to strengthen national coordination and international cooperation in the fight against trafficking in human beings ([Read more](#)).

■ **FCNM: Appointment of nine ordinary members to fill seats falling vacant on the Advisory Committee (02.06.2016)**

([Read more](#)).

■ **ECRI: Council of Europe's Anti-racism Commission publishes conclusions on the implementation of its priority recommendations in respect of Finland, the Republic of Moldova, the Netherlands, Portugal, the Russian Federation and San Marino (07.06.2016)**

The ECRI published conclusions on the implementation of a number of recommendations made in its country reports on Finland, the Republic of Moldova, the Netherlands, Portugal, the Russian Federation and San Marino which had been released in 2013 ([Read more](#)).

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.

Albania

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

CASE	DATE	RESOLUTION	VIOLATION	CONCLUSION
Manushaqe Puto and Others (No. 604/07+)	17 December 2012	CM/ResDH(2013)115	<p>Non-enforcement of final domestic court and administrative decisions relating to the applicants' right to restitution or compensation (whether pecuniary or in kind) for property nationalised under the Communist regime (Articles 6 § 1, 1, of Protocol No. 1 and 13).</p> <p>The Court, in the pilot judgment <i>Manushaqe Puto and Others</i>, requested the setting-up of an effective compensation mechanism before 17 June 2014.</p>	To follow up the decision adopted at the 1243rd meeting and to assess the progress achieved in the implementation of the action plan.
Driza Group (No. 33771/02)	2 June 2008	CM/ResDH(2013)115	<p>Non-enforcement of final domestic court and administrative decisions relating to the applicants' right to restitution or compensation (whether pecuniary or in kind) for property nationalised under the Communist regime (Articles 6 § 1, 1, of Protocol No. 1 and 13).</p> <p>The Court, in the pilot judgment <i>Manushaqe Puto and Others</i>, requested the setting-up of an effective compensation mechanism before 17 June 2014.</p>	To follow up the decision adopted at the 1243rd meeting and to assess the progress achieved in the implementation of the action plan.

B. Resolutions, signatures and ratifications

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

C. Other information

■ GRETA: Publication of Committee's second report on Albania (03.06.2016)

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

Armenia

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

CASE	DATE	RESOLUTION	CONCLUSION
Grigoryan (No. 3627/06)	17 December 2012	CM/ResDH(2016)117	Examination closed

B. Resolutions, signatures and ratifications

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

C. Other information

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

Azerbaijan

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

CASE	DATE	RESOLUTION	CONCLUSION
ILGAR MAMMADOV (No. 15172/13)	13 October 2014	CM/ResDH(2016)144	Examine the applicant's situation at each regular and Human Rights meeting of the Committee until he is released
MAHMUDOV AND AGAZADE (No. 35877/04)	18 March 2009	CM/ResDH(2016)145	Reiterates therefore its call on the authorities to strengthen judicial independence <i>vis-à-vis</i> the executive and prosecutors, ensure the legality of the action of prosecutors and ensure the adequacy of the legislation on defamation
FATULLAYEV (No. 40984/07)	4 October 2010	CM/ResDH(2016)145	Reiterates its call on the authorities to strengthen judicial independence <i>vis-à-vis</i> the executive and prosecutors, ensure the legality of the action of prosecutors and ensure the adequacy of the legislation on defamation

CASE	DATE	RESOLUTION	VIOLATION	CONCLUSION
ILGAR MAMMADOV (No. 15172/13)	13 October 2014	CM/ResDH(2016)144	Arrest and pre-trial detention for reasons other than those permitted by Article 5, namely to punish the applicant for having criticised the government (Article 18 taken in conjunction with Article 5).	To follow up the decision adopted at the 1250th meeting
MAHMUDOV AND AGAZADE (No. 35877/04)	18 March 2009	CM/ResDH(2016)145	Violation of the right to freedom of expression, arbitrary application of the law on defamation.	To follow up the decision adopted at the 1250th meeting.

B. Resolutions, signatures and ratifications

■ **CM : Resolution on the election of a member of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment in respect of Azerbaijan, 1 June 2016**

Mr Jeyhun Garajayev was elected as member of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, with effect from 1 June 2016, for a term of office which will expire on 19 December 2019. ([Resolution \(2016\)3](#))

C. Other information

■ ECRI: hate speech, precarious situation of civil society, violence against LGBT are issues of high concern, says Council of Europe's Anti-racism Commission (07.06.2016)

The ECRI published its new report on Azerbaijan. While progress was achieved in areas such as migration legislation and living conditions of historical minorities, other issues give rise to concern, such as the continued use of hate speech, a crackdown on independent civil society and media, prejudice against LGBT people and discrimination against religious minorities. ([Read more](#)).

Belgium

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

CASE	DATE	RESOLUTION	VIOLATION	CONCLUSION
L.B. GROUP (No. 22831/08)	2 January 2013	CM/Del/Dec(2015)12 30/6	Structural problem concerning the care of persons like the applicants, with mental health problems who are kept in a prison environment due to, in particular, the lack of capacity to receive them in the external psychiatric system (Articles 3 and 5).	To follow up the decision adopted at the 1230th meeting.
TRABELSI (No. 140/10)	16 February 2015	CM/Del/Dec(2016)12 50/H46-5	Extradition in 2013 of the applicant from Belgium to the United States, where he risks an irreducible life sentence (Article 3). Failure to respect the Court's interim measure indicating that Belgium should not extradite the applicant while the case was still pending (Article 34).	To follow up the decision adopted at the 1250th meeting.

[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 holds high-level talks in Belgium (22.06.2016)

Representatives of the CPT have held talks with Koen GEENS, Minister of Justice, and a member of the Private Office of the Belgian Prime Minister. The main objective of the talks, which took place in Brussels on 21 June 2016, was to discuss the implementation of recommendations made by the Committee with a view to introducing a guaranteed minimum service in prisons during strikes and other industrial action by staff ([Read more](#)).

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

■ GRETA: Committee's second evaluation round visit to Bosnia and Herzegovina (15.06.2016)

A delegation of GRETA carried out an evaluation visit to Bosnia and Herzegovina from 6 to 10 June 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](#)).

Bulgaria

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

CASE	DATE	RESOLUTION	VIOLATION	CONCLUSION
STANEV GROUP (No. 36760/06)	17 January 2012	DH-DD(2015)454	Illegal placement in social care homes of persons suffering from mental disorders, lack of judicial review and lack of possibility to request compensation. Impossibility to submit directly before a court a request for revocation of the partial guardianship. Poor living conditions in social care homes and lack of effective remedy in this respect.	To assess the measures adopted or envisaged presented in the revised action plan of 07/04/2016 and to identify the outstanding issues.
YORDANOVA AND OTHERS (No. 25446/06)	24 September 2011	DH-DD(2013)878	Planned expulsion of persons of Roma origin from an unlawful settlement in Sofia, where most of them had lived for decades with the authorities' acquiescence, on the basis of legislation not requiring any proportionality review of the expulsion orders (potential violation of Article 8 if the removal order is implemented).	To assess the measures taken so far and to identify the outstanding issues.

B. Resolutions, signatures and ratifications

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

C. Other information

■ PACE: Bulgaria post-monitoring dialogue - statement by co-rapporteurs (10.06.2016)

At the end of their fact-finding mission to Sofia, PACE co-rapporteurs for post-monitoring dialogue with Bulgaria welcomed the intention of the Ministry of Justice to send the second package of amendments to the Judicial Act to the Venice Commission for opinion. ([Read more](#) - [Announcement of the visit](#))

Croatia

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

CASE	DATE	RESOLUTION	VIOLATION	CONCLUSION
SKENDZIC AND KRZNARIC GROUP (No. 16212/08)	20 April 2011	DH-DD(2014)589	Lack of an effective and independent investigation into crimes committed during the Croatian Homeland War (1991-1995) (Article 2 in its procedural limb).	To follow up the decision adopted at the 1208th meeting.

B. Resolutions, signatures and ratifications

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

C. Other information

■ FCNM: Publication of the 4th Advisory Committee Opinion (01.06.2016)

The Council of Europe Advisory Committee on the FCNM has published its Fourth Opinion on Croatia together with the government comments ([Read more](#)).

Cyprus

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

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

B. Resolutions, signatures and ratifications

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

C. Other information

■ **ECRI: despite progress in fighting discrimination, integration challenges remain, says Anti-racism Commission (07.06.2016)**

In its new report on Cyprus, the ECRI noted progress since its last report five years ago ([Read more](#)).

Czech Republic

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

CASE	DATE	RESOLUTION	VIOLATION	CONCLUSION
D.H. AND OTHERS (No. 57325/00)	20 April 2011	CM/Del/Dec(2015)12 22/5	Discrimination in the enjoyment of the applicants' right to education due to their assignment to special schools (schools for children with special needs including those suffering from a mental or social handicap) between 1996 and 1999, on account of their Roma origin (Article 14 in conjunction with Article 2 of Protocol No. 1).	To follow up the decision adopted at the 1222nd meeting; to examine the general measures.

B. Resolutions, signatures and ratifications

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

C. Other information

■ FCNM: Publication of the 4th Advisory Committee Opinion (30.06.2016)

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

Denmark

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

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

B. Resolutions, signatures and ratifications

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

C. Other information

■ GRETA: Publication of GRETA's second evaluation report on Denmark (10.06.2016)

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

Estonia

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: Estonia supported the Council of Europe in protecting human rights (22.06.2016)

“Estonia remains committed to supporting the active role taken by the Council of Europe in developing a useful framework for the protection of human rights, either online or offline, said the Prime Minister of Estonia, addressing PACE today. He underlined that the international norms set by the Organisation have had an undeniable impact on the legislation and conduct of internal politics in Estonia, since its accession in 1993. ([Read more](#) - [Video of the speech by Taavi Rõivas](#))

Finland

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 holds high-level talks in Finland (15.06.2016)

A delegation of the CPT has just returned from high-level talks in Helsinki, Finland.

The main objective of the talks, which took place on 13 June 2016, was to discuss the implementation of the CPT's long-standing recommendations aiming at stopping the practice of holding remand prisoners in police establishments ("police prisons") and equipping all prison cells with toilets ([Read more](#)).

■ GRETA: Round-table to support anti-trafficking efforts in Finland (08.06.2016)

A round-table meeting on the follow-up to be given to GRETA's first report and the Committee of the Parties' recommendation on the implementation of the Convention on Action against Trafficking in Human Beings by Finland took place in Helsinki on 2 June 2016 ([Read more](#)).

Georgia

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

CASE	DATE	RESOLUTION	VIOLATION	CONCLUSION
GHARIBASHVILI GROUP (No. 11830/03)	29 October 2008	CM/Del/Dec(2015)12 22/6	Lack of effective investigations into allegations of violations of the right to life or ill-treatment; excessive use of force by the police in the course of arrest and/or in custody.	To follow up the decision adopted at the 1222nd meeting.

B. Resolutions, signatures and ratifications

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

C. Other information

■ GRETA: Publication of GRETA's second report on Georgia (03.06.2016)

The GRETA has published its second evaluation report on Georgia. The report assesses developments since the publication of GRETA's first evaluation report on Georgia in February 2012 as regards the implementation of the Council of Europe's Convention on Action against Trafficking in Human Beings ([Read more](#) - [Read the report](#)).

Greece

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

CASE	DATE	RESOLUTION	CONCLUSION
Thomas Ofori Abankwah and Others (No. 65769/13)	8 September 2015	CM/ResDH(2016)118	Examination closed
Timoleon Argyropoulos (No. 23979/11)	17 February 2015	CM/ResDH(2016)118	Examination closed
Eleni Baltzi-Ikonomopoulou (No. 49205/11)	17 February 2015	CM/ResDH(2016)118	Examination closed
Georgia Chaïni-Konstantini (No. 20513/11)	17 February 2015	CM/ResDH(2016)118	Examination closed
Dimitrios Chalkidis (No. 7834/11)	17 February 2015	CM/ResDH(2016)118	Examination closed
Sokratis Chasirtzoglou and Asterios Mataftsis and 2 other applications (No. 1147/10+)	22 September 2015	CM/ResDH(2016)118	Examination closed
Yousef Damargi (No. 71494/14)	6 October 2015	CM/ResDH(2016)118	Examination closed
Dimitrios Karabetsos and Others (No. 21412/12)	21 April 2015	CM/ResDH(2016)118	Examination closed
Evaggeli Koutsiouli (No. 52339/11)	17 February 2015	CM/ResDH(2016)118	Examination closed
Maria Liami (No. 8845/12)	17 February 2015	CM/ResDH(2016)118	Examination closed
Georgios Maraggos (No. 58989/13)	23 June 2015	CM/ResDH(2016)118	Examination closed
Stylianios Schinas (No. 3920/11)	17 February 2015	CM/ResDH(2016)118	Examination closed
Ioanna Skroumbelou (No. 20033/12)	21 April 2015	CM/ResDH(2016)118	Examination closed
Ioannis Vasdekis and others (No. 3343/12)	17 February 2015	CM/ResDH(2016)118	Examination closed
Achilleas Zachoulas (No. 5126/12)	17 February 2015	CM/ResDH(2016)118	Examination closed

CASE	DATE	RESOLUTION	VIOLATION	CONCLUSION
Sampani and others group (No. 59608/09)	29 October 2008	DH-DD(2013)1221	Discrimination against Roma children in certain schools.	To assess the action report.

B. Resolutions, signatures and ratifications

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

C. Other information

■ PACE: Refugees were at risk in Greece, committee said (03.06.2016)

The Committee on Migration, Refugees and Displaced Persons was particularly concerned by the conditions in reception facilities on the mainland, which were far below acceptable standards, the exposure of vulnerable persons, including women and children, held in hotspots to violence, exploitation and abuse and the possible return of asylum seekers to Turkey under the EU-Turkey agreement, despite the fact that such returns appear incompatible with EU and international law. ([Read more](#) - [Adopted report](#) - [Visit of the new reception centres in Thessaloniki on 29 May 2016](#))

■ PACE: Greek Prime Minister issued strong call for ‘a better Europe’ (22.06.2016)

Greek Prime Minister Alexis Tsipras issued a strong call for “a better Europe, and a new and inspiring vision for Europe’s citizens”. Mr Tsipras also urged the United Kingdom to remain in the EU, but said that – whatever the outcome of the referendum in the UK – a fresh vision was needed for Europe’s future. Furthermore, he praised the work of the Council of Europe, recalling its support for democracy in Greece during the dictatorship of the colonels in the 1970s. ([Read more](#) - [Video: speech by Alexis Tsipras](#))

■ Reaffirming the role of the Assembly as a pan-European forum for inter-parliamentary dialogue and co-operation (24.06.2016)

In a declaration, the PACE Bureau reaffirmed the Assembly’s role as a pan-European forum for political dialogue among democratically elected members of parliament from the Organisation’s 47 member states. ([Read more](#))

■ PACE President condemned Istanbul airport terrorist attack (29.06.2016)

Following the "heinous" attack at Ataturk Airport in Istanbul, the President of the PACE reaffirmed PACE’s solidarity with the Turkish authorities and extended his condolences to the victims’ families. ([Read more](#))

■ President called for parliamentary dialogue and co-operation between all 47 member states (30.06.2016)

PACE President stressed the need to promote parliamentary dialogue and co-operation between all 47 member states of the Council of Europe. ([Read more](#))

Ireland

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

CASE	DATE	RESOLUTION	VIOLATION	CONCLUSION
O'Keefe (No. 35810/09)	28 January 2014	DH-DD(2014)895	Failure in the 1970s to protect the applicant from sexual abuse in a National School and lack of effective remedy (Articles 3 and 13).	To assess the action plan submitted on 28/01/2016 and in the light of the measures taken, to decide on the proposal to transfer the case to the standard procedure.

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
Patrono, Cascini and Stefanelli (No. 10180/04)	20 July 2006	CM/ResDH(2016)119	Examination closed
C.G.I.L and Cofferati (No. 46967/07)	6 July 2009	CM/ResDH(2016)119	Examination closed
C.G.I.L and Cofferati No. 2 (No. 2/08)	6 July 2010	CM/ResDH(2016)119	Examination closed
Onorato (No. 26218/06)	24 August 2011	CM/ResDH(2016)119	Examination closed
Sciacca (No. 50774/99)	6 June 2005	CM/ResDH(2016)120	Examination closed
Sejdovic (No. 56581/00)	1 March 2006	CM/ResDH(2016)121	Examination closed

CASE	DATE	RESOLUTION	VIOLATION	CONCLUSION
Di Sarno and others (No. 30765/08)	28 January 2014	DH-DD(2014)630	Region polluted by non-collected waste: prolonged inability of the Italian authorities to ensure waste collection, treatment and disposal in the region of Campania and absence of a remedy in this regard (Articles 8 and 13).	To assess the progress accomplished and to identify the outstanding issues in this case.

B. Resolutions, signatures and ratifications

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

C. Other information

■ ECRI: Anti-racism Commission calls on Italy to strengthen fight against hate speech and racial discrimination (07.06.2016)

The ECRI published its fifth report on Italy in which it analyses recent developments and outstanding issues and makes recommendations to the authorities ([Read more](#)).

Latvia

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

CASE	DATE	RESOLUTION	CONCLUSION
Kadikis No. 2 (No. 62393/00)	4 August 2006	CM/ResDH(2016)122	Examination closed
Nikitenko (No. 62609/00)	16 October 2009	CM/ResDH(2016)122	Examination closed
Bazjaks (No. 71572/01)	19 January 2011	CM/ResDH(2016)122	Examination closed
Melnitis (No. 30779/05)	9 July 2012	CM/ResDH(2016)122	Examination closed
Savics (No. 17892/03)	27 February 2013	CM/ResDH(2016)122	Examination closed
Petriks (No. 19619/03)	4 March 2013	CM/ResDH(2016)122	Examination closed
Cuprakovs (No. 8543/04)	18 March 2013	CM/ResDH(2016)122	Examination closed
Ternovskis (No. 33637/02)	29 July 2014	CM/ResDH(2016)123	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]

Liechtenstein

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

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

B. Resolutions, signatures and ratifications

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

C. Other information

■ CPT: Visit of the Committee to Liechtenstein (27.06.2016)

A delegation of the CPT carried out a periodic visit to Liechtenstein from 20 to 24 June 2016 ([Read more](#)).

■ GRECO: Council of Europe calls on Liechtenstein to ratify the Criminal Law Convention on Corruption and to make political funding transparent (02.06.2016)

The GRECO called on Liechtenstein to ratify the Criminal Law Convention on Corruption, to fully implement it, and to swiftly and substantially improve legislation on political funding ([Read more](#)).

Lithuania

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

CASE	DATE	RESOLUTION	CONCLUSION
Draksas (No. 36662/04)	31 October 2012	CM/ResDH(2016)124	Examination closed
Venskutė (No. 10645/08)	11 March 2013	CM/ResDH(2016)125	Examination closed

CASE	DATE	RESOLUTION	VIOLATION	CONCLUSION
L. (No. 27527/03)	31 March 2008	CM/Del/Dec(2015)1222/10	State's failure to ensure respect for private life due to the failure to implement legislation to enable a transsexual to undergo full gender reassignment surgery and to change his official documents (Article 8).	To follow up the decision adopted at the 1222nd meeting.

B. Resolutions, signatures and ratifications

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

C. Other information

■ ECRI: Council of Europe Anti-racism Commission expressed concern at the situation of Roma and LGBT in Lithuania (07.06.2016)

In a report, the ECRI welcomes progress made in Lithuania to address discrimination and racism, but also calls upon the authorities to take specific measures to improve the living conditions of Roma and address violence against LGBT persons ([Read more](#)).

Republic of Moldova

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

CASE	DATE	RESOLUTION	CONCLUSION
Colibaba (No. 29089/06)	23 January 2008	CM/ResDH(2016)146	Examination closed
Boicenco (No. 41088/05)	10 September 2008	CM/ResDH(2016)146	Examination closed
Cebotari (No. 35615/06)	13 February 2008	CM/ResDH(2016)147	Examination closed
Ganea (No. 2474/06)	17 August 2011	CM/ResDH(2016)147	Examination closed
Cristina Boicenco (No. 25688/09)	27 December 2011	CM/ResDH(2016)147	Examination closed

CASE	DATE	RESOLUTION	VIOLATION	CONCLUSION
Boicenco Group (No. 41088/05)	11 October 2006	DH-DD(2016)459	Mainly violations of the applicants' right of individual petition (Article 34); also other violations of Articles 3 + 5.	To assess the action report and to propose to adopt a final resolution.
Musuc Group (No. 42440/06)	20 July 2010	DH-DD(2016)459	Arrest and detention without reasonable suspicion (Article 5 § 1); failure to promptly inform about charges (Article 5 § 2); insufficient compensation for illegal arrest (Article 5 §§ 1 and 5); other violations of Articles 3, 18+5, 8, 11, 13 +5, 8 and 34.	To examine the authorities' action plan with a view to closing three cases and to identifying the outstanding issues.
Taraburca Group (No. 18919/10)	6 March 2012	CM/Del/OJ/DH(2013)1172/16	Ill-treatment by the police in connection with violent demonstrations and ineffective investigation thereof (Article 3 substantial and procedural); lack of effective civil remedies to claim compensation for the ill-treatment (Article 13).	To assess the authorities' action report with a view to identifying the outstanding issues.

B. Resolutions, signatures and ratifications

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

C. Other information

■ CPT: Publication of a report on the Republic of Moldova (30.06.2016)

The CPT published the report on its September 2015 visit to the Republic of Moldova ([Read more](#) - [Read the report](#)).

■ GRETA: Publication of GRETA's second report on the Republic of Moldova (07.06.2016)

The GRETA has published its second evaluation report on the Republic of Moldova. The report assesses developments since the publication of GRETA's first evaluation report on the Republic of Moldova in February 2012 as regards the implementation of the Council of Europe's Convention on Action against Trafficking in Human Beings ([Read more](#) - [Read the report](#)).

Netherlands

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

CASE	DATE	RESOLUTION	CONCLUSION
Mathew (No. 24919/03)	15 February 2006	CM/ResDH(2016)126	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]

Norway

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

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

B. Resolutions, signatures and ratifications

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

C. Other information

■ FCNM: Visit of the Advisory Committee on the FCNM (20.06.2016)

A delegation of the Advisory Committee on the Framework Convention for the Protection of National Minorities visited Norway from 20-24 June 2016 in the context of the monitoring of the implementation of this convention ([Read more](#)).

Poland

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

CASE	DATE	RESOLUTION	CONCLUSION
Jaremowicz (No. 24023/03)	5 April 2010	CM/ResDH(2016)127	Examination closed
Horych (No. 13621/08)	17 July 2012	CM/ResDH(2016)128	Examination closed
Piechowicz (No. 20071/07)	17 July 2012	CM/ResDH(2016)128	Examination closed
Glowacki (No. 1608/08)	30 January 2013	CM/ResDH(2016)128	Examination closed
Pawel Pawlak (No. 13421/03)	30 January 2013	CM/ResDH(2016)128	Examination closed
Slusarczyk (No. 23463/04)	28 January 2015	CM/ResDH(2016)128	Examination closed
Maciej Bialek (No. 70580/12)	22 September 2015	CM/ResDH(2016)129	Examination closed
Artur Blaszczyk (No. 47492/13)	26 August 2014	CM/ResDH(2016)129	Examination closed
Piotr Kozłowski (No. 44400/13+)	22 September 2015	CM/ResDH(2016)129	Examination closed
Arkadiusz Majewski (No. 70264/13)	19 May 2015	CM/ResDH(2016)129	Examination closed
Andrzej Michalski (No. 65346/13)	16 September 2014	CM/ResDH(2016)129	Examination closed
Grzegorz Palgan (No. 62371/12)	14 September 2015	CM/ResDH(2016)129	Examination closed
Stanisław Pawłowski (No. 61105/13)	22 September 2015	CM/ResDH(2016)129	Examination closed
Jesus Yesid Sarría (No. 80564/12)	13 Octobre 2015	CM/ResDH(2016)129	Examination closed
Robert Selenta (No. 37183/13)	13 October 2015	CM/ResDH(2016)129	Examination closed
Andrzej Szpak (No. 20586/14)	20 October 2015	CM/ResDH(2016)129	Examination closed

Danuta Wasowicz-Holota and Agnieszka Gron (No. 18533/13)	14 September 2015	CM/ResDH(2016)129	Examination closed
Mariusz Wawrzyniak (No. 5894/13)	22 September 2015	CM/ResDH(2016)129	Examination closed
Szymon Witkowski (No. 28722/13)	22 September 2015	CM/ResDH(2016)129	Examination closed
Wojciech Wolert (No. 65886/13)	14 September 2015	CM/ResDH(2016)129	Examination closed
Miroslaw Zabicki (No. 62983/13)	4 November 2014	CM/ResDH(2016)129	Examination closed
Dzwonkowski (No. 46702/99)	12 July 2007	CM/ResDH(2016)148	Examination closed
Lewandowski and Lewandowska (No. 15562/02)	13 April 2009	CM/ResDH(2016)148	Examination closed
Pieniak (No. 19616/04)	24 May 2009	CM/ResDH(2016)148	Examination closed
Mrozowski (No. 9258/04)	12 August 2009	CM/ResDH(2016)148	Examination closed
Polanowski (No. 16381/05)	27 July 2010	CM/ResDH(2016)148	Examination closed
Wasilewska and Kalucka (No. 28975/04)	23 May 2010	CM/ResDH(2016)148	Examination closed
Karbowniczek (No. 22339/08)	27 December 2011	CM/ResDH(2016)148	Examination closed
Przemysk (No. 22426/11)	17 December 2013	CM/ResDH(2016)148	Examination closed

CASE	DATE	RESOLUTION	VIOLATION	CONCLUSION
Al Nashiri Group (No. 28761/11)	16 February 2015	CM/Del/Dec(2016)12 50/H46-15	Violations related to secret rendition operations involving the applicants' detention and ill-treatment in the respondent State and risks of flagrant denial of justice and the death penalty after their transfer to the USA.	To follow up the decision adopted at the 1250th meeting (examination of the individual and general measures).
Dzwonkowski Group (No. 46702/99)	12 July 2007	CM/Del/OJ/DH(2014) 1201/13	Ill-treatment inflicted, and in one case a death caused, by the police between 1997 and 2002 (Article 3).and lack of effective investigation in this respect (Article 3).	To assess the information provided in the action report and to propose the closure of the supervision in this group of cases.

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]

Portugal

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

CASE	DATE	RESOLUTION	CONCLUSION
Oliveira Modesto and others and 48 Other applications (No. 34422/97)	8 September 2000	CM/ResDH(2016)149	Examination closed

CASE	DATE	RESOLUTION	VIOLATION	CONCLUSION
Oliveira Modesto and Others Group (No. 34422/97)	8 September 2000	CM/Del/Dec(2013)11 64/19	Excessive length of judicial proceedings.	To assess the progress made and the outstanding issues in this group of cases. To examine the proposition to put an end to the Committee's supervision of 49 cases in order to recognise the progress in the implementation of the general measures.

B. Resolutions, signatures and ratifications

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

C. Other information

■ PACE: The Portuguese Assembly joined the #NoHateNoFear initiative (01.06.2016)

The Portuguese Assembly joined the #NoHateNoFear initiative launched by PACE President Pedro Agramunt, with the participation of Eduardo Ferro Rodrigues, President of the Portuguese Assembly, as well as some deputies, for a photo session. ([Read more](#) - [Webpage for the #NoHateNoFear initiative](#))

Romania

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

CASE	DATE	RESOLUTION	CONCLUSION
Danis and the association of ethnic Turks (No. 16632/09)	21 July 2015	CM/ResDH(2016)130	Examination closed
Milena Felicia Dumitrescu (No. 28440/07)	24 June 2015	CM/ResDH(2016)131	Examination closed
S.C. Uzinexport S.A. (No. 43807/06)	30 June 2015	CM/ResDH(2016)132	Examination closed
Falie (No. 23257/04)	19 August 2015	CM/ResDH(2016)133	Examination closed
Dumitru Popescu No. 2 (No. 71525/01)	26 July 2007	CM/ResDH(2016)134	Examination closed
Butnaru and Bejan-Piser (No. 8516/07)	23 September 2014	CM/ResDH(2016)135	Examination closed
Costel Gaciu (No. 39633/10)	23 September 2015	CM/ResDH(2016)136	Examination closed
Georgel and Georgeta Stoicescu (No. 9718/03)	26 October 2011	CM/ResDH(2016)137	Examination closed
Barbu Anghelescu No. 1 and 35 other applications (No. 46430/99)	5 January 2005	CM/ResDH(2016)150	Examination closed
Nicolau Group (No. 1295/02)	3 July 2006	CM/ResDH(2016)151	Examination closed
Stoianova and Nedelcu Group (No. 77517/01+)	4 November 005	CM/ResDH(2016)151	Examination closed

CASE	DATE	RESOLUTION	VIOLATION	CONCLUSION
Anghelescu Barbu No. 1 Group (No. 46430/99)	5 January 2005	CM/Del/Dec(2013)11 64/21	Death or ill-treatment under the responsibility of law enforcement agencies; ineffective investigations and domestic remedies; racially-motivated ill-treatment of an applicant of Roma origin and/or failure of the authorities to investigate into such motives (Articles 2 and/or 3, 13 and 14 together with Articles 3 and/or 13).	To assess the status of execution of these judgments in the light of the action report presented by the authorities on 27/04/2016. To examine the proposal to close the supervision by the Committee of the cases of this group, having regard to the progress made in the implementation of the general measures.
Nicolau Group, Stoianova and Nedelcu Group (No. 1295/02)	4 November 2005	CM/Del/OJ/DH(2013) 1179/13	Excessive length (Article 6 § 1) of civil (<i>Nicolau group</i>) and criminal (<i>Stoianova and Nedelcu group</i>) proceedings and lack of an effective remedy (Article 13).	To assess the progress achieved and the outstanding issues in these groups of cases. To examine the proposal to close the Committee's supervision of 80 cases in recognition of the progress achieved in the implementation of the general measures.

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]

Russian Federation

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

CASE	DATE	RESOLUTION	VIOLATION	CONCLUSION
Catan and Others (No. 43370/04)	19 October 2012	CM/Del/Dec(2016)12 50/H46-20	Violation of the right to education of children and parents using Moldovan/Romanian language schools in the Transnistrian region of the Republic of Moldova (violation of Article 2 of Protocol No. 1 by the Russian Federation).	To follow up the decision adopted at the 1250th meeting.
Khashiyev and Akayeva Group (No. 57942/00+)	6 July 2005	CM/Del/Dec(2015)12 36/16	Action of the security forces, mostly in the Chechen Republic (Articles 2, 3, 5, 6, 8, 13, 38 and Article 1 of Protocol No. 1).	To examine the information to be provided as regards the search for missing persons and comments in respect of the draft law on the application of prescription periods.
Klyakhin Group (No. 46082/99)	6 June 2005	CM/Del/Dec(2015)12 43/H46-17	Detention without court decision; failure to inform applicants about the reasons of their arrests; lack of relevant and sufficient reasons for continued detention; problems with judicial review of detention orders; and absence of an effective remedy against these violations (Article 5 §§ 1, 2, 3, 4 and 5).	To follow up the decision adopted at the 1243rd meeting
OAO Neftyanaya Kompaniya Yukos (No. 14902/04)	15 December 2014	CM/Del/Dec(2016)12 50/H46-21	Violations concerning tax and enforcement proceedings brought against the applicant oil company, leading to its liquidation in 2007 (Article 6, Article 1 of Protocol No. 1).	To follow up the decision adopted at the 1250th meeting.

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]

Serbia

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

CASE	DATE	RESOLUTION	CONCLUSION
Bielajac (No. 6282/06)	18 December 2012	CM/ResDH(2016)152	Examination closed
Bulovic (No. 14145/04)	1 July 2008	CM/ResDH(2016)152	Examination closed
Felbab (No. 14011/07)	14 September 2009	CM/ResDH(2016)152	Examination closed
Ilic (No. 30132/04)	9 January 2008	CM/ResDH(2016)152	Examination closed
Krivosej (No. 42559/08)	13 July 2010	CM/ResDH(2016)152	Examination closed
Marcic and 16 Others (No. 17556/05)	30 January 2008	CM/ResDH(2016)152	Examination closed
Pop-Ilic and Others (No. 63398/13+)	14 January 2015	CM/ResDH(2016)152	Examination closed
Popovic (No. 33888/05)	28 June 2010	CM/ResDH(2016)152	Examination closed
Tomic (No. 25959/06)	26 September 2007	CM/ResDH(2016)152	Examination closed
V.A.M. (No. 39177/05)	13 June 2007	CM/ResDH(2016)152	Examination closed
Zit Company (No. 37343/05)	27 February 2008	CM/ResDH(2016)152	Examination closed

CASE	DATE	RESOLUTION	VIOLATION	CONCLUSION
Alisic and Others (No. 60642/08)	16 July 2014	CM/Del/Dec(2016)12 50/H46-24	Inability to recover "old" foreign-currency savings deposited in Bosnian-Herzegovinian branches of banks incorporated in Serbia and Slovenia respectively (Article 1 of Protocol No. 1).	To follow up the decisions adopted at the 1250th meeting.

EVT Company Group (No. 3102/05)	21 September 2007	CM/Del/Dec(2012)11 57/22	Non-enforcement of final court and administrative decisions, including against “socially-owned” companies.	To follow up the decision adopted at the 1157th meeting.
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B. Resolutions, signatures and ratifications

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

C. Other information

■ CPT: Publication of a report on Serbia (24.06.2016)

The CPT published the report on its May/June 2015 visit to Serbia, together with the response of the Serbian authorities ([Read more](#) - [Read the report](#)).

■ MONEYVAL: Publication of the Committee’s last report on Serbia (09.06.2016)

In its new report, MONEYVAL analyses the implementation by Serbia of international standards on money laundering and terrorist financing since the last evaluation in 2009, and recommends an action plan to address the shortcomings ([Read more](#) - [Read the report](#)).

Slovak Republic

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

CASE	DATE	RESOLUTION	CONCLUSION
Kovarova (No. 46564/10)	23 September 2014	CM/ResDH(2016)138	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]

Slovenia

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

CASE	DATE	RESOLUTION	VIOLATION	CONCLUSION
Alisic and Others (No. 60642/08)	16 July 2014	CM/Del/Dec(2016)12 50/H46-24	Inability to recover "old" foreign-currency savings deposited in Bosnian-Herzegovinian branches of banks incorporated in Serbia and Slovenia, respectively (Article 1 of Protocol No. 1).	To follow up the decisions adopted at the 1250th meeting.
Mandic and Jovic Group (No. 5774/10+)	20 January 2012	First examination	Poor conditions of detention and lack of an effective remedy.	To take stock of the measures taken and to identify the outstanding issues.

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

CASE	DATE	RESOLUTION	CONCLUSION
R.M.S. (No. 28775/12)	18 September 2013	CM/ResDH(2016)139	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]

Sweden

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

CASE	DATE	RESOLUTION	CONCLUSION
Olsby (No. 36124/06)	21 September 2012	CM/ResDH(2016)140	Examination closed
Lucky Dev (No. 7356/10)	27 February 2015	CM/ResDH(2016)141	Examination closed

B. Resolutions, signatures and ratifications

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

C. Other information

■ CPT: Publication of response of the Swedish authorities (09.06.2016)

The CPT has published the response of the Swedish Government to the report on the CPT's most recent periodic visit to Sweden, in May 2015. The response has been made public at the request of the Swedish authorities. The CPT's report on the May 2015 visit was published on 17 February 2016 ([Read the response](#)).

■ FCNM: Receipt of the 4th cycle State Report (01.06.2016)

Sweden submitted its fourth State Report on 1 June 2016, in English and Swedish, pursuant to Article 25, paragraph 2, of the Framework Convention for the Protection of National Minorities. It is now up to the Advisory Committee to consider it and adopt an opinion intended for the Committee of Ministers.

Switzerland

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

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

B. Resolutions, signatures and ratifications

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

C. Other information

■ CPT: Publication of a report on Switzerland (23.06.2016)

The CPT has published the report on its April 2015 visit to Switzerland, together with the response of the Swiss authorities. During this 12-day visit, a delegation visited prisons, police stations and psychiatric institutions in seven different cantons ([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
Sterjov and Others (No. 40160/04)	16 October 2014	CM/ResDH(2016)142	Examination closed

B. Resolutions, signatures and ratifications

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

C. Other information

■ ECRI: Fight against racism and intolerance in "the former Yugoslav Republic of Macedonia": despite progress, problems remain (07.06.2016)

In its latest report, the ECRI sees positive developments in a series of measures taken by the authorities in Skopje since its previous report in 2010, including the adoption of a law to prevent and protect against discrimination and the setting up of a working group on hate crime in 2014 by the Ministry of Justice, in cooperation with the OSCE ([Read more](#)).

Turkey

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

CASE	DATE	RESOLUTION	VIOLATION	CONCLUSION
Cyprus (No. 25781/94)	12 May 2014	CM/Del/OJ/DH(2014)1193/21	14 violations in relation to the situation in the northern part of Cyprus.	To continue the debate on the cluster of displaced persons, in accordance with the decision adopted at the 1243rd meeting (December 2015) and on the payment of the just satisfaction.
Oya Ataman Group (No. 74552/01)	22 October 2014	CM/Del/Dec(2015)1222/20	Violation of the right to freedom of assembly, ill-treatment of applicants as a result of excessive force used during demonstrations, ineffectiveness of investigations in this respect (Article 3, 11 and 13).	To assess the information provided in response to the decision adopted at the 1222nd meeting.
Oyal Group (No. 4864/05)	23 June 2010	First examination	Failure to protect the right to life on account of medical negligence or medical errors (substantial and / or procedural violations of Article 2).	To assess the action plan provided on 07/04/2016.
Sinan Isik (No. 21924/05)	2 May 2010	First examination	Violation of the applicant's freedom not to disclose his religion in that he was under an obligation to disclose his beliefs as a result of the obligatory indication of religion on his identity card (Article 9).	To assess the action plan submitted on 07/04/2016 and identify the outstanding issues.
Varnava and Others (No. 16064/90+)	18 September 2009	CM/Del/Dec(2016)1250/H46-28	Lack of effective investigation into the fate of nine Greek Cypriots who disappeared during the military operations by Turkey in Cyprus in 1974.	To continue the debate on the issue of payment of the just satisfaction.

Xenides-Arestis Group (No. 46347/99)	23 May 2007	CM/Del/Dec(2016)12/50/H46-28	Continuous denial of access to property in the northern part of Cyprus (Article 1 Protocol No. 1, Article 8).	To continue the debate on the issue of the individual measures and of payment of the just satisfaction.
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B. Resolutions, signatures and ratifications

■ PACE: Resolution on the functioning of democratic institutions in Turkey (21 June 2016)

The Monitoring Committee was concerned about the serious allegations of human rights violations during the security operations and the human and legal consequences of the lengthy curfews. Thus, the Monitoring Committee expressed that the PACE should call on the Turkish authorities to carry out effective investigations and set up mechanisms to observe the human rights situation and issue credible reports. Furthermore, the committee was seriously concerned about the stripping of the immunity of a large number of parliamentarians – mostly from the opposition –, numerous measures and abusive application of legal provisions restricting freedom of expression and of the media, and the lack of independence of the judiciary. Thus, the Monitoring Committee concluded that these developments constitute a threat to the functioning of democratic institutions and the country's commitments to its obligations towards the Council of Europe. The Monitoring Committee expressed that the Assembly should therefore closely follow developments in the country and invite Turkey to align its legislation and practices with Council of Europe standards. ([Resolution 2121](#))

C. Other information

■ PACE: President ended official visit to Turkey, condemned new terrorist attack (08.06.2016)

PACE President reiterated his full support to Turkey, in the face of the many challenges the country is facing. Speaking about the refugee crisis and the EU Turkey refugee deal, PACE President praised Turkey's generosity and commitment to tackling this unprecedented challenge. Furthermore, PACE president encouraged the authorities to continue making full use of the Organisation's instrument and co-operation mechanisms. ([Read more - Istanbul bomb attack: PACE President condemns terrorists' blind fanaticism - Announcement of the official visit](#))

Ukraine

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

CASE	DATE	RESOLUTION	VIOLATION	CONCLUSION
Agrokompleks (No.23465/03)	9 December 2013	CCM/Del/Dec(2015)1 236/24	Unfairness of commercial proceedings involving the applicant company and infringement of the right to peaceful enjoyment of its possessions.	To take stock of the situation with respect to the payment of just satisfaction and to request information in respect of the general measures.
EastWest Alliance Limited (No. 19336/04)	2 June 2014	First examination	Interference with the applicant company's property rights resulting from the seizure, sale to third parties, disappearance or the material damage to its property in the course of various proceedings brought against that company by different authorities (Article 1 of Protocol No. 1) and lack of effective remedy in this respect (Article 13).	To urge the authorities to pay the outstanding amount of just satisfaction and to invite them to take general measures to prevent similar violations.
Yuriy Nikolayevich Ivanov and Zhovner Group (No. 40450/04)	29 September 2004	CM/Del/Dec(2015)12 36/23	Non-enforcement of domestic court decisions against the State or State owned enterprises (Articles 6 § 1 and 1 Protocol No. 1), pilot judgment, deadline expired in July 2011.	To follow up the decision adopted at the 1236th meeting.

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]

United Kingdom

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

CASE	DATE	RESOLUTION	CONCLUSION
R.E. (No. 62498/11)	27 January 2016	CM/ResDH(2016)143	Examination closed

CASE	DATE	RESOLUTION	VIOLATION	CONCLUSION
McKerr Group (No.28883/95)	4 August 2011	CM/Del/Dec(2015)12 43/H46-25	Action of the security forces in Northern Ireland in the 1980s and 1990s (Article 2).	To follow up the decision adopted at the 1243rd meeting.

B. Resolutions, signatures and ratifications

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

C. Other information

■ PACE elected Tim Eicke judge of the European Court of Human Rights in respect of the United Kingdom (21.06.2016)

The PACE elected Tim Eicke as judge to the European Court of Human Rights in respect of the United Kingdom. ([Read more](#) - [Voting result](#) - [List and curricula vitae of candidates submitted by the Government of the United Kingdom](#) - [How are judges of the European Court of Human Rights elected?](#))