



Summary of Final Resolutions adopted by the Committee of Ministers in 2015 (with the exception of those concerning Friendly Settlements)

These summaries are made under the sole responsibility of the Department for the Execution of the Judgments of the European Court and in no way bind the Committee of Ministers.

Resolution No.	Reference	Appl. No.	Judgment final on / delivered on	Violation	Main measures taken
CM/ResDH(2015) 18	ARM / Antonyan	3946/05	02/01/2013 02/10/2012	Unlawful interference with the right of peaceful enjoyment of possessions: Authorities required flat-owner to pay compensation in order to terminate an alleged right of third parties to use the flat as accommodation as result of an unforeseeable application of domestic law (Article 1 of Protocol No. 1).	Proceedings reopened and termination claim granted in 2014. Housing Code of 1982 abrogated on 26/11/2005. Civil Code amended in 2005 to clarify the concept of the right of accommodation use. Case-law of Court of Cassation and Constitutional Court reiterated the necessity of reasoned judgments.
CM/ResDH(2015) 37	ARM / Khachatryan	31761/04	01/03/2010 01/12/2009	Non-enforcement of a domestic judgment against a private company, whose majority shareholder is the State, for salary arrears; impairment of the right to a court and disproportionate interference with peaceful enjoyment of possessions (Article 6 § 1 and Article 1 of Protocol No. 1)	Automatic access to the respective domestic judgments in the electronic governance systems of the judiciary was provided to the Compulsory Enforcement Service. A new Code of Administrative Procedure (entry into force January 2014) introduced remedies to challenge acts and omissions of both State and local self-government bodies before the courts. Special administrative courts and an Administrative Court of Appeal were set up in 2008 and 2010 respectively. Judicial acts of the Administrative Court of Appeal can be challenged before the Chamber of Civil and Administrative Cases of the Court of Cassation. The judgment was translated, published and disseminated.
CM/ResDH(2015) 169	ARM / Kirakosyan and 3 other cases	31237/03+	04/05/2009 02/12/2008	Conditions of administrative detention amounting to degrading treatment and unfair proceedings: severe overcrowding in a temporary detention facility (1-2 square meters of personal space, periods without sleeping facilities, infestation with pests and absence of natural light); conviction to 10 days	Applicants released. Administrative detention abolished in the Code of Administrative Offences on 16/12/2005. Current procedural legislation provides full fair trial guarantees. A police detention facilities renovation programme and internal regulations on their conduct have been adopted. Renovations were carried out and material conditions, in particular sanitary, had been



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				<i>administrative detention without adequate time and facilities to prepare any defense and without any right of appeal (Articles 3, Article 6§3 (b) combined with Article 6§1 and Article 2 of Protocol No. 7).</i>	improved. Control mechanisms were set up: monitoring of detention facilities is carried out by the Office of the Human Rights Defender as well as by groups of public observers with a specific mandate. According to the Law on Holding Arrested and detained Person, complaints are processed by the penitentiary administration and supervisory bodies. Based on Order No. 90 of the Prosecutor General of 24/12/2007 (amended on 30/09/2011 by Order No.21) on the "Organisation of Prosecutorial Activities in the Field of Execution of Punishments and Other Measures of Restraint" the supervising prosecutor monitors detention facilities. An urgent procedure for complaints is available. Amendments to the Civil Code introduced the possibility to obtain monetary compensation for ill-treatment as non-pecuniary damage. Training activities were organized for judges, prosecutors, prison staff, civil servants, lawyers, etc. The judgment was translated, published and disseminated.
CM/ResDH(2015) 142	ARM / Mamikonyan	25083/05	04/10/2010 16/03/2010	Disproportionate restriction of effective access to a court: Refusal by the Court of Cassation to take into account additional submissions to the appeal on points of law the applicant had lodged in a criminal procedure stating they were time-barred in a very brief reasoning ignoring the detailed circumstances of the case (Article 6 1).	Applicant did not apply for reopening of proceedings available under domestic law. Amendments to Criminal Procedure Code in 2009 provide for extended time-limits for lodging appeals on point of law with the Court of Cassation. Change of Constitutional Court's and Cassation Court's case-law. New Draft Criminal Procedure Code contains clear rules on the time-limits for filing additional submissions in appeal proceedings. The judgment was translated, published and disseminated.
CM/ResDH(2015) 191	ARM / Minasyan and Semerjyan and 7 other	27651/05+	23/09/2009 23/06/2009 (Merits) 07/09/2011	Unlawful interference with property rights (termination of the right of ownership and the right of use) for the purpose of implementing State construction projects on the basis of only	Applicants did not avail themselves of the right to apply for reopening. On 27/11/2006 a new law on "Expropriation for the Needs of Society and the State" was adopted. It regulates the entire expropriation



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	cases		07/06/2011 (Just satisfaction)	<i>government decrees; deprivation of the legally recognized right to accommodation in an unforeseeable and arbitrary manner through reliance on legal rules which were not applicable to this kind of situation. (Article 1 of Protocol No. 1)</i>	procedure. In particular: conditions for expropriation (the principles to identify the paramount public interest justifying the expropriation); types of property subject to expropriation; adoption of the governmental decision regarding expropriation; procedure regarding the preliminary observation of the property subject to expropriation; compensation; judicial proceedings deciding on the expropriation; rights and guarantees of the owner in the expropriation process. It's scope also covers interference with the use of accommodation. The Constitutional Court in its decision no. CCD-815 of 14/07/2009 confirmed the constitutionality of the provisions and set application guidelines for domestic courts.
CM/ResDH(2015) 116	ARM / Sholokhov	40358/05	31/10/2012 31/07/2012	Denial of a fair trial: <i>Dismissal by the Civil Court of Appeal of a request for recognition and enforcement of a judgment by the Ciocana District Court of Moldova for compensation of injury suffered in the workplace, without adequate reasoning, by making only a formal reference to article 55 (c) of the Minsk Convention On Legal Assistance and Legal Relations in Civil, Family and Criminal Matters (Article 6).</i>	Change of judicial practice concerning appropriate reasoning on the basis of the Court of Cassation's as well as the Constitutional Court's case-law. 300 random cases were examined by the Court of Appeal in the period 2013/14 and only 6% were annulled on the basis of lack of appropriate reasoning. The requirement of appropriate reasoning is included as a component of the common core curriculum of the Justice Academy and the Law Institute of the Ministry of Justice as well as in trainings for acting and candidate judges, prosecutors, investigators and other public officials. A special project "Strengthening the application of the ECHR in Armenia" has been launched.
CM/ResDH(2015) 38	ARM / Stepanyan	45081/04	27/01/2010 27/10/2009	Lack of an oral hearing <i>in criminal proceedings before the Criminal and Military Court of Appeal resulting in a conviction to an administrative detention (Article 6 § 1)</i>	Systematic reform of administrative justice since 2005. Legal provisions on administrative detention for administrative offences abolished in Code of Administrative Offences on 16/12/2005. New



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					<p>comprehensive Code of Administrative Procedure (entry into force 05/12/2013) provides that the examination of administrative cases is conducted orally, in first instance and upon appeal. Special administrative courts and an Administrative Court of Appeal set up in 2008 and 2010 respectively. Judicial acts of the Administrative Court of Appeal can be challenged before the Chamber of Civil and Administrative Cases of the Court of Cassation.</p>
<p>CM/ResDH(2015) 222</p>	<p>AUT / Rambauske and 29 other cases</p>	<p>45369/07</p>	<p>28/04/2010 28/01/2010</p>	<p><i>Excessive length of civil and criminal administrative proceedings and lack of an effective remedy. (Articles 6 and 13)</i></p>	<p>The Austrian administrative court system has been fundamentally reorganized with effect from 01/01/2014. The legal basis for this reform is the Administrative Jurisdiction Amendment Act 2012 entry into force on 01/01/2014. Accompanying laws were adopted within the framework of the Administrative Jurisdiction Implementation Act (Federal Law Gazette Nr.33/2013). The system consist of 11 Administrative Courts of first instance, a Regional Administrative Court in every province ("Land") and two Administrative Courts of first instance at federal level (Bundesverwaltungsgericht + Bundesfinanzgericht) while the Supreme Administrative Court still serves as court of last resort regarding alleged unlawfulness and the Constitutional Court as court of last resort regarding alleged breaches of the constitution. With the reform in place, the right to effective remedy against delays occurring in administrative proceedings is now guaranteed by 2 new legal remedies: application against the administration's failure to decide and request for acceleration of the proceedings pending before the Administrative Courts of first instance. Human resources in support of the Supreme Administrative Court and the Constitutional Court have been significantly increased The positive impact of these organizational measures is reflected in statistics</p>



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					submitted.
CM/ResDH(2015) 19	AUT / Sporer	35637/03	03/05/2011 03/02/2011	Discriminatory treatment of fathers of children born out of wedlock in custody proceedings: <i>Difference in treatment as regards the required judicial scrutiny in the attribution of custody to the father of a child born out of wedlock compared to fathers who had originally held parental authority and later separated from the mother or divorced (Article 14 in conjunction with Article 8).</i>	On 28/06/2012, the Austrian Constitutional Court declared unconstitutional section 166 of the Civil Code with effect from 31/01/2013. On 01/02/2013, the Law amending Child Custody Law and the Law on Names entered into force.
CM/ResDH(2015) 01	BEL / Castellino	504/08	25/10/2013 25/07/2013	Unfair criminal proceedings: <i>Lacking explanations enabling the accused to understand the reasons for the guilty verdict pronounced against him by the Assize Court in the absence of any possibility of appeal against judgments of the Assize Court in the Belgian system (Article 6§1)</i>	The Law on the reform of the Assize Courts (entry into force in January 2010) provides that jury decisions on guilt have to be motivated. The judgment was translated and disseminated.
CM/ResDH(2015) 245	BEL / Dumont and 16 other cases	49525/99	28/07/2005 28/04/2005	Excessive length of proceedings before the civil courts of appeal and the Court of Cassation as well as before different categories of criminal courts + in 2 cases lack of an effective remedy to complain about the excessive length of civil proceedings (Article 6 §1)	National proceedings are closed. A number of general measures, in particular concerning the Brussels Court of Appeal, were presented in CM/ResDH(2011)189 in the Oval S.P.R.L. and others group. Law of 26/04/2007 amending the Judicial Code with a view to reducing the judicial backlog also contains an acceleratory remedy with regard to civil proceedings. A compensatory remedy in case of excessive length of civil or criminal proceedings based on Articles 1382, 1383 Civil Code exists and respective case-law had acquired a sufficient degree of legal certainty. Article 21 ter of the preliminary part of the Code of Criminal Procedure provides also a possibility to obtain a compensation for lengthy proceedings. The budget of the Ministry of Justice has been increased. Data and figures on the



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					satisfactory impact of the measures taken were submitted. The budget of the Ministry of Justice had also been increased. Questions persist as concerns the length of civil proceedings before the first instance courts and the labour courts and the length of criminal proceedings before the Dutch-language chamber of the Court of Cassation which will continue to be examined in the context of the cases in the Bell group which remain under the supervision of the Committee; questions related to the excessive length of pre-trial investigations are examined in the De Clerck and others group.
CM/ResDH(2015) 132	BEL / Entreprises Robert Delbrassinne S.A and 4 other cases	49204/99	01/10/2004 01/07/2004	<i>Excessive length of civil proceedings before the State Council resulting mainly from unexplained delays occurred in the filing of the State Council Auditor's reports. (Article 6 §1)</i>	A law on the reform of the State Council was adopted on 15/09/2006 creating a Aliens Litigation Council (Conseil du contentieux des étrangers - CEC), whose purpose was the elimination and control of the backlog of cases. A series of structural and organisational measures was introduced: i.e. the suppression of certain competences, simplification of procedures and introduction of modern management techniques. Since 2013, the backlog, particularly actions for annulment in matters relating to foreigners and regional planning, is resorbed. In several cases, compensation for damages for excessive length of proceedings was granted. The judgment was translated, published and disseminated.
CM/ResDH(2015) 39	BEL / Loncke	20656/03	25/12/2007 25/09/2007	<i>Lack of effective access to a court in tax proceedings equivalent to the determination of a "criminal charge", as the deposit requested to secure costs was disproportionate to the applicant's financial situation (Article 6 §1)</i>	The applicant did not avail himself of the possibility to ask for reopening of proceedings. Amendment of the VAT Code's Article 92 in 1999: a deposit request is no longer automatic; it may only be requested on the basis of concrete elements, including the applicant's financial situation. This amendment is also reflected in the Manual for Fiscal Administration and the respective case-law. The judgment, based on an isolated incident,



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					was translated, published and disseminated.
CM/ResDH(2015) 84	BEL / M.S.	50012/08	30/04/2012 31/01/2012	Risk of ill-treatment in Iraq: Failure of authorities to obtain diplomatic assurances despite serious and established grounds for believing that there was a real risk of ill-treatment in Iraq; first period of detention in the closed centre of Merksplas based merely on reasons of security; failure by the authorities to review the lawfulness of the detention speedily; second period of arbitrary detention in view of deportation (Articles 3, 5§1 and 5§4)	The applicant, deported to Iran in 2010, is of unknown location. The authorities are currently unable to evaluate the risk of ill-treatment of the applicant in Iraq. Just satisfaction was paid to the account of his counsellor. The law of 19/01/2012 amending the Law of 15/20/1980 on the entry, stay, residence and removal of aliens provides that the expulsion of an alien may be postponed to avoid a violation of the principle of non-refoulement. The law also allows alternatives to detention when deportation is impossible. The information brochure on appeals was amended to clarify the authorities' competence <i>ratione loci</i> . The judgment was disseminated to relevant institution.
CM/ResDH(2015) 159	BEL / Turan Cakir	44256/06	10/06/2009 10/03/2009	Ill-treatment by the police during arrest and custody and lack of effective investigation in this respect. Failure of authorities to examine whether racist motives played a role in the events. (Article 3 substantive and procedural limb and in conjunction with Article 14)	Isolated case. Reopening of criminal or disciplinary proceedings impossible due to prescription. Legislative and regulatory framework on the use of force by the police and external and internal control mechanisms to ensure compliance with the rules are presented and statistics provided on judicial decisions regarding acts of police violence. The Law of 14/01/2013 amending article 405 quater Criminal Code includes "discriminatory motive" as an aggravating circumstance for various criminal offences. Judicial authorities have the obligation to investigate and rule on possible discriminatory motivation (including racism) of various offences, including acts of violence perpetrated by members of the police.
CM/ResDH(2015) 66	BGR / "Bulves" AD and one similar case	3991/03	22/04/2009 22/01/2009	Interference with property rights due to excessive burden on applicant organisations: Denial of the right to deduct the input VAT because of the suppliers' failure to discharge	In the new VAT Act 2007 the impugned prerequisite for input VAT deductions was abandoned. The judgment was translated, published and referred to in new case-law of the Supreme Administrative Court.



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				<i>VAT reporting obligations without any indication of fraud; no fair balance struck between general interest and property right (Article 1 of Protocol No. 1)</i>	
CM/ResDH(2015)44	BGR / Al-Nashif and Others and 3 other cases	50963/99	20/09/2002 20/06/2002	<i>Lacking protection against arbitrariness in the context of expulsion and deportation measures on security grounds; lacking independent supervision or judicial control or judicial review of the lawfulness of the detention and failure to inform the applicant promptly of the reasons for his arrest (Articles 8 and 13, Article 1 of Protocol No. 7, Article 5§2 and §4)</i>	Since April 2007, expulsion orders may be appealed against before the Supreme Administrative Court as provided for in section 46 of the Aliens Act. According to the provisions of sections 42(4) and 44(2), introduced in 2009 and 2011 respectively, expulsions of aliens residing permanently in Bulgaria, oblige authorities to take into account personal and family situation, level of integration and strength of connections with the country of origin. According to amendments introduced in May 2009 and August 2013, the length of detention of aliens pending expulsion cannot exceed 6 months, or 18 months in exceptional cases. They provide for judicial review of the initial detention order. At six-month intervals and upon a request of the detainee or on their own motion, the courts are to review the lawfulness and necessity of continued detention. The first instance court has to take a decision within one month. In case of appeal, the Supreme Administrative Court has to deliver its decision within two months. Other shortcomings of the judicial control found in the Al-Nashif and Others judgment are examined in the context of the supervision of the C.G. and Others-Group.
CM/ResDH(2015)54	BGR / Asen Kostov	48445/06	26/06/2013 26/03/2013	<i>Unlawful detention in excess to overall term of imprisonment imposed by a judicial decision and lack of enforceable right to compensation: (Article 5 §§1 and 5)</i>	Partly isolated case; guidance given to prosecutors and prison authorities by Supreme Prosecution Office to avoid deprivation of liberty in excess to the term assigned by the court; general measures concerning right to compensation covered by CM/ResDH(2013)102 – Yankov Group.



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CM/ResDH(2015) 193	BGR / D.M.T and D.K.I	29476/06	24/10/2012 24/07/2012	Protection of private life and denial of a fair trial; excessive length of criminal proceedings and lack of effective remedy: impossibility for a suspended police officer to have a paid employment pending criminal proceedings and lack of effective remedy in this respect; lacking information of the applicant of the nature and the cause of accusation and lack of adequate time and facilities for the preparation of his defense, after adoption by the Supreme Court of Cassation of a new legal categorization of the facts of the case (Articles 8 and 13, 6§3(a) and (b), taken together with Article 6§1 as well as Articles 6 §1 and 13).	Reopened proceedings still pending. The new Code of Criminal Procedure of 2005 and the law on the Ministry of the Interior of 2006 (replaced by the law on the Ministry of the Interior of 2014) still prohibits to exercise a commercial activity or employment for officials of the Ministry of the Interior. In the event of suspension of duties during criminal proceedings, it is possible to resign, except during disciplinary proceedings for gross misconduct. Legislation provides timeframes to conclude a disciplinary procedure rapidly without possibility to suspend disciplinary proceedings pending the outcome of criminal proceedings for the same facts.
CM/ResDH(2015) 171	BGR / Duraliyski	45519/06	04/06/2014 04/03/2014	Unfair civil proceedings over payment of an insurance policy: failure of the Sofia City Court, sitting at last instance, to submit to adversarial proceedings a decisive question for the outcome of the case and to consider a crucial piece of evidence in its final decision. (Article 6 § 1)	Applicants did not request reopening. The judgment was translated, published and disseminated to all courts.
CM/ResDH(2015) 154	BGR / Finger, Dimitrov and Hamanov and 54 other cases in the Djangozov and Kitov groups	37346/05 48059/06+	10/08/2011 10/05/2011	Excessive length of criminal (Kitov group) and civil (Djangozov group) proceedings and the lack of an effective remedy. In two pilot judgments - Dimitrov and Hamanov (criminal proceedings) and Finger (civil proceedings) - the Court found a structural problem. (Articles 6§1 and 13)	An administrative compensatory remedy for excessive length of civil and criminal proceedings entered into force on 01/10/2012, a judicial compensatory remedy entered into force on 15/12/2012. Acceleratory remedies were introduced in the Civil Procedure Code of 2007, the Code of Administrative Procedure and in the Criminal Procedure Code. Organisational measures were, including the analysis and distribution of the workload of the courts, improvement of working conditions and recruitment of staff. Deficiencies like the scheduling of numerous hearings; the frequent adjournments of cases; the considerable intervals



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					between hearings before courts in which the workload of judges is not excessive; excessive workload of the Supreme Court of Cassation; the excessive number of remittals to the lower courts, were addressed. Additional short procedures were introduced in the CPC. Statistics show a decrease in the number of investigative proceedings per year. Information on the impact of all the measures taken, in particular with regard to the distribution of work-load, will be given in due time.
CM/ResDH(2015) 252	BGR / Haralampiev	29648/03	24/09/2012 24/05/2012	<i>Denial of a fair trial due to the unjustified refusals by the Supreme Court of Cassation to reopen criminal proceedings having resulted in the applicant's convictions in absentia. (Article 6§1)</i>	No reopening of proceedings requested. General measures see in CM/ResDH(2014)259 in Aliykov and Stoyanov group. The judgment was translated, published and disseminated.
CM/ResDH(2015) 194	BGR / Iordanovi	10907/04	27/04/2011 27/01/2011	<i>Death in police custody of the applicants' son due to severe complications of his diabetes in the light of lacking adequate treatment and lack of objective and effective investigation. (Article 2 substantive and procedural limb)</i>	Reopening impossible due to prescription. Isolated case. The judgment was translated, published and disseminated, in particular to the District Military Prosecutor's Office in Plovdiv and the Standing Committee on Human Rights and Police Ethics with the Ministry of Interior and respective General Directorate in the Ministry of Justice.
CM/ResDH(2015) 224	BGR / Manolov and Racheva-Manolova	54252/00	11/03/2009 11/12/2008	<i>Absence of adequate compensation for deprivation of property lawfully acquired by the State as a result of proceedings brought by the heirs of original owners who had been subsequently acquired a restitution right under the Restitution of Stores, Workshops and Storage Houses Act. (Article 1 of Protocol No. 1)</i>	Just satisfaction paid. As the time-limit for requesting the restitution ended in December 1992, this violation has become historical. The judgment was translated, published and disseminated.
CM/ResDH(2015) 67	BGR / Pfeifer and one similar case	24733/04	17/05/2011 17/02/2011	<i>Restriction of freedom of movement by travel ban pending criminal proceedings: Failure by authorities to justify throughout the whole</i>	Article 68 of the Criminal Procedure Code as amended in 2008 regulates procedural conditions for a prohibition to leave the country when charged with a serious



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				<i>duration of the travel ban the - initially justified - inference with the right to leave the country, overlooking the factors in favour of the request to lift the ban; lack of an effective remedy with regard to the initial travel ban (Articles 2 of Protocol No. 4 and 13)</i>	intentional criminal offence. According to current case-law, prohibitions are revoked when there is no risk of the accused fleeing the country and compensation is awarded under State and Municipalities Responsibility for Damages Act in case of unlawful prohibition.
CM/ResDH(2015) 223	BGR / Popnikolov	30388/02	25/06/2010 25/03/2010 (Merits) 11/01/2012 11/10/2011 (Just satisfaction)	Non-enforcement of final domestic judgments by the administration recognizing the applicants' right to purchase State-owned properties under a preferential procedure regulated by the Transformation and Privatisation of State and Municipally-Owned Enterprises Act 1992 (Articles 6 §1 and 1 of Protocol No. 1)	Just satisfaction paid. The Transformation and Privatisation of State and Municipally-Owned Enterprises Act, adopted in 1992 was repealed in March 2002. Enforcement of court judgments is regulated by the Code of Administrative Procedure adopted in 2006. Article 290 of the Code provides for the possibility to impose sanctions for non-action on the official concerned. Also, a person seeking the execution of a judicial decision can request an interim measure under Section. Certain difficulties in the practical implementation of this new legal framework are examined in the context of the supervision of <i>Stoyanov and Tabakov</i> . The judgment was translated, published and disseminated.
CM/ResDH(2015) 40	BGR / Raykov and one similar case	35185/03	22/01/2010 22/10/2009	Lack of a fair trial due to unlawful refusal of free legal assistance in criminal proceedings (Article 6§1 and Article 6§3c)	Unjustified refusal to grant free legal assistance is considered a legal ground for quashing a judgment on appeal. Error in application of national law. The judgment was translated, published and disseminated.
CM/ResDH(2015) 119	BGR / UMO Ilinden and Ivanov (No.2) and 1 other case	37586/04+	18/01/2012 18/10/2012	Interference with freedom of assembly of Macedonian minority organisations: prohibition of their meetings between 2004 and 2009 based on grounds which the Court had rejected in three earlier judgments on the same matter, i.e. the protection of national sovereignty, territorial integrity and public order or the organisations' irregular status or	The judgment was translated, published and disseminated. General measures are covered in CM/ResDH(2011)46 in United Macedonian Organisation Ilinden and Ivanov and Ivanov and Others, when the CM considered that sufficient legislative, awareness-raising and other measures had been taken to prevent future similar violations resulting in a positive trend concerning the respect of the applicants' freedom of assembly. The



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				<i>their controversial views on sensitive issues (Article 11)</i>	present judgments do not seem to contain information which would put the above conclusions in doubt, the events having taken place between 2004 and 2009.
CM/ResDH(2015) 170	BIH / Avdic and Others	28357/11+	19/02/2014 19/11/2003	Denial of access to a court: <i>Rejection of the applicants' constitutional appeals as the Constitutional Court bench could not reach the required majority, thus effectively declining to decide on their cases. (Article 6§1)</i>	The impugned proceedings were reopened. Article 42 of the new Rules of the Constitutional Court provides that if judges cannot reach a majority, the vote of the President or his or her substitute shall carry a weight of two votes and thus prevail. The Constitutional Court also took measures aimed at ensuring reopening of proceedings before it, should the ECHR have found a denial of access to it and amended its Rules accordingly, notably the provision of Article 68.2 T.
CM/ResDH(2015) 133	CRO / Brezovec	13488/07	29/06/2011 29/03/2011	Interference with peaceful enjoyment of possessions: <i>Refusal by authorities, in contravention to previously established case-law of the Constitutional Court, to let the applicant purchase a flat, for which he had specially protected tenancy rights, but which he had to abandon during the Croatian War of Independence. (Article 1 of Protocol 1)</i>	The impugned proceedings were reopened and the applicant's request granted. The judgment was translated, published and disseminated. Isolated incident as the judgments of the domestic courts, including the Constitutional Court itself, were contrary to previous case-law.
CM/ResDH(2015) 61	CRO / Čamovski	38280/10	23/01/2013 23/10/2012	Denial of access to Constitutional Court: <i>Inadmissibility of a constitutional complaint due to obvious error in calculation of prescribed time-limit (Article 6§1).</i>	Reopening of proceedings before the Constitutional Court; change in Constitutional Court's case-law; publication and dissemination of judgment.
CM/ResDH(2015) 196	CRO / Egić	32806/09	05/09/2014 05/06/2014	Denial of access to a court <i>in that the Supreme Court refused to examine the merits of an appeal on points on law on the ratione valoris ground, since the value of the dispute set by lower courts was below statutory threshold. (Article 6§1)</i>	Applicant did not request reopening. Amendments to the Civil Procedure Act in 2008: According to its Article 40 §5, if the value of the dispute has not been determined in proceedings before the first-instance court, it shall be presumed set at HRK 50,000 thereby ensuring legal and procedural certainty with regard to the right to lodge an appeal on points of law.



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CM/ResDH(2015) 60	CRO / Hrdalo and one other case	23272/07	27/12/2011 27/09/2011	Unfair administrative proceedings due to breach of the principle of equality of arms: Lack of possibility to comment on replies from the opponent due to non-transmission (Article 6§1)	New Administrative Disputes Act, entered into force on 01/01/2012, obliges the courts to serve the opponent's submissions on the other party; respective alignment of domestic case-law. Translation and dissemination of the judgments.
CM/ResDH(2015) 226	CRO / Hrvatski Liječnički Sindikat	36701/09	27/02/2015 27/11/2014	Unjustified interference with freedom of association: due to domestic court's decision to prohibit a trade union of medical practitioners to strike in order to demand the conclusion of a new collective agreement. (Article 11)	Erroneous application of domestic law by courts. The judgment was translated, published and disseminated. Awareness-raising measures vis-à-vis the members of the judiciary.
CM/ResDH(2015) 172	CRO / Simecki	15253/10	30/07/2014 30/04/2014	Denial of access to a court in enforcement proceedings: due to the enforcement order having never been served on the applicant and her subsequent arguments before the courts having been dismissed the result of a miscalculation of the time limit. (Article 6 § 1)	Applicants reached an out-of-court settlement. The case was the result of an error committed by domestic courts. The judgment was translated, published and disseminated to all courts.
CM/ResDH(2015) 143	CRO / Topic	51355/10	10/01/2014 10/10/2013	Denial of a fair trial: Dismissal by the trial court of all requests submitted by the applicant concerning evidence and acceptance all arguments and evidence submitted by the prosecution in the criminal proceedings creating an unfair advantage for the prosecution and depriving the applicant of an opportunity to effectively challenge the charges against him (Article 6§§1 and 3(d)).	The applicant requested and was granted reopening of the impugned criminal proceedings. Change in the Supreme Court's and Constitutional Court's case-law to align it with the judgment, which was translated, published and disseminated, and its findings.
CM/ResDH(2015) 134	CRO / Vanjak	29889/04	14/04/2010 14/01/2010	Denial of a fair trial in disciplinary proceedings: Lack of possibility to comment on witness statements given to the police; national courts' decision based on the applicant's confession before the police allegedly obtained under pressure (6 §1).	Disciplinary proceedings reopened following a decision of the Constitutional Court and conducted in line with the Court's findings in this case. National case-law was changed and brought in line with the Court's finding. The judgment was translated, published and disseminated.



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CM/ResDH(2015) 47	CYP / Kyprianou	73797/01	15/12/2005 (Grand Chamber)	Unfair criminal proceedings: Lack of impartiality of a tribunal sentencing the applicant, an advocate, to 5 days' imprisonment in 2001 for contempt of court while he was conducting the defence in criminal proceedings (Article 6§1 and Article 10)	The "Law providing for the restitution of persons convicted in criminal cases in the light of judgments of the ECHR" entered into force on 25/02/2015 granting the possibility of reopening. The provisions on the offence of contempt of court were amended in April 2009 underlining the need to strike a fair balance between the protection of the right to freedom of expression and the authority of the judiciary. The judgment was translated and disseminated. Respective training for judges is provided.
CM/ResDH(2015) 135	CZE / Budrevich	65303/10	23/01/2014 17/10/2013	Lack of an effective remedy with suspensive effect against expulsion to Belarus in asylum-proceedings due to failure of relevant authorities to subject the applicant's claim to asylum to close and rigorous scrutiny. (Article 13 in conjunction with Article 3)	The applicant was granted subsidiary protection until 24/06/2017 and may apply for its extension. The case shows a rare deficiency in practice involving concurrent asylum, criminal and extradition proceedings. The judgment was translated and disseminated, in particular to the Department for Asylum and Migration Policy of the Ministry of Interior.
CM/ResDH(2015) 98	CZE / Buishvili	30241/11	25/01/2013 25/10/2012	Lack of access to judicial proceedings in which release of an asylum seeker from detention in the reception centre in Prague Airport could have been ordered: Administrative courts able to issue a binding decision on the lawfulness of the detention but unable to order release. (Article 5 § 4).	Amendment of the asylum law on 23/04/2014 ensuring the immediate transfer of an asylum seeker to an ordinary asylum centre (which he is free to leave), in case a national court quashes the Ministry's decision to refuse the asylum seeker entry into the country. The judgment was translated, published and disseminated.
CM/ResDH(2015) 14	CZE / Čepek	9815/10	05/12/2013 05/09/2013	Unfair proceedings: Unforeseeable decision not to order the reimbursement of the winner's legal costs on the basis of an exceptional provision and in absence of a remedy against it (Article 6§1)	Reopening of the domestic proceedings and quashing of the decision concerning the legal costs. The Constitutional Court gave guidance on the application of the relevant provision in the Code of Civil Procedure. The judgment was translated, published and disseminated.
CM/ResDH(2015)	CZE / Janyr	42937/08	24/03/2014	Denial of the right to a fair hearing: Lacking	General measures are covered in CM/ResDH(2012)20 in



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13			31/10/2013	<i>opportunity to comment on the submissions of authorities, who were party to the proceedings before the Constitutional Court (Article 6§1)</i>	Hubka and Others.
CM/ResDH(2015) 227	CZE / Kummer	32133/11	25/07/2013 27/03/2014 (Merits) 25/10/2013 25/06/2014 (Decision)	Degrading treatment in police custody due to unjustified use of restraints; lack of independent effective investigations, carried out by the Police Inspectorate, then a unit of the Ministry of the Interior. (Article 3 substantive and procedural limb)	According to Supreme State Prosecutor reopening of investigations impossible due to ne bis in idem principle. Act no. 341/2011 (Act on the General Inspection of the Security Forces) established, in January 2012, the General Inspection of the Security Forces, an independent body responsible for investigation into criminal acts committed in particular by police officers (see also CM/ResDH(2014)69 in Eremiášová and Pechová). The Constitutional Court now applies more detailed scrutiny in its case-law with regard to the requirements of adequate investigation under Articles 2 and 3. A binding instruction of the Police President no. 159/2009 on escorts, guarding individuals and police cells has been amended with effect 01/01/2015: any restriction on one's freedom of movement, consisting in the person being shackled to a fixed object, must be justified by the necessity to forestall the dangerous conduct. The judgment was translated, published and disseminated and is used in police training activities.
CM/ResDH(2015) 15	CZE / Lošťák and one other case	380/11	19/12/2013 19/12/2013	Lack of access to the Constitutional Court: <i>Lack of clear rules concerning the formalities and time-limits to be observed for a constitutional appeal in criminal proceedings (Article 6§1).</i>	Proceedings were reopened. Relevant domestic legislation was modified (see the Final Resolution in case CM/ResDH(2013)58).
CM/ResDH(2015) 75	CZE / Sýkora	23419/07	22/02/2013 22/11/2012	Unlawful detention in a psychiatric hospital with the guardian's consent: <i>Lack of proceedings to determine lawfulness and to have release ordered; disproportionate interference with private life legal capacity deprivation in a deficient procedure (Article 5</i>	New Act on Special Judicial Proceedings No. 292/2013 (in force since 01/01/2014) provides for the information of the competent court of involuntary placements in healthcare institutions. The Act also provides for the possibility of initiating proceedings by the individual concerned, even if the legal guardian had consented to



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				§§ 1 and 4 and Article 8)	the admission. Under the new Civil Code, proceedings can be introduced against healthcare institutions failing to their obligations. The Act and the Civil Code also provide that the person concerned must be heard in proceedings determining the need to restrict his/her legal capacity. The relevant decision is to be made available to that person.
CM/ResDH(2015) 120	EST / Jaeger	1574/13	31/10/2014 31/07/2014	Disproportionate interference with right to respect of private life: body search in prison carried out in a stairwell in full view of other detainees (Article 8).	Conditions for body search in Tartu Prison on the prisoners' return from a walk have been improved through special constructions. The judgment was translated, published and disseminated.
CM/ResDH(2015) 136	EST / Ovsjaniikov	1346/12	20/05/2014 20/02/2014	Unlawful detention: Lack of access to the criminal file or the material presented by the prosecutor to the court deciding on applicant's remand in custody and the lawfulness of his continued detention (Article 5 § 4).	Change of Criminal Procedure code in July 2014: Suspects have the right to request access to the evidence essential for specifying the content of the suspicion filed against them. Access to the evidence shall be ensured at the latest after the Prosecutor's Office declared the pre-trial proceedings completed and submitted the criminal file for examination. Suspects have the right to request access to any evidence essential in order to discuss the lawfulness of an arrest warrant in court. A Prosecutor's Office may refuse to enable access to evidence to protect third parties. An appeal may be filed against such a ruling. It is possible to appeal against activities of investigative body or Prosecutor's Office first to the Prosecutor's Office or the Public and thereafter to the first instance court. The judgment was translated, published and disseminated.
CM/ResDH(2015) 77	FRA / El Shennawy	51246/08	20/04/2011 20/01/2011	Degrading treatment: submission to full body searches, repeated and filmed, undertaken during Assize Court trial by masked men of various security forces without any pressing need to ensure security or prevent disorder or	The 2009 Prison Act and a complementary instruction No. 282 dated 07/07/2009 by the Penitentiary Administration impose tight restrictions on full body searches, permitting them only where rub-down searches or electronic detection methods were



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				<i>crime; lack of effective remedy against the measure (Articles 3 and 13).</i>	insufficient. The State Council, in recent case-law, recognised the possibility to complain against body search measures on the basis of Article L 521-2 of the Administrative Justice Code.
CM/ResDH(2015) 100	FRA / Sabeh El Leil	34869/05	29/06/2011 Grand Chamber	Denial of access to a court on the ground of State immunity from jurisdiction: <i>By upholding an objection based on State immunity and thus dismissing the claim of a non-national employee of a foreign embassy to challenge his dismissal without giving relevant and sufficient reasons, and notwithstanding the applicable provisions of international law, domestic courts failed to preserve a reasonable relationship of proportionality. (Article 6 § 1).</i>	Ratification on 28/06/2011 of the 2004 United Nations Framework Convention on Jurisdictional Immunities of States and their property. Isolated case. The judgment was translated, published and disseminated.
CM/ResDH(2015) 228	FRA / Saoud	9375/02	09/01/2008 09/10/2007	Death by asphyxia during arrest of the applicants' son and brother, suffering from schizophrenia, as direct result of prolonged immobilization on the ground by policemen; unfair proceedings before the Court of Cassation on account of the fact that it had been materially impossible for the specialist lawyer assigned to the applicants to file pleadings before the Court of Cassation ruled on their appeals. (Article 2 substantive and procedural limb and 6 § 1).	Just satisfaction paid. On 08/10/2008, the Chief of National Police General Inspection, issued an instruction to all police forces on requirements and control of the use of force. Concerning the technique called «decubitus ventral», compression on the chest and abdomen must be as brief as possible and released immediately after the person is immobilised by regulatory and suitable means. A reform of intervention, defense and arrest techniques was undertaken, based on reflection of a working group within the General Inspectorate. Thus, initial and ongoing training as agents of the National Police and National Gendarmerie have been reformed and include ethical issues. Professional restraint techniques are based on the progressive and proportionate use of force in respect of the human being. Measures have been taken within the Court of Cassation, in consultation between Criminal and the Legal Aid Office to prevent reproduction similar malfunction: e.g. the processing of applications for legal



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					aid is accelerated following the discontinuation of the practice of interim assistance grants. The judgment was published and disseminated.
CM/ResDH(2015) 76	FRA / Vosgien	12430/11	03/01/2014 03/10/2013	Excessive length of detention on remand: <i>Insufficient grounds to justify continued detention for four years and three months. (Article 5§3).</i>	Just satisfaction paid. The judgment, based on an isolated incident in specific circumstances, was translated, published and disseminated.
CM/ResDH(2015) 02	FRA / Z.M.	40042/11	14/02/2014 14/11/2013	Risk of ill-treatment in the Democratic Republic of Congo: <i>Lacking motivation of the competent authorities' decision for their doubts concerning the authenticity of the documents submitted by the asylum-seeker (Article 3).</i>	An order repealing the deportation order was issued in January 2014. The judgment was translated and disseminated.
CM/ResDH(2015) 121	GEO / Baisuev and Anzorov	39804/04	18/03/2013 18/12/2012	Unlawful and arbitrary detention of the applicants, Russian citizens of Chechen origin, by police officers and failure to inform them promptly of the reasons for their detention (Article 5 §§1+2).	General measures concerning pre-trial detention covered in CM/ResDH(2011)105 - in Patsuria, Gigolashvili, Ramishvili and Kokhreidze). The Committee considered that the 2010 legislation on pre-trial detention and its application in practice adequately remedied the violations found. Training for prosecutors is organised. The judgment was translated, published and disseminated.
CM/ResDH(2015) 41	GEO / Klaus and Yuri Kiladze	7975/06	02/05/2010 02/02/2010	Deficient legal framework granting compensation to nationals who sustained various forms of persecution and oppression on the territory of the former Soviet Union between 1921 and 1990: <i>Prolonged failure of authorities to take necessary measures with a view to ensuring the effective monetary compensation for non-pecuniary damage of victims of Soviet political repression under Article 9 of the Law of 11 December 1997 (Article 1 of Protocol No.1)</i>	Necessary amendments to the Law of 11 December 1997 and the Code of Administrative Procedure of Georgia to allow the victims of repression to benefit from the right guaranteed in its Article 9 entered into force on 18/05/2011. According to official statistics, 7910 cases were decided since then. On 01/01/2015, new amendments entered into force fixing the amount of compensation by law and extending the territorial jurisdiction of the national courts.



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CM/ResDH(2015) 79	GER / B.B. and F.B.	18734/09 and 9424/11	14/06/2013 14/03/2013	Withdrawal of parental custody: Domestic court's failure to establish the relevant facts and to provide sufficient reasons for the decision (Article 8).	Parental custody restored in 2010. The judgment, based on an isolated incident due to negligence of domestic family courts, was translated, published and disseminated.
CM/ResDH(2015) 78	GER / Kübler	32715/06	13/04/2011 (Merits) 05/09/2014 (Just satisfaction) 13/01/2011 (Merits) 05/06/2014 (Just satisfaction)	Denial of access to a court: Baden-Württemberg Ministry of Justice's failed to comply with an interim injunction issued by the Federal Constitutional Court, ordering the regional Ministry of Justice to keep one post of advocate notary vacant pending the examination of the applicant's constitutional complaint in which he had contested not having been appointed to such a post (Article 6 § 1).	Liability proceedings before the Regional Higher Court had been concluded and the applicant appointed advocate notary. A friendly settlement regarding compensation for moral and material damage was concluded between the applicant and the Land. The judgment, based on an isolated incident, was translated, published and disseminated.
CM/ResDH(2015) 86	GER / Schwabe and M.G.	8080/08+,	01/03/2012 01/12/2011	Unlawful preventive five-day detention to prevent participation in anti-G8-demonstration: Disproportionate interference with the right to assembly to avoid the possible incitation of others to free demonstrators detained during the summit (Articles 8 and 11).	Isolated incident due to inappropriate decisions by domestic criminal courts. The judgment was translated, published and disseminated.
CM/ResDH(2015) 198	GRC / I.B.	552/10	03/01/2014 03/10/2013	Discrimination on account of health status: rejection of the applicant's complaint against his dismissal as HIV positive in response to pressure from other employees in the company; domestic courts providing insufficient explanation of how the employer's interests outweighed those of the applicant, thus failing to strike the correct balance between the rights of both parties. (Article 8 in conjunction with Article 14)	Just satisfaction paid. Deficient reasoning of the Court of Cassation. The judgment was translated and disseminated.
CM/ResDH(2015)	GRC /	47268/06	07/02/2014	Unfair maintenance proceedings: failure of	Maintenance proceedings closed on various grounds.



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173	Matrakas and Others		07/11/2013	<i>authorities to initiate or expedite procedures in the context of the New York Convention on the Recovery Abroad of Maintenance (e.g. pursuing of a friendly settlement, bringing of proceedings, execution of the judgment already rendered by Polish courts) on behalf of Polish citizens against their father, a Greek citizen, in order to recover maintenance payments owed. (Article 6 §1)</i>	Complex case due to its specific circumstances and to numerous requests introduced on the basis of international regulations. Maintenance recovery between EU members and EU members and third States is regulated by the Council Regulation No.4/2009 of 18/12/2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations. It abolished exequatur proceedings for judgments rendered after 18/06/2009 falling in its ambit, simplified the communication procedures, and set time limits for information of the creditor. The judgment was translated, published and disseminated.
CM/ResDH(2015) 231	GRC / Michelioudakis and 82 other cases GRC / Glykantzi and 57 other cases (pilot judgments)	5447/10+ 40150/09+	03/07/2012 03/04/2012 30/01/2013 30/10/2012	Excessive length of criminal proceedings and excessive length of civil proceedings as well as lack of an effective remedy (Articles 6 §1 and 13)	A law introducing a compensatory remedy entered into force on 13/02/2014. Criminal proceedings in all cases are closed; in certain civil proceedings parties remained inactive despite the general principle of party initiative (Article 106 Civil Procedure Code). The CM noted that the compensatory remedy can be considered as effective and accessible. Detailed information on its functioning in practice, relevant case-law and data on its concrete impact on length of proceedings were submitted. Additional organisational measures were taken to simplify and accelerate proceedings. The judicial system was restructured following Presidential Decrees 120/2014 on the distribution of cases on Court of Cassation Chambers and 136/2014 on distribution of magistrates' posts. The judgment was translated, published and disseminated.
CM/ResDH(2015) 174	GRC / Tsourlakis	50796/07	01/03/2010 15/10/2009	Lacking protection of private and family life: <i>lack of access to a welfare report on the applicant's child's life conditions prepared by the Athens Child Welfare Society and submitted</i>	The child is no longer a minor. The authorities indicate that the applicant could take note of the report in question. Change in practice by the competent authority (Child Welfare Society): reports as the impugned one



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				<i>to the domestic court deciding on the child's custody without demonstrating that compelling reasons existed for not disclosing personal information contained in the report. (Article 8)</i>	are now disclosed to parents upon demand. In case of doubts on the confidentiality of a document, interested parties can address the Authority for the Protection of Personal Data.
CM/ResDH(2015) 230	GRC / Vassilios Athanasiou and Others and 205 other cases (pilot judgment)	50973/08+	21/03/2011 21/12/2010	Excessive length of proceedings before administrative courts and the Council of State and to the lack of an effective remedy in this respect. (Articles 6§1 and 13)	Proceedings are closed except in 2 cases. A number of measures were already introduced by Laws Nos. 3659/2008, 3772/2009 and No. 3900/2010. Law No. 4055/2012 (entry into force on 02/04/2012) aims at the shortening of administrative proceedings and established two remedies (acceleratory and compensatory) against their length, which have been considered effective and accessible, both in law and in practice by the ECHR in recent admissibility decisions (see H/EXEC (2014)1). Complementary measures were taken: Article 8 §6 of Law No. 4198/2013 concerning the situation of irregular migrants; Article 22 of Law No. 4274/2014 providing for the possibility of rectification by the administrative authority concerned prior to a court decision in annulment proceedings. Presidential Decree 40/2013 provides for the possibility to transmit appeals and observations in electronic form. Analysis of and data on the impact of these laws were presented.
CM/ResDH(2015) 175	HUN / Vojnity	29617/07	12/05/2013 12/02/2013	Discrimination on the basis of religious convictions with regard to the right to family life: due to the absolute ban of the applicant's access rights to his son, on the grounds that he had abused them by imposing his religious convictions on his son. (Article 14 in conjunction with Article 8)	The child has reached majority. The case was the result of an error committed by domestic courts. The judgment was translated, published and disseminated to all courts.
CM/ResDH(2015) 201	ISL / Eggertsdottir	31930/04	05/10/2007 05/07/2007	Denial of a fair hearing before an impartial tribunal in proceedings against the State concerning compensation for alleged medical	The applicant did not request reopening. The Act on the State Medico-Legal Board, No. 14/1942, was abolished by Act No. 42/2008, entry into force on 04/06/2008, and



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				<i>negligence at the National and University Hospital (NUH) due to overturning by the Supreme Court of a District Court judgment in favour of the applicant on the basis of an opinion from the State Medico-Legal Board (SMLB), four of whose members were employees of the NUH and the Board playing a special statutory role in Supreme Court proceedings; thus the Supreme Court's objective impartiality was compromised by the SMLB's composition, procedural position and role in the proceedings before it. (Article 6 §1)</i>	accordingly, the State Medico-Legal Board was abolished. Disputes on medical issues before the domestic courts are to be solved with the assistance of court-appointed assessors and specialist judges.
CM/ResDH(2015) 202	ISL / Sigurdsson	39731/98	10/07/2003 10/04/2003	Denial of a fair hearing due to the Supreme Court's lack of objective impartiality rejecting the applicant's appeal in compensation proceedings against the National Bank of Iceland, while one of the judges of the Supreme Court adjudicating his case and her husband were closely linked to the National Bank. (Article 6 § 1)	The applicant's request for the reopening of the domestic proceedings was rejected. A general reform of the judicial system is underway. A Court of Appeal will be established in civil and criminal matters. Under the current system there are only two instances of court, the district courts and the Supreme Court. It is also intended to amend the current legislation so as to explicitly permit the re-examination or reopening of certain cases at domestic level following judgments of the ECHR.
CM/ResDH(2015) 200	ISL / Vordur Olafsson	20161/06	27/07/2010 27/04/2010	Unjustified restriction of freedom not to join an association: imposition of the statutory obligation (Industry Charge Act No. 134/1993) to pay a levy on industrial activities ("the Industry Charge") to the Federation of Icelandic Industries (FII), a private law organisation of which the applicant was not a member; lack of transparency and accountability, vis-à-vis non-members, as to the use of the revenues from the Industry Charge. (Article 11)	Act No. 124/2010 of 22/09/2010 abolished Act No. 134/1993 and the collection of an Industry Charge as of 01/01/2011. The Supreme Court, in two judgments 2010 and 2014 concerning similar issues, i.e. a restriction on the right not to join an association as a result of an imposition of a statutory obligation to pay a levy, found the restriction unjustified. The judgment was translated, published and disseminated.



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CM/ResDH(2015) 247	ITA / A.C. (V) and 148 other cases	27985/95+	Decision under former Article 32 19/03/1997	Excessive length of proceedings before civil courts (Article 6 §1)	Proceedings became final. First Instance Courts (tribunali) with jurisdiction over the proceedings at issue have, over the past years, succeeded in reducing the average length of civil proceedings and the backlog of civil cases pending for more than three years well below the relevant national average indicators, through appropriate organisational measures. The more general problem of excessive length of proceedings before civil courts is examined in the context of the Ceteroni group; outstanding issues concerning the compensatory remedy introduced by the Pinto Act in 2001, within the framework of the Giuseppe Mostacciuolo group and the Gaglione and Others case.
CM/ResDH(2015) 246	ITA / Andreoletti and 27 other cases	29155/95+	Decision under former Article 32 15/05/1997	Excessive length of divorce and legal separation proceedings (Article 6 §1)	Proceedings became final. Promising results obtained by the First Instance Courts and the Courts of Appeal as regards the average length of divorce and legal separation proceedings between 2011 and 2013. These results will be consolidated through the recent and envisaged measures, in particular the introduction in 2014 of an alternative dispute resolution mechanism in respect of such cases, the envisaged setting-up of specialised sections for family cases within the First Instance Courts and the majority of the Courts of Appeal and the simplification of procedure. The more general problem of excessive length of proceedings before civil courts is examined in the context of the Ceteroni group; outstanding issues concerning the compensatory remedy introduced by the Pinto Act in 2001, within the framework of the Giuseppe Mostacciuolo group and the Gaglione and Others case.
CM/ResDH(2015) 155	ITA / Armando Iannelli and 33	24818/03+	12/05/2013 12/02/2013	Insufficient amount of compensation awarded in the context of a compensatory remedy available since 2001 to victims of excessively	The Court of Cassation took account of the criteria set by the Court for determining the amount of compensation and the domestic case-law is now



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	other cases			lengthy proceedings (Article 6 § 1 and/or Article 1 of Protocol No. 1). <i>Repetitive cases within the Giuseppe Mostacciolo group and the Gaglione and Others case</i>	consolidated on this point. The Committee Of Ministers continues its examination of the outstanding questions relating to the "Pinto" remedy in the Giuseppe Mostacciolo group and the Gaglione and Others case.
CM/ResDH(2015) 204	ITA / Ben Khemais and 3 other cases	246/07	06/07/2009 24/02/2009	Risk of ill-treatment in case of expulsion and failure to comply with an Interim Resolution: <i>expulsion to Tunisia despite ECHR interim measures indicating not to expel the applicants. (Articles 3 and 34)</i>	The expulsion orders were called off in respect of all the applicants and none of them has applied for a residence permit. In a decision of 03/05/2010 (No. 10636) the Court of Cassation held that Justices of Peace must assess the concrete risks that an irregular immigrant would face in his country of origin before an expulsion order can be executed; the same applies in appeal proceedings lodged against an expulsion order for international terrorism. On 27/05/2010 the Ministry of Justice sent to all courts of appeal - and through them, to the Justices of the Peace - a circular stressing the obligation to respect interim measures under Rule 39. The judgment was translated and disseminated. Respective training was organised.
CM/ResDH(2015) 178	ITA / Caldarella	29703/06	22/01/2013	Disproportionate interference with private life: <i>due to the application of limitations to the applicant's personal capacity deriving from his being registered as bankrupt and lack of an effective remedy in this respect. (Articles 8 and 13)</i>	Limitations imposed on the applicants were lifted under the 2006 reform. Legislative Decree No. 5/2006, adopted in January 2006 in its Article 152 repealed the provisions on the suspension of electoral rights and Article 47 relating to personal incapacity (see Interim Resolution CM/ResDH (2007)27 "Bankruptcy procedures in Italy: progress achieved and outstanding problems in the execution of judgments of the ECHR") and CM/ResDH (2008)45 closing the Albanese group.
CM/ResDH(2015) 70	ITA / De Carolis and Lolli	33359/05	05/03/2013 05/03/2013	Limitations to personal capacity and other legal consequences as an automatic effect resulting from entry in bankruptcy register: <i>Rehabilitation possible only 5 years after termination of bankruptcy proceedings (Article</i>	General measures covered in the Albanese group of cases CM/ResDH(2008)45 and in the Interim Resolution CM/ResDH(2007)27 in Luordo and Others



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				8).	
CM/ResDH(2015) 203	ITA / Dhahbi	17120/09	08/07/2014 08/04/2014	Discrimination on the ground of nationality and lack of a fair trial: inability of an immigrant worker of Tunisian origin to obtain payment of a family allowance under the association agreement between the EU and Tunisia; domestic courts' failure to comply with their obligation to give reasons for refusing to submit a preliminary question to the EU Court of Justice (CJEU) in order to determine whether the agreement allowed the authorities to refuse to pay the respective allowance. (Articles 14 taken together with Article 8 and 6 §1))	In 2013, Article 65 of the Law n. 448 of 1995 was amended and now family allowance is paid to EU nationals as well as to long-term resident foreigners. Recent jurisprudence of the Supreme Court confirmed the right of persons in the same circumstances as the applicant to the allowance in question (judgment no. 15220 - July 2014).
CM/ResDH(2015) 107	ITA / Di Pasquale	27522/04	09/09/2009 09/06/2009	Interference with respect of private life: Application of limitations to personal capacity deriving from being registered as bankrupt and lack of an effective remedy in this respect (Articles and 13).	General measures covered in the Albanese group of cases CM/ResDH(2008)45 .
CM/ResDH(2015) 176	ITA / Godelli	33783/09	18/03/2013 25/09/2012	Disproportionate interference with right to family life: legal inability of a child abandoned at birth to gain access to non-identifying information on his/her origins or to make a request for the mother to waive confidentiality. (Article 8)	Information on the identity of the biological mother was granted. The Constitutional Court by judgment no. 278 of 18 November 2013 declared unconstitutional the provision prohibiting access for the adopted persons to information concerning the biological mother without possibility for the court to determine the actual will of the mother (Article 177 §2 of Legislative Decree No. 196 of 2003). On 18/06/2015, the Chamber of Deputies approved a respective draft bill, currently before the Senate.
CM/ResDH(2015)	ITA / Kollcaku	25701/03	08/05/2007 08/02/2007	Lack of a fair trial: Conviction in absentia to several years' imprisonment in criminal proceedings although it had not been shown	General measures were examined in the group of cases of F.C.B. v. Italy (CM/ResDH(2011)122).



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108				<i>that the applicants had willfully absconded or renounced their right to attend the hearings (Articles 6§§1 and 3).</i>	
CM/ResDH(2015) 205	ITA / M. and Others	40020/03	17/12/2012 31/07/2012	Lack of an effective investigation into allegations of ill treatment by private individuals, who had held the applicant captive in circumstances which could have amounted to human trafficking and/or forced marriage of a minor. (Article 3 procedural limb)	Isolated case. The judgment was translated, published and disseminated.
CM/ResDH(2015) 206	ITA / Umberto and Pierpaolo Pedicini	8681/05	10/06/2009 10/03/2009	Unjustified interference with private life due to the application of limitations to the applicant's personal capacity deriving from being registered as bankrupt and lack of an effective remedy in this respect. (Articles 8 and 13)	For GM see CM/ResDH(2008)45 in Albanese. Legislative Decree No. 5/2006, adopted in January 2006 has repealed the impugned provisions. See also Interim Resolution CM/ResDH (2007) 27 "The procedures bankruptcy in Italy: progress achieved and outstanding problems in the execution of judgments of the European Court of Human Rights".
CM/ResDH(2015) 69	ITA/ Maturana	63154/00	04/06/2008 04/03/2008	Excessive delays in examining lawfulness of detention on remand and unlawful monitoring of correspondence in prison: Failure of courts to give speedy decisions on the lawfulness of detention; lack of effective remedy to challenge the monitoring of the correspondence (Articles 5 §4, 8 and 13)	General measures concerning the speediness of remand decisions covered in the Rapacciuolo Group CM/ResDH(2008)50 . President of Court of Cassation recalled in writing the need to respect procedural deadlines. General measures concerning the monitoring of correspondence in the Calogero Diana Group CM/ResDH (2005)55 .
CM/ResDH(2015) 177	ITA/ Moretti and Benedetti	16318/07	22/11/2010 27/04/2010	Lacking protection of the right to family life: due to failure of courts to examine the request for adoption by foster parents before declaring a child free for adoption. (Article 8)	Adoption is final. Isolated case. The judgment was translated, published and disseminated to all courts.
CM/ResDH(2015) 137	LVA / Bannikov	19279/03	11/06/2014 11/06/2013	Excessive length of pre-trial detention: Lack of sufficient grounds to justify the applicant's	Legislative changes: New Criminal Procedure Law in 01/10/2005, amended on 25/05/2012 and on



Resolution No.	Reference	Appl. No.	Judgment final on / delivered on	Violation	Main measures taken
				<i>continued detention, in particular as the criminal case was dormant between committal for trial and the first trial hearing (Article 5§3).</i>	23/05/2013 providing for mandatory periodic control of pre-trial detention and judicial review of the necessity of continued detention in appellate proceedings. Change of practice of courts applying those additional safeguards. The judgment was translated, published and disseminated.
CM/ResDH(2015) 124	LVA / Blumberga and 1 other case	70930/01+	14/01/2009 14/10/2008	Lack of access to a court: <i>Refusal of courts to examine the merits of civil claims on the ground that the due amount of a court fee due had not been paid and partial reduction or postponement of payment not granted. (Article 6 §1)</i>	Both cases resulted from excessive formalism of national courts. Reopening could have been requested. In principle, Article 43 § 4 of the Civil Procedure Code is sufficiently clear and provides for exceptions from the general obligation to pay court fees. Article 248 of the Criminal Procedure Law entered into force on 1 October 2005 setting out the guidelines for effective safeguarding of property of individuals whose liberty has been restricted. The judgments were translated, published and disseminated.
CM/ResDH(2015) 123	LVA / Miholapa	61655/00	31/08/2007 31/05/2007	Denial of a fair hearing <i>in proceedings ordering the applicant in absentia to pay damages: Failure of courts to show proof of sufficient diligence that could be reasonably expected in order to summon the applicant (Article 6 §1).</i>	Issue of isolated nature. Reopening of proceedings not considered appropriate due to vested rights of third parties. The judgment was translated, published and disseminated. The provisions in the Civil Procedure Code 1999 concerning the summons procedure are included in the Judicial Training Centre's programmes for judges, court employees, bailiffs and other legal professionals.
CM/ResDH(2015) 233	LVA / Nagla	73469/10	16/10/2013 16/07/2013	Unjustified interference with freedom of expression <i>of a journalist due to an urgent search carried out at her home and data storage devices containing her sources of information seized. (Article 10)</i>	Seized data storage devices were returned and copied data destroyed. Isolated failure of investigative authorities. Legal training organized for judges and prosecutors by Judicial Training Centre and for police officers by the State Police College. The judgment was translated, published and disseminated.
CM/ResDH(2015) 138	LVA / Vistiņš and	71243/01	25/10/2012 Grand	Interference with property rights: <i>Extreme disproportion between the official cadastral</i>	Just satisfaction paid. The expropriation system at the material time did not raise any doubts on its lawfulness.



Resolution No.	Reference	Appl. No.	Judgment final on / delivered on	Violation	Main measures taken
	Perepjolkins		Chamber 25/03/2014 (Just satisfaction)	<i>value of the land and the actual compensation received for the expropriation of the applicants' plots of land situated in the Port of Riga according to a law enacted by Parliament for the expropriation of land for the needs of the State within the Free Port of Riga (Article 1 of Protocol No. 1).</i>	In the concrete case the usual procedure was not applied due to an erroneous interpretation by domestic courts. Meanwhile a new law on the Expropriation of Real Estate for Public Needs entered into force on 01/01/2011 ensuring procedural safeguards, the owners' participation in the process and judicial review in case of disagreement on the compensation awarded. The judgment was translated, published and disseminated.
CM/ResDH(2015)89	LVA / X.	27853/09	26/11//2013 (Grand Chamber)	<i>Failure to satisfy the procedural requirements inherent in the right to respect for private life due to refusal by domestic courts to examine the conclusions of a psychological report in the light of Article 13 (b) of the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction, i.e. the question whether there was a "grave risk that his or her return would expose the child to physical or psychological harm or otherwise place the child in an intolerable situation" (Article 8).</i>	The applicant lives in Australia and has regular contact with her daughter. The judgment, based on an isolated incident, was translated, published and disseminated.
CM/ResDH(2015)152	MKD / Atanasovski and 1 other case	36815	14/04/2010 14/01/2010	<i>Denial of a fair trial and excessive length of civil or labour proceedings: Domestic courts (the Supreme Court and Skopje Court of Appeal) failed to provide a reasonable explanation as to why the applicants' cases had been decided contrary to existing case-law (Article 6§1).</i>	The issue of excessive length of proceedings is examined in the Atanasovic group of cases. The applicants did not request reopening of the impugned proceedings. Establishment of the Special Department for Case-law within the Supreme Court. The Supreme Court decided to publish newsletters and collections of court decisions in order to prevent diverging case-law. Appellate courts hold regular meetings to discuss case-law. Training for judges was organised. The judgment was translated, published and disseminated to the Supreme Court, the four Appellate Courts, the Judicial Council, the State Attorney Office, the Office of the Ombudsman, the Academy for Training of Judges and Public Prosecutors,



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					the Constitutional Court, the Bar Association, the Association of Judges and the Association of public prosecutors.
CM/ResDH(2015) 189	MKD / Bajaldžiev	4650/06	25/01/2012 25/10/2011	Denial of a fair trial (double): lack of an impartial tribunal in that the Supreme Court bench included a judge, who had presided over the bench of the Court of Appeal, when dealing with this case; excessive length of civil proceedings. (Article 6§1)	On 02/04/2013, the Civil Department of the Supreme Court adopted an Opinion on the impartiality of judges, which is binding on the Supreme Court. It requires to take into account Article 6 §1 ECHR whenever judges are called to apply Article 64 §1 of the Civil Proceedings Act of 2005 according to which a judge or a lay judge is deemed unable to attend judicial duty if there are circumstances which raise doubts as regards his or her impartiality. The judgment was translated, published and disseminated. The measures aimed at increasing efficiency of the judicial proceedings are examined within the context of the Atanasović group of cases.
CM/ResDH(2015) 90	MON / A. and B.	37571/05	05/06/2013 05/03/2013	Unlawful interference with possessions: The applicants' foreign currency savings have never been registered and converted into the public debt contrary to the domestic law as a result of an administrative error (Article 1 of Protocol 1).	Just satisfaction, on account of pecuniary damage, all the instalments, including the relevant interest, were paid. In this particular case, the failure to register foreign currency saving and to convert it to public debt is an individual, isolated case, since there are no such or similar cases before administrative bodies or courts. The judgment was translated and published.
CM/ResDH(2015) 145	NLD / Jeunesse	12738/10	03/10/2014 Grand Chamber	Disproportionate interference with the right to family life: Refusal of a residence permit for a Surinamese mother due to failure of authorities to take account of, and assess evidence on, the practicality, feasibility and proportionality of the refusal, particularly in the light of the best interests of the children. No fair balance between the personal interests of the applicant and her family in maintaining their family life and the public order interests of the	The applicant was issued a temporary residence permit valid from 03/10/2014 until 03/10/2019. The Immigration and Naturalisation Service was reminded of the importance of a thorough assessment of the particular circumstances of each individual case and instructed to make this assessment more visible in the decision-making process. The guidelines for the Immigration and Naturalisation Service were consequently adjusted. The judgment's summary and the measures taken will be included in the



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				<i>Government in controlling immigration (Article 8).</i>	Government's annual report to parliament. It was also translated and published.
CM/ResDH(2015) 91	NLD / Van der Velden	21203/10	31/10/2012 31/07/2012	Unlawful extension of a committal to a custodial clinic: Domestic courts unlawfully extended a committal order to a custodial clinic (so-called "TBS" order) beyond the statutory limit of 4 years, without appropriate reasons given in the judgment (Article 5§1).	The applicant was released after termination of his committal order on 29/08/2011. Just satisfaction was paid. National Consultative Committee of Criminal Law Sector Chairpersons decided to adapt internal procedure to ensure that committal orders will contain appropriate reasons. The relevant case-law changed on the basis of a leading judgment delivered by the Supreme Court in that respect. A TBS Task Force was established with the mandate to identify cases similar to the present one. The results were presented to the House of Representative of the States' General. In each of those cases, the national courts will be required to determine whether the committal order can be extended in the light of the requirements identified by the Court.
CM/ResDH(2015) 82	NOR / Kristiansen and Tyvik AS	25498/08	02/08/2013 02/05/2013	Denial of access to a court due to the excessive length of the proceedings before the Norwegian Industrial Property Office (NIPO) and its Board of Appeal; proceedings lasting until two years before the expiry of the 20 years' patent protection, thus rendering access to the domestic courts to review the patent matter meaningless (Article 6 § 1).	As from 01/01/2008, Norway joined the European Patent Convention and member of the European Patent Organisation. On 01/04/2013, A new Act on the Norwegian Patent Office and Appeal Body for Industrial Property Matters entered into force. The Appeal Body is independent from the Patent Office and the Government. In 2004, a new electronic system for the processing of application for industrial property rights was introduced. A concrete plan for the systematic reduction of the pending caseload and the speedy processing of application was adopted and the process of handing applications has been ISO-9001-certified.
CM/ResDH(2015) 81	NOR / Vilnes and Others	52806/09+	24/03/2014 05/12/2013	Failure by the State to fulfil the positive obligation to respect for family life by ensuring that the applicants, divers engaged in diving	Just satisfaction, in particular the amount for non-pecuniary damage, was paid to the applicants. The Ministry of Labour and Social Affairs decided that other



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				<i>operations in the North Sea at different times from 1965 to 1990, received essential information regarding the use of decompression tables enabling them to assess the related risks to their health and safety (Article 8).</i>	divers and the survivors of deceased divers (around 250 persons concerned) in a similar situation are entitled to compensation in the same amount. The judgment was published and partly translated.
CM/ResDH(2015) 234	POL / Bączkowski and others	1543/06	24/09/2007 03/05/2007	Unlawful interference with freedom of assembly due to the authorities' arbitrary refusal of requests to hold demonstrations against minorities' discrimination and a lack of an effective remedy against these refusals and discriminatory treatment on the ground that the refusal was based on a negative opinion expressed publicly by the Warsaw Mayor (Articles 11, 11 in conjunction with 13 and 14 in conjunction with 11)	March and rallies took place. Provisions of the Road Traffic Act lost their force with respect to assemblies as of 2/02/2006 due to respective Constitutional Court's finding. A new Assemblies Act entered into force on 13/10/2015, which provides: the notice on the planned assembly is to be transmitted to the municipal authorities no sooner than 30 days and no later than 6 days in advance of the date; municipal authorities are obliged to issue a decision 96 hours before the planned date of the assembly; until 24 hours after publication of a banning decision on authorities' website under the Bulletin of Public Information appeals can be lodged to the Regional Court, which has to decide on it within 24 hours. The Regional Court's order can be appealed to the Court of Appeal within 24 hours. The final order of the Court of Appeal has to be executed immediately. The judgment was translated, published and disseminated.
CM/ResDH(2015) 210	POL / Baran	53315/09	28/08/2013 28/05/2013	Unlawful deprivation of liberty in a psychiatric hospital; refusal of civil claim for compensation by the domestic courts, disregarding a final judicial decision in another set of proceedings, declaring the applicant's forced hospitalisation unlawful. (Article 5 §§ 1 and 5)	The applicant is released. Isolated judgment of a civil court. The judgment was translated, published and disseminated.
CM/ResDH(2015) 49	POL / Długotęcki	23806/03	24/05/2009 24/02/2009	Conviction of a journalist in criminal defamation proceedings: unnecessary in a	Just satisfaction awarded. Criminal proceedings were reopened and discontinued. General measures covered by



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				<i>democratic society (Article 10)</i>	CM/ResDH(2011)16 in Dabrowski Group.
CM/ResDH(2015) 92	POL / Dzieciak	77766/01	09/03/2009 09/12/2008	Failure to protect the applicant's life due to the lack of adequate medical care provided during pre-trial detention and the lack of an effective investigation into his death (Article 2 substantive and procedural limb).	Resumption of investigation no longer possible. Just satisfaction was paid to the applicant's widow. The judgment was translated and disseminated and led to training activities for the National School of Judiciary and Public Prosecution. General measures concerning the substantive limb are examined in the Kaprykowski group of cases and concerning the effectiveness of investigations in the Dzwonkowski group of cases.
CM/ResDH(2015) 248	POL / Kudla and 204 other cases	30210/96+	26/10/2000 Grand Chamber	Excessive length of civil and criminal proceedings and absence of an effective remedy in that regard; (Article 6 §1 and 13) - Kudla also concerned the right to be brought promptly before a judge and H.N. concerned the authorities failure to make adequate and effective efforts to enforce the applicant's right to the return of his children and thereby breached his right to respect for his family life. (Article 5 §3 and 8)	Domestic proceedings closed. A wide range of legislative and organisational measures have been adopted by the authorities since 2007 to combat the excessive length of judicial proceedings. A remedy to complain against the excessive length of proceedings was introduced in 2004 and reformed in 2009; In its pilot-judgment Rutkowski and others, the ECHR confirmed this remedy as effective remedy in law, revealing only some lacunae in its functioning in practice. Further measures to reduce the length of proceedings and secure improvements in the functioning of the remedy will be examined in the context of the Bąk group (criminal proceedings) and the Majewski group (civil proceedings). Violation of Article 5 paragraph 3 in the case of Kudła presents similarities with Trzaska group, closed by CM/ResDH(2014)268, and that of Article 8 in the case of H.N. presents similarities Pawlik and other cases, closed by CM/ResDH(2014)295.
CM/ResDH(2015) 179	POL / Mocarska and 2 other cases	26917/05+	06/02/2008 06/11/2007	Unlawful provisional detention in a remand centre pending the applicants' admission to a psychiatric hospital. (Article 5§1 (e) + §3)	Applicants were placed in psychiatric institutions and later released. Amendment to the Code of Criminal Procedure (entry into force on 01/07/2015) modified article 264 § 3 providing now for a maximum period of three months for the detention on remand applied to



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					the person pending transfer to the psychiatric hospital, with a possibility of one extension of such period, for another month, in particularly justified case. The judgment was translated, published and disseminated. Training and awareness-raising activities for judges were organised.
CM/ResDH(2015) 236	POL / Mojsiejew	11818/02	24/06/2009 24/03/2009	<i>Death of the applicant's son by asphyxiation in a sobering-up centre during his immobilization with belts and excessively long and ineffective investigation; authorities' failure to satisfy the burden of proof. (Article 2 substantive and procedural limb)</i>	Criminal proceedings ended in 2012 with 3 acquittals and one suspension. The amendment of 28/06/2001 of the 1982 Act on Education in Sobriety and Counteracting Alcoholism defined the coercive measures which can be used in the Sobering-up Centers against persons who pose a threat to life or health of their own or another person, destroying objects located nearby. This amendment was further developed in the Ordinance of the Minister for Health of 04/02/2004 on the procedure for dealing with intoxicated persons and organisation of sobering-up centres. The Ordinance, inter alia, provides that a decision on the application of direct coercion must be made by a doctor or paramedic. Direct coercion in form of immobilisation may be applied for a period no longer than 4 hours. This period may be extended by subsequent 6 hours when necessary, and after a medical examination of the person subject to immobilisation. The Ordinance also provides the possibility to lodge a complaint to a court. Human rights trainings have been organized for employees of sobering-up centres. General measures on the length of criminal proceedings are examined by the Committee of Ministers in the context of the Kudla group of cases.
CM/ResDH(2015) 235	POL / Plonka	20310/02	30/06/2009 31/03/2009	<i>Denial of a fair trial: the applicant's initial confession made in the absence of a lawyer had a bearing on her conviction, while there was no</i>	Proceedings were reopened and discontinued following the applicant's death. On 01/01/2015 an amendment to the Code of Criminal Procedure entered into force,



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				<i>evidence of her having expressly waived her right to legal representation during her questioning by the police and the prosecution. (Article 6§3(c) in conjunction with 6§1)</i>	improving the system of the appointment of a counsel for the defence, not only by modifying prerequisites for the mandatory defence but also rules governing the appointment process in order to guarantee effective access to a lawyer also at the initial stages of the proceedings. The Minister's of Justice Ordinance on the manner of ensuring to an accused assistance of a legal counsel appointed ex officio of 27/05/2015 – entry into force 01/07/2015 provides detailed information on the rules governing the establishment of a list of possible ex officio lawyers and the request for appointment of such lawyer submitted by the suspect or the body conducting an investigation. The Ordinance of the Minister of Justice on the manner of ensuring to an accused assistance of a legal counsel in accelerated proceedings of 23/06/2015 provides for a simplified legal counsel appointment procedure. Guidelines No. 3 of the Chief Police Commander of 15/02/2012 contain detailed rules on the conduct of investigation-examination activities by the police officers. The judgment was translated, published and disseminated.
CM/ResDH(2015) 20	POL / Polańscy	21700/02	07/10/2009 07/07/2009	Unlawful delay in payment of due compensation following expropriation on the basis of allegedly lacking financial resources (Article 1 of Protocol No. 1).	Deadlines for an administrative case to be decided are specified in the Code of Administrative Proceedings. Compensation for the expropriation of land for road construction is calculated on the basis of the property's value. The judgment was translated, published and disseminated. Ministry of Infrastructure compiled information on "Selected issues concerning compensation for properties expropriated for public roads", which is available online.
CM/ResDH(2015) 209	POL / Różański	55339/00	18/08/2006 18/03/2006	Lacking protection of family life due to inability of a putative father to seek legal paternity by means of a procedure directly accessible to him	Proceedings on the ineffectiveness of another man's paternity recognition brought by the applicant are still pending. Following an amendment of article 84 of the



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				<i>allowing the establishment of his paternity, the introduction of such a procedure being within the discretion of the authorities; absence in domestic law of any guidelines on the exercise the authorities' discretion; no steps taken by authorities to establish the actual circumstances of the case. (Article 8)</i>	Family and Guardianship Code (in force since 19/07/2004), presumed fathers may bring actions to establish paternity directly before the courts. However, neither a mother nor a presumed father may initiate proceedings to establish paternity after a child died or reached majority. In such situations, proceedings may be brought at the prosecutor's discretion. An amendment in the Family Code of 13/06/2009 introduced two conditions for a prosecutor to initiate such proceedings: the child's welfare or the protection of the public interest. The judgment was translated and published and was used in training organised by the National School of Judiciary and Public Prosecution.
CM/ResDH(2015) 146	POL / Subicka	29342/06	14/12/2010 14/09/2010	Denial of access to the Supreme Administrative Court: <i>Absence of clear rules governing the consequences of the legal-aid lawyer's refusal to prepare a cassation appeal; information of the applicant of the refusal only after expiry of the time-limit for lodging a cassation appeal. (Article 6§1)</i>	The applicant as a party in administrative proceedings may apply for a retrospective leave to lodge a cassation appeal. An amendment to the Act on the Proceedings before Administrative Courts (entry into force 15/08/2015) introduced new rules on the lodging of a cassation appeal in cases involving the appointment of a legal-aid lawyer and related time-limits. The judgment was translated and disseminated to all judges of administrative courts and the Supreme Administrative Court.
CM/ResDH(2015) 165	POL / Waldemar Nowakowski	55167/11	24/07/2012 17/12/2012 (Merits) 22/07/2014 (Just satisfaction)	Disproportionate interference with property rights: <i>confiscation of the applicant's collection of antique weapons from the Second World War and earlier by domestic courts in criminal proceedings on charges of illegal possession of arms. (Article 1 of Protocol No.1)</i>	On 26/11/2013 the Warsaw Court of Appeal reopened the case and on 13/02/2014 the Warsaw District Court, annulled the decision to confiscate the collection, which was returned to the applicant on 09/04/2014. The judgment was translated, published and disseminated.
CM/ResDH(2015) 2011	POL / Wiktorko	14612/02	30/06/2009 31/03/2009	Ill-treatment in a sobering-up centre and lack of an effective investigation (Article 3	Reopening of investigation impossible due to prescription. In 2001, the 1982 Act on Education in



Resolution No.	Reference	Appl. No.	Judgment final on / delivered on	Violation	Main measures taken
				<i>substantive and procedural limb)</i>	Sobriety and Counteracting Alcoholism was amended in order to define possible coercive measures, further developed in the Ordinance of the Minister for Health of 04/02/2004 on the procedure for dealing with intoxicated persons and organisation of sobering-up centres. The Ordinance provides that a decision on the application of direct coercion must be made by a doctor or paramedic. Immobilisation may be applied for a period no longer than 4 hours, which may be extended by 6 hours when necessary, and only after a medical examination. A specially appointed employee of the centre must monitor the physical condition of the immobilised person at least every 15 minutes. Admittance of women to the centre, and their direct care must only be provided by female members of staff. Complaints about admittance to or detention in the centre may be lodged with a court. Human rights trainings have been organized for employees of sobering-up centres. General measures on the length of criminal proceedings are examined by the Committee of Ministers in the context of the Kudla group of cases.
CM/ResDH(2015) 147	POL / Zwierzynski	34049/96	14/12/2001 14/09/2001 (Merits) 06/11/2002 02/07/2002 (Just satisfaction) 24/09/2007 06/03/2007 (Dismissal of request for revision)	Excessive length of civil proceedings and interference with property rights: Proceedings initiated by the State Treasury to acquire the title to a building illegally expropriated in 1952 and refusal of the authorities to return the building in spite of an administrative decision retrospectively restoring the title to the applicant's father (Articles 6 §1 and 1 of Protocol No. 1).	Just satisfaction for non-pecuniary damage paid. Government chose to return the property to the applicant, who since a domestic judgment in 2002, is not recognized owner of it. The length of proceedings issue is examined in the Podbielski group. The property issue is of an isolated nature arising from the particular fact and circumstances. The judgment was translated, published and disseminated.



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CM/ResDH(2015) 115	PRT / Calaço Mestre and 9 other cases	11182/03+	26/07/2007 26/04/2007	Interference with freedom of expression on account of criminal convictions of journalists and a researcher for defamation or violation of the judicial secret (Article 10).	Just satisfaction paid; revision of criminal convictions possible. The judgment was translated, published and disseminated. Intensive training was organized by the Centre for Judicial Studies. Law No. 48/2007 amended Criminal Procedure Code so that the "segredo de justiça" is no longer applied automatically but only on specific decision taken either by the judge or by the prosecution, under the control of the investigating judge. In judicial practice, criminal convictions for defamation are no longer pronounced.
CM/ResDH(2015) 25	PRT / Draghici	43620/10	19/06/2014 19/06/2014	Non-compliance with restitution order of property confiscated in penal proceedings: (Article 1 of Protocol No. 1).	Property restituted. Isolated case. The judgment was translated, published and disseminated.
CM/ResDH(2015) 212	PRT / Pinto Pinheiro Marques	26671/09	22/04/2015 22/01/2015	Interference with freedom of expression on account of criminal convictions of journalists and a researcher for defamation or violation of the judicial secret. (Article 10)	For general measures see CM/ResDH(2015)115 in Colaço Mestre.
CM/ResDH(2015) 180	ROM / Antică and "R" company	26732/03	02/06/2010 02/03/2010	Unfair civil proceedings for defamation and disproportionate interference with freedom of expression: Lack of reasoning of the court decisions holding both applicants (a photo-journalist and a publishing company) liable in tort for the publication of an article found to harm the reputation of a third party; lack of reasoning for the finding of civil liability of the company and the high amount of the damages it was ordered to pay; failure to balance competing interests. (Article 6 §1 and 10).	Malpractice by domestic courts in specific case. The judgment was translated, published and disseminated to all courts.
CM/ResDH(2015) 27	ROM / Antofie	7969/06	25/06/2014 25/03/2014	Denial of access to court: Intended legal action declared void by a domestic court on the ground of non-payment of the stamp duty	Emergency Ordinance No. 51/2008 on judicial assistance in civil matters, as amended by Law No. 76/2012, provides different forms of public judicial aid, i.e. the



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				<i>ordered without examination of the applicants' concrete financial situation (Article 6§1)</i>	grant exemptions, reductions or postponement for payment of court fees and stamp duties and specifies reasons for refusal (e.g. abusive demand, disproportionate cost compared to the value of the subject matter, request another purpose than to defend legitimate interest).
CM/ResDH(2015)04	ROM / Beian and 4 other cases	30658/05	06/03/2008 06/12/2007	Unfairness of civil proceedings: <i>Inconsistency in the domestic courts' case-law; absence of a mechanism ensuring uniform interpretation of applicable legal provision and case-law coherence; discriminatory treatment of persons in the same position (Articles 6§1 and Article 14)</i>	To promote unitary judicial practice, the new Code of Civil Proceedings 2013 introduced amendments for appeals in the interest of the law and the possibility for the High Court of Cassation and Justice to give preliminary rulings on request of one of its sections, an appeal court or tribunal. If a new question of interpretation arises pending trial, the courts of appeal and the tribunals may request the HCCJ's ruling on the issue to be given within three months, while the pending trial is suspended. The ruling is compulsory for the requesting jurisdiction as from the date of its pronouncement and for the other jurisdictions as from the date of the publication in the Official Journal. The efficiency of this mechanism is confirmed by the high number of preliminary actions brought before the HCCJ: During 2013/2014, 14 preliminary actions in the civil field (6 were settled and 3 allowed) and 26 in criminal field (18 settled). Superior Council of Magistracy in Decision No. 46/2007 introduced monthly meetings of the judges of each tribunal and quarterly meetings of all judges of a Court of Appeal. Case-law internet sites contribute to case-law uniformisation.
CM/ResDH(2015)08	ROM / Braniște	19099/04	24/03/2014 05/11/2013	Excessive burden on land owner: <i>restrictions to land use due to the construction and rent-free use of premises by a cooperative society; lacking balance between the protection of</i>	Just satisfaction awarded. Interference ended in 2005. General measures covered by CM/ResDH(2014)238 in Moculescu.



Resolution No.	Reference	Appl. No.	Judgment final on / delivered on	Violation	Main measures taken
				<i>property rights and the demands of general interest (Article 1 of Protocol No.1).</i>	
CM/ResDH(2015)109	ROM / Buceas and Bucia	32185/04	01/10/2014 01/07/2014	Interference with peaceful enjoyment of possessions: <i>After having obtained the annulment of the forced sale of their property in a fist action, rejection of the applicants' action to annul a subsequent sale of their property without convincing reasoning on the third party's good faith in the decision of the domestic court of last resort (Article 1 of Protocol No. 1).</i>	Isolated issue based on the unsatisfactory reasoning in the decision of the domestic court of last resort. Just satisfaction paid. The judgment was translated, published and disseminated.
CM/ResDH(2015)09	ROM / Butușină	30818/04	08/05/2011 08/02/2011	Unfair criminal proceedings: <i>quashing of a final decision acquitting the applicant following an application for nullity lodged by the Procurator General (Article 6§1)</i>	Reopening of proceedings may be requested. General measures covered by CM/ResDH(2011)27 .
CM/ResDH(2015)28	ROM / Ciobanu	4509/08	09/10/2013 09/07/2013	Unlawful detention for non-consideration of a house arrest period spent abroad: <i>Unforeseeable application of domestic law and degrading conditions of detention at the Police station Galati in Bucarest (Article 5§1 and 3)</i>	The new Code of Criminal Procedure, entered into force in February 2014, provides custodial house arrest and the deduction of the house arrest period from the period of imprisonment. The new Penal Code, in force since February 2014, provides for the deduction of any deprivation of liberty, including the assignment at home from a prison sentence. Conditions of detention examined in Bragadireanu Group.
CM/ResDH(2015)29	ROM / Contoloru	22386/04	25/06/2014 25/03/2014	Unlawful detention: <i>Insufficient motivation of successive prolongations (Article 5§3)</i>	General measures covered in CM/ResDH(2014)13 in Calmanovici Group.
CM/ResDH(2015)139	ROM / Cooperativa de Credit Stămăreana	32125/04	11/06/2014 11/03/2014	Lack of access to a tribunal: <i>Legal impossibility of the applicant bank's representatives to appeal against the withdrawal by the National Bank of Romania of the banking licence. (Article 6 §1)</i>	Just satisfaction paid. Compulsory liquidation of bank finalized with irreversible effect. Violation results from erroneous interpretation of the law. The judgment was translated, published and widely disseminated to all authorities concerned including the National Bank and



Resolution No.	Reference	Appl. No.	Judgment final on / delivered on	Violation	Main measures taken
					the High Court of Cassation and Justice and included in professional training curricula.
CM/ResDH(2015) 128	ROM / Fodor	45266/07	16/12/2014 16/09/2014	Denial of a fair trial: Criminal conviction on the basis of an erroneous appreciation by the national courts of essential facts of the case (Article 6).	Reopening of proceedings possible. Isolated issue. The judgment was translated, published and disseminated.
CM/ResDH(2015) 93	ROM / Gagiu	63258/00	24/05/2009 24/02/2009	Failure to protect the applicant's life due to the lack of adequate medical care provided during pre-trial detention and the lack of an effective investigation into his death; degrading conditions in Aiud Prison due i.a. to overcrowding; failure to provide the necessary items (stamps) to communicate with the Court, failure to provide the documents required to substantiate the application to the Court (Articles 2 substantive and procedural limb; 3; 8 and 34).	Reopening of investigations not possible due to prescription. National regulations of 2003 provide possibility to complain about inadequate medical treatment during custody. The matter and conditions of detention in general are also examined in the Bragadireanu group. As concerns effective investigations a circular letter has been addressed to the State attorneys and to officers of Judicial Police. The matter is also examined in the Predica group. The right of petition of prisoners is guaranteed by Regulation No. 56/2003 – see CM/ResDH(2010)180 in Cotlet. According to the provisions of Law No. 254/2013, the means to communicate with the Court will be provided by the prison administration, in case of need; complaints can be filed with a judge; photocopies of relevant documents must be provided free of charge.
CM/ResDH(2015) 110	ROM / Hagiescu and Others	7901/02	13/02/2009 13/11/2008 (Merits) 18/03/2014 18/06/2014 (Just satisfaction)	Denial of access to a court and interference with property rights: Action for recovery of possession of nationalized property had been dismissed without compensation by virtue of a law whose application to pending proceedings contravened the res judicata principle. (Articles 6§1 and 1 of Protocol No. 1).	The applicants entered into the possession of the entire real estate in question. General measures are covered in CM/ResDH(2013)263 in Amurăriței.
CM/ResDH(2015) 129	ROM / Hietsch	32015/07	23/12/2014 23/09/2014	Lack of access to a court: Striking-out of a filed appeal on the allegation that a stamp duty had	Reopening of proceedings possible. Case results from excessive formalism of court. The judgment was



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				<i>not been paid within the legally provided time period, despite the fact payment had been made in due time (Article 6 §1).</i>	translated, published and disseminated.
CM/ResDH(2015) 213	ROM / Ieremeiov N°. 1 and 8 other cases	75300/01	24/02/2010 24/11/2009	Unjustified interferences with freedom of expression for opinions expressed on issues of public interest; failure of domestic courts to give relevant and sufficient reasons for convictions to criminal or administrative fines and/or for ordering payment of non-pecuniary damages in criminal proceedings for defamation, or the severity of such sanctions. Unfairness of criminal proceedings on account of the appellate courts overturning of acquittals without hearing evidence of the accused or allowing them to prepare and present their defense. Failure to implement a final judicial decision ordering restitution of nationalized property (Articles 10; 6 §1; 1 of Protocol No. 1).	In 2006, the Parliament repealed the Criminal Code provisions incriminating insult and defamation. In January 2007, the Constitutional Court found this decriminalisation to be unconstitutional. Subsequently, the Prosecutor General lodged an appeal in the interest of the law with the High Court of Cassation and Justice. On 18/10/2010, the High Court confirmed, the decriminalisation. This ruling was binding for all domestic courts. (see CM/ResDH(2011)73 in Dalban). Insult and defamation are not listed as offences in the new Penal Code, which entered into force on 01/02/2014. Concerning Article 6 §1 see CM/ResDH(2011)29 in Constantinescu and CM/ResDH(2010)181 in Albina. Measures concerning Article 1 of Protocole No. 1 are examined in Atanasiu et Poenaru.
CM/ResDH(2015) 185	ROM / Ignaccolo-Zenide	31679/96	25/01/2000	Lacking protection of family life: failure to enforce a court decision based on the Hague Convention ordering that two children unlawfully abducted to Romania by their father be returned to their mother, a French national, who had custody rights over them. (Article 8)	Law no. 369/2004 (amended on 25/06/2014) on the implementation of the Hague Convention was adopted by the Parliament on 15/09/2004, with a view to enhancing the efficiency of proceedings concerning the return of abducted children. Among the measures mentioned are the establishment of a unique jurisdiction (the Bucharest tribunal for children and family issues) competent to deal with requests for the return of children under the Hague Convention, and the establishment of a procedure through which the court may impose a deterrent fine on a parent who refuses voluntarily to fulfil his or her obligation to return a child or to allow visiting rights. The new Civil Procedure Code provides a specific enforcement procedure of judgments



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					relating to minors. Moreover, under Law No. 272/2004 on the protection and promotion of the rights of the child, the child has a right to maintain personal relations and direct contacts with his parents, the exercise of these rights being established by a judicial authority. This right is also acknowledged for a child whose parents usually live in different countries. After the amendments brought to Law no. 369/2004 in June 2014, the Ministry of Justice received 44 requests for the return of a minor issued in a foreign country, 36 of which are currently pending. The judgment was translated, published and disseminated. Training session on the new laws were organized.
CM/ResDH(2015) 181	ROM / Ion Cârstea	20531/06	28/01/2015 28/10/2014	Lacking protection of private life: failure of domestic courts to protect the applicant's reputation following the publication of the article accusing him of bribery, blackmail, child sex abuse and sexual deviance and accompanying pictures, notably by verifying the truthfulness of the alleged facts in the defamation proceedings brought by him. (Article 8)	Erroneous analysis and appreciation by domestic courts. The judgment was translated, published and disseminated. Concerning general measures see also CM/ResDH(2015)16) in Jalbă.
CM/ResDH(2015) 114	ROM / Ionuț-Laurențiu Tudor	34013/05	24/09/2014 24/06/2014	Conditions of detention amounting to ill-treatment due to overcrowding in Timisoara and Colibasi Prisons; excessive length of pre-trial detention due to lack of reasoning of extension; lack of impartiality of judges examining the merits of the criminal case having previously ordered the extension of the applicant's pre-trial detention (Articles 3, 5 3 and 6).	General measures with regard to conditions of detention are examined in the group Bragadireanu et Iacov Stanciu. General measures with regard to the reasoning of decision on extensions of pre-trial detention are covered in CM/ResDH(2014)13 in Calmanovici Group. Numerous training for judges and magistrates was organised since 2005. The judgment was translated, published and disseminated.
CM/ResDH(2015)	ROM / Iulian	24999/04	04/09/2013	Interference with the right of individual	Malpractice by domestic court. The judgment was



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182	Popescu		04/06/2013	<i>petition: Refusal by domestic court to provide a detainee with copies of documents needed to substantiate his application to the ECHR. (Article 34)</i>	translated, published and disseminated.
CM/ResDH(2015) 214	ROM / Kalanyos and Others and Gergely	57884/00	26/07/2007 26/04/2007	Discriminatory attacks and ensuing judicial proceedings: <i>Destruction of houses of Roma villagers by local population, the poor living conditions of the victims and the authorities' failure to prevent the attack and to carry out an adequate criminal investigation, depriving the applicants of their right to bring a civil action to establish liability and recover damages, and failure to put an end to the breaches of the applicants' rights (Articles 3, 6, 8, 13, and 14 in conjunction with Articles 6 and 8). The violent incidents at the origin of these cases occurred in the localities of Plăieșii de Sus and Cașinul Nou (Harghita County). The Government had acknowledged these violations and proposed several individual and general measures with a view to redressing the situation and remedying the flaws in the judicial system, which satisfied the Court. The implementation of the undertakings was under CM supervision.</i>	Important steps to ensure national equal treatment have been adopted on the basis of Regulation No 137/2000 to prevent and punish all forms of discrimination. The National Council for the fight against discrimination (CNCD) was established in 2002 with the main mission to ensure compliance and enforcement of the principle of non-discrimination in accordance with applicable national legislation and international instruments (Article 16). Local and departmental public institutions have taken appropriate measures to improve infrastructure and to ensure the Roma villagers decent living conditions, access to work and economic activities. An ombudsman for Roma operates in Harghita, in the County Office for Roma. Roma now enjoy free medical services provided by the family doctor of the locality as well as through a health mediator working within the municipality. To prevent future conflicts, local action plans have been developed in line with the "Strategy of the Government for the inclusion of citizens belonging to the Roma minority for the period 2012-2020". The Strategy provides for an internal mechanism of periodic review of the situation of Roma at national level and was revised in 2015. An Interministerial Committee in which all central institutions involved are represented will monitor the implementation of the Strategy. The Committee Secretariat is provided by the General Secretariat of Government and the Cabinet of the Prime Minister.
CM/ResDH(2015)	ROM / Karoly	33682/05	11/05/2014	Unlawful detention: <i>Insufficient motivation of</i>	General measures examined in Calmanovici Group –



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30			11/02/2014	<i>successive prolongations (Article 5§3)</i>	CM/ResDH(2014)13 .
CM/ResDH(2015)33	ROM / Kilyen	44817/04	25/05/2014 25/02/2014	Illegal home search in absentia , without consent and/or a decision clearly indicating the purpose and scope of the search; lack of respective remedy (Article 8)	New Code of Criminal Procedure, entry into force in February 2015, regulates home search in the investigative stage. Isolated case resulting from misconduct of judicial and police authorities. The judgment was translated, published and disseminated.
CM/ResDH(2015)111	ROM / Lavric	22231/05	14/04/2014 14/01/2014	Failure of authorities to protect right to private life : Rejection by national courts of the applicant's criminal complaint for defamation; failure of authorities to protect the applicant's reputation as a result of defamatory articles (Article 8)	General measures are covered in CM/ResDH(2012)209 Petrina.
CM/ResDH(2015)184	ROM / Lazariu	31973/03	13/02/2015 13/11/2014	Unlawful detention and lack of judicial review : unjustified committal to a psychiatric hospital in violation of domestic legislation; absence of speedy judicial review. (Articles 5 §1(b)+(e) and §4)	Applicant released. Erroneous appreciation of domestic law by authorities. General measures with regard to abusive committal to psychiatric institutions without judicial review are examined in the Filip group of cases.
CM/ResDH(2015)50	ROM / Lupsa and 2 others cases	10337/04	08/09/2006 08/06/2006	Unlawful expulsion proceedings : Interference with the applicants' private life resulting from expulsion measures for security reasons without legal basis; breach of procedural guarantees (Article 8 and Article 1 of Protocol No. 7 in the first two cases)	Annulment of the prosecutor's orders declaring the applicants undesirable aliens; amendment of Emergency Ordinance No. 194/2002 establishing the Bucharest Court of Appeal's competence to decide on an alien's undesirability for security reasons in adversarial proceedings against which a cassation appeal can be introduced within 10 days before the High Court of Cassation and Justice.
CM/ResDH(2015)183	ROM / Megheles and Popa	28266/05	14/01/2009 14/10/2008	Interference with property rights and lack of a fair trial : on account of the Supreme Court's annulment of final court decisions delivered at first instance establishing the validity of the applicant's title to property previously	The Court of Cassation and Justice allowed review of the case and the property has been restituted. The provisions concerning the action for annulment were repealed (see CM/ResDH(2007)90 in Brumărescu). The judgment was translated, published and disseminated.



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				<i>nationalised (Articles 6 §1 and 1 of Prototocol No. 1)</i>	
CM/ResDH(2015) 215	ROM / Mihai Moldoveanu	4238/03	19/09/2012 19/06/2012	Unfair criminal proceedings: <i>due to failure of Supreme Court of Justice to take direct evidence before reversing the applicant's acquittal by appellate court as well as deficiencies in the legal assistance provided by a court-appointed counsel and failure of domestic courts to redress such deficiencies. (Article 6 §§ 1+3 (c))</i>	Proceedings were reopened and ended again with the applicant's conviction. For general measures see CM/ResDH(2011)251 in Spînu. The judgment was translated, published and disseminated and awareness-raising activities organized.
CM/ResDH(2015) 216	ROM / Mihai Toma	1051/06	24/04/2012 24/01/2012	No punishment without law: <i>Automatic annulment of the applicant's driving license for long-past traffic offence following the retroactive application of a more stringent criminal law lacking foreseeability. (Article 7)</i>	In reopened proceedings the impugned decision was reversed. The judgment was translated, published and disseminated to police and court.
CM/ResDH(2015) 31	ROM / Oțet	14317/04	25/06/2014 25/03/2014	Unfair criminal proceedings: <i>National courts accepted the Ministry of Finance as a civil party outside the legal time frame; absence of respective remedy (Article 6).</i>	Possibility to ask for review within three months from the date of publication of the Court's judgment. Isolated case. The judgment was translated, published and disseminated.
CM/ResDH(2015) 10	ROM / Prodanof and Others (No. 2)	6079/02	14/01/2009 14/10/2008	Interference with property rights: <i>Occupation of a flat by the State following a government decision in contradiction with a final court judgment ordering its restitution (Article 1 of Protocol No.1)</i>	Isolated case. The judgment was translated and disseminated.
CM/ResDH(2015) 112	ROM / Sâmbata Bihor Greek Catholic Parish	48107/99	12/04/2010 12/01/2010	Discriminatory denial of effective access to a court: <i>Inadmissibility of the applicant parish's application at the material time on the ground that, pursuant to Legislative Decree No. 126/1990, disputes concerning the ownership and use of religious buildings came within the exclusive jurisdiction of non-judicial bodies, the</i>	Reopening of proceedings possible. Ordinance No. 64/2004 of 13 August 2004 and Act No. 182/2005 of 13 June 2005 amended Legislative Decree No. 126/1990 granting access to a court for actions concerning the legal status of places of worship.



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				<i>"joint committees", and not of courts. Discriminatory treatment of the applicant parish in comparison to other parishes involved in similar disputes without objective and reasonable justification. (Articles 6 §1 and 14 in conjunction with 6 §1).</i>	
CM/ResDH(2015)58	ROM / Şandru and Others and 3 other cases	22465/03	10/05/2010 08/12/2009	Excessive length and ineffectiveness of criminal investigations: <i>criminal investigations into deaths and injuries sustained in the December 1989 anti-communist demonstrations in various cities, lasting 16 and 18 years respectively; doubts on independence of military prosecutors having been service men like the accused (Article 2 procedural limb)</i>	Just satisfaction awarded; responsible perpetrators punished; general measures concerning length of proceedings and lack of independence and impartiality of military prosecutors examined in the Group "21 December 1989" and Others (see Annual Report 2014).
CM/ResDH(2015)113	ROM / Simon	34945/06	01/10/2014 01/07/2014	Excessive length of pre-trial detention due to the lack of motivation for its extension (Article 5 § 3).	General measures are covered in Calmanovici group - CM/ResDH(2014)13).
CM/ResDH(2015)32	ROM / Someşan and Butiuc	45543/04	19/02/2014 19/11/2013	Lacking protection of the right to respect for one's reputation: <i>National courts' dismissal of defamation claims without careful balance of the right of the journalist to freedom of expression against the right to respect for the applicants' private life (Article 8)</i>	Just satisfaction paid. General measures covered in Petrina CM/ResDH(2012)209 .
CM/ResDH(2015)238	ROM / Tanase	62954/00	26/08/2009 26/05/2009	Discriminatory attacks and ensuing judicial proceedings: <i>Destruction of houses of Roma villagers by local population, the poor living conditions of the victims and the authorities' failure to prevent the attack and to carry out an adequate criminal investigation, depriving the applicants of their right to bring a civil action to establish liability and recover damages, and</i>	Amounts fixed in the unilateral declarations were paid. All of the applicants had left the village after the violence in 1991. In the framework of an Action Plan for Giurgiu County, the county authorities adopted different programmes and projects to promote non-discrimination of Roma population and to raise awareness, in particular of teaching staff: in 2007, the County School Inspectorate has implemented the



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				<p><i>failure to put an end to the breaches of the applicants' rights (Articles 3, 6, 8, 13, and 14 in conjunction with Articles 6 and 8). The violent incidents at the origin of these cases occurred in the localities of Bolintin Deal (Giurgiu County). The Government had acknowledged these violations and proposed several individual and general measures with a view to redressing the situation and remedying the flaws in the judicial system, which satisfied the Court. The implementation of the undertakings was under CM supervision.</i></p>	<p>project "The School Open to Community"; other measures aimed at promoting Roma participation in local economic, social, cultural and political life. In 2011, the National Agency for Roma implemented a project on increasing socio-economic participation of vulnerable groups by promoting professional training. An evaluation of all these measures in September 2011 showed that the Roma population was fully integrated in the socio-economic life of the community. To prevent future conflicts, local action plans have been developed in line with the "Strategy of the Government for the inclusion of citizens belonging to the Roma minority for the period 2012-2020". The Strategy provides for an internal mechanism of periodic review of the situation of Roma at national level and was revised in 2015. An Interministerial Committee in which all central institutions involved are represented will monitor the implementation of the Strategy. The Committee Secretariat is provided by the General Secretariat of Government and the Cabinet of the Prime Minister.</p>
<p>CM/ResDH(2015) 217</p>	<p>ROM / Toma</p>	<p>42716/02</p>	<p>24/05/2009 24/02/2009</p>	<p><i>Ill-treatment in police custody and lack of an effective investigation; delay in bringing the applicant before a judge and lack of a speedy judicial review following his complaint against detention on remand on order of the prosecutor; unlawful interference with private life due to the broadcast of images and publishing of a photo at the police station. (Article 3 under its substantive and procedural limbs; 5 §+4 and 8)</i></p>	<p>Reopening impossible due to prescription. Regarding the general measures, see CM/ResDH(2011)149) in Nastase-Silivestru and information provided in Barbu Anghelescu and Calmanovici groups of cases. The presumption of innocence and the respect of one's private life are Constitutional principles since 1991. Since 2003, the presumption of innocence became leading principle in criminal proceedings, stated as such in the Code for criminal procedure. Specific rules regulating the communication of information by judicial authorities to the media have been adopted to protect the accused persons' right to respect for private life, in particular Order of the minister of administration and internal affairs no 319/19, September 2002, concerning</p>



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					information obtained by the police staff in official capacity.
CM/ResDH(2015) 11	ROM / Zamfirescu	46596/99	14/03/2007 14/12/2006	Lack of access to a court: Dismissal of actions for the recovery of nationalized property on the ground of the national court's declared incompetence (Article 6§1)	Property was restituted by judgment of the High Court of Cassation and Justice. General measures covered by CM/ResDH(2008)79 in Canciovici and others.
CM/ResDH(2015) 16	ROM/ Jalbă	43912/10	18/05/2015 18/02/2014	Lacking protection of the right to respect for one's reputation: Reasons advanced by the final-instance court to protect a journalist's right to freedom of expression were insufficient to outweigh the applicant's right to respect for his reputation (Article 8)	Isolated case. The judgment was translated, published and disseminated.
CM/ResDH(2015) 249	RUS / Bednov	21153/02	01/09/2006 01/06/2006	Detention on remand in the absence of a court decision or of lack of a reasoned court decision, without time-limit for the extended detention period, and on account of hearings conducted in the absence of the applicants and their counsel as well as of the failure to examine complaints against detention on remand orders. (Article 5 §§1 and 4)	The CM was provided information regarding the legislative reforms and the various Rulings of the Constitutional Court and the Supreme Court ensuring that detention on remand is always ordered by a court decision and that such decisions contain reasons and time-limit for the detention, that hearings on detention on remand are always conducted in the presence of the accused and his counsel and that complaints against detention orders are always examined by courts. Outstanding questions relating to Article 5 §§ 1, 2, 3, 4 and 5 are examined within the framework of the Klyakhin group.
CM/ResDH(2015) 65	SER / Anđelković	1401/08	09/07/2013 09/04/2013	Denial of a fair trial: Arbitrary decision of final instance court rejecting the applicant's claim for outstanding holiday pay without any legal basis (Article 6§1)	Applicant was informed about the possibility to request reopening of proceedings. Isolated case.



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CM/ResDH(2015) 151	SER / Masirevic	30671/08	11/05/2014 11/02/2014	Denial of access to the Supreme Court: Dismissal of the applicant's appeal on points of law on the ground that he was not entitled to lodge it on his own behalf without being represented by an attorney, even though he was himself an attorney (Article 6 §1).	On 14/12/2014, the Supreme Court of Cassation granted leave for reopening of the impugned proceedings. Amendment of the Civil Procedure Act in 2011 introduced by a change of the Constitutional Court's case-law in 2010. The judgment was translated, published and disseminated.
CM/ResDH(2015) 62	SER / Milosavljev	15112/07	22/10/2012 12/06/2012	Disproportionate interference with property right: seizure of a car by Customs Office in misdemeanour proceedings without prior conviction for any customs offence (Article 1 of Protocol No. 1)	New provision in the Misdemeanour Act from 2010 requires confiscations to be based on a reasoned court order in writing. Change of case-law of domestic courts in the light of an indicative decision by the Supreme Court of Cassation concerning misdemeanour proceedings. Publication and dissemination of the judgment.
CM/ResDH(2015) 63	SER / Mladenović	1099/08	22/10/2012 22/05/2012	Lack of effective investigation into the death of the applicant's son shot by an off-duty police officer in 1991 (Article 2 in procedural limb)	Final acquittal of the involved policeman in October 2013. General measures concerning effective investigations into allegations of ill-treatment or deaths with police involved examined in the context of the Stanimirovic Group.
CM/ResDH(2015) 64	SER / Momčilović	23103/07	02/07/2013 02/04/2013	Denial of the right to a fair trial in civil proceedings due to unlawful composition of the Supreme Court's bench: Instead of the prescribed panel of seven judges, the Supreme Court dealt with the applicant's appeal in a panel of five judges (Article 6)	Possibility to ask for reopening of proceedings. The new Civil Procedure Act 2013 provides for the Supreme Court of Cassation to decide in chambers composed of three judges. In 2007, the possibility of a constitutional complaint was introduced, which offers an effective domestic remedy to challenge a deficient composition of a court.
CM/ResDH(2015) 95	SUI / A.A.	58802/12	07/04/2014 07/01/2014	Risk of ill-treatment in case of deportation to Sudan: Different assessment of genuineness of the applicant's post-flight political activities and the resulting risk (Article 3).	In August 2014, a new decision was delivered by the Federal Administrative Court, recognizing the applicant as a refugee and providing him with provisional residence right (permanent residence cannot be granted



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					for those refugees with post-flight persecution reasons). Change of practice of the Federal Administrative Court in 2013 recognizing that post-flight activities in loci could also lead to risk of ill-treatment.
CM/ResDH(2015) 187	SUI / Hurter	53146/99	15/03/2006 15/12/2005	Unfair disciplinary proceedings: due to the dismissal of requests made by the applicant, a lawyer and notary, for public hearings in disciplinary proceedings against him before a professional supervisory board and the Federal Court. (Article 6 §1)	Request for review of the proceedings was rejected. A new federal law regulating the liberty of lawyers when providing their services entered into force on 01/07/2002, providing access to a court in all cases of dispute, thus guaranteeing a court hearing.
CM/ResDH(2015) 94	SUI / Locher and Others	7539/06	30/10/2013 30/07/2013	Breach of the principle of equality of arms: Failure by authorities to provide the applicants with relevant records of municipal council sessions in proceedings concerning a road construction (Article 6 § 1).	Reopening of proceedings inappropriate due to time elapsed and possible prejudice of third party's vested rights. The judgment was disseminated to the Federal Court. Change of practice of the Federal Court after the facts of the present case, ensuring that courts communicate in good time observations submitted by one to the other party.
CM/ResDH(2015) 131	SUI / M.A.	52589/13	18/02/2015 18/11/2014	Risk of ill-treatment in case of the applicant's expulsion to Iran (Article 3)	The applicant was granted asylum. The judgment was translated, published and disseminated.
CM/ResDH(2015) 186	SUI / Neulinger and Shuruk	41615/07	06/07/2010 Grand Chamber	Conditional interference with family life in case of enforcement of the return, ordered by the Federal Court on 16/08/2007, of a mother and her minor son, to Israel, where the son's divorced father resides - in view of the particular circumstances and developments of the individuals concerned since the child's removal from Israel (the specific situation of the father in Israel, the mother possibly facing imprisonment upon return to Israel, and the child's good integration into his new environment in Switzerland). The Grand	The return order to Israel was not enforced and the child resides with his mother in Switzerland. In October 2010 the applicant requested the revision of the judgment of the Federal Court ordering the mother to return the child to Israel. On 26/05/2011 the Federal Court rejected the revision request stating that the applicant has at her disposal an ordinary way of revision of the return order on the grounds of the changes that occurred in the circumstances of the case on the basis of Article 13 of the Federal Law on international child abduction and the Hague Conventions on the protection of children and adults (LF-EEA). The judgment was



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				<i>Chamber, overturning a Chamber judgment of 08/01/2009, found that the child's best interests had to be the primary consideration in the required balance between the competing interests at stake and that it might undermine the Hague Convention if such a return order were enforced a certain time after the child's abduction. (Article 8, conditional)</i>	translated, published and disseminated.
CM/ResDH(2015) 72	SUI / Roduit	6586/06	17/02/2014 03/09/2013	Excessive length of civil proceedings: (Article 6 §1)	Domestic proceedings ended in 2005. Isolated case (last similar violation in 2002). Publication and dissemination of the judgment.
CM/ResDH(2015) 73	SUI / Ruiz Rivera	8300/06	18/05/2014 18/02/2014	Refusal by the authorities to order a further independent psychiatric assessment, relying on two earlier medical expert reports diagnosing paranoid and schizoid disorders, in the context of a request for release on probation of a person placed in psychiatric detention for having killed and decapitated his wife: Courts based their decision on the applicant's non-release on insufficient evidence; they should have held a hearing in order to hear the submissions of the applicant in person (Article 5 §4)	Based on relevant provisions of the new Penal Code 2007, the applicant's psychiatric conditions were re-examined and he was released. The judgment was published and disseminated.
CM/ResDH(2015) 96	SUI / Tarakhel	29217/12	04/11/2014 (Grand Chamber)	Risk of treatment contrary to Article 3 in case of an Afghan asylum seeking family's return to Italy under Dublin II Regulation, without the authorities having first obtained individual guarantees from Italy that the applicants would be taken charge of in a manner adapted to the age of the asylum-seeking children and that the family would be kept together (Article 3).	On 04/11/2014, the Federal Migration Office suspended returns to Italy under Dublin II Regulation for all asylum-seeking families with children, including the return of the applicants. Individual guarantees and detailed and reliable information about the specific reception facility and the physical conditions of their accommodation, and the question of whether the family would be kept together, were requested by Italy. Until those assurances are given, no removal of asylum-seeking



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					families is envisaged.
CM/ResDH(2015)141	SVK / DMF a.s.	27082/09	05/02/2013	Excessive length of criminal proceedings to which the applicant company was civil party (Article 6 §1)	Proceedings are terminated. General measures are covered in CM/ResDH(2007)10 – Krumpel and Krumpelova.
CM/ResDH(2015)12	SVK / Franek	14090/10	11/05/2014 11/02/2014	Lack of access to the Constitutional Court: Excessively formalistic calculation method of the statutory time-limit without legitimate aim (Article 6§1).	The practice of the Constitutional Court for calculating the statutory time-limit for lodging a constitutional complaint has been amended.
CM/ResDH(2015)140	SVK / Viskupova and Others	43730/06	11/01§/2011 11/10/2011	Lack of access to a court: Non-enforcement of a final judgment granting compensation for the State-owned enterprise using the applicants' property on account of the State-owned enterprise's entry into liquidation and an existing statutory bar to enforcement of claims against State-owned enterprises in liquidation.(Article 6 §1)	Just satisfaction paid. Applicants cannot avail themselves of the new legislation: Amendment, on 01/11/2013, of the State-owned Enterprises Act allowing all creditors and persons having claims or other rights against a state-owned enterprise entering liquidation to register their claims with the relevant judicial authority without time-limit.
CM/ResDH(2015)219	SWE / A.A.M.	68519/10	03/07/2014 03/04/2014	Risk of ill-treatment in case of the applicant's expulsion to parts of Iraq situated outside the Kurdistan region. (Article 3)	On 16/08/2015, the Migration Agency granted the applicant permanent residence. The judgment was translated, published and disseminated.
CM/ResDH(2015)253	TUR / Atilgan and Others	14495/11+	27/01/2015	Unjustified interference with freedom of expression by suspending the applicants' (owners, executive directors, editors-in-chief, editors and members of the technical staff of nine publications) periodicals and their distribution on the basis of section 6 (5) of Law no. 371. (Article 10)	Just satisfaction paid. Banning decision lifted. General measures see in CM/ResDH(2014)130 in Ürper and Others.
CM/ResDH(2015)242	TUR / Çetin and Others	40153/98+	13/05/2003 13/02/2003	Unjustified interference with freedom of expression under article 11.e of Law No. 2935 on the state of emergency and Article 1.a of the	Legislative Decree No. 285 declaring the state of emergency was lifted in November 2002. Since the decree is no longer in force, current legislation provides



Resolution No.	Reference	Appl. No.	Judgment final on / delivered on	Violation	Main measures taken
				<i>Legislative Decree No. 430 on the measures to be taken during the state of emergency resulting in convictions for publication of articles and books or the preparation of messages addressed to a public audience. (Article 10)</i>	sufficient safeguards to ail individuals for grievances under the Convention (See CM/ResDH(2007)97,CM/ResDH(2009)101).
CM/ResDH(2015) 153	TUR / Foka	28940/95	26/01/2009 24/06/2008	Interference with freedom of expression: <i>unjustified confiscation of the applicant's cassettes, books, diary and maps by the Turkish Cypriot authorities (Article 10).</i>	The applicant received just satisfaction to the value of the confiscated items. Isolated incident; confiscated material was not available for evaluation by the Court. Amendment of the Criminal Code by Law no.41/2007: publishing or disseminating of expressions allegedly promoting feelings of ill will between the two communities on the island will no longer be treated as an offence. The judgment was translated, published and disseminated.
CM/ResDH(2015) 243	TUR / Özerman and Others	3197/05	20/01/2010 20/10/2009	Unjustified interference with property: <i>due to lack of any compensation for expropriation of a plot partly considered as forest area and lack of respective effective remedy. (Articles 1 of Protocol No1 and 13)</i>	On 18/04/2012, the Law no. 6292 concerning the evaluation of plots on forest area borders expropriated on behalf of the Treasury and the sale of agriculture lands owned by the Treasury" created a new domestic remedy. In November 2009, the Court of Cassation changed case-law and held that the State bore responsibility for any irregularities in the land registers and could be held liable for the deprivation of rights as a result of incorrect entries in the land registers. If a private title had been declared void because the land was declared part of the public forest estate, the owner concerned was entitled to claim compensation under Article 1007 of the Civil Code. Case falls within the scope of Turgut and Others group closed by CM/ResDH(2012)106.
CM/ResDH(2015) 190	UK / Hill	22853/09	07/04/2015 07/04/2015	Lack of speedy review of the lawfulness of detention; <i>unreasonable delay in the Parole</i>	Applicant released after a further parole hearing in April 2012. General measures taken in Betteridge



Resolution No.	Reference	Appl. No.	Judgment final on / delivered on	Violation	Main measures taken
				<i>Board's review of the applicant's eligibility for release and delays to access certain rehabilitative courses. (Article 5§4)</i>	CM/ResDH(2013)267 to maximise efficiency and reduce possible delay in parole board hearings also respond to the identified in this case.
CM/ResDH(2015)53	UK / M.H.	11577/06	22/01/2014 22/10/2013	<i>Inability for a legally incapacitated detainee to challenge the unlawfulness of detention in hospital for medical assessment (Article 5§4)</i>	Amendment of the Mental Health Act by a new version in 2007 introducing provisions on independent mental health advocates in England and Wales; Codes of Practice Mental Health Act 1983 were amended accordingly; in Scotland, the Mental Health Care and Treatment Act in 2003 guarantees access to the Mental Health Tribunal for revocation of a short-term detention certificate; in Northern Ireland the possibility of a referral to the Mental Health Review Tribunal is addressed in the forthcoming Mental Capacity Bill; the judgment was translated and disseminated.
CM/ResDH(2015)221	UK / M.M.	24029/07	29/04/2013 13/11/2012	<i>Unlawful interference with private life: indefinite retention and disclosure of data regarding a police caution for child abduction received by the applicant following a family dispute; insufficient safeguards in the system to ensure that data relating to private life will not be disclosed. (Article 8)</i>	Details relating to the applicant have been removed from the Northern Ireland Criminal History database. In England and Wales, statutory amendments came into force on 29/05/2013 introducing a filtering mechanism so that old and minor cautions and convictions are no longer automatically disclosed on a criminal record certificate. Disclosure is only made after taking into account the seriousness and age of the offence, the age of the offender and the number of offences committed. Further statutory amendments have come into force allowing individuals to apply to an independent monitor. Similar statutory amendments came into effect in Northern Ireland in April 2014. The Justice Act (Northern Ireland) 2015 ("the 2015 Act"), amended the Police and Criminal Evidence (Northern Ireland) Order 1989 to create a statutory power for the recording of cautions and other diversionary disposals on the Northern Ireland criminal history database. The regime in Scotland does not allow for the automatic disclosure



Resolution No.	Reference	Appl. No.	Judgment final on / delivered on	Violation	Main measures taken
					of "alternatives to prosecution" (the equivalent of cautions in England and Wales), which are removed from system after a period of either two or three years. For certain serious sexual and violent offences, information can be retained for up to an additional two years after an application to a court by the chief police officer.
CM/ResDH(2015) 42	UK / McDonald	4241/12	20/08/2014 20/05/2014	Interference with private life not in accordance with the domestic law: <i>Reduction of the level of personal care provided by local authorities to a seriously incapacitated individual (Article 8)</i>	Isolated case. The judgment was translated, published and disseminated. In addition, the provision of social care has been comprehensively reviewed as part of the reforms implemented by the Care Act 2014. Statutory guidance and regulations have been published in order to guide local authorities in the implementation of their respective responsibilities.
CM/ResDH(2015) 17	UK / Paulet	6219/08	13/08/2014 13/05/2014	Lacking proportionality of confiscation order: <i>Confiscation of wages following a conviction for obtaining employment using a false passport (Article 1 of Protocol No. 1).</i>	According to a Supreme Court finding in 2012, the proportionality of confiscation orders has to be examined. Domestic courts are required to consider proportionality before issuing confiscation orders in individual cases. Supplementary internal guidance has been issued by the Crown Prosecution Service to all prosecutors. Isolated case. The judgment was translated, published and disseminated.