

Summaries of Final Resolutions adopted by the Committee of Ministers in 2017  
 (with the exception of those concerning Friendly Settlements)

These summaries are made under the sole responsibility of the Department for the Execution of 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
<a href="#">CM/ResDH(2017)417</a>	ALB / Caka and 2 other cases	44023/02+	08/03/2010 08/12/2009	<i>Access to and efficient functioning of justice: Unfair criminal proceedings leading to convictions to terms of imprisonment with regard to following shortcomings: failure to secure the appearance of certain witnesses and first instance court's failure to have due regard to four testimonies in the applicant's favour; in the case of Izet Haxhia lack of guarantees in criminal proceedings in absentia and lack of access to the Constitutional Court due to miscalculation of the time-limit; in the case of Cani, refusal to grant the right to defend oneself at a public hearing before the Court of Appeal and the Supreme Court. (Articles 6§1, Article 6§1 combined with Article 6§3(d), 6§3c and 6§3).</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. In reopened proceedings, Mr Caka was again convicted and thus remained in prison. The second applicant did not request reopening. With regard to the third applicant, who resides in Turkey and did not request reopening of the impugned proceedings, the State Advocate Office had been informed that an international arrest warrant had been issued. <i>General measures:</i> In 2016, an extensive reform of the judiciary was implemented. In 2017, additional amendments to the Civil and Criminal Procedure Code were introduced. Concerning the reopening of proceedings following ECHR judgments, the Supreme Court recognised such possibility following a relevant decision of the Constitutional Court dated 2011. Respective amendments of the Code of Criminal Procedure were introduced in 2017. As concerns the summoning of witnesses and the procedures for witness testimonial, new rules were introduced into the Criminal Procedure Code in 2013 and completed in 2017 with regulations concerning the refusal to testify. The right to defend oneself in courts of first instance and appeal was established through domestic case-law in 2013/14 and enshrined in the Code of Criminal Procedure in 2017 together with legal aid provisions. As concerns the opportunity to obtain revision of the merits of charges in the case of judgments in absentia, the related request must be filed within

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					30 days after the convicted person's information of the trial and its result. The judgment was translated, published and disseminated and used in training organised by the School of Magistrates.
<a href="#">CM/ResDH(2017)330</a>	ALB / Marku	54710/12	15/10/2014 15/07/2014	<i>Access to and efficient functioning of justice: Disproportionate restriction of access to court due to the impossibility to institute proceedings before the Central Commission at the Ministry of Defense with a view to obtaining acknowledgement of the status of war veteran, which would have given rise to a financial entitlement, as the Commission ceased to operate after 2006. (Article 6 §1)</i>	<i>Individual measures:</i> No claim submitted. There is now a possibility for the applicant to institute proceedings before the former Central Commission of War Veterans and to obtain recognition of his status as a war veteran. <i>General measures:</i> The authorities reinstated to power the former Central Commission of War Veterans by a decision of the Council of Ministers of 7/09/2017. The applicant and persons with a declaratory court decision on a status of veteran may address the Commission for the issuance of the veteran status. The judgment was translated and published.
<a href="#">CM/ResDH(2017)226</a>	AND / Gouarre Patte	33427/10	12/04/2016 12/01/2016	<i>No punishment without law: Impossibility to obtain revision of an ancillary penalty entailing a lifetime ban on practicing a profession, despite the explicit recognition, in a new Criminal Code, of the principle of the retrospective application of the more favorable criminal law. (Article 7 §1 and 13 in conjunction with 7))</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The applicant's request for revision of proceedings was granted and his lifetime ancillary penalty cancelled. <i>General measures:</i> The transitional provisions concerning the application of the new Criminal Code are no longer applicable. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)73</a>	AND / UTE Saur Vallnet	16047/10	29/08/2012 29/05/2012	<i>Access to and efficient functioning of justice: Lack of impartiality of one judge sitting within the administrative chamber of the Supreme Court of Justice as he was partner and board member of a law firm providing legal assistance to the government in proceedings concerning the imposition of an administrative fine on the applicant company. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. Reopening of the case was granted by the Supreme Court of Justice and the administrative fine's reimbursement ordered in new proceedings. <i>General measures:</i> Legislation to grant reopening on the basis of an ECHR judgment was enacted in 2014 and modified in 2016. Isolated case as Article 69 of the Qualified Law of Justice specifies that the function of judge or magistrate is incompatible with any other public function, be it elective or nominative, with any type of commercial, industrial or professional activity, as well as with the exercise of the

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					function of lawyer or banister or any other form of legal consultancy, and in general with functions of any kind in companies or business societies, whether public or privates. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)185</a>	ARM / Amirkhanyan and 1 other case	22343/08+	03/03/2016 03/12/2015	<i>Access to and efficient functioning of justice: Violation of the principle of res judicata (finality of judgments) following second appeals on points of law without any legal basis, breaching property rights due to the Court of Cassation's quashing of final and binding judgments. (Article 6 §1 and 1 of Protocol No. 1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage (and in the second case for pecuniary damage) paid. The impugned proceedings were reopened in both cases. <i>General measures:</i> More precise rules for the return of the appeals on points of law were introduced by amendment of Article 233 of the Code of Civil Procedure on 10/06/2014. The judgments were translated, published and included in respective training curricula of the Justice Academy, the Police Academy as well as the Law Institute of the Ministry of Justice.
<a href="#">CM/ResDH(2017)297</a>	ARM / Helsinki Committee of Armenia	59109/08	30/06/2015 31/03/2015	<i>Freedom of association: Unjustified interference on account of the ban of a duly notified peaceful march as well as the absence of a timely notification of the ban decision to the applicant NGO and absence of an effective domestic remedy in this respect. (Articles 11 and 13)</i>	<i>Individual measures:</i> No claim for just satisfaction was submitted. The applicant organisation did not apply for reopening of the case. <i>General measures:</i> The Constitution, as amended in December 2015, provides for additional guarantees for freedom of assembly and enshrines the right to spontaneous assemblies not requiring prior notification. <i>The Law on Assemblies of 2011</i> gives a broad definition of an assembly which includes all types of gatherings, meetings, marches and demonstrations and regulates the notification process, in particular the registration of the notification, respective hearings, the decision-making process and participation of organisers in it. The advance notification, when necessary, shall be presented no later than seven days prior to the assembly day. After 2011, 1369 notifications were submitted to Mayor's Office. 992 (approximately 72.46%), were granted; 61 were withdrawn; 69 returned to the organisers with proposals to correct the errors and resubmit them. In nine cases the assembly was

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					banned. Only one decision of the Mayor's Office was contested before the administrative court. As regards the preventive remedy, according to the Law on Assemblies, the Regulatory body has a maximum of 48 hours to take a decision on the notification for organising an assembly. In case of delay, the notification is deemed to be granted. The Code of Administrative Procedure provides for appeals against the Regulatory body's decisions and actions to courts. In May 2014 a mechanism for compensation of non-pecuniary damage was introduced in the Civil Code. It was improved in 2015 and covers also freedom of assembly. In particular, the right to claim compensation for non-pecuniary damage is effective also concerning the decision, action or inaction of a self-governing body or its officials. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)133</a>	ARM / Safaryan	576/06	21/04/2016 21/01/2016	<i>Protection of property: Restrictions on property use resulting in inability to divide and donate the applicant's property to her children. (Article 1 of Protocol No. 1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damages paid. The applicant did not request reopening of the impugned proceedings due to new circumstances. <i>General measures:</i> The Constitution, as amended in December 2015, enshrines the principle of protection of property and allows restrictions only by law in the public interest. A law on "Expropriation for the Needs of Society and the State" was adopted in 2006 regulating the entire expropriation procedure. In particular: conditions for expropriation; types of property subject to it; compensation; judicial proceedings deciding on the expropriation; rights and guarantees of the owner. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)402</a>	AUT / Benes and 2 other cases	15838/13	17/01/2017 (Committee)	<i>Access to and efficient functioning of justice: Excessive length of criminal proceedings and lack of respective remedy. (Articles 6 §1 and 13)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary paid. (In one case no award made.) Domestic proceedings closed. <i>General measures:</i> WECL-cases similar to the Donner group, see <a href="#">CM/ResDH(2016)212</a> . According to a recent amendment

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					of the Code of Criminal Procedure, in cases of multiple alleged crimes, the Public Prosecutor may stop (temporarily or finally) the prosecution of those crimes which would not have an impact on the range of sentences to be considered. The judgments were published and disseminated to the Federal Chancellery, the Federal Ministry for Europe, Integration and Foreign Affairs, and the Administrative Court. A respective Circular Note of the Federal Chancellery informing of all four cases was disseminated to all relevant domestic bodies.
<a href="#">CM/ResDH(2017)26</a>	AUT / Grossmann Air Service Bedarfsluftfahrtunternehmen GmbH & Co KG and 3 other cases	47199/10+	02/02/2016 Committee	<i>Access to and efficient functioning of justice: Excessive length of proceedings before the Administrative Court and/or the Constitutional Court and/or proceedings before administrative authorities. (Article 6 §1)</i>	<i>Individual measures:</i> The four cases had been concluded at the domestic level. Just satisfaction paid. <i>For General measures</i> see <a href="#">CM/ResDH(2015)222</a> in Rabauske. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)199</a>	AUT / Koottummel and 5 other cases	49616/06+	10/03/2010 10/12/2009	<i>Access to and efficient functioning of justice: Denial of an oral hearing before the Administrative Court in proceedings concerning requests for an employment permit under the Aliens' Employment Act. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction in respect of costs and/or non-pecuniary damage paid. No applications for reopening of proceedings were filed in 5 cases; in one case the application was declared inadmissible. <i>For General measures</i> concerning the lack of an oral hearing in administrative proceedings see <a href="#">CM/ResDH(2015)222</a> in Rabauske. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)401</a>	AUT / Ulrich Lell GmbH and 3 other cases	6783/11+	17/01/2017 (Committee)	<i>Access to and efficient functioning of justice: Excessive length of administrative proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary paid. (In one case no award made.) Domestic proceedings closed. <i>General measures:</i> WECL-cases similar to the Rabauske group, see <a href="#">CM/ResDH(2015)222</a> . The judgments were published and disseminated to the Federal Chancellery, the Federal Ministry for Europe, Integration and Foreign Affairs, and the

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					Administrative Court. A respective Circular Note of the Federal Chancellery informing of all four cases was disseminated to all relevant domestic bodies.
<a href="#">CM/ResDH(2017)46</a>	BEL / Bouyid	23380/09	28/09/2015 Grand Chamber	<i>Protection against ill-treatment: Alleged administration of slaps by police officers during police interview and failure of investigating authorities to devote the requisite attention to the allegations, despite their being substantiated by medical certificates. (Article 3 substantive and procedural limb)</i>	<i>Individual measures:</i> Just satisfaction paid. Reopening of criminal or disciplinary proceedings impossible due to prescription. <i>For General measures:</i> see also <a href="#">CM/ResDH(2015)159</a> in Cakir. 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. Specific training activities for police on the legal framework regulating the use of force are organised regularly. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)149</a>	BEL / De Clerck and 3 other cases	34316/02+	25/12/2007 25/09/2007	<i>Access to and efficient functioning of justice: Excessive length of criminal proceedings concerning economic and financial matters at the pre-trial investigation stage and lack of efficient remedy. (Articles 6 §1 and 13)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The impugned national proceedings were accelerated and closed. Compensation for State responsibility was granted in one case. <i>General measures:</i> In the Public Prosecution's Modernisation Plan (2007-2014) and the related Strategic Plan of 2008, the fight against the back-log of pending criminal cases was declared priority. Detailed statistical analysis of the back-log at different stages provided the basis for new working-methods and a permanent monitoring of files and work-loads of prosecutors. The Circular No. 12/ 2010 introduced the function of special supervisory magistrates monitoring case-management and progress of files. A manual attached to the circular contains directives to enhance diligence and efficient treatment of files. A new circular No. 11/2015 attaches particular importance to the improved implementation of these measures. Human resources were increased for fiscal matters. Several similar initiatives were also taken for the Courts of Appeal of Brussels, Gand, Anvers, Liège and Mons.

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					<p>These extensive measures taken at the national and local levels, as statistics submitted showed, resulted in better control and reduction of the duration of criminal instructions - in particular concerning the ECOFIN (economic, financial and fiscal affairs) files. The ECHR itself, in two decisions of January 2017, held that, effective remedies to complain about and get compensation for excessive length of criminal proceedings, including the investigation stage, existed and their efficiency had to be examined on a case-to-case basis (preventive remedies provided by the Criminal Investigation Code and compensatory remedies provided by Articles 1382 and following of the Civil Code). See also Resolution <a href="#">CM/ResDH(2011)190</a> in <i>Stratégies et Communications</i> and <i>Dumoulin</i>. The judgments were translated, published and disseminated.</p>
<p><a href="#">CM/ResDH(2017)331</a></p>	<p>BEL / De Donder and De Clippel</p>	<p>8595/06</p>	<p>06/03/2012 06/12/2011</p>	<p><i>Right to life and protection of rights in detention: Suicide of the applicants' son, while he was unlawfully detained in the ordinary wings of a prison in spite of the bad state of his mental health. (Articles 2 and 5 §1)</i></p>	<p><u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid.</p> <p><u>General measures:</u> Measures have been taken or are in the process of being adopted with regard to preventing suicides in prison (e.g. introduction of a suicide alert system in prisons, staff awareness-raising and training, telephone hotline in prison, procedural guarantees in detainees' disciplinary matters, and improvements in treatment). A mental health reform has been under way since 2011. A new law on internment (entry into force 2016) replaced the law of social defense. Within this framework, the main objective is to gradually remove prisoners from prison and place them in health care facilities, in particular specialized institutions adapted to different types of profiles, to provide them with the necessary care and prepare them for social integration. The measures taken or envisaged in this respect are examined in the context of the L.B. group.</p>

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<a href="#">CM/ResDH(2017)403</a>	BEL / Gybels and 7 other cases	43305/09+	18/02/2015 18/11/2014	<i>Access to and efficient functioning of justice: Lack of a fair trial due to the insufficient safeguards enabling the applicant to understand the reasons why he had been found guilty by the Assize Court (Article 6 § 1).</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary paid. Reopening of the impugned proceedings was granted. <i>General measures:</i> See <a href="#">CM/ResDH(2012)112</a> in Taxquet.
<a href="#">CM/ResDH(2017)381</a>	BEL / J.R.	56367/09	24/04/2017 24/01/2017	<i>Access to and efficient functioning of justice: Unfair trial due to length of the criminal proceedings brought against the father of a family, who had been accused of being the person behind a murder committed by his son.(Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damages paid. Domestic proceedings discontinued due to lack of evidence and closed. <i>General measures:</i> See <a href="#">CM/ResDH(2017)149</a> in De Clerck, Beheydt, Wauters and Schollaert, and Panju concerning the reduction of the length of criminal investigations, in particular with regard to the Appeals Court of Bruxelles. The judgment was published and disseminated.
<a href="#">CM/ResDH(2017)380</a>	BEL / Kalmienene	40233/07	31/04/2017 31/01/2017	<i>Protection of home: Unlawful interference with the right to respect of home due to the search of the applicant's home without a specific warrant issued by an investigating judge and use of the evidence obtained in criminal proceedings. (Article 8)</i>	<i>Individual measures:</i> The finding of a violation constituted in itself sufficient just satisfaction for the non-pecuniary damage sustained. <i>General measures:</i> Isolated case due to the non-respect of the relevant provision of the Criminal Investigation Code. The judgment was published and disseminated.
<a href="#">CM/ResDH(2017)27</a>	BEL / Ouabour	26417/10	02/09/2015 02/06/2015	<i>Protection against ill-treatment / deportation, expulsion: Risk of ill-treatment in case of enforcement of an extradition order against a Moroccan National sentenced to imprisonment for taking part in the activities of a terrorist organisation and for criminal conspiracy. (Article 3 conditional)</i>	<i>Individual measures:</i> Just satisfaction paid. Ministerial decision taken not to extradite the applicant. <i>General measures:</i> Bilateral negotiations held with the Moroccan authorities requesting extradition, explaining the Belgian position. The judgment was translated, published and disseminated in particular to the authorities involved in international cooperation in penal matters.
<a href="#">CM/ResDH(2017)150</a>	BEL / Raihani	12019/08	15/03/2016 15/12/2015	<i>Access to and efficient functioning of justice: Inadmissibility of an appeal against a decision given by default concerning the increase of a father's contribution to the education and maintenance of his child, due to lack of clarity in</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicant could initiate an action for State responsibility under Article 1382 Civil Code. <i>General measures:</i> Isolated case. The judgment was published and disseminated.

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				<i>the determination of the starting point for the time-limit for appeal. (Article 6 §1)</i>	
<a href="#">CM/ResDH(2017)418</a>	BGR / Amie and Others and 2 other cases	58149/08+	12/05/2013 12/02/2013	<i>Protection of rights in detention pending expulsion and deportation and of family life: Shortcomings of the judicial review in respect of the expulsion of foreign nationals on security grounds without adequate procedural safeguards as well as the unjustified length of detention pending expulsion and absence of a review of its lawfulness and lack of an effective remedy. (Articles 8 and 13 as well as 1 of Protocol No. 7, Article 5 §§1f and 4)</i>	<p><b>Individual measures:</b> The examination of the measures concerned was closed by the CM at its 1222nd (Madah and Others, Kaushal and Others) and 1280th (Amie and Others) meetings.</p> <p><b>General measures:</b> These three expulsion cases form part of the C.G. group, in the context of which the following measures were adopted: Amendments of the Aliens Act in March 2013 allow the courts to examine the risk of ill-treatment in the destination country. In case of appeal, domestic courts are entitled to suspend the execution order. Legislative amendments are under discussion to give automatic suspensive effect to an appeal. In August 2017 the Prime Minister established an inter-institutional working group to draft of a new Migration Law uniting the entire migration legislation and replacing the Aliens Act, the Asylum and Refugees Act and the European Union Citizens Act. Concerning the lack of adequate protection against arbitrariness of expulsion decisions (Articles 8 and 13): The legal framework was amended in 2007, 2009 and 2011. Currently, the proportionality of expulsion measures is subject to judicial review. The burden of proof lies with the administration and the Supreme Administrative Court can request the submission of evidence by the administration. The Supreme Administrative Court specified that its practice is not to publish the judgments delivered in classified cases on its Internet site. There is no legal possibility to make public only part of a judgment delivered in proceedings concerning an appeal against an expulsion order if the proceedings are classified, however the foreigner and his lawyer have access to the entire text of the judgment. Concerning detention pending expulsion: Detention cannot exceed six months, or eighteen months in exceptional cases.</p>

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					The detention order can be appealed against and is subject to an automatic review of its lawfulness every six months. The time-limits provided by law for the examination of requests for release are one month at first instance, and two months on appeal. The foreign national has the right to be heard, to produce evidence and to consult the evidence. If it is established, in the circumstances of a particular case, that there is no longer a reasonable possibility of expelling the foreigner for technical or legal reasons, he should immediately be released.
<a href="#">CM/ResDH(2017)383</a>	BGR / Angelova and Iliev and 7 other cases	55523/00	26/10/2007 26/07/2007	<i>Right to life and protection against ill-treatment: Lack of effective investigations into deaths, rapes or alleged ill-treatment perpetrated by private individuals. (Articles 2 and 3 procedural limb) In two cases, failure to investigate a possible racist motive. (Article 14 in conjunction with Article 2)</i>	<p><i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damages paid. In 6 of these cases, the statutory limitation period for prosecution had lapsed. In one case, the accused were convicted.</p> <p><i>General measures:</i> An amendment to the Criminal Code of 2011 introduced aggravated qualifications for murder and bodily harm committed with racist or xenophobic motives. Statistics concerning its application were submitted. The Prosecutor's Office identified measures to improve the effectiveness of investigations.</p> <p>In 2005 a new Code of Criminal Procedure was adopted which introduced strict deadlines for the pre-trial investigations and the role of a supervisory prosecutor with the task to control the observance of the deadlines. In July 2016 the Judiciary Act was amended providing that preliminary investigations, carried out upon instruction of a prosecutor before the official opening of criminal proceedings, cannot exceed 2 months. This period may be prolonged by an additional one month upon request of the relevant authority. An acceleratory remedy at the disposal of the accused and the victim of the offence or civil party/private prosecutor was introduced in the Code of Criminal Procedure in July 2017 for the pre-trial and trial phase. At the same time, the obligation to automatically terminate the criminal proceedings after the expiry of a certain</p>

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					period of time was abolished. When assessing the length of proceedings, the court takes into account the factual and legal complexity of the case, the existence of delays, the reasons for these delays, etc. before determining time-limits for the relevant steps to be taken. As these measures are closely linked to the question of effectiveness of criminal investigations in general, further information on the new acceleratory remedy in criminal proceedings and its functioning in practice will be submitted in the context of the examination of the S.Z./Kolevi group and Velikova group of cases. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2017)48</a>	BGR / Bekirski	71420/01	21/02/2011 02/09/2010	<i>Right to life and protection against ill-treatment in detention: Torture and ensuing death of a detainee on remand due to the fact that he was not provided adequate medical care; lack of effective investigation into the allegations of alleged abuses as well as failure of the State to provide to the ECHR all the necessary facilities to enable a proper and effective examination of the application. (Articles 2 and 3 substantive limb, Articles 2 procedural limb and 38)</i>	<i>Individual measures:</i> Just satisfaction paid. Reopening of criminal investigation impossible due to prescription. <i>General measures:</i> The judgment was translated, published and disseminated. Other general measures to be taken are examined in the Velikova group of cases. The authorities' failure to cooperate with the Court constituted an isolated incident.
<a href="#">CM/ResDH(2017)382</a>	BGR / Bpotchev and 3 other cases	73481/01+	13/02/2009 13/11/2008	<i>Protection of rights in detention: Excessive length of pre-trial detention, several shortcomings concerning the judicial review of the lawfulness of detention (insufficient scope of review, insufficient guarantees for adversarial proceedings and lack of hearing, failure to examine requests for release, lacking promptness of examination) and lack of enforceable right to compensation. (Article 5 §§3+4+5)</i> <i>Other violations: Monitoring of the prisoners' correspondence, excessive length of criminal</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damages paid. The applicants are no longer held in pre-trial detention. Domestic criminal proceedings closed. Transfer of the applicant concerned in a cell with adequate space. <i>General measures:</i> Concerning excessive length of pre-trial detention and lacking promptness of the examination of release requests, see <a href="#">CM/ResDH(2012)164</a> in the Evgeni Ivanov group. Concerning the scope of judicial review, and amendment in 2017 of the Criminal Procedure Code 2006 provides now for the examination by the trial courts of the

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				<i>proceedings, conditions of detention amounting to ill-treatment. (Articles 8, 6 §1 and 3)</i>	existence of a reasonable suspicion for commission of an offence in a public hearing. Concerning insufficient guarantees for adversarial proceedings and lack of hearing: see <a href="#">CM/ResDH(2013)152</a> in the Kirilov case. Concerning the right to compensation for unlawful detention, see <a href="#">CM/ResDH(2013)102</a> in the Yankov group of cases. The issue of excessive length of criminal proceedings remains under the supervision in the context of the Kitov group. Concerning prisoners' correspondence, see <a href="#">CM/ResDH(2014)258</a> . The issue of poor conditions of detention are examined in the context of the Kehayov group and the Neshkov and Others case. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2017)334</a>	BGR / Capital Bank AD	49429/99	24/02/2006 24/11/2005	<i>Access to and efficient functioning of justice and protection of property: Unfair proceedings, resulting in the compulsory liquidation of the applicant bank, due to the fact that the domestic courts held that they were bound by the National Bank's finding of insolvency, without examining it on its merits, and due to the inability of the bank to defend its position being represented by persons dependent on the other party to the proceedings as well as impossibility for the applicant bank to challenge the withdrawal of its licence. (Articles 6 §1 and 1 of Protocol No. 1)</i>	<i>Individual measures:</i> No causal link established between the violations found and the revocation of the applicant bank's licence, its liquidation, and the alleged resulting mismanagement of its property. Thus no just satisfaction awarded. The applicant bank ceased to exist in 2005. Its entire undertaking was purchased by another bank which contracted to pay certain amounts to the creditors. Following the present judgment, three companies, which were shareholders in the Capital Bank, initiated several sets of proceedings aimed at quashing the liquidation decisions. Their requests were rejected by domestic courts and authorities. The Government is of the view that reopening is not appropriate as it could have unfavourable repercussions on bona fide third parties (such as the bank's creditors). It appears that the shareholders of the applicant Bank did not attempt the use of other avenues, such as a general tort claim against the State in order to have their allegations examined. <i>General measures:</i> Legislative changes with regard to the lack of judicial review of the National Bank's decision to withdraw a bank licence: The Credit Institutions Act 2006 provides that the BNB's decision to revoke a bank's licence is subject to

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					direct review by the Supreme Administrative Court. As concerns the persons entitled to request such a direct review, the general rules of the Code of Administrative Procedure apply. Concerning the representation of a bank in insolvency proceedings, the provisions of Banks Act 1997 were superseded by the Bank Insolvency Act 2002. In insolvency proceedings on the basis of a Bulgarian National Bank's petition, the bank is still to be represented by the special administrators appointed by the BNB (or later on by liquidators from a list approved by the BNB). An amendment from 2006 provides that shareholders who hold more than five per cent of its shares are entitled to take part in the proceedings.
<a href="#">CM/ResDH(2017)98</a>	BGR / Debelianovi	61951/00	29/06/2007 29/03/2007 (Merits) 27/02/2009 27/11/2008 (Just satisfaction)	<i>Protection of property: Non-enforcement of a court decision ordering the restitution of a house which had been classified as a national cultural monument on the ground of a moratorium imposed by Parliament and lasting more than twelve years. (Article 1 of Protocol No. 1)</i>	<i>Individual measures:</i> Just satisfaction for pecuniary and non-pecuniary damages was paid. The applicants introduced a rei vindicatio claim concerning the house and a compensation claim due to the impossibility to use their property, both of which were granted in 2012. The house was legally transferred in 2013 by order of the Mayor, factual entry in possession took place on 07.08.2013. <i>General measures:</i> According to the State Property Act as amended in 2005, properties which had been incorrectly qualified as state property, as well as properties in relation to which the grounds for issuing a state ownership title had ceased to exist shall be written off the deeds books on order of the regional governor and handed over to the owner. The change of ownership shall be subject to registration. The Cultural Heritage Act 2009 Act lifted the moratorium on the restitution of property considered cultural monuments. It defines in detail the rights and maintenance obligations of the respective owners. The judgment was translated, published and disseminated.

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<a href="#">CM/ResDH(2017)333</a>	BGR / Demirevi and 2 other cases	27918/02	28/08/2009 28/05/2009	<i>Access to and efficient functioning of justice: Excessive length of civil proceedings and lack of an effective remedy in this respect. (Article 6 §1 and 13)</i>	<i>Individual measures:</i> Domestic proceedings closed. Just satisfaction for non-pecuniary damage paid. <i>General measures:</i> See <a href="#">CM/ResDH(2015)154</a> in Djangozov. The judgment was translated and published.
<a href="#">CM/ResDH(2017)227</a>	BGR / Dimitrovi	12655/09	03/06/2015 03/03/2015 (Merits) 21/10/2016 21/07/2016 (Just satisfaction)	<i>Protection of property: Unlawful interference due to forfeiture of property based on legislation which did not provide a sufficient legal protection against arbitrariness and entailed unforeseeable consequences. (Article 1 of Protocol No. 1)</i>	<i>Individual measures:</i> Just satisfaction in respect of pecuniary and non-pecuniary damage paid. <i>General measures:</i> The impugned legislation was repealed in 2005 and finally superseded by the Forfeiture of Unlawfully Acquired Assets Act 2012, which is currently in force. Proceedings for forfeiture of illegally acquired assets can be now triggered only by specific, identifiable criminal offences listed in the law, or only by administrative violations established by a final administrative act and meeting the criteria under the law. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)229</a>	BGR / Djalti	31206/05	12/06/2013 12/03/2013	<i>Protection of rights in detention: Lengthy detention of a foreigner pending his removal from the country, lack of speedy judicial review of the lawfulness of his detention in a detention facility for foreigners and lack of possibility for the domestic courts to order his immediate release notwithstanding their findings of unlawfulness of the detention. (Article 5 §§1+4)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The applicant was released. <i>General measures:</i> The facts of the case occurred in 2004/05. The system of detention of aliens pending expulsion/removal from the country was reformed in 2009 to implement Directive 2008/115/EC of the European Parliament and of the Council 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals. Amendments in the Aliens Act, introduced in 2009 and subsequent years, foresee specific time-limits for the examination of release requests. It contains sufficient guarantees against unjustified lengthy periods of detention of foreigners, i.e. an exhaustive list of grounds for detention, its maximum length and periodic review of its justification. The judgment was translated, published and disseminated.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
<a href="#">CM/ResDH(2017)421</a>	BGR / Doron and 12 other cases	39034/04+	14/10/2010 (Committee)	<i>Access to and efficient functioning of justice: Excessive length of criminal (5 cases) and civil proceedings (11 cases) and lack of domestic remedy. (Article 6 §1 and 13)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed in all cases. <i>General measures:</i> The general measures required to respond to the shortcomings established in these judgments continue to be examined in the context of the Svetlozar Petrov and Stoine Hristov (No. 2) cases.
<a href="#">CM/ResDH(2017)362</a>	BGR / Dzhavarov and Others	6095/11+	30/06/2016 31/03/2016	<i>Protection of rights in detention: Unlawful administrative police detention and failure of domestic courts to grant compensation for it. (Article 5 §§1c+5)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicants were released. <i>General measures:</i> The judgment was translated, published and disseminated. Outstanding questions relating to Article 5 §1c are examined in the Petkov and Profirov group. As concerns the rejection of the claim of compensation for lack of evidence for the suffering sustained in administrative police detention, a communication was made by Government to the Supreme Administrative Court stressing the need to unify the national jurisprudence in the light of the ECHR's approach.
<a href="#">CM/ResDH(2017)361</a>	BGR / Gavril Yosifov	74012/01	06/02/2009 06/11/2008	<i>Protection of rights in detention: Impossibility to obtain timely judicial determination of the issue whether a prison sentence had become final and enforceable as well as failure by the courts to examine a request for release once the courts had accepted the validity of the applicant's appeal. (Article 5 §4)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicant was released. <i>General measures:</i> The judgment was translated, published and disseminated. The courts' lack of experience with new procedural rules had contributed to the inadequate examination of the appeals and requests for release. There is emerging case-law of domestic courts applying Article 5 §4 directly if there is no specific procedure under domestic law. Outstanding questions concerning legal review of detention after final conviction and detention for 72 hours ordered by a prosecutor are examined respectively in the context of the Stoichkov group as well and in the Kandzhov case.
<a href="#">CM/ResDH(2017)75</a>	BGR / Guseva	6987/07	06/07/2015 17/02/2015	<i>Freedom of expression: Failure of a domestic administrative authority to comply with final domestic judgments delivered recognising the applicant's right to receive information on the</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. <i>General measures:</i> In 2015 the Law on access to public information was modified to specify that access to public

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>treatment of stray dogs due foreseeability of domestic law and judicial practice and lack of effective remedy. (Articles 10 and 13)</i>	information can only be refused if an affected third party has explicitly prohibited the provision of the requested public information. If a refusal is quashed, the competent authority should provide the required information within 14 days. This obligation was confirmed by the practice of the Supreme Administrative Court. According to the 2006 Code of Administrative Procedure, if an administrative official is obliged by a court judgment to deliver a non-substitutable action and fails to act, the bailiff imposes weekly pecuniary sanctions. The bailiff's decisions, actions or failure to act can be challenged before the administrative courts. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)332</a>	BGR / Gyuleva	38840/08	17/10/2016 09/06/2016	<i>Access to and efficient functioning of justice: Failure to notify the applicant of civil proceedings against her and impossibility to obtain reopening of the unfair judicial proceedings.(Article 6 §1)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. The 2007 Code of Civil Procedure provides for the reopening of domestic proceedings if the ECHR found a violation. Thus the applicant's claim in respect of pecuniary damage was rejected. However, no request for reopening was submitted. <u>General measures:</u> Domestic legislation was amended. Currently, a person is entitled to request reopening of the domestic proceedings within 3 months after the date when he/she had learned about the final judgment. The requirement that the request be introduced within one year after the date of the judgment was abolished. The judgment was translated and published.
<a href="#">CM/ResDH(2017)231</a>	BGR / Kancho Asenov Tachev	1523/09	14/06/2016 (Friendly settlement with undertakings)	<i>Access to and efficient functioning of justice and protection of property: Non-enforcement of a final domestic judgment. Article 6 § 1 and 1 of Protocol No. 1)</i>	<u>Individual measures:</u> The sum which the authorities undertook to pay under the friendly settlement was paid to the applicant.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
<a href="#">CM/ResDH(2017)409</a>	BGR / Kandzhov and 1 other case	68294/01+	06/02/2009 06/11/2009	<i>Protection of rights in detention and freedom of expression: Unlawful arrest and detention, lacking promptness of appearance before a judge, lack of judicial control of the lawfulness of the prosecutor-ordered detention, lack of an enforceable right under domestic law to compensation for detention; in the Kandzhov case unlawful and disproportionate interference with freedom of expression due to arrest and detention for organising a public collection of signatures. (Articles 5 §§1+3+4+5 and 10)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. Both applicants were released. <i>General measures:</i> According to the current practice of the Public Prosecutor's Office, measures are taken to avoid delays in bringing a person to court for examination of the need to place him or her in pre-trial detention. In respect of a court procedure to contest prosecutorial detention, recent domestic courts' case-law, appeals against this type of deprivation of liberty may be examined directly on the basis of Article 5§4. Concerning the right to compensation, see <a href="#">CM/ResDH(2013)102</a> in Yankov group. Isolated case with regard to the arrest for public collection of signature. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2017)407</a>	BGR / Kirilova and Others and 3 other cases	42908/98+	09/09/2005 09/06/2009 (Merits) 14/09/2007 14/06/2007 (Just satisfaction)	<i>Protection of property: Failure to provide compensation through property in forms of flats or garages for expropriations in the 1980s or early 1990s, in particular due to the lack of possibility to obtain valuation of the expropriated property. (Article 1 of Protocol No. 1)</i>	<i>Individual measures:</i> Just satisfaction in respect of pecuniary damage paid, if awarded in the case concerned. In one case, the applicants received flats. <i>General measures:</i> Historical problems as it concerns expropriations carried out before 1998 when legislative changes were introduced. The number of person still awaiting compensation diminished over the past 10 years: Outstanding compensation procedures before the domestic authorities are limited to less than 280 cases. Initially the domestic courts made the fresh valuation on the basis of the market price of the property at the time of the expropriation. The more recent case-law accepts however calculation of such compensation on the basis of the value of the expropriated property at the time of the compensation decision. In addition to cash compensation, there is a possibility for the expropriated former owners to request re-compensation with another property. For that, they need to file a notarised request to the mayor for compensation with a smaller flat, or for compensation with a flat situated elsewhere. Refusals by the mayor of such requests for modification are subject to judicial review. The Supreme Administrative Court awards just

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					satisfaction for delayed compensation under the rules of the State and Municipality Responsibility for Damages Act without obliging the claimants to have requested first re-compensation under Article 102 of the Property Act. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2017)420</a>	BGR / Kitov and 12 other cases	37104/97	03/07/2003 03/04/2003	<i>Access to and efficient functioning of justice and protection of rights in detention: Excessive length of civil and criminal proceedings and the lack of an effective remedy in this respect as well as the excessive length of pre-trial detention in one case. (Articles 6 §1 and 13 as well as 5 §3)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. Judicial proceedings in all cases closed and the last applicant's pre-trial detention ended. <i>General measures:</i> After the pilot judgments Dimitrov and Hamanov and Finger, a compensatory remedy for excessive length of proceedings was adopted. A judicial compensatory remedy is available to persons who are parties to pending judicial proceedings. Previous amendments of the Judicial System Act had limited the length of preliminary inquiries carried out before the official opening of criminal proceedings to 3 months. The prosecutor should then take a decision in respect of the material within 1 month. Amendments of July 2017 provide for a new procedure for the acceleration of criminal proceedings which can be used both at the pre-trial and trial phase by the accused and the victim of the offence and abolished the obligation to automatically terminate the criminal proceedings after the expiry of a certain period of time: see <a href="#">CM/ResDH(2017)57</a> in Zhabanov and 34 other cases. The remaining issues will be examined in the context of the Velikova and S.Z. groups, in particular regarding the functioning of the new acceleratory remedy in criminal and the possibility for a victim of a criminal offence to use the newly introduced acceleratory remedy before a person has been officially charged with a criminal offence. The judgments were translated, published and disseminated.
<a href="#">CM/ResDH(2017)405</a>	BGR / Lolova-Karadzova	17835/07	27/06/2012 27/03/2012	<i>Protection of rights in detention: Disproportionate detention ordered by a judge and aimed at ensuring an accused person's</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary paid.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>presence before a criminal court as well as lack of an enforceable right to compensation in this respect. (Article 5 §§1b+5)</i>	<i>General measures:</i> Violation related to the specific facts of the case. In 2012, amendments of the State and Municipalities Responsibility for Damage Act provides for compensatory remedies in all cases of detention contrary to Article 5 ECHR. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2017)1</a>	BGR / Meirelles	66203/10	18/03/2013 18/12/2012	<i>Protection of family life: Failure to examine promptly the applicant's request for interim measures allowing her to visit the child in custody proceedings. (Article 8)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. <i>General measures:</i> Isolated case. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)97</a>	BGR / Nachova and Others	43577/98+	06/07/2005 Grand Chamber	<i>Right to life: Killing of two Roma conscripts due to the unjustified use of fire-arms by military police during their attempted arrest, ineffectiveness of investigations and failure to examine a possible racist motive. (Article 2 substantive and procedural limb and 14 in conjunction with 2)</i>	<i>Individual measures:</i> Just satisfaction in respect of pecuniary and non-pecuniary damage paid. The decision of 1997 to close the investigation was annulled and a new investigation was carried out, after which the competent prosecutor concluded in a decision of 30/11/2007 that the officer concerned had acted in line with the regulations governing the use of firearms at the relevant time. The decision was examined ex officio by the appellate prosecutor and was confirmed by a decision of 23/01/2008. <i>General measures:</i> Article 87 of the 2014 Interior Ministry Act established that police officers may use firearms only in case of "absolute necessity" in concrete strictly defined cases. They are under obligation to take all measures to protect the life of the persons against whom firearm is used and not to put at risk the life and health of other persons. The police officers must cease the use of fire-arms after the achievement of the legitimate aim. (see also <a href="#">CM/ResDH(2016)274</a> in Vlaevi) Amendments to the Military Police Act in 2016 introduced the principle of "absolute necessity" and stipulate that military police bodies may use as a last resort service weapons in several strictly defined cases, i.e. in case of an armed attack or threat with firearms; when freeing hostages and kidnapped persons; in case of inevitable legitimate defence; after a warning when detaining persons who are perpetrating or have

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					perpetrated an offence if they resist or try to abscond; after a warning to prevent the escape of a person who has been duly detained for an offence committed. Special training courses are being organized for employees entitled to use fire arms while performing their duties. In June 2011, an amendment to the Criminal Code introduced aggravated qualifications for murder and bodily harm committed with racist or xenophobic motives. Figures on established case-law are submitted. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)257</a>	BGR / Petyo Petkov	32130/03	07/04/2010 07/01/2010	<i>Protection against ill-treatment and protection of rights in detention as functioning of justice and protection of property: Obligation of a detainee to wear a balaclava whenever he left his cell during his pre-trial detention; unlawful continued detention after acquittal; excessive length of pre-trial detention based only on the seriousness of the charges; breach of presumption of innocence due to declaration by prosecutor capable of creating a public perception of the accused being guilty; unjustified delay in returning a taxi seized as evidence. (Articles 3, 13, 5 §§1+3, 6 §2 and 1 of Protocol No. 1)</i>	<i>Individual measures:</i> Just satisfaction in respect of pecuniary and non-pecuniary damage paid. The applicant was acquitted and released. <i>General measures:</i> The judgment was translated, published and disseminated. According to the 2015 Instructions on Detention Procedure, Equipment on Detention Premises and Rules Applicable, concealment of a detainee's face in public is possible only in „exceptional circumstances“. A new Penal Sanctions and Detention in Custody Act 2009 introduced a specific prohibition on inhuman and degrading treatment of prisoners. The scope of this provision was extended to prisoners on remand in 2017. New preventive and compensatory remedies were introduced in the Penal Sanctions and Detention in Custody Act in February 2017. As concerns Article 5 § 1, see <a href="#">CM/ResDH(2012)166</a> in Bojinov. As concerns 5 § 3, see <a href="#">CM/ResDH(2012)164</a> in Evgueni Ivanov. Concerning 6 §2, see <a href="#">CM/ResDH(2016)336</a> . As concerns 1 of Protocol No. 1, see <a href="#">CM/ResDH(2014)138</a> in Karamitrov.
<a href="#">CM/ResDH(2017)363</a>	BGR / Petyo Popov	75022/01	22/04/2009 22/01/2009	<i>Access to and efficient functioning of justice: Unfairness of criminal proceedings due to the fact that the accused or his lawyer were not informed of the date of the hearing before the Supreme Court of Cassation. (Article 6 §1)</i>	<i>Individual measures:</i> The finding of a violation constituted in itself sufficient just satisfaction for the non-pecuniary damage sustained. The Prosecutor General refused to introduce a request for reopening before the Supreme Court of Cassation, on the ground that the reopening would not have an impact on the judgment on the merits and may have negative

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					<p>consequences for the applicant's conditional release and on the period necessary to obtain rehabilitation.</p> <p><i>General measures:</i> The new Code of Criminal Procedure, adopted in 2003, allows for a lawyer of the accused to receive summons to appear for his client; other summoning modalities have also been provided for in 2010. The judgment was translated and published on the website of the Ministry of Justice.</p>
<a href="#">CM/ResDH(2017)228</a>	BGR / Radkov and Sabev	18938/07+	27/08/2014 27/05/2014	<i>Protection against ill-treatment in detention: Unjustified handcuffing of certain prisoners' arms behind their backs during a court hearing in which the applicants had sought to defend their right not to be detained in inhuman and degrading conditions and lack of efficient remedy. (Article 3 and 13)</i>	<p><i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. Both applicants are still in prison serving life sentences.</p> <p><i>General measures:</i> Isolated case. The applicants' motion for removal of the handcuffs during the hearing was refused by the judge without giving any reasons. The judgment was translated, published and disseminated. Change of the domestic courts' case-law with regard to an effective compensatory remedy under the Contracts and Obligations Act 1951, extended to claims against courts for damages as a result of wrongful acts other than those expressly listed in the State and Municipalities Responsibility for Damage Act.</p>
<a href="#">CM/ResDH(2017)419</a>	BGR / Raza	31465/08	11/05/2010 11/02/2010	<i>Protection of rights in detention pending expulsion and deportation and of family life: Shortcomings of the judicial review in respect of foreign nationals' expulsion on security grounds without adequate procedural safeguards as well as the unjustified length of detention pending expulsion and absence of a review of its lawfulness and lack of an effective remedy. (Articles 8 and 13 as well as 5 §§1f and 4)</i>	<p><i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicant was not expelled, the expulsion order against him being quashed.</p> <p><i>General measures:</i> This case relating to expulsion issues forms part of the C.G. group. Important steps for its execution have been undertaken through the introduction and improvement of the judicial review of detention pending expulsion. The implementation of the safeguards in respect of Article 5 §§1+4 is examined in the context of the C.G. and Others, Auad and M. and Others cases.</p>

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<a href="#">CM/ResDH(2017)256</a>	BGR / Shahanov and Palfreeman	35365/12+	21/10/2016 21/07/2016	<i>Freedom of expression: Disproportionate interference due to disciplinary punishment of prisoners - respectively to ten days of solitary confinement or three months' deprivation of food parcels - imposed by prison authorities in response to complaints made against prison officers. (Article 10)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> The judgment was translated, published and disseminated. The Execution of Sentences and Pre-Trial Detention Act 2009 was amended in 2013 providing that prisoners could not bear disciplinary liability for making requests or complaints.
<a href="#">CM/ResDH(2017)406</a>	BGR / Shishkovi	17322/04	25/06/2010 25/03/2010	<i>Protection against ill-treatment and effective remedy: Ineffective investigations into allegations of ill-treatment by law-enforcement agents due, inter alia, to their termination following requests made by the accused, as they had not been brought to trial within two years after charges made as well as lack of a domestic remedy for damages due to the specific termination ground that a suspect had not been brought to court within two years after charges. (Articles 3 and 13)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. Investigations carried out after the judgment did not allow the identification of perpetrators and were terminated without appeal by the applicants. <i>General measures:</i> In 2017, the obligation to automatically terminate criminal investigations after the expiry of a certain period of time was abolished. As concerns the violation of Article 3, general measures are examined in the context of the Velikova group (safeguards for the effectiveness of investigations against law-enforcement agents) as well as in the context of S.Z./Kolevi group (different categories of deficiencies which affect the investigations in general). The amendments to the Code of Criminal Procedure of 2017 introduce, inter alia, a new procedure for accelerating criminal proceedings which can be used both in the pre-trial and trial phase. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2017)408</a>	BGR / Tsonyo Tsonov (No. 2)	2376/03	14/04/2010 14/01/2010	<i>Access to and efficient functioning of justice and ne bis in idem: Lack of free legal assistance in proceedings before the Supreme Court of Cassation and second punishment for the same offence as fined for in prior administrative-penal proceedings. (Articles 6 §§1+3 and 4 of Protocol No. 7)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. In reopened criminal proceedings, in which the applicant was represented by a counsel, the fact of an administrative-penal sanction imposed on the applicant by mistake 19 years ago was taken into account, but the criminal conviction upheld. The facts of the case had concerned serious bodily harm inflicted on other persons, triggering a strong public interest and the State's procedural obligations under Article 3.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					<i>General measures:</i> As concerns ne bis idem, the Supreme Court of Cassation delivered an interpretative decision in 2015 ruling that the administrative proceedings concerned must be reopened, annulled and/or terminated and subsequently the criminal proceedings reopened. In case the administrative-penal proceedings cannot be reopened, the initiated criminal proceedings must be terminated with final effect. In July 2017, the Code of Criminal Procedure was amended to reflect the solution adopted and to create an avenue for courts to directly rule on the existence of an administrative offence revealed by the facts rather than the existence of criminal offence. Thus the law provides for safeguards avoiding duplication of administrative-penal and criminal proceedings. As concerns Article 6 §§1+3, see <a href="#">CM/ResDH(2015)40</a> in Raykov.
<a href="#">CM/ResDH(2017)31</a>	BGR / Velikovi and Others and 5 other cases	43278/98+	09/07/2007 15/03/2007 (Merits) 24/07/2008 24/01/2007 (Just satisfaction)	<i>Protection of property: Deprivation of property pursuant to legislation aimed at compensating victims of arbitrary expropriations during the communist regime, due to State administration irregularities resulting in the applicants' titles having been annulled or due to excessive interpretation of the Restitution Law's scope of application. In some or the cases, excessive length of proceedings. (Articles 1 of Protocol No. 1 and Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for pecuniary and non-pecuniary damage paid. <i>General measures:</i> In 2006, the Restitution Law was amended with regard to persons who had not yet sold the compensation bonds they had received giving them priority when applying to buy municipal apartments and entitling them to pay in bonds, at face value. If no apartment was offered by the relevant municipality within three months, the person concerned was entitled to receive in cash the face value of his or her bonds from the Ministry of Finance. In May 2007 the Government published implementation regulations. These general measures were considered sufficient in <a href="#">CM/ResDH(2014)198</a> in Dimitra and Dimitrovi. Adjustment of judicial practice. Meanwhile, the problem has become historical.
<a href="#">CM/ResDH(2017)230</a>	BGR / Yordanova and Toshev	5126/05	02/01/2013 02/10/2012	<i>Freedom of expression: Unjustified interference due to conviction of a journalist and a chief editor of a newspaper to payment of damages in civil proceedings for tort on the ground they had not</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. No just satisfaction for pecuniary damage granted due to lack of payment evidence. Reopening of the impugned proceedings possible.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>verified information received from an official source. (Article 10)</i>	<i>General measures:</i> Isolated incident due to erroneous interpretation of the facts by domestic courts. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)57</a>	BGR / Zhabanov and 34 other cases (part of the Kitov group)	45563/99	22/10/2004 22/07/2004	<i>Access to and efficient functioning of justice: Excessive length of criminal proceedings due to lengthy periods of inactivity at the pre-trial stage, repeated remittals of cases to this stage and failure to appear of witnesses or co-accused as well as lack of effective remedy. (Article 5 §§ 3+4 and Article 13)</i>	<i>Individual measures:</i> All domestic proceedings closed. <i>General measures:</i> The 2005 Code of Criminal Procedure introduced strict deadlines for the pre-trial investigations and the function of a supervisory prosecutor with the task to monitor the observance of the deadlines. According to the 2016 amendment of the Judiciary Act, the preliminary investigations, carried out upon instruction of a prosecutor before the official opening of criminal proceedings, can, in general, not exceed 2 months. Measures were adopted in order to avoid unjustified referrals to the pre-trial stage made and certain deficiencies were addressed in an interpretative decision by the Supreme Court of Cassation in 2002. Provisions were introduced in 2008 and 2011 to reduce delays due to difficulties to summon co-defendants and witnesses and the failure to promptly apply provisions concerning trial in absentia. Concerning a compensatory remedy for length of proceedings see <a href="#">CM/ResDH(2015)154</a> in Dimitrov and Hamanov. For certain other general measures relating to Article 5 §§3+4 see <a href="#">CM/ResDH(2012)165</a> in Al-Akidi and <a href="#">CM/ResDH(2012)164</a> in Evgeni Ivanov. The issue of the legislative ban on courts to examine the existence of plausible grounds to consider commission of a criminal offence at the trial is currently examined in the context of the Bochev group of cases. Other outstanding issues concerning length of proceedings and effective remedies will be provided in the context of the Kitov group.
<a href="#">CM/ResDH(2017)360</a>	BGR / Zhechev	57045/00	21/06/2007 21/09/2007	<i>Freedom of association: Unjustified interference due to refusal by domestic courts to register an association on the ground that its aims were «political», i.e. characteristic only of a political</i>	<i>Individual measures:</i> The finding of a violation constitutes in itself sufficient just satisfaction for non-pecuniary damage. A new application for registration was also refused in 2009 due

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				<i>party, and incompatible with the Constitution. (Article 11)</i>	to formal shortcomings and inconsistencies with the 2000 Non-Profit Legal Persons Act. <u>General measures:</u> The judgment was translated, published and disseminated. A reform transferring the competence to register associations from the courts to the Registration Agency attached to the Ministry of Justice will enter into force in 2018. A refusal to register an association can be appealed against with the regional court within seven days. Change of domestic courts' case-law. The outstanding questions concerning the scope of review of the lawfulness of registration requests of associations under this new mechanism, in particular as concerns the assessment of the association goals are examined in the Umo Ilinden and Others group.
<a href="#">CM/ResDH(2017)28</a>	BIH / Al Husin	3727/08	09/07/2012 07/02/2012	<i>Protection against ill-treatment / deportation, expulsion: Risk of ill-treatment in the event of the applicant's, a Syrian national and foreign mujahedin having participated in the war in BiH, deportation to Syria; unlawful detention on security grounds before the deportation order had been issued (Articles 3 conditional and 5§1)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. The deportation order to Syria was annulled; a new deportation order without country indication was issued. However, no safe third country so far was ready to admit the applicant. The authorities stated that they were continuing to make efforts to find a safe third country. The applicant was released on 17/02/2016 and is obliged to regularly report to the police until he leaves BiH. <u>General measures:</u> The provision of the 2008 Aliens Act which is at the origin of the violation was amended in October 2012. Now it will only be possible to detain an alien on security grounds after a deportation order is issued, see also <a href="#">CM/ResDH(2014)186</a> in Al Hamdani. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)74</a>	BIH / Boro Bajic and 35 other cases	413/10+ 42411/11+	11/04/2012 18/06/2013 Friendly settlements	<i>Access to and efficient functioning of justice: Non-enforcement of final domestic judgements rendered in the applicants' favour against the Republika Srpska for war damage.</i>	<u>Individual measures:</u> Just satisfaction paid. The final domestic judgements in the applicants' favour were enforced in cash in the time-limits set out in the friendly settlements concluded between the parties.

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	Mara Crncevic and 18 other cases				
<a href="#">CM/ResDH(2017)47</a>	BIH / Goran Pranjic Lukic and 4 other cases	65062/11+	17/11/2015 Decision with commitment	<i>Access to and efficient functioning of justice: Excessive length of domestic proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> Domestic proceedings closed. The sums of just satisfaction stipulated in the friendly settlement were paid.
<a href="#">CM/ResDH(2017)180</a>	BIH / Maktouf and Damjanovic	2312/08+	18/07/2013 Grand Chamber	<i>No punishment without law: Retrospective application of criminal law laying down heavier sentences for war crimes than the law in force when the crimes were committed (application of the 2003 Criminal Code instead of the 1976 Criminal Code of the Socialist Federative Republic of Yugoslavia. (Article 7)</i>	<i>Individual measures:</i> No just satisfaction awarded. The first applicant was released before judgment delivery. Both applicants' requests for reopening of proceedings were granted. In reopened proceedings, both applicants were sentenced under the more lenient law. <i>General measures:</i> Change of case-law of the Constitutional Court and the State Court. In pending cases, the Constitutional Court quashed 21 convictions by the State Court under the law providing for heavier penalties and remitted them for fresh examination. In order to address the risk of absconding of the accused, the Constitutional Court, after March 2014, quashed impugned State Court convictions only partially with regard to the sentence, so that those convicted in impugned proceedings awaiting new examination may be kept in detention. The judgment was translated, published and disseminated to the relevant authorities.
<a href="#">CM/ResDH(2017)29</a>	BIH / Momic and Others	1441/07+	15/01/2013 15/01/2013	<i>Access to and efficient functioning of justice and protection of property: Denial of a fair trial on account of the non-enforcement and/or delayed enforcement of final domestic court decisions ordering payment of certain sums in respect of general obligations of Republika Srpska. (Article 6 §1 and 1 of Protocol No. 1)</i>	<i>Individual measures:</i> All impugned domestic proceedings were enforced and just satisfaction paid. <i>General measures:</i> The 2012 Domestic Debt Act stipulates settlement of the internal debt of Republika Srpska providing in particular that general obligations of Republika Srpska shall be settled in cash or through the issuance of bonds. The judgments registered with the Ministry of Finance will be enforced within five years starting in 2012, in the order in which they were registered. The present case is similar to Čolić

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					and Jeličić. However, the underlying domestic judgments did not concern claims in respect of war damage or old foreign currency. For this reason this case was not grouped with Čolić. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)30</a>	BIH / Muslija	32042/11	14/04/2014 14/01/2014	<i>Ne bis in idem: Second trial by domestic criminal courts for an offence for which the applicant had already been convicted in prior minor offences proceedings. (Article 4 Protocol No. 7)</i>	<i>Individual measures:</i> Impugned proceedings reopened, second conviction quashed. <i>General measures:</i> Change in case-law of the Constitutional Court. Guidance adopted for procedural action in criminal and minor offence cases by some authorities (Indirect Taxation Authority, Tax Administration, and Prosecutor's Office). Similar instructions will be adopted by other authorities. Awareness-raising measures organised for judges and prosecutors. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)386</a>	CRO / Beganovic	46423/06	25/09/2009 25/06/2009	<i>Protection against ill-treatment: Failure of the authorities to provide adequate protection to the applicant against an act of serious violence due to the discontinuation of criminal proceedings against the assailants, which have become time-barred owing to the State Attorney's Office and the courts' inactivity. (Article 3)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damages paid. Despite the fact that criminal proceedings were time-barred, the competent court established the facts of the case and the applicant could initiate civil proceedings as a result of which the assailants were held responsible for the applicant's injuries sustained. <i>General measures:</i> In 2013, an amendment of the Code of Criminal Procedure introduced a fixed six months-time limit for deciding on criminal complaints and provided victims with effective remedies in case of state attorneys' inactivity and an amendment of the State Attorney Act provided that a failure of a state attorney to comply with the time-limit constituted a disciplinary offence. Victims who lodged a criminal complaint were entitled to request a state attorney to provide information on actions undertaken within 30 days. In order to prevent prosecution from becoming time-barred due to the inactivity of state attorneys and courts, an electronic case-management system was introduced allowing the monitoring of the judges' and state attorneys' efficiency. In a new

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					Criminal Code of 2011, the statute of limitation for the criminal offences resulting in bodily injury was extended from 4 to 6 years. Awareness-raising and training activities for attorneys with regard to their obligation to prosecute also minors in case of criminal offences were organised by the Judicial Academy and a manual with detailed instructions on this point was prepared with the government's assistance. The Supreme Court changed its case-law to highlight the protection of victims and the right of victims to have the perpetrators brought to justice as purpose of criminal proceedings. In 2013, the Crime Victims Compensation Act was adopted granting victims of violent attacks prompt compensation for the damages sustained. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2017)335</a>	CRO / Cikanovic	27630/07	05/05/2015 05/02/2015	<i>Access to and efficient functioning of justice: Dismissal of an employee's claim for payment of salary arrears on the ground of his alleged non-compliance with a time-limit which he was not in position to observe. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. Reopening of the impugned proceedings possible, thus no award of pecuniary damage. Domestic courts ordered to pay the due salary arrears in March 2016. <i>General measures:</i> Violations stems from the erroneous interpretation of the Enforcement Act. Change of case-law, in particular following a Supreme Court decision of 2012. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)336</a>	CRO / Dzinic	38359/13	17/08/2016 17/05/2016	<i>Protection of property: Disproportionate interference due the domestic courts failure to assess the value of a property they ordered to be seized with a view to securing the effective enforcement of a probable confiscation order in criminal proceedings for economic crimes. (Article 1 of Protocol No. 1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. No causal link established between the violation found and the pecuniary damage claimed. Following the applicant's conviction, the provisional seizure order was lifted, which was registered in the land registry. As the applicant failed to comply with the order to reimburse illegally procured gain into the State budget, the State Attorney's Office initiated enforcement proceedings. The applicant's request to reopen the criminal proceedings was dismissed for lacking relation to the violation found.

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					<i>General measures:</i> The violation was caused by the state attorney's office failure to substantiate its request for provisional seizure, the domestic court's failure to assess the proportionality between the value of the provisionally seized property and the possible confiscation claim as well as the Supreme Court failure to correct the omission of the first instance court. Domestic authorities and courts, in particular the Supreme Court, acting in proceedings for issuing provisional seizure orders in the context of criminal proceedings amended their case-law to ensure a detailed assessment of the proportionality of seizures undertaken. The State Attorney General's Office set up new procedures regarding requests for seizure of property in the context of criminal proceedings, which were published in the State Attorneys' Manual 2012. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)337</a>	CRO / Hanzevacki	17182/07	16/07/2009 16/04/2009	<i>Access to and efficient functioning of justice: Denial of a fair trial due to the inability of an accused to defend himself through legal assistance of his own choosing at the final hearing. (Article 6§1 taken together with Article 6 §3c)</i>	<i>Individual measures:</i> The finding of a violation constitutes in itself sufficient just satisfaction. The domestic courts did not grant the applicant's request for retrial finding that the fresh trial would not result in his acquittal or at least more lenient sentence as required by the Code of Criminal Procedure valid at the time. His criminal record was expunged prior to the judgment, which was not made public in the meantime, and the applicant never availed himself of the domestic remedy (constitutional complaint) which could have reasonably led to a fresh trial. <i>General measures:</i> Domestic courts' case-law was brought in compliance with Convention standards concerning the right to legal assistance at hearings. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)134</a>	CRO / Horvatic	36044/09	17/01/2014 17/10/2013	<i>Access to and efficient functioning of justice: Unfair criminal proceedings due to the inability of the accused to challenge the manner in which</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damages paid. The applicant was found guilty in reopened

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				<i>forensic evidence was obtained and packed during criminal investigations without proper report, casting doubts on its authenticity. (Article 6 §1)</i>	proceedings in which the evidence was examined afresh on the basis of forensic experts' testimonies. <u>General measures:</u> The Ministry of the Interior disseminated a Guide for Forensic Technicians establishing mandatory procedures for reports on samples taken and packed for forensic analysis, to all police departments. The Constitutional and Supreme Court changed their case-law in order to ensure that the domestic courts take into account objections concerning evidence allegedly tampered by the police. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)384</a>	CRO / Juricic	58222/09	26/10/2011 26/07/2011	<i>Access to and efficient functioning of justice: Lack of an adversarial hearing before the Constitutional Court as an interested party was not served the expert opinions and other relevant information despite an explicit request in proceedings related to the constitutional complaint lodged by a third party. (Article 6 §1)</i>	<u>Individual measures:</u> The finding of a violation constitutes sufficient just satisfaction for non-pecuniary damage. <u>General measures:</u> In 2012, the Constitutional Court adopted new Internal Rules on ensuring the respect for the principle of adversarial hearing clarifying the provisions of the Constitutional Court Law and making the servicing of a constitutional complaint to all participants in the proceedings mandatory. Comments of the participants are served on the complainant. Participants have access to the case-file. The judgment was published, translated and disseminated. Awareness-raising activities were organised for judges of the Constitutional Court.
<a href="#">CM/ResDH(2017)186</a>	CRO / Kardos	25782/11	26/07/2016 26/04.2016	<i>Access to and efficient functioning of justice: Failure of the Administrative Court to examine on the merits a complaint dismissing it erroneously and the subsequent failure of the Constitutional Court to rectify this error. (Article 6§1)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. The applicant did not request reopening of the impugned proceedings. <u>General measures:</u> An overall reorganisation of administrative justice took place in 2012 introducing a two-instance system and the new High Administrative Court in administrative disputes developed compliant case-law with regard to errors or procedural omissions committed by first instance courts. The judgment was translated, published and awareness-raising activities organised.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
<a href="#">CM/ResDH(2017)338</a>	CRO / Kruskovic	46185/08	21/09/2011 21/06/2011	<i>Protection of private and family life: Disproportionate interference due to the authorities' refusal to register a person divested of his legal capacity, as the father of his biological child. (Article 8)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicant was registered as the child's father in the relevant records. No causal link between the violation found and the claim for monthly maintenance submitted by the applicant. <i>General measures:</i> According to the new Family Act 2015, persons divested of legal capacity may acknowledge their paternity before the competent social welfare centre, which shall be effective, if the child's mother consents to such acknowledgment. If the mother refuses to give consent to the statement of acknowledgment, the guardian of the person divested of legal capacity claiming to be the child's father is obliged to institute court proceedings to establish paternity within 30 days of notice that consent was denied. The judgment was translated, published and disseminated. It is also used in training activities for members of the judiciary.
<a href="#">CM/ResDH(2017)339</a>	CRO / Marija Bozic	50636/09	24/07/2014 24/04/2014	<i>Protection of property: Disproportionate interference due to deprivation of an agricultural entrepreneur of her old-age pension for eleven years because of the authorities' failure to take into account supplementary pension contributions paid. (violation of Article 1 Protocol 1)</i>	<i>Individual measures:</i> Just satisfaction for pecuniary (compensation for non-paid pension rights) and non-pecuniary damage paid. <i>General measures:</i> The case stems from the pension authorities' errors when correcting a previous error and granting the pension to the applicant, without compensation for the damage sustained due to failure to pay her pension in the period from 2000 until August 2011. The legal framework was amended on 20 April 2017, when the Director of the Pension Fund adopted the Rules of Procedure for Dealing with Complex Administrative Cases Concerning Pension Rights and Child Care Benefits. Concerning specific issues raised in the present case, the Expert Panel of the Pension Fund reached the binding conclusion that damages occurred due to errors in Pension Fund procedural or substantive decisions must be fully compensated. The judgment was translated, published and disseminated and respective human rights training was organised for staff of the Pension Fund.

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<a href="#">CM/ResDH(2017)385</a>	CRO / Orsus and Others	15766/03	16/03/2010 Grand Chamber	<p><i>Discrimination and right to education: Discriminatory treatment of Roma children in two primary schools in the Medimurje area due to the lack of objective and reasonable justification for their placement in Roma-only classes allegedly based on their inadequate command of the Croatian language; excessive length of related proceedings. Article 14 taken together with Article 2 of Protocol No. 1 and Article 6 §1)</i></p>	<p><i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damages paid. Evening classes are available to those applicants who wish to complete their primary education. Domestic proceedings closed.</p> <p><i>General measures:</i> In November 2012 the National Strategy for Roma Inclusion 2013-2020 aimed at raising the quality and efficiency of education of Roma children and at increasing the number of Roma children in all levels of education and abolishing Roma-only classes in accordance with CM Recommendation (2009)4 on the education of Roma and Travellers in Europe. Amendments to the law governing primary and secondary education entered into force in July 2010 providing a clear legal basis for access to mainstream education for Roma children, who are now taught the regular full-scale curriculum as all pupils. Testing of the command of the Croatian language among children prior to their enrolment in primary schools on the basis of objective criteria was introduced. The 2010 legal framework abolished "Roma only"-classes and provided for targeted assistance for Roma children. Measures were taken to ensure that Roma children attend preschool education with a view to attaining adequate level of command in Croatian. Teaching assistance was reinforced in primary education in order to address the high drop-out rate. Free textbooks and meals for children from families receiving social benefits have been funded from the budget of the Ministry of Science and Education as of 2014. The Ministry of Social Welfare and Family initiated the development of training activities raising awareness of social services on their role to address the problem of poor school attendance. In 2011, a family centre was set up in Medimurje county to raise awareness of the importance of education among the Roma population. The judgment was published, translated and disseminated. The issue of excessive length of proceedings before the Constitutional Court is examined in the context of the Beceheli case, which is part of the Jeans group.</p>

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<a href="#">CM/ResDH(2017)387</a>	CRO / Pajic	68453/13	23/05/2016 23/02/2016	<i>Discrimination and protection of private and family life: Discrimination between unmarried same-sex couples and unmarried different-sex couples in obtaining a residence permit on the ground of family reunification. (Article 14 in conjunction with 8)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damages paid. The applicant did not avail herself of the right to seek reopening of the case, nor did she file a new request for family reunification. <i>General measures:</i> The Same-Sex Partnership Act 2003 was replaced by a new Act in 2014 enabling persons in registered partnerships with same-sex partners (or informal ones having lasted for over three years) or living in same-sex marriages to request a residency permit for family reunification in administrative proceedings before the Ministry of Interior. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2017)388</a>	CRO / Vujica	56163/12	08/01/2016 08/10/2015	<i>Protection of private and family life: Misapplication of domestic law in custody proceedings resulting in the absence of a referral to mandatory mediation before divorce, failure to stay custody proceedings before the termination of return proceedings under the Hague Convention and failure to establish the concerned child's best interest under the Convention on the Rights of the Child. (Article 8)</i>	<i>Individual measures:</i> The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. The applicant has not availed herself of the possibility to request reopening of the impugned custody proceedings. <i>General measures:</i> Isolated occurrence with regard to the non-referral to mandatory mediation and the non-application of relevant provisions of the Hague Convention. Concerning the failure to examine the child's best interest, the Constitutional Court changed its respective case-law in 2014. Awareness-raising measures and training activities for judges, specifically in order to promote and protect rights of a child in divorce and custody proceedings, were organised. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2017)187</a>	CRO / Vusic	48101/07	01/10/2010 01/07/2010	<i>Access to and efficient functioning of justice: Failure of Supreme Court to examine a complaint on the merits due to contradictory decisions on its admissibility without any valid explanation. (Article 6§1)</i>	<i>Individual measures:</i> No just satisfaction for non-pecuniary damage awarded. The impugned proceedings were reopened; the applicant's appeal on points of law was examined on the merits and subsequently rejected. <i>General measures:</i> Manifest error of the Supreme Court. Based the Law on Courts, new organisational units were established within the Supreme Court's Civil and Criminal law departments, in charge of recording and monitoring courts' case-law and ensuring its ECHR compliance, including

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					regarding the principle of legal certainty. The judgment was translated, published and disseminated to the relevant authorities.
<a href="#">CM/ResDH(2017)95</a>	CYP / Rantsev	25965/04	10/05/2010 07/01/2010	<i>Prohibition of slavery and forced labour applied to trafficking in human beings: Death in ambiguous circumstances of the applicant's daughter, who had travelled from the Russian Federation to Cyprus on an "artiste" visa, her arbitrary and unlawful detention by the Cypriot police and acquiescence in her subsequent confinement in a private apartment; failure by Cyprus to establish suitable framework to combat trafficking in human beings or to take operational measures to protect victim and the failure to conduct an effective investigation into her death and the broader context of the arrival and stay in Cyprus, in order to assess whether there was a link between the allegations of trafficking and her death; to resolve conflicting witness testimonies; to investigate the actions of the police; to ensure the applicant's effective participation in the proceedings; to seek legal assistance from the Russian authorities. (Articles 2 procedural limb, 4 and 5 §1)</i>	<i>Individual measures:</i> In 2009, an independent committee of three investigators conducted an investigation in Cyprus, including the question whether there was any link between the applicant's daughter's death and allegations of human trafficking. The Investigative Committee of the Russian Federation pursued an investigation into the circumstances of her alleged recruitment in Russia. The procedural investigation deficiencies were remedied by, inter alia, interviewing missing witnesses; resolving conflicting testimony and conflicting autopsy reports and investigating the actions of the police officers involved in the events at the time. On 22 November 2013 the Attorney General of Cyprus decided to prosecute two police officers for the crime of abuse of power and neglect of official duty and the applicant's daughter's employer for crimes of abduction and kidnapping. According to the Attorney General there was not enough evidence to support a case of sexual or other exploitation or trafficking and no evidence of any criminal act which caused her death; the evidence led to the conclusion that her death was accidental. The applicant was informed of the above developments. <i>General measures:</i> Key measures adopted by Cyprus were the introduction of a law in 2007 criminalising human trafficking and of changes to the relevant visa regime to avoid abuse, including the abolition of the "artiste" visa. Close cooperation with the monitoring bodies under the CoE Convention on Action against Trafficking in Human Beings will continue. (See also RUS / Rantsev)
<a href="#">CM/ResDH(2017)2</a>	CYP / Vrontou	33631/06	13/01/2016 13/10/2015	<i>Protection of property and discrimination: Refusal to grant the applicant a refugee card giving access to housing assistance due to her</i>	<i>Individual measures:</i> The just satisfaction for pecuniary and non-pecuniary damage paid.

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				<i>lacking qualification as "displaced person" on the ground that only her mother was a displaced person, but not her father and lacking respective remedy. (Articles 14 taken in conjunction with 1 of Protocol No. 1 as well as 13)</i>	<i>General measures:</i> The relevant legislation was amended in 2013, so that children of displaced women are also considered displaced and are eligible for housing assistance on the same terms as children of displaced men. The judgment was translated into Greek, published and disseminated.
<a href="#">CM/ResDH(2017)258</a>	CZE / Hanzelkovi	43643/10	11/03/2015 11/12/2014	<i>Protection of private and family life and lack of a remedy: Disproportionate interference due to a court-ordered interim measure requiring the return to hospital of a new-born baby and his mother, who had gone home from the hospital immediately after birth, and the lack of any remedy by which to complain about the respective measure. (Article 8 and 13)</i>	<i>Individual measures:</i> Finding of a violation constituted sufficient just satisfaction in respect of any non-pecuniary damage. <i>General measures:</i> The Ministry of Health issued new guidelines for discharging new-borns and mothers to their private homes after delivery, for maternity hospitals in 2013 and conducted an evaluation of their practical effectiveness. The Ministry of Labour and Social Affairs organized seminars for all social welfare authorities in 2015. According to an amended Instruction of the Ministries of Justice, Interior, Health, Education and Labour and Social Affairs on the procedure for the enforcement of decisions in custody matters of minors, social welfare authorities may propose discontinuation of the enforcement of a court's decision (including of an interim measure) to the bailiff, if it could negatively influence the child's mental or emotional development. An amendment to the Code of Civil Procedure which shall ensure that in proceedings on interim measures, an appellate court shall determine whether an interim measure was unlawful in cases, in which it had lost its effects or had already been quashed, is on the way. A respective binding opinion had been adopted by the Supreme Court. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)299</a>	CZE / Delta Pekarny	97/11	02/01/2015 02/10/2014	<i>Protection of private life: Disproportionate interference due to the search of a company's property by the competition authorities, in the absence of procedural guarantees, in particular</i>	<i>Individual measures:</i> The just satisfaction for non-pecuniary damage paid. In the proceedings concerning imposition of the fine on the applicant company for violation of competition rules, the judgment imposing such fine was quashed and, as instructed by the Supreme Administrative Court, the applicant

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				<i>prior judicial authorisation and the possibility to effectively review that authorisation. (Article 8)</i>	<p>was provided with the possibility to bring action under Article 82 of the Code of Administrative Justice against the on-site inspection carried out in 2003, even if the relevant time-limits had already expired. In this proceedings the Brno Regional Court dismissed the applicant's action, holding that the inspection was lawful and proportionate and the use of evidence gathered during the search did not negatively affect the proceedings in which the applicant was fined for violation of competition rules. The applicant filed an appeal on points of law against this judgment and the proceedings before the Supreme Administrative Court is pending. Furthermore, the Constitutional Court rejected the applicant company's request for reopening, referring to its decision from 2012 concerning the substance of the issue.</p> <p><u>General measures:</u> Since 2012 an action before administrative courts under Article 82 of the Code of Administrative Justice may also be filed against terminated interferences. In addition, in February 2016 the Supreme Administrative Court modified its previous case-law holding explicitly that an action against an administrative body's illegal interference may be used to challenge on-site inspections. Subsequently, Act no. 143/2001 on Protection of Competition was amended in 2016 in line with that position. The judgment was translated, published and disseminated to courts and the Office for the Protection of Competition.</p>
<a href="#">CM/ResDH(2017)88</a>	ESP / Blesa Rodríguez	61131/12	01/03/2016 01/12/2015	<i>Access to and efficient functioning of justice: Unfair criminal proceedings due to fact that one of three judges on the bench did not meet the criteria of objective impartiality. (Article 6 §1)</i>	<p><u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage was paid. The applicant may seek revision of the impugned judgment.</p> <p><u>General measures:</u> Violation due to a misinterpretation of a provision of the Organic Law of the Judiciary. The judgment was translated, published and disseminated.</p>

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<a href="#">CM/ResDH(2017)69</a>	ESP / Igual Coll and 11 other cases	37496/04	10/06/2009 10/03/2009	<i>Access to and efficient functioning of justice: Lack of a public hearing before the court of appeal, which examined both factual and legal aspects of the cases concerned, resulting in the applicants' conviction (after their acquittal at first instance). (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction paid. Four of the applicants requested and were granted revision of their impugned judgments. <i>General measures:</i> The Constitutional Court issued a leading judgment in 1991, which opened the possibility for the condemned persons to seek the revision of final criminal judgments when the ECHR had found a violation of article 6. In a decision 2014 the Supreme Tribunal established, that any ECHR judgment should be considered as valid ground to seek revision of any criminal final judgment. These principles were enshrined in the Organic Law 7/2015 amending Organic Law 6/1985 on the Judiciary. Systemic problem in the light of the appeal courts' discretion in deciding on the necessity of an oral hearing or not. Therefore the Constitutional Court introduced a change of domestic case-law in 2002. Accordingly, the Supreme Tribunal rejects quashing acquittal judgments when no public hearing took place on second instance. The Law on Criminal Procedure was amended in 2015 strengthening procedural safeguards. Accordingly, if the appellate court finds that a mistake on appreciation of the means of evidence might have happened, it will quash the first instance judgment and return the case for reconsideration of the evidence produced before it or order for a public hearing to be held anew before it. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)223</a>	ESP / Martinez Martinez	21532/08	18/01/2012 18/10/2011	<i>Protection of private life and home: Failure of authorities to put an end to the adverse effects of the exposure to night noises from a discotheque situated in the proximity of the applicant's home, which exceeded the permissible levels and continued throughout several years affecting, according to an expert and several medical reports, the applicant's and his family's health. (Article 8)</i>	<i>Individual measures:</i> Only costs and expenses awarded and paid. The music bar was transformed in a restaurant, loud-speakers were removed and panels for noise abatement were installed. These alterations determined a significant reduction of the level of noise and of the opening hours of the terrace. Studies showed that the level of the noise measured in the proximity of the applicant's home did not exceed the maximum level authorized in residential areas, which was confirmed by an acoustic investigation of 04/04/2012 for the entire building.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					<i>General measures:</i> Isolated conflict in the instant case. The legislation against noise intrusion has been much developed since 2002. Royal Decree 1513/2003 on the assessment and management of environmental noise defines the strategic maps on noise, action plans and information to the population. Royal Decree 1367/2007 on acoustic zoning, quality objectives and acoustic emissions establishes quality objectives both indoors and outdoors and sets maximum noise levels to respect. Judiciary guidance was given by the Constitutional Tribunal, the Supreme Court and Regional Supreme Courts. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)251</a>	ESP / Otegi Mondragon	2034/07	15/09/2011 15/06/2011	<i>Freedom of expression: Disproportionate interference due to a conviction of an elected representative and spokesperson of a parliamentary group to a one year prison sentence, the execution of which was later suspended, for serious slander to the King of Spain, following comments made to the press. (Article 10)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The execution of the conviction was suspended. The punishment was definitively redeemed in 2009. The criminal records were cancelled on that same day. The applicant did not request reopening of proceedings. <i>General measures:</i> The judgment was translated, published and disseminated. Recent change of relevant case-law of the Audiencia Nacional. One similar case adjudicated by the Audiencia Nacional in 2008 and upheld by the Constitutional Court in a Plenary sitting leading judgment in 2015 is currently pending before the ECHR.
<a href="#">CM/ResDH(2017)281</a>	ESP / San Argimiro Isasa and 1 other case	2507/07+	28/12/2010 28/09/2010	<i>Protection against ill-treatment: Failure to carry out an in-depth and effective investigation into arguable allegations of ill-treatment during arrest and detention and, in the second case, while incommunicado detention. (Article 3 procedural aspect)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid in one case; in the other case the amount of the just satisfaction was made available to the competent domestic court to pay the victims of the second applicant, convicted for terrorist attacks and ordered to pay compensation. No request for reopening of proceedings or of judicial investigations submitted. <i>General measures:</i> Shortfall in the application of domestic regulations and previous case-law in these two specific cases. Examples of leading jurisprudence on judicial investigation into ill-treatment of Supreme Court and Constitutional Court

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					<p>elaborated after 2008 and case-law of general courts in line with the Constitutional Court's guidance on investigations were submitted. Specific orders had been issued to the law enforcement bodies on "Behaviour required of the law enforcement agents to guarantee the rights of persons detained or under police custody" by the State Secretariat for Security. The Public Prosecution Service had made particular efforts to prosecute crimes of torture and inhuman or degrading treatment, as stated in its annual reports since 2007. After ratification in 2006 of the Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the Ombudsman's Office as the National Torture Prevention Mechanism started its activities in 2010. The right to compensation for victims of ill-treatment was recognised in 2015. The judgment was translated, published and disseminated.</p>
<p><a href="#">CM/ResDH(2017)365</a></p>	<p>EST / Mihhailov</p>	<p>64418/10</p>	<p>30/11/2016 30/08/2016</p>	<p><i>Protection against ill-treatment: Failure to carry out an effective investigation into the circumstances surrounding the alleged use of force by the police. (Article 3 procedural limb)</i></p>	<p><u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. According to Estonian law, the investigation of the offence alleged by the applicant could not be reopened because the limitation period is expired. Even if re-opening were legally possible, for practical reasons it would not correct the deficiencies and shortcomings found as they regarded mainly their initial phase and the collection of evidence.</p> <p><u>General measures:</u> Professional training of police officers was organised as regards the proportionality requirement in the use of force by police and measures taken by the police forces to evaluate internally and to control the use of firearms (e.g. internal reviews, recommendations, directives, etc.). The independence of investigation is guaranteed as pre-trial investigations are carried out by the investigative bodies of the Ministry of Interior under the coordination of the prosecutor's office belonging to the Ministry of Justice. The judgment was translated and published.</p>

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<a href="#">CM/ResDH(2017)302</a>	EST / Ponka	64160/11	08/02/2017 08/11/2016	<i>Access to and efficient functioning of justice: Unfairness of civil proceedings due to the adjudication in a simplified procedure without an oral hearing. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid as awarded. The applicant did not submit a request for review. <i>General measures:</i> Isolated incident due to erroneous application of law. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)152</a>	EST / Soro	22588/08	03/12/2015 03/09/2015	<i>Protection of private life: Disproportionate interference due the publication in the State gazette, based on provisions of the Disclosure Act 1995, of information about the applicant's service in the KGB as a driver during 1980-1991. (Article 8)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The applicant did not submit the request for review under the Coder of Administrative Court Procedure. <i>General measures:</i> The last publication in the State gazette on the same grounds took place in 2009. In case of new disclosures, the Internal Security Service (KAPO) will carry out the proportionality test before disclosing a person's name and other data in the light of the present judgement. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)153</a>	FRA / A.M.	56324/13	12/10/2016 12/07/2016	<i>Protection of rights in detention: Inability to contest the lawfulness of an alien's arrest and administrative detention pending enforcement of a deportation order as the administrative court could only verify the competence of the authority which issued the detention order, its reasons for doing so and the necessity of the administrative detention; but had no jurisdiction to review the lawfulness of the measures which had been taken prior to the administrative detention or the conditions surrounding the alien's arrest. (Article 5 §4)</i>	<i>Individual measures:</i> No request for just satisfaction submitted. The applicant was expelled to Tunisia. <i>General measures:</i> A new law on the rights of aliens amended the Code on entry and stay of aliens and on the right to asylum and transferred the competence to review the lawfulness of an alien's detention in view of his deportation, its reasons and the conditions of arrest to judicial courts, in March 2016. The administrative judge remains competent to assess the legality of the removal measure, whose enforcement is sought through detention. The judgment was published and disseminated.
<a href="#">CM/ResDH(2017)100</a>	FRA / Abdelali	43353/07	11/01/2013 11/10/2012	<i>Access to and efficient functioning of justice: Refusal to allow a person convicted in absentia to raise a plea of nullity, on the ground that he was</i>	<i>Individual measures:</i> Just satisfaction paid. The applicant could have requested reopening of proceedings but did not avail himself of this opportunity.

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				<i>"absconding" when the investigation was concluded, was disproportionate and robbed the concept of a fair trial of its essence as an accused should be able to challenge the validity of the evidence used against him. (Article 6 §1)</i>	<i>General measures:</i> Change of case-law of the Court of Cassation after 2012 with regard to the term of "absconding". The judgment was published and disseminated.
<a href="#">CM/ResDH(2017)341</a>	FRA / Ali Samatar and Others	17110/10+	04/03/2015 04/12/2014	<i>Protection of rights in detention: Excessive length of custody of Somali nationals arrested by military personnel in Somali territorial waters and charged for acts of piracy, before being brought before an investigating judge in France and lack of any rule defining the conditions of deprivation of liberty imposed pending their appearance before the competent legal authority. (Article 5 §3)</i>	<i>Individual measures:</i> The applicants' impugned custody ended 48 hours after their arrival in France. <i>General measures:</i> The judgment was published and disseminated to all authorities concerned. For general measures with regard to the delay before presentation to the investigating judge, which was due to the particular circumstances of the present case, see <a href="#">CM/ResDH(2014)288</a> in Vassis and Others.
<a href="#">CM/ResDH(2017)232</a>	FRA / Berasategi	29095/09+	26/04/2012 26/01/2012	<i>Protection of rights in detention: Length of the pre-trial detention, which had been extended several times, of prisoners accused of belonging to the terrorist organisation ETA. (Article 5 §3)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The applicants were released. <i>General measures:</i> Excessive length of pre-trial detention was the result of outstanding workload on the Court of Assize in special composition. Therefore the Law on public security was amended in 2017 to reduce the number of professional assessors necessary to conduct hearings in first instance and on appeal. The Code of Criminal Procedure contains a compensatory remedy available to persons who detained on remand but were not found guilty in criminal proceedings. The judgment was published and disseminated.
<a href="#">CM/ResDH(2017)135</a>	FRA / De Souza Ribeiro	22689/07	13/12/2012 Grand Chamber	<i>Protection of family life and effective remedy: Lack of an effective remedy for a Brazilian national who was removed from French Guiana, an overseas territory/department, within fifty minutes after his court application for the stay of execution was lodged. (Article 13 in conjunction with Article 8)</i>	<i>Individual measures:</i> Just satisfaction paid. In June 2009 the applicant was issued with a "visitor's" residence permit, then a renewable residence permit for "private and family life". <i>General measures:</i> The guarantee of an in-depth examination of the person's situation before taking any decision on his/her deportation was reinforced by legislative change in December 2012 (completed by an administrative instruction and two implementing circulars). The 2016 Law on the rights of aliens

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					completes this system providing for a special procedure adapted to the specificities of the overseas territories allowing an alien to lodge an urgent appeal to stay the execution of his/her deportation with suspensive effect. The expulsion order must thus contain information on procedural details and deadlines to challenge it. The judgment was published and disseminated.
<a href="#">CM/ResDH(2017)342</a>	FRA / Duceau	29151/11	30/09/2016 30/06/2016	<i>Access to and efficient functioning of justice: Dismissal of an appeal by a civil party in criminal proceedings due to the designation of a new lawyer for which a rule of procedure has not been complied with, depriving the applicant of the examination of the merits of his appeal. (Article 6 §1)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. No claim for pecuniary damage submitted. Domestic law does not provide for reopening of criminal proceedings on request of a civil party as the applicant had been. <u>General measures:</u> The infringement identified stems from the specific circumstances of the case and, in particular, from an excessive formalism in the application of a procedural rule by the courts. The judgment was published and disseminated to the Ministry of Justice and other authorities concerned with a view to drawing the attention of the domestic courts to the need to adopt a concrete and measured approach in the application of the procedural rule at issue.
<a href="#">CM/ResDH(2017)262</a>	FRA / Hassan and Others and 1 other case	46695/10+	04/03/2015 04/12/2014	<i>Protection of rights in detention: Arbitrary detention and excessive length of custody of Somali nationals arrested by military personnel in Somali territorial waters and charged for acts of piracy, before being brought before an investigating judge and lack of any rule defining the conditions of deprivation of liberty imposed pending their appearance before the competent legal authority. (Article 5 §1+3)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. <u>General measures:</u> The judgments were published and disseminated to all authorities concerned. The law on the fight against piracy and the exercise of the police powers of the State at sea 2011 introduced into the code of defence a regime sui generis of deprivation of liberty on vessels apprehended by military personnel in action at sea. See also <a href="#">CM/ResDH(2014)78</a> in Medvedyev. For general measures with regard to the delay before presentation to the investigating judge, which was due to the particular circumstances of the present case, see <a href="#">CM/ResDH(2014)288</a> in Vassis and Others.

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<a href="#">CM/ResDH(2017)260</a>	FRA / Helhal	10401/12	19/05/2015 19/02/2015	<i>Protection against ill-treatment/ Conditions of detention: Lack of physiotherapy and of adequate access to sanitary facilities for severely disabled prisoner. (Article 3)</i>	<p><b>Individual measures:</b> Just satisfaction in respect of pecuniary and non-pecuniary damage paid. The applicant was transferred to a facility adapted to prisoners with reduced mobility. The applicant's complaint against this transfer was rejected. In September 2016, he was transferred to the Detention Centre Roanne also adapted to prisoners with reduced mobility.</p> <p><b>General measures:</b> The judgment was published and disseminated to all authorities concerned. Case due to its particular circumstances. See also <a href="#">CM/ResDH(2009)79</a> in Vincent. Since then, in 2010, two directives were adopted specifying the conditions of access for handicapped detainees in penitentiary facilities. Assistance services may be requested to intervene in prisons. The law on the individualization of sentences and strengthening the effectiveness of criminal sanctions 2014 created two new measures: medical release and parole for medical reasons. In 2015, a project on the identification and management of detainees' loss of autonomy linked to advanced age or a handicap was initiated to facilitate reduction of sentence and release for medical reasons and to improve the conditions of detention for such persons. A methodological guide for health and justice staff relating to reduction of sentences and release for medical reasons was developed jointly by the Ministry of Justice and the Ministry of Solidarity and Health.</p>
<a href="#">CM/ResDH(2017)340</a>	FRA / I.M.	9152/09	02/05/2012 02/02/2012	<i>Absence of effective remedy / Protection against ill-treatment / deportation: Limited accessibility of two remedies available in practice to a Sudanese asylum-seeker who wished to challenge a removal measure due to various procedural and material difficulties, like the limited time for the preparation of applications, the difficulty to produce evidence while in administrative detention and inadequate legal and linguistic</i>	<p><b>Individual measures:</b> The finding of a violation constituted sufficient just satisfaction in respect of any non-pecuniary damage. The applicant obtained political refugee status.</p> <p><b>General measures:</b> The judgment was transmitted to the Ministry of the Interior and to the Conseil d'Etat (supreme administrative court). It was also published. The legal reform of the right of asylum implemented in 2015 changed the regime applicable to asylum applications in detention in order to bring it into line with the ECHR's and the Court of Justice's</p>

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				<i>assistance: the asylum fast-track procedure, as he was detained prior to his application, and an appeal to the administrative court to have the removal decision set aside. (Article 13 taken together with Article 3)</i>	case-law and with the European Directives "Procedures" (its aim being to strengthen the procedural guarantees for asylum-seekers) and "Reception" (the purpose being the harmonization of national provisions on reception conditions) of 26 June 2013. A circular of 2 November 2015 was communicated to the prefects, containing detailed instructions on the implementation of the reform. This new system, defined in the relevant provisions of the Code on the Entry and Residence of Foreigners and the Right of Asylum presents the following characteristics: end of the automatic registration of asylum application in detention under fast-track procedure; improvement of procedural guarantees to ensure the effectiveness of appeals of detained foreigners; possibility of a judicial appeal against removal decisions to an administrative judge.
<a href="#">CM/ResDH(2017)263</a>	FRA / Isenc	58828/13	04/05/2016 04/02/2016	<i>Right to life / conditions of detention: Inefficiency of the cooperation arrangement between the prison and the medical services concerning the supervision of inmates in view of preventing suicides, provided for in the domestic law, resulting in the applicant's son suicide. (Article 2)</i>	<u>Individual measures</u> : Just satisfaction for non-pecuniary damage paid. <u>General measures</u> : The judgments were published and disseminated to all authorities concerned. For general measures, see <a href="#">CM/ResDH(2016)24</a> in Renolde group. By May 2017, 79 protocols had been signed between healthcare facilities and prisons to define responsibilities of the different actors in health and justice partnerships, 7 more than in February 2016.
<a href="#">CM/ResDH(2017)261</a>	FRA / M.E. and 8 other cases	50094/10+	06/09/2013 06/06/2013	<i>Protection against ill-treatment / expulsion: Risk of ill-treatment in case of expulsion of foreigners to their respective country of origin on the basis of expulsion orders, the motivations of which were not sufficiently specific with regard to the respective foreigner's personal situation. (Article 3 conditional)</i>	<u>Individual measures</u> : Just satisfaction for non-pecuniary damage paid if awarded. The Government took the commitment not to deport the applicants to their respective countries of origin. The respective expulsion orders were cancelled. In two cases the applicants were granted a residence permit. <u>General measures</u> : The cases originated in their respective particular circumstances. The judgment was published and disseminated to all authorities concerned, OFPRA (Office for

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					the Protection of refugees and stateless persons), the National Court for Asylum Law and administrative jurisdictions. Guidelines concerning the evaluation of travel and other documents presented were issued. A "Quality Check" regarding the treatment of asylum requests was established in cooperation with UNHCR. A conference and training sessions were organised on the subject of risk evaluation in the light of the ECHR's case-law regarding Article 3, focussing on the need of a thorough motivation of decisions. Examples of recent OFPRA decisions were submitted.
<a href="#">CM/ResDH(2017)117</a>	FRA / Matelly and 1 other case	10609/10	02/01/2015 02/10/2014	<i>Freedom of association: Blanket ban on the right to form or join trade unions on the basis of Defence Code provisions on members of the gendarmerie and military personnel by prohibiting them to set up professional associations whose primary purpose were to defend the pecuniary and other interests of service personnel. (Article 11)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damages paid. One of the applicants' association functions as association according to common law, the second one was registered on the basis of a new 2015 Act. <i>General measures:</i> According to the new Act of 28 July 2015, military personnel can now freely create and join a national professional association and exercise responsibilities in it. These associations' detailed rules of functioning were established by decrees in 2016. Their creation is based on a declarative system and can therefore not be subjected to a refusal of registration unless for specific reasons by judicial decision. Ten such national professional associations were registered so far. The judgment was published and disseminated.
<a href="#">CM/ResDH(2017)286</a>	FRA / Mennesson and 3 other cases	65192/11+	26/09/2014 26/06/2014	<i>Protection of private and family life: Disproportionate interference due to refusal to grant legal recognition in France to parent-child relationships that had been legally established in the United States with regard to children born as a result of surrogacy arrangement and the couples who had had recourse to such arrangements. (Article 8)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The law of modernization of justice in the 21st century (2017) established a review procedure in matters relating to a person's civil status following the finding of a violation of the Convention. Its provisions apply to applications for transcription, into French civil status registers, of birth certificates established abroad. The applicants can apply for such a review within a period of one year, that until

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					15/05/2018. French nationality certificates were issued to the children concerned. The remaining legal obstacles to such measures had been removed by the State Council in 2014. <i>General measures:</i> The judgment was widely published and disseminated. Change of case-law and practice: In 2015, the plenary assembly of the Supreme Court handed down two decisions authorizing the transcription of foreign birth certificates of children born of surrogacy arrangements, if these certificates were consistent with the authenticity consideration of Article 47 of the Civil Code. According to a circular 2013 of the Ministry of Justice, French nationality certificates are to be issued when filiation may be established on the basis of a foreign civil status certificate in conformity with Article 47 of the Civil Code.
<a href="#">CM/ResDH(2017)304</a>	FRA / Milhau	4944/11	10/10/2014 10/07/2014	<i>Protection of property: Disproportionate interference due the conviction in the context of divorce proceedings by court decision to transfer his exclusive rights of ownership of the villa to his ex-wife in respect of the payment of the compensatory allowance, even though he wished and had the financial capacity to discharge his debt by the payment of a sum of money. (Article 1 of Protocol No. 1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid as awarded. Lack of causal link between violation found and claim for pecuniary damage. <i>General measures:</i> Erroneous interpretation of legal provision by domestic courts as clarified by subsequent decision of the Court of Cassation. The judgment was published and disseminated.
<a href="#">CM/ResDH(2017)76</a>	FRA / Société Bouygues Construction and others	61265/10	18/06/2015 Committee	<i>Access to and efficient functioning of justice: Lack of access to court to challenge the lawfulness of searches and seizures to which the applicants had been subjected in the framework of competition law proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction paid. <i>For General measures</i> see <a href="#">CM/ResDH(2012)28</a> in Rapon and Others and 3 other cases and <a href="#">CM/ResDH(2013)159</a> in Canal Plus and 3 other cases. The judgment was published and disseminated. It only concerns the transitional provisions of the respective Ordinance 13/11/2008 allowing its retroactive application. Those companies that had been subject of a conviction by the Competition Authority had had the opportunity to challenge the search procedure before the

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					Court of appeal of Paris. No further case is under investigation before the Competition Authority.
<a href="#">CM/ResDH(2017)264</a>	FRA / Sud Est Réalisations	6722/05	02/03/2011 02/12/2010	<i>Protection of property: Disproportionate interference due to refusal, over a long period of time, to provide police assistance for the eviction from its property of the former owner. (Article 1 of Protocol No. 1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The eviction of the former owner of the property was executed. <i>General measures:</i> The judgment was published and disseminated. The Ministry of the Interior recalled the obligation to implement judicial eviction decisions if need be with the assistance of public force. The case is registered as similar to Barret and Sirjean group.
<a href="#">CM/ResDH(2017)99</a>	FRA / Viard	71658/10	09/04/2014 09/01/2014	<i>Access to and efficient functioning of justice: Lack of access to a court in civil proceedings due to the Court of Cassation's decision to refuse an appeal against the imposition of a judicial control measure as out of time, retaining the date of notification recorded on the judgment itself and not the actual date of its dispatch as evidenced by the postmark, which reduced the already short period of time (five week-days or a maximum of six days) available to file an appeal. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction paid. The judicial control measure was lifted before the judgement became final. <i>General measures:</i> Article 626-1 of the Code of Criminal Procedure concerning revision of final decisions in criminal proceedings is inapplicable to the present case. Isolated case. The judgment was published and disseminated.
<a href="#">CM/ResDH(2017)259</a>	FRA / Vinci Construction and GTM Génie Civil et Services	63629/10+	02/07/2015 02/04/2015	<i>Protection of home and of correspondence and functioning of justice: Disproportionate interference due to searches and seizures of electronic data, including e-mails subject to lawyer-client privilege, carried out on the applicant companies' premises lack of effective judicial review of the decisions authorising the inspections and seizures under the Code of Commerce in the particular case. (Articles 8 and 6§1)</i>	<i>Individual measures:</i> The finding of a violation is sufficient in itself in respect of any non-pecuniary damage. The applicants were informed of the possibility to obtain restoration of the seized documents. <i>General measures:</i> The judgment was published and disseminated to all authorities concerned. Concerning the legal framework applicable, see <a href="#">CM/ResDH(2012)28</a> in Ravon and Others as well as <a href="#">CM/ResDH(2013)159</a> in Société Canal Plus and Others group.

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<a href="#">CM/ResDH(2017)181</a>	GEO / Aliev	522/04	13/04/2009 13/01/2009	<i>Protection of rights in detention/protection against ill-treatment: Degrading conditions of detention in Prison No. 5 of Tbilisi; alleged ill-treatment inflicted by prison and security officers. (Article 3 substantive and procedural limb)</i>	<i>Individual measures:</i> Just satisfaction in respect of the non-pecuniary damage paid. The applicant was released. New investigations into actions of security forces were initiated. However, the evidence obtained did not permit to assess the proportionality of the force employed by the law enforcement authorities on the night of 3 to 4 October 2002 due to lacking sufficient and tangible evidence to draw such conclusions. <i>General measures:</i> See <a href="#">CM/ResDH(2014)208</a> in Davtyan and Danelia. Prison No. 5 was demolished in 2008 and replaced by a new building, equipped with a modern infrastructure. A new remedy to complain about poor conditions of detention was introduced in the new Penitentiary Code 2011. For other general measures concerning conditions of detention see <a href="#">CM/ResDH(2014)209</a> in Ghavtadze (pilot judgment). Questions regarding effective investigations are examined in Gharibashvili group of cases.
<a href="#">CM/ResDH(2017)233</a>	GEO / Apostol	40765/02	28/02/2007 28/11/2006	<i>Access to and efficient functioning of justice: Denial of a fair trial due to excessive restriction of a creditor's access to enforcement proceedings concerning a final judgment given in his favour. (Article 6§1)</i>	<i>Individual measures:</i> No claim of just satisfaction submitted. The domestic enforcement proceedings were started. Pursuant to the "Law on Enforcement Proceedings", the National Bureau of Enforcement addressed a motion to the respective court, which ordered the debtor's search by police force. Despite numerous efforts made by the authorities, the debtor's whereabouts are impossible to identify. <i>General measures:</i> See <a href="#">CM/ResDH(2011)108</a> in "Iza" Ltd and Makrakhidze. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)287</a>	GEO / Gharibashvili and 1 other case	11830/03+	29/10/2008 29/07/2008	<i>Right to life and protection against ill-treatment: Lack of effective investigations into the assault or into allegations of ill-treatment during arrest or in custody; termination of investigations without holding an oral hearing. (Article 2 and 3 procedural limb)</i>	<i>Individual measures:</i> No claim for just satisfaction made in the first case. Just satisfaction for non-pecuniary damage paid as awarded in the second case. The impugned investigations were reopened and new evidence collected. In the first case, it was established that no ill-treatment had been committed. In the second case, the statutory time-limit for bringing charges had passed.

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					<p><i>General measures:</i> In order to remedy the deficiencies in legislation concerning independence and impartiality of investigative bodies, the Minister of Justice issued in rules on territorial and material jurisdiction for criminal investigations. Crimes allegedly committed by police officers were to be investigated by the Prosecutor's Office, the independence and impartiality of which was granted by an amendment of the Law on the Prosecutor's Office in September 2015, preventing any interference from the government. Amendments of the Code of Criminal Procedure provided for the right of the victim to be involved in the investigation procedure and to access to certain material of the case-file. The Action Plan 2015-2016 on "combatting torture, inhuman or degrading treatment or punishment" aimed at tackling issues concerning both investigation and prevention of ill-treatment. The inter-agency Council on Combating torture and ill-treatment approved the national action-plan 2017-18 underlining the importance of effective legal aid for victims. Overall achievements reached: Torture is no longer a systemic issue; the number of cases of ill-treatment of prisoners had been reduced; the Prosecutor's Office will be made an independent constitutional body by amendment of the Constitution; regular training activities are held by the High School of Justice, Ministry of Correction, the Ministry of Internal Affairs and the Prosecutors Office; the judiciary was freed from political influence; victims were provided an enhanced rights in on-going investigations.</p>
<a href="#">CM/ResDH(2017)390</a>	GEO / Giorgi Nikolaishvili	37048/04	13/04/2009 13/01/2009	<p><i>Protection of rights in detention and of private life: Arrest of a witness in order to put pressure on his fugitive brother in the absence of a valid court order, lack of sufficient reasons for pre-trial detention and absence of an oral hearing during its judicial review; unlawful interference with private life on account of the public posting of Mr Nikolaishvili's photograph as a "wanted person" in</i></p>	<p><i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damages paid. The applicant's photograph was removed from the police stations.</p> <p><i>General measures:</i> As concerns the arbitrary arrest of a witness, new rules for the interrogation of witnesses entered into force in 2016. As concern unlawful detention, see <a href="#">CM/ResDH(2011)105</a> in Patsuria. Further amendments to the Criminal Procedure Code were introduced in 2015 to ensure</p>

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				<i>a number of police stations. (Article 5 §§1+1c+3+4 and Article8)</i>	respect for the principle of equality of arms the adversarial principle. Judges' decisions must be reasoned. Judges have to review pre-trial detention at their own initiative, at least once in two months. Due to the application of alternative non-custodial restraint measures, statistics show a reduction of pre-trial detention from 49.3% of cases in 2011 to 32.6% in 2017. As concerns the search for a witness by public postings of photographs, the incident constitutes an isolated case. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2017)77</a>	GEO / Kakabadze and Others	1484/07	02/01/2013 02/10/2012	<i>Protection of rights in detention and access to and efficient functioning of justice; freedom of assembly and right of appeal in criminal matters: Arbitrary arrest by court bailiffs and punishment by detention, imposed in unfair proceedings as an administrative sanction by a court on the same day, of members of an NGO for their participation in a demonstration outside the Tbilisi Court of Appeal; failure to justify the dispersal of the demonstration and imposition of administrative detention; inability to appeal the decision on the imposition of administrative detention. (Articles 5 §1, 6 §1 in conjunction with 6 §3c, 11 and 2 of Protocol No. 7)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicants were released. <i>General measures:</i> The Code of Criminal Procedure was significantly revised to clarify the scope of the bailiffs' power to arrest individuals, to guarantee the holding of an oral hearing when detention is concerned and the principles of equality of arms and adversarial proceedings. The maximum term of administrative detention was reduced from 90 to 15 days and domestic courts generally impose more lenient administrative sanctions, such as fines, for minor administrative offences. A resolution imposing detention may be appealed against within 48 hours and shall be reviewed without an oral hearing within 24 hours from the moment of its filing. By its judgment of 18/04/2011, the Constitutional Court found unconstitutional the provision banning an assembly or manifestation within 20 meters from the entrance to some public institutions and administrative bodies, including court buildings. Respective legislative amendments to the Law on Assembly and Manifestations entered into force on 14/07/2011. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)136</a>	GEO / Lasha Tchitchinadze	35195/05	07/06/2016 Committee	<i>Protection of rights in detention: Failure of domestic authorities to address the specific facts of the case and to consider alternative non-</i>	<i>Individual measures:</i> Just satisfaction for pecuniary damage paid. The applicant was released.

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				<i>custodial pre-trial measures using stereotyped formulas, paraphrasing the terms of the Code of Criminal Procedure. (Article 5§3)</i>	<i>For General measures</i> see <a href="#">CM/ResDH(2011)105</a> in the cases Patsuria, Gigolashvili as well as Ramishvili and Kokhreidze. See also <a href="#">CM/ResDH(2016)82</a> in Janiashvili. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)389</a>	GEO / Prisco Massimo Robert Nils P.P.	22958/11	19/05/2015 (Friendly settlement with undertakings)	<i>Protection of private and family life: Arbitrary rulings in childcare custody proceedings acknowledged by government. (Article 8)</i>	<i>Individual measures:</i> The overall amount allocated as just satisfaction was paid. The applicant did not avail himself of the possibility to request reopening of the impugned custody proceedings. <i>General measures</i> will be examined in the G.S. group.
<a href="#">CM/ResDH(2017)63</a>	GER / Anayo and 1 other case	20578/07+	21/03/2011 21/12/2010	<i>Protection of private life: Domestic courts' failure to give any consideration to the question whether contact between the applicants and their biological children, in both cases living with the biological mother and her husband, would be in the children's best interests. In one case was uncontested, while in the other case the applicant's paternity had not been established. (Article 8)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. New proceedings pending before the domestic courts, in which the access rights of the applicants to their children are re-examined according to new legislation in place. <i>General measures:</i> The new legislation from 2013 provides that if the biological father has shown a sustained interest in the child, he has a right of access to the child if such access is in the child's best interests independently of whether the biological father already has a social-family relationship with the child or not. He also has the right to information about the child's personal circumstances to the extent that this does not run contrary to the child's best interests. The biological paternity of the claimant is therefore to be examined during proceedings on access or information, and is to be ascertained if necessary by the taking of evidence. The bill provides accompanying procedural rules in order to make it possible to ascertain biological paternity in disputed cases. Pursuant to these procedural rules, under certain conditions, tests must be undergone to answer the preliminary question of biological descent. Mothers or any other persons cannot refuse to undergo the necessary tests as a means of preventing biological fathers from asserting their rights. The judgment was translated, published and disseminated.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
<a href="#">CM/ResDH(2017)137</a>	GER / Axel Springer AG and 1 other case	39954/08+	07/02/2012 Grand Chamber	<i>Freedom of expression: Domestic courts' injunctions, imposing on a publishing company prohibitions against reporting on certain public judicial facts, i.e. the arrest of a well-known actor and his conviction for a drug-related offence or ordering not to re-publish certain parts of an article concerning the former head of government. (Article 10)</i>	<i>Individual measures:</i> Just satisfaction paid. The applicant company could have made a request for a reopening but did not do so. <i>General measures:</i> The cases concern inappropriate assessments by domestic courts in two rather specific cases to be considered as of isolated nature. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)60</a>	GER / Brosa	5709/09	17/07/2014 17/04/2014	<i>Freedom of expression: Disproportionate interference due to a domestic court's injunction prohibiting the distribution of a leaflet on the occasion of mayoral elections. (Article 10)</i>	<i>Individual measures:</i> Just satisfaction paid. Reopening of proceedings to lift the injunction was possible. <i>General measures:</i> Inappropriate adjudication by the courts in the specific case. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)119</a>	GER / Buijen and 1 other case	27804/05	01/07/2010 01/04/2010	<i>Access to and efficient functioning of justice: Denial of access to court with regard to the inability of a sentenced foreigner to challenge the refusal to instigate transfer to his native country under Article 11 of the Convention on the Transfer of Sentenced Persons in so far as it related to an assurance given by the public prosecutor: (Article 6 § 1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damages paid. One of the applicants was released; the other one did not start to serve his sentence. <i>General measures:</i> The Introductory Act to the Courts Constitution Act provides adequate legal protection against decisions of judicial authorities based on abuse of discretion in transfer procedures. The judgment was translated, published and disseminated to induce change of practice.
<a href="#">CM/ResDH(2017)344</a>	GER / H.W.	17167/11	17/02/2014 19/09/2013	<i>Protection of rights in detention: Unlawful detention due to the domestic courts' failure to comply with the statutory time-limit for review of the necessity of preventive detention and thus the requirement for a speedy replacement of expired detention orders and secondly on account of the domestic courts' refusal to obtain a fresh psychiatric report before ordering continued preventive detention. (Article 5 §1 twice)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicant remains in preventive detention on the basis of fresh orders and a new expert report from 2011. A fresh psychiatric expert report ordered in 2017 is under progress. <i>General measures:</i> The violation is based on the improper conduct of proceedings in one specific case by the domestic authorities responsible for initiating and preparing the review. The Act to Effect Implementation under Federal Law of the Distance Requirement in the Law Governing Preventive

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					Detention entered in force in 2013, extending the obligation of a judicial review regarding the necessity of the execution of preventive detention after a prison sentence to cases of retrospective preventive detention and cases where the court at the time of sentencing reserved the right to order preventive detention subsequently. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)62</a>	GER / Heinisch	28274/08	21/10/2011 21/07/2011	<i>Freedom of expression: Disproportionate interference due to dismissal of a geriatric nurse without notice after having brought a criminal complaint against her employer, a state-owned company, alleging deficiencies in the care provided (so-called "whistle blowing"). (Article 10)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. <i>General measures:</i> Inappropriate adjudication by the labour courts labour courts in one specific case. In 2001, the Federal Constitutional Court had held that in accordance with the rule of law the discharge of a citizen's duty to give evidence in criminal investigations could not in itself entail disadvantages under civil law, pointing out that even in the event that an employee reported the employer to the public prosecution authorities on his or her own initiative, the rule of law required that such exercise of a citizen's right could, as a rule, not justify a dismissal without notice from an employment relationship, unless the employee had knowingly or frivolously reported incorrect information. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)101</a>	GER / Khan	38030/12	21/09/2016 Grand Chamber	<i>Strike-out judgment making an award in respect of costs and expenses.</i>	<i>Individual measures:</i> Just satisfaction paid.
<a href="#">CM/ResDH(2017)61</a>	GER / Rangelov	5123/07	22/06/2012 22/03/2012	<i>Discrimination: Unjustified discrimination on grounds of national origin against a Bulgarian national (who had spent some four and a half years in preventive detention until he was expelled) due to the fact that he was denied a chance to fulfill essential preconditions for the suspension of the preventive detention order,</i>	<i>Individual measures:</i> Just satisfaction paid. The applicant was expelled and is therefore no longer in preventive detention. <i>General measures:</i> Inappropriate decisions by enforcement authorities in one specific case. The judgment was translated, published and disseminated.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>notably because of the final expulsion order made against him. (Article 14 in conjunction with Article 5)</i>	
<a href="#">CM/ResDH(2017)78</a>	GER / Schatschaschwili	9154/10	15/12/2015 Grand Chamber	<i>Access to and efficient functioning of justice: Unfair criminal proceedings for aggravated robbery due to inability to examine - or to have examined by counsel - absent witnesses, whose testimonies carried considerable weight in applicant's conviction. (Article 6 §§1 and 3 (d))</i>	<i>Individual measures:</i> No just satisfaction awarded. The applicant served his sentence for another offence and now lives in Georgia. Proceedings were reopened by court decision of 9 September 2016 and terminated upon request of the prosecutor according to Article 154 § 2 of the Code of Criminal Procedure (prosecution might result in no significant addition to a penalty imposed for another offence). <i>General measures:</i> Federal Ministry of Justice and Consumer Protection proposed an amendment to section 141 of the Code of Criminal Procedure, which would provide accused persons with the right to move for the appointment of defence counsel in the investigation proceeding, which is currently being deliberated within the Federal Government. The Federal Supreme Court in its case-law accepted that such a right may exist in situations similar to that of the applicant. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)343</a>	GER / Schonbrod	48038/06	24/02/2012 24/11/2011	<i>Protection of rights in detention: Arbitrary and thus unlawful preventive detention due to the domestic courts' failure to comply with the requirement for a speedy replacement of expired detention orders. (Article 5 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicant was released from preventive detention. <i>General measures:</i> The violation was based on the competent court having overstepped the time-limit due to an unlawful application of the law in an individual case. The Act to Effect Implementation under Federal Law of the Distance Requirement in the Law Governing Preventive Detention entered in force in 2013, implementing the requirements the Federal Constitutional Court set out in its relevant leading judgment of 2011 and the new freedom-oriented and therapy-based overall concept of preventive detention. The judgment was translated, published and disseminated.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
<a href="#">CM/ResDH(2017)188</a>	GER / W.P.	55594/13	06/01/2017 06/10/2016 (Striking out of the list)	<i>Protection of rights in detention: Unlawful preventive detention acknowledged by unilateral declaration of the government.</i>	<i>Individual measures:</i> The compensation as determined in a unilateral declaration was paid.
<a href="#">CM/ResDH(2017)288</a>	GRC / Anagnostou-Debouli and 10 other cases  (part of the Beka-Koulocheri group)	24779/08+	16/12/2010 16/09/2010	<i>Access to and efficient functioning of justice: Non-compliance or delayed compliance with domestic court judgments ordering the lifting of land expropriation orders and the subsequent modification of the district boundary plan; or failure to issue a new ministerial decision determining rates for hospitalisation in private clinics; or failure to pay awarded compensation or interest; or failure to promote civil servants or delayed compliance with judgments ordering the promotion of a civil servant. Lack of an effective remedy in this respect. Evidence of the administration's inertia, negligence or procrastination in proceeding to the settlement of the status of property. (Articles 6 §1, 13 and 1 of Protocol No. 1)</i>	<i>Individual measures:</i> Just satisfaction for pecuniary and/or non-pecuniary damage paid as awarded in each case. All judgments of domestic courts which do not concern the lifting of expropriation orders and modification of district boundary plans had been executed. The judgments in all other cases had also been executed. <i>General measures:</i> Positive statistics concerning the functioning of the execution mechanism established by Law 3068/2002 and modified in 2010 were submitted. This mechanism set up "compliance committees" comprising three members at each administrative tribunal, at the State Council, the Court of Cassation as well as the Court of Audit to examine non-execution complaints. Their annual report, highlighting the main reasons for execution delays, is submitted to the Prime Minister, the President of Parliament and to the competent Ministers. Concerning the execution of domestic courts' judgments concerning lifting of expropriation orders, difficulties persist, mainly due to the cumbersome and time-consuming procedure for the modification of development town plans, which is a prerequisite to the lifting of an expropriation order. The authorities established a working group tasked with proposing legislative amendments regulating the execution of these judgments. The recently established "mechanism supervising the execution of ECHR judgments" was requested to intervene to speed up the procedure. The judgments were translated, published and disseminated. The remaining issues continue to be monitored in the context of the remaining Beka-Koulocheri group.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
<a href="#">CM/ResDH(2017)102</a>	GRC / Chitos	51637/12	19/10/2015 04/06/2015	<i>Forced labour: Imposition of a fee on an army medical officer by the authorities, despite a stay of execution of this decision ordered by the Court of Audit and without any facility offered (e.g. instalments), in order to be allowed to resign before the end of his period of service. (Article 4 §2)</i>	<i>Individual measures:</i> Just satisfaction paid. <i>General measures:</i> Isolated case. Army officers who have studied free of charge and wish to resign before their period of service are now entitled to pay the relevant fee in instalments, according to a legal opinion issued by the State Legal Council. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)79</a>	GRC / Memlika	37991/12	06/01/2016 06/10/2015	<i>Right to education: Delayed in setting up the committee responsible to decide on the reinstatement to school of two children who had been wrongly diagnosed with leprosy. (Article 2 of Protocol No. 1)</i>	<i>Individual measures:</i> Just satisfaction paid. <i>General measures:</i> There are no similar pending applications. The judgment was translated, published and disseminated to the competent authorities.
<a href="#">CM/ResDH(2017)155</a>	GRC / Mytilinaios and Kostakis	29389/11	02/05/2016 03/12/2015	<i>Freedom of association: Disproportionate interference due to refusal to grant winegrowers licence to freely dispose of and sell their wine production owing to exclusive rights of a union of vinicultural cooperatives with compulsory membership, based on the provisions of "Compulsory Law" no. 6085/1934. (Article 11)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> According to the relevant provision of the Law on Agricultural Cooperatives 2016, the Winemaking Cooperatives of Samos and their Union were transformed into agricultural cooperatives without mandatory membership. The Mandatory Law 6085/1934 providing for the winemaking of Samos was automatically repealed. The Country Court of Samos approved the Statute of the new Uniform Winemaking Agricultural Cooperative of Samos in November 2016. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)120</a>	GRC / Nikolitsas	63117/09	03/10/2014 03/07/2014	<i>Access to and efficient functioning of justice; in particular the right to examine witnesses: Conviction on the basis of statements made by witnesses whom the accused was not able to examine, which were made without his knowledge during the preliminary investigation in Turkey. (Article 6 §§1+3d)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damages paid. The applicant did not request re-opening of the impugned proceedings. <i>General measures:</i> Case was not the result of lacking safeguards in the existing legislation but constituted an isolated practice of the judicial authorities. The judgment was translated, published and disseminated.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
<a href="#">CM/ResDH(2017)96</a>	GRC / Sampani and Others and 1 other case	59608/09+	29/04/2013 11/12/2012	<i>Discrimination with regard to the right to education: Failure to provide schooling for and subsequent placement in special classes of 98 Roma children and, in the second case, further restrictions to attending a primary school in which the only pupils were other Roma children and refusal by the State to take anti-segregation measures. (Article 14 in conjunction with Article 2 of Protocol No. 1)</i>	<p>Under Article 46, the ECHR indicated that those of the applicants who were still of school age could be enrolled at another State school by the West Attica Primary Education Department and those who had reached the age of majority could enrol at "second chance schools" or adult education institutes set up by the Ministry of Education under the Lifelong Learning Programme.</p> <p><i>Individual measures:</i> Just satisfaction for non-pecuniary damage, including default interests paid.</p> <p><i>General measures:</i> The primary school in Aspropyrgos was closed on 26/04/2015. In the 4th primary school of Sofades all pupils (almost 500) are Roma - due to its vicinity to Roma settlements.- but can ask to be transferred to other schools, if they so wish. In a document dated 08/01/2016, the Minister for National Education reaffirmed the national authorities' awareness of the importance of Roma children's full integration into national education and reiterated their commitment to this aim referring to the circular of November 2013, giving Roma pupils the right to be enrolled in a school or transferred to another school without providing proof of residence. School principals were instructed to admit Roma children on the basis of the "school card" established for them, but also to seek out Roma children to ensure their enrolment. They were also instructed to ensure the vaccination of Roma children when necessary and take action against school absenteeism.</p> <p>The Ministry of Education and its regional offices carried out field visits, informal negotiations, information exchanges with local and regional officials as well as with Roma Mediators, representatives of the "Education for Roma Children" programme, school principals, and parents' associations. The Ombudsman for Roma was also involved in the integration programmes. A "National Plan for the integration of Roma" was implemented in the framework of the "EU Framework for National Roma Integration Strategies". In 2013 the Greek</p>

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					Parliament established the standing parliamentary committee on "Equality, Youth and Human Rights" to draft appropriate legislation for Roma social integration. A new Special Secretariat for the social integration of Roma was established by Law 4430/2016. This authority was presented to the Regions in January 2017 demonstrating the State's commitment to the eradication of Roma poverty and social exclusion.
<a href="#">CM/ResDH(2017)189</a>	GRC / Société anonyme Thaleia Karydi Axte	44769/07	10/05/2010 05/11/2009 (Merits) 20/06/2011 10/02/2011 (Just satisfaction)	<i>Access to and efficient functioning of justice and protection of property: Inability to effectively challenge the mandatory sale of the applicant company's land by auction, despite irregularities of the notification of the seizing report and the auction's date, amounting to non-notification. (Article 6 §1 and 1 or Protocol No.1)</i>	<u>Individual measures</u> : Just satisfaction for non-pecuniary damage paid; no pecuniary damage recognized. <u>General measures</u> : Violation due to very specific circumstances of the cases. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)422</a>	HUN / Timar and 252 other cases	36186/97+	09/07/2003 25/02/2003	<i>Access to and efficient functioning of justice: Excessive length of criminal and civil proceedings and lack of domestic remedy. (Article 6 §1 and 13)</i>	<u>Individual measures</u> : Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed. <u>General measures</u> required to respond to the shortcomings established continue to be examined within the framework of the pilot judgment in the case of Gázsó and the other cases in this group.
<a href="#">CM/ResDH(2017)121</a>	ITA / Anghel	5968/09	04/11/2013 25/06/2013	<i>Access to and efficient functioning of justice: Denial of access to court in return proceedings under the Hague Convention on the Civil Aspects of International Child Abduction due to delays in the examination of the father's request for legal aid and erroneous procedural information resulting in his inability to effectively challenge the rejection by the Italian authorities of his application aiming at the return of his son. (Article 6 §1)</i>	<u>Individual measures</u> : Just satisfaction for non-pecuniary damages paid. In 2007, divorce and custody proceedings were pending before Romanian courts, so that the reopening of the return proceedings is not an issue. <u>General measures</u> : The case was the result of malfunctioning of authorities in the specific circumstances requiring no structural changes of institutions or legislative changes. The judgment was published and disseminated, in particular to the authorities involved: Ministry of Justice, the Council of the Bar Association, the Youth Court.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
<a href="#">CM/ResDH(2017)205</a>	ITA / Antonio Messina	39824/07	24/06/2015 24/03/2015	<i>Protection of rights in detention: Belated remission of sentence, which had the effect of not allowing the prisoner to benefit from part of the reduction of his sentence and lack of compensation for the damage suffered. (Article 5 §§1a + 5)</i>	<i>Individual measures:</i> No just satisfaction awarded. <i>General measures:</i> The Court of Cassation clarified in 2014 that the mechanisms provided for in the Criminal Procedure Code allow the submission of a request for compensation in a period of two years after the final decision leading to unjustified detention was taken. No initiative had been taken in this respect by the applicant. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)207</a>	ITA / Baratta	28263/09	13/01/2016 13/10/2015	<i>Protection of rights in detention: Arbitrary detention as a result of criminal proceedings in absentia leading to life imprisonment of the accused, in which he had been declared a fugitive, while he was under extradition arrest in Brazil. (Article 5 §1a)</i>	<i>Individual measures:</i> The finding of a violation constituted sufficient just satisfaction. The first-instance proceedings were re-opened in 2011 and the Assize Court decided to discontinue them on the ground that the charges had become time-barred in 2014. The public prosecutor appealed and the appeal proceedings are still pending. <i>General measures:</i> Article 175 §2 Criminal Procedure Code was amended in 2014, providing that the appeal of an accused who had been convicted in criminal proceedings without actual knowledge of the judgment, shall not be subject to foreclosure, unless he has voluntarily waived this right. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)138</a>	ITA / Belvedere Alberghiera S.R.L and 106 other cases	31524/96+	30/08/2000 30/05/2000	<i>Property rights: Resort to "indirect expropriation", a practice of emergency occupation of land by local administrative authorities pursuant to Law No. 85 of 1971, without any formal expropriation procedure, subsequently becoming irrevocable on account of the transformation of the property by the realisation of public works; lack of clear and predictable rules covering the transfer of property and compensation; absence of adequate mechanisms to afford redress, including the inadequacy of compensation awarded; excessive length of the proceedings. (Article 1 of Protocol No. 1 and Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction paid. In 12 cases the issue of the payment of the just satisfaction awarded by the Court is still open. <i>General measures:</i> The events of the case occurred before 2001. Today the practice of "indirect expropriation" no longer exists. The occupation of land for public interest reasons was reformed by Article 42bis of the Consolidated Text on Expropriation in 2011, which introduced significant changes to the practice of emergency expropriations and improved safeguards for the landowners. The emergency procedure is initiated only as a means of last resort when there are exceptional public interest reasons and the decree of acquisition to be issued by the Municipal Council of the

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					municipality concerned must determine these exhaustive and compelling reasons. Between 2015 and 2016, the Court of Cassation, the Supreme Administrative Court and the Constitutional Court assessed the application of the legislative amendment with regard to its ECHR conformity. National courts interpret the new provisions in the light of the present judgment. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)157</a>	ITA / Ceni	25376/06	04/05/2014 04/02/2014 (Merits) 16/03/2015 16/12/2014 (Just satisfaction)	<i>Protection of property: Cancellation of a preliminary contract (without transfer of ownership) concerning the sale of an off-plan flat by the judicial liquidator in bankruptcy proceedings against the construction firm. (Article 1 of the Protocol No. 1 and 13 taken together with Article 1 of the Protocol No. 1)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary and pecuniary damage paid. <i>General measures:</i> The issues raised in the judgment were serious at the time of the facts of the case (i.e. during the 1990s), but are of historic nature today. Over the past years, the legal system concerning the impact of construction companies' bankruptcy on preliminary sale contracts underwent a profound change. Measures were taken for national courts to supervise the discretionary power of the judicial liquidator in construction companies' bankruptcy proceedings and to examine on the merits his decisions to balance public and private interests at stake. The new legislative framework of the Civil Code - providing for a minimum protection of the interests of good faith purchasers of off-plan flats, foresees the registration of preliminary contracts in public records, granting prevalence on all successive records relating to the property concerned. The recorded purchaser also has an effective remedy against damage resulting from subsequent events (e.g. the sale of the property to a third party or bankruptcy of the seller company). In addition, the purchaser is granted preference in the redistribution of the sale by auction. Finally, the law on bankruptcy in force (as amended in 2016) provides special protection for buyers of property intended to be the main home of the purchaser or his close relatives. A "Solidarity Fund for buyers of real estate in off-plan state" was created by

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					legislative decree in 2005 and equipped to provide compensation in the amount of eight percent of allowances granted to real estate buyers who have suffered economic losses as a result of construction companies bankruptcies. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)104</a>	ITA / Centro Europa 7 S.R.L. and Di Stefano	38433/09	07/06/2012 Grand Chamber	<i>Freedom of expression, in particular to impart information: Failure to put in place an appropriate legislative and administrative framework to guarantee effective media pluralism due to lacking precision and clarity of scope and duration of transitional provisions introduced to reallocate frequencies in the television broadcasting sector, thereby depriving of effect a ministerial decree granting a licence for nationwide television broadcasting to the applicant company, preventing it thereby from operating. (Article 10 and 1 of Protocol No. 1)</i>	<u>Individual measures</u> : Just satisfaction paid. The applicant company was allocated frequencies in 2009 allowing it to broadcast in correspondence with the licence obtained. <u>General measures</u> : The applicability of the transitional arrangements in question ended in July 2012 with the introduction of digital television multiplying operators and channels. The authority on the regulation of broadcasting (AGCOM), an independent administrative body, is responsible for the licensing and control of audiovisual media. Its new regulation of 2014 clarifies the modalities for the granting of a license, the transfer of ownership of radio and television companies and operations of media concentration, in accordance with the procedural provisions of Legislative Decree No. 177 of 31/05/2005.
<a href="#">CM/ResDH(2017)423</a>	ITA / Ceteroni and 1722 other cases	22461/93+	15/11/1996	<i>Access to and efficient functioning of justice: Excessive length of civil proceedings and lack of domestic remedy. (Article 6 §1)</i>	<u>Individual measures</u> : Just satisfaction for non-pecuniary damage paid. The Government drew the attention of the authorities concerned to the need to accelerate those domestic proceedings, which had not yet been closed at the time the judgment became final. <u>General measures</u> required in response to the shortcomings found will continue to be examined within the framework of the cases Trapani and Muso (No. 1).
<a href="#">CM/ResDH(2017)307</a>	ITA / Craxi No. 2	25337/94	17/10/2003 17/07/2003	<i>Protection of private life: Disproportionate interference in the context of criminal proceedings during which transcripts of interceptions of the suspect's telephone conversation were read out in court and then published in extract in the media</i>	<u>Individual measures</u> : The applicant passed away in 2000. Just satisfaction for non-pecuniary damage paid to his heirs. <u>General measures</u> : Violation caused by malpractice of the court registry and/or erroneous interpretation of relevant provisions by domestic courts. Reform of the Penal Code and

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>due to the failure to provide safe custody of the transcripts and to carry out effective inquiries into how they were released into the public domain as well as the failure by the domestic court to comply with statutory procedures before the intercepted telephone conversations were read out at a court hearing. (Article 8 twice)</i>	the Code of Criminal Proceedings covering also the interception of telephone conversations approved by the Deputies Chamber in 2017. A new offence will be introduced concerning the fraudulent dissemination of the content of recordings undermining the reputation of others. The judgment was published and disseminated.
<a href="#">CM/ResDH(2017)80</a>	ITA / Di Belmonte No. 1 and 1 other case	72638/01+	16/06/2010 16/03/2010	<i>Protection of property: Delay in the execution of a final judgment awarding compensation for expropriation leading to the application of a new tax system and creating thus a tax liability. (Article 1 of Protocol No. 1)</i>	<i>Individual measures:</i> Just satisfaction in respect of pecuniary damage and non-pecuniary damage paid. <i>General measures:</i> The Court of Cassation found in 2013 that delayed payment of authorities of compensation for expropriation could not result in the application of the less favourable taxation introduced by Law no. 413/91. The judgment was translated, published and disseminated to the competent authorities.
<a href="#">CM/ResDH(2017)206</a>	ITA / Gallardo Sanchez	11620/07	24/06/2015 24/03/2015	<i>Protection of rights in detention: Unjustified detention caused by significant delays occurred at various stages of an extradition procedure concerning a Venezuelan citizen extradited to stand trial in Greece. (Article 5 §1f)</i>	<i>Individual measures:</i> No request for just satisfaction was submitted. <i>General measures:</i> According to the Greek Penal Code, the duration of the period of detention of remand in a foreign country will be taken into consideration when determining the concrete sentence. The overall length of the extradition proceedings was due to the passivity of the authorities concerned. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)6</a>	ITA / Ganci and 12 other cases	41576/98+	30/01/2004 30/10/2003	<i>Access to and efficient functioning of justice: Ineffectiveness of judicial reviews of the lawfulness of restrictions imposed under Article 41bis of the Prison Act, on account of delays in the examination of complaints against ministerial decrees imposing these restrictions; lack of access to court to challenge the placement in a high-level surveillance prison; unlawful control of the</i>	<i>Individual measures:</i> No just satisfaction awarded. <i>General measures:</i> Law No. 94/2009 partially modified Article 41bis, extending to four years the period of validity of the decrees of the Ministry of Justice imposing this special detention regime (and to two years possible prorogations), also extending to twenty days the term to appeal against the decrees. The supervisory court competent to decide on the appeals is the Court of Rome, instead of the court having

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>prisoners' and lack of a respective effective remedy. (Articles 6 §1 and 13 and Article 13 in conjunction with Article 8)</i>	jurisdiction on the prison of detention (as before the reform). In its decision No. 14487 of 03/03/2004, the Court of Cassation, confirmed that it was not possible to complain to the supervisory magistrate to object per se to the application of the high-level surveillance regime, but that an appeal is possible to the courts responsible for the execution of sentences in case of specific violation of basic rights in the context of that regime. Law No. 354/1975 on the administration of prisons was amended by Law No. 95/2004, thus reinforcing the safeguards with regard to the right to respect of correspondence (see <a href="#">CM/ResDH(2005)55</a> in Calogero Diana group).
<a href="#">CM/ResDH(2017)424</a>	ITA / Luordo and 23 other cases	32190/96+	17/10/2003 17/07/2003	<i>Access to and efficient functioning of justice: Unjustified restrictions on the applicants' individual rights following bankruptcy proceedings and the excessive length of these proceedings since the 1990s (Articles 6 § 1, 8, 13, 1 of Protocol No. 1, 3 of Protocol No. 1, and 2 of Protocol No. 4);</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The Government drew the attention of the authorities concerned to the need to accelerate those domestic proceedings, which had not yet been closed at the time the judgment became final. Restrictions imposed on the applicants were lifted pursuant to Legislative Decree No. 5/2006. <i>General measures</i> required in response to the shortcomings found will continue to be examined within the framework of the case <i>Collarile and Others</i> .
<a href="#">CM/ResDH(2017)103</a>	ITA / Maiorano and Others	28634/06	15/03/2010 15/12/2009	<i>Right to life: Responsibility of judiciary and prosecutors for a double murder committed by a dangerous offender on the day of his release and ineffective investigations. (Article 2 substantive and procedural limb)</i>	<i>Individual measures:</i> Just satisfaction paid. No further disciplinary measure can be taken against the enforcement judges or against other State agents pursuant to the non <i>bis in idem</i> rule and on account of the expiry of the limitation period. <i>General measures:</i> The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)289</a>	ITA / Mostacciolo Giuseppe No.	64705/01+	29/03/2006 Grand Chamber	<i>Access to and efficient functioning of justice: Delay in the payments of sums awarded in the framework of a compensatory remedy ("Pinto") to</i>	<i>Individual measures:</i> Just satisfaction, where awarded, was paid. Proceedings which had given rise to "Pinto" applications

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	1 and 118 other cases			<i>victims of excessively lengthy proceedings, and on account of the excessive length of "Pinto" proceedings themselves. (Articles 6 §1 and 1 of Protocol No. 1)</i>	and were still ongoing were brought to the attention of the relevant domestic courts with a view to expediting them. <i>General measures:</i> Since 01/01/2016, the "Pinto" Act provides for the possibility to have recourse to additional funds once the budgetary resources earmarked for payments of "Pinto" compensation are exhausted, preventing excessive delays in the payment. By the allocation of additional funds to the Ministry of Justice in 2015-2017 and the assistance provided by the Bank of Italy in handling the payments, the settlement of the arrears of the "Pinto" debt was achieved, resulting in a significant reduction in the number of "Pinto" proceedings pending before courts of appeal and in their average length. The examination of outstanding questions will be pursued in the context of the Olivieri and Others case, namely the 2012 reform of the "Pinto" remedy, which restricted the access to the "Pinto" remedy and excluded compensation for proceedings lasting less than 6 years, and its ineffectiveness in cases of excessive length of administrative proceedings.
<a href="#">CM/ResDH(2017)182</a>	ITA / Oliari and Others	18766/11+	21/10/2015 21/07/2015	<i>Protection of private and family life: Lack of legal recognition and protection for unions between same-sex partners in the Italian legal system. (Article 8)</i>	<i>Individual measures:</i> Just satisfaction in respect of the non-pecuniary damage paid. <i>General measures:</i> A specific legal framework which guarantees the recognition and protection, in the form of a civil union, of committed and stable same-sex relationships was adopted in May 2016.
<a href="#">CM/ResDH(2017)156</a>	ITA / Pilla	64088/00		<i>Protection of rights in detention: Unlawful detention due to the belated delivery of a decision on remission of sentence, i.e. after the date of actual release, leading to an additional unjustified period of imprisonment and lack of compensation for unlawful detention. (Article 5 §§1+5)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> Erroneous application of provisions of presidential decree No. 394/1990 concerning remission of sentence. Isolated case. Concerning the right to compensation, the Constitutional Court declared unconstitutional the denial of compensation for unlawful detention, on the basis of Article 314 Code of Criminal Procedure, in cases where the execution of a sentence had

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					been ordered. The Constitutional Court and the Court of Cassation changed their case-law accordingly. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)308</a>	ITA / Zeciri and 1 other case	55764/00+	04/11/2005 04/08/2005	<i>Protection of rights in detention: Unlawful detention in view of expulsion and absence of sufficiently reliable means to obtain redress for the unlawful detention. (Article 5§§1+5)</i>	<u>Individual measures:</u> In one case, the finding of a violation constituted in itself sufficient just satisfaction for the non-pecuniary damage. Just satisfaction for non-pecuniary damage paid in the second case. Both applicants were released. The second applicant was granted refugee status. <u>General status:</u> The unlawful detention was based on an error committed by the domestic authorities; thus isolated case. The question of possibilities of redress will be examined in the context of the group Richmond Yaw and Others.
<a href="#">CM/ResDH(2017)268</a>	LIT / A.N.	17280/08	31/08/2016 31/05/2016	<i>Access to and efficient functioning of justice and protection of private life: Absence of proper procedural safeguards in proceedings to deprive a person suffering from mental disorders of his legal capacity and disproportionate interference with private life due to failure to take into account the kind or degree of the mental disorder. (Articles 6 §1 and 8)</i>	<u>Individual measures:</u> The finding of a violation constituted in itself sufficient just satisfaction for any non-pecuniary damage. In reopened incapacitation proceedings, on the basis of forensic examination, the applicant's incapacitation was amended and limited to only one field of non-financial matters. <u>General measures:</u> Legislative reform comprised amendments of the Civil Code, the Code of Civil Procedure and the Law on the State Guaranteed Legal Aid as well as also other legislative changes. A person who cannot understand or control his actions in a particular area of his life because of psychological illness may be declared legally incapacitated in the respective area by court decision. The court must restore legal capacity in those areas if health improves. A request to declare a person legally incapacitated in a certain area may be submitted by his spouse, parents or adult children, a care institution or a prosecutor, who may also request that the court restore legal capacity. Such requests for restoration of legal capacity may be lodged, no more than once per year, also by the person declared legally incapacitated himself/herself. It may also be lodged by the Incapacitated Persons' Review Commission, a

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					new independent body to be established in every municipality. Change of case-law of the Supreme Court with regard to procedural rights of the person concerned in incapacitation proceedings. The judgment was translated, published and disseminated. The case is registered as similar to D.D.
<a href="#">CM/ResDH(2017) 266</a>	LIT / Banel	14326/11	18/09/2013 18/06/2013	<i>Right to life: Lack of effective investigation resulting in failure to establish the responsibility of the administrative authorities for the accidental death of a thirteen-year old boy in a public place and lack of due diligence to protect the boy's life. (Article 2)</i>	<i>Individual measures:</i> Just satisfaction for pecuniary (funeral related) and non-pecuniary damage paid. The pre-trial investigation at issue became time-barred. Compensation for damages caused by unlawful action of public authorities may be claimed. <i>General measures:</i> Isolated violation due to the failure of the legal system as a whole to provide an adequate and timely protection. The judgment was translated, published and disseminated. Particular attention was paid to national case-law with regard to the establishment of the liability of public authorities in the context of safety in public places and award of the compensation for damages in this regard.
<a href="#">CM/ResDH(2017) 214</a>	LIT / Birzietis	49304/09	14/09/2016 14/06/2016	<i>Protection of private life: Unjustified interference due to the authorities' refusal to allow a detainee to grow a beard while he was serving a prison sentence due to an absolute ban on growing beards in the prison regulations. ( Article 8)</i>	<i>Individual measures:</i> No just satisfaction awarded. <i>General measures:</i> The prohibition to grow a beard and a moustache in the Marijampolė Correctional Facility was repealed in 2010. The relevant provisions in the internal rules of all other prisons were also repealed in 2009-2010. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017) 7</a>	LIT / Iljina and Sarulienė	32293/05	15/06/2011 15/03/2011	<i>Protection against ill-treatment: Degrading treatment (physical and mental violence) of a mother and daughter by the police on the staircase of their apartment block when the police attempted to carry out a search at their neighbours' flat and the lack of effective investigation. (Article 3 substantive and procedural limb)</i>	<i>Individual measures:</i> Just satisfaction paid. The applicants did not lodge any request for the renewal of the criminal investigation against the police officers involved within the period prescribed. <i>General measures:</i> Article 214 "Procedure of Suspension of Pre-trial Investigations" of the Code of Criminal Procedure was amended in 2007 to provide that a decision of the pre-trial judge to suspend or discontinue a pre-trial investigation can be appealed to a higher court. The domestic courts' case-law

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					confirms that when pre-trial investigation was not comprehensive and thorough, the appellate instance will quash the impugned decisions of both the prosecutor and the pre-trial judge. In its decision of 23/06/2011 concerning the bodily injuries inflicted in actions of police officers and the State Security Service, the Supreme Administrative Court formulated general principles to be followed by the lower courts. The judgment was translated into Greek, published and disseminated.
<a href="#">CM/ResDH(2017) 267</a>	LIT / Joksas	25330/07	12/02/2014 12/11/2013	<i>Access to and efficient functioning of justice: Denial of a fair hearing due to the administrative courts' failure to assist the plaintiff in obtaining the evidence, to give it appropriate consideration, or at least to provide reasons why this was not necessary. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicant was granted reopening of the impugned proceedings. The Supreme Administrative Court of Lithuania dismissed the applicant's request to cancel the decision to terminate his professional military service contract. <i>General measures:</i> Isolated case. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017) 34</a>	LIT / Kasperovicus	54872/08	20/02/2013 20/11/2012	<i>Protection against ill-treatment: Conditions of the applicant's detention in AnyksCiai Police Detention Facility amounting to degrading treatment. (Article 3)</i>	<i>Individual measures:</i> Just satisfaction paid. <i>General measures:</i> In 2009 the Programme for Optimisation of the Activities of Police Detention Facilities for 2009-2015 was adopted. Its main objective is to ensure the protection of fundamental human rights and freedoms of the persons held in police detention facilities and create a safe and healthy environment. 21 police detention facilities with poor conditions were closed. None of the 17 police detention facilities currently operating has a problem of overcrowding. Access to hygienic sanitary facilities and to out-of-cell activities was improved. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017) 269</a>	LIT / Noreikiene and Noreika	17285/08	24/02/2016 24/11/2015 (Merits)	<i>Protection of property: Significant disproportion between the compensation awarded for the deprivation of land by the authorities and the</i>	<i>Individual measures:</i> Just satisfaction for pecuniary and non-pecuniary damage paid as awarded. Domestic proceedings finalized.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
	and 4 other cases		04/10/2016 04/10/2016 (Just satisfaction)	<i>land's market value; deprivation of property under conditions imposing an excessive burden on the applicants. (Article 1 of Protocol No. 1)</i>	<i>General measures:</i> Erroneous application of domestic law. The judgments were translated, published and disseminated. For details, see also <a href="#">CM/ResDH(2016)66</a> in Pyrantiene group.
<a href="#">CM/ResDH(2017)139</a>	LIT / Paliutis	34085/09	24/02/2016 24/11/2015	<i>Access to and efficient functioning of justice: Domestic courts' failure to hear, in proceedings for reclassification of a plot of land, the applicant's principle request that the county administration be ordered to approve the original detailed area plan. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. In 2012, the applicant's request to change the classification of his land from agricultural to residential was approved by the State Inspectorate for Planning and Construction, thus no re-opening of proceedings is necessary. <i>General measures:</i> Isolated incident. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)313</a>	LIT / Valiuliene	33234/07	26/06/2013 26/03/2013	<i>Protection against ill-treatment: Failure of the domestic authorities to provide adequate protection against acts of domestic violence and discontinuation of criminal proceedings as time-barred, as a result of the flaws in the actions of the relevant State authorities. (Article 3)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. Reopening of proceedings is no longer possible, as the alleged crime had become time barred. <i>General measures:</i> The new law on Protection against Domestic Violence of 2011 provides for measures of protection for the victims of domestic violence. In 2015, the Prosecutor General's Office confirmed in a summary that protection measures available during pre-trial investigations are underused. Recent recommendations issued by the General Prosecutor's Office aimed at ensuring speediness and efficiency of criminal investigations in such cases. Relevant training activities to improve prosecutors' investigative skills were organised. The Police General Commissioner adopted guidelines to improve police diligence and the gathering of evidence in domestic violence cases. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)140</a>	LIT / Varnas	42615/06	09/12/2013 09/07/2013	<i>Discrimination: Unjustified difference in treatment of remand prisoners compared to convicted prisoners as regards conjugal visits. (Article 14 in conjunction with Article 8)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. <i>General measures:</i> A legislative reform amending the Law on Execution of Detention and the Code for the Execution of Sentences ensures equal treatment between remand

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					detainees and convicted prisoners as regards family visits as of 2017 concerning nature, length and frequency of such visits. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)430</a>	LIT / Vasiliauskas	35343/05	20/10/2015 Grand Chamber	<i>No punishment without law: Conviction for genocide for having participated, as an operational agent of the Ministry of State Security of the Lithuanian Soviet Socialist Republic, in an operation which resulted in the killing of two partisans, by retroactive application of criminal-law provisions which were not in force at the time of the impugned events in 1953, neither under domestic nor international law. (Article 7)</i>	<p><u>Individual measures:</u> The finding of a violation constituted in itself sufficient just satisfaction for non-pecuniary damage. In respect of pecuniary damage, the ECtHR awarded the sum granted by domestic courts in civil proceedings brought by an injured party. The applicant died in 2015. His next of kin seized the Supreme Court with a reopening request. In 2016, the Supreme Court decided, taking into account the European Court's findings, to annul the conviction and subsequent decisions of the appellate and cassation instances and to terminate the criminal proceedings against the applicant as he had died.</p> <p><u>General measures:</u> The violation was a result of the improper application of domestic law by domestic courts. Thus they have significantly developed their case law on genocide since the applicant's conviction in 2004. In 2014 the Constitutional Court held, inter alia, that the broad notion of genocide as provided for in the 2003 Criminal Code (which included social and political groups in the range of protected groups) was compatible with the Constitution but could not be applied retroactively. Actions which took place at an earlier date and which had been directed against certain political and social groups might constitute genocide if it could be proved that the aim was to destroy groups that represented a significant part of the nation and whose destruction endangered the survival of the entire nation. The Constitutional Court indicated that Lithuanian partisans constituted such a group, taking into account their activity during the 1944-1953 partisan war. The prosecution authorities and domestic courts adapted their practice taking into account the Constitutional Court's indication and the Vasiliauskas judgments. The authorities now refrain from retroactive prosecution and conviction for</p>

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					genocide of political groups. Accordingly, in February 2016, the Supreme Court upheld the acquittal of a person on genocide charges.
<a href="#">CM/ResDH(2017)209</a>	LTV / L.M.	26000/02	19/10/2011 19/07/2011	<i>Protection of rights in detention: Unlawful involuntary hospitalisation in a psychiatric institution without adequate safeguards in law and practice against arbitrary confinement. (Article 5 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicant was discharged from hospital in 1999. <i>General measures:</i> Important amendments were made to the Law on Medical Treatment in 2007/08, introducing a judicial review procedure in the context of involuntary hospitalisation, the patient's right to participate in the relevant court hearings, the right to appeal, the right to correspondence and to state-funded legal aid to patients. Placement in a psychiatric establishment without the patient's consent, requires his examination by a panel of three psychiatrists within 72 hours of involuntary admission. If the panel decides on involuntary hospitalisation, the hospital informs the competent judge in writing within 24 hours. Within the next 72 hours, a judge reviews the case material in a closed meeting attended by the patient and/or his/her representative, a prosecutor and a representative of the hospital. The judge may decide on the patient's placement in the hospital for a period of up to two months or order his/her release. The decision of the court is subject to appeal to the chairperson of the court. Further extensions of involuntary placement – each for the period not exceeding six months – may be authorised by the judge on the recommendation of the panel of psychiatrists, following the same procedure as for the initial placement. Between 2007 and 2012, 376 decisions on involuntary placements were adopted, out of which 32 rejected. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)234</a>	LUX / A.T.	30460/13	14/09/2015 09/04/2015	<i>Access to and efficient functioning of justice: Lack of assistance by a lawyer during police hearing and lack of communication between the applicant</i>	<i>Individual measures:</i> No just satisfaction awarded. The impugned proceedings were reopened.

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				<i>and his lawyer before the first interrogation by the investigating judge. (Article 6 §3c)</i>	<i>General measures:</i> The Penal Code and the Code of Criminal Investigation were amended in 2017 to grant additional rights to the suspects, implementing four Directives of the European Union. Furthermore, the Act of 08/03/2017 introduced clear regulations concerning the right of access to a lawyer as from the first interrogation, also in the context of a European arrest warrant. The judgment was published and disseminated.
<a href="#">CM/ResDH(2017)311</a>	LVA / Beiere and 1 other case	30954/05+	29/02/2012 29/11/2011	<i>Protection of rights in detention: Failure of domestic courts to offer, in the context of criminal, sufficient protection against an arbitrary detention in a psychiatric hospital for an assessment of the defendants' mental state. The respective court order was adopted in absentia and without hearing or informing the person concerned. (Article 5 §1b)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicants were discharged from hospital. <i>General measures:</i> The judgments were published and disseminated. Amendments to the Criminal Procedure Law in 2014 introduced mandatory participation - in the court hearing on compulsory measures of a medical nature - of the suspect/accused in relation to whom these measures are being considered, with decisions in absentia possible only if, according to an expert opinion, the health condition of the person concerned does not permit his/her participation. In this case the person's representative should participate at the hearings. The right of the person concerned to appeal against the court's order is granted. The decision to apply a compulsory medical measure shall be executed immediately after entering into effect. As concerns the issues related to the legal representation, the amendments to the Criminal Procedure Law imposing mandatory participation at the court hearing of the person have also addressed the problem of contact with his/her defence counsel. According to the Bar Association, the communication between the lawyers and their clients to whom compulsory measures are applied is organised in the same way as with detained persons.
<a href="#">CM/ResDH(2017)212</a>	LVA / Calovskis	22205/13	15/12/2014 24/07/2014	<i>Protection against ill-treatment and of rights in detention: Placement in a metal cage during the court hearing at the Supreme Court; unlawful authorisation by the domestic courts of the</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The applicant was released from detention with a view to extradition as his transfer was not possible within the detention terms provided by law.

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				<i>applicant's detention in view of his extradition to the U.S.A. without a reasonable basis to believe that the applicant had committed the offences for which extradition was sought (violation of Article 5 § 1 (f)); and the lack of judicial review of the applicant's detention with a view to extradition. (Articles 3 and 5 §§1f+ 4)</i>	<i>General measures:</i> By April 2015 metal cages had been completely dismantled in the first-instance and appellate courts. Case due to the lack of sufficient knowledge of the ECHR standards by national judges. Awareness-raising measures were implemented in order to improve theoretic knowledge and practice of domestic courts. Amendments to the Criminal Procedural Law in 2016 provide for the mandatory periodic judicial review of the lawfulness of the detention in the context of extradition proceedings. The review shall be carried out by the investigative judge upon the request of the person concerned or his lawyer. In the absence of such a request, it shall be carried out by the investigative judge <i>proprio motu</i> once every two months. The amendments also grant prosecutors authority to immediately release the individual concerned from detention in case if the respective detention request was refused. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)158</a>	LVA / Camans and Timofejeva	42906/12	28/07/2016 28/04/2016	<i>Protection of rights in detention: Deprivation of liberty of an employee by means of his handcuffing by officers of the State Revenue Service during a site inspection at the company without record of the arrest, contrary to the provisions of the domestic law. (Article 5 §1(c))</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> Isolated case. The judgment is included in the Practice Guide on the ECHR's case-law on Article 5 standards, used by the Latvian Judicial Training Centre. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)210</a>	LVA / Cesnieks	9278/06	11/05/2014 11/02/2014	<i>Access to and efficient functioning of justice: Unfairness of criminal proceedings due to the use of evidence obtained through ill-treatment of the accused. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. In reopened proceedings, the court based the applicant's new conviction on the analysis of existing mutually concordant indirect evidence, particularly, the analysis of the phone-call logs between the applicant and co-accused persons. Thus the Supreme Court rejected in 2016 the applicant's appeals on points of law noting that there were no doubts with regard to the admissibility of evidence used by the appellate court in its reasoning and minor issues remaining

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					were not sufficient to cast any doubts as to the applicant's guilt. The applicant is currently at liberty. <u>General measures:</u> The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)81</a>	LVA / Davidsons and Savins	17574/07+	07/04/2016 07/01/2016	<i>Access to and efficient functioning of justice: Lack of impartiality of the appeal instance court due to the composition of the trial court bench as the same judges had, at an earlier stage of the criminal proceedings, decided on one of the applicants' pre-trial detention. (Article 6 §1)</i>	<u>Individual measures:</u> The just satisfaction awarded in respect of non-pecuniary damage was paid. The applicant did not request reopening of domestic proceedings. He was released from prison after serving his prison sentence. <u>General measures:</u> Isolated incident. The judgment was translated, published and disseminated and is used in training activities for judges.
<a href="#">CM/ResDH(2017)312</a>	LVA / Jeronovics and 1 other case	547/02+	01/03/2010 01/12/2009	<i>Access to and efficient functioning of justice and protection against ill-treatment / conditions of detention: Unfair criminal proceedings due to impossibility for detained defendants to appear at the hearing before the Supreme Court; conditions of prison transfers and conditions in isolation cells in the Rēzekne prison. (Article 6 §1 and 3)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. One applicant is released; the other applicant serves a prison sentence in a different context. The violations were purely procedural and new cassation hearings unlikely to result in a different solution in the applicant's domestic cases. <u>General measures:</u> Isolated incidents which resulted from clerical errors and overly formalistic approach by the domestic courts that failed to take necessary measures in due time to ensure the applicants' participation at the hearings in the cassation instance. The new Criminal Procedure Law 2005 provides that the court has to inform the detained defendant about his/her right to request participation at the court hearing and that the presence must be ensured by the competent authority. As concerns prison conditions, f legislation on living standards in prisons, including in isolation cells was adopted in 2006: minimum living space per detainee

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					<p>(from 4 m2 per prisoner) and other conditions of detention (light, ventilation, furniture, toilets, outdoor walks, personal hygiene, meals, drinking water etc.). The isolation cells in the Admission Unit in Daugavgrīva Prison are equipped with furniture, have sanitary facilities separated from the rest of the cell, have ventilation and artificial lighting as well as access to natural light; the living space is not less than 4 m2 per prisoner. The transfer of inmates is organised based on the interdepartmental agreement 2006 between the State Police, the Court Administration and the Prison Authority and in compliance with the route schedule which is coordinated among the State Police and the Prison Authority. The detainees in Admission Unit are provided with food three times a day and with snacks and water during their transfers from one prison to another. The Administrative Procedure Law 2004, provides for the right to challenge administrative acts and actions of a public authority before the administrative courts and the right to receive appropriate compensation for pecuniary and non-pecuniary damage caused by an administrative act or action of a public authority. The judgment was translated, published and disseminated.</p>
<a href="#">CM/ResDH(2017)312</a>	LVA / Jeronovics No. 2	44898/10	05/07/2016 Grand Chamber	<i>Protection against ill-treatment: Refusal to reopen criminal proceedings in respect of which the State had submitted a unilateral declaration resulting in the striking out of the previous case deprived the applicant of the benefit of an effective investigation. (Article 3 procedural limb)</i>	<p><i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. Reopening of discontinued criminal investigations into allegations of ill-treatment by police officers became time-barred in 2011.</p> <p><i>General measures:</i> Training activities for law enforcement officials on human rights issues were reinforced.</p>

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
<a href="#">CM/ResDH(2017)122</a>	LVA / Korvakovs and 5 other cases	61005/00	15/09/2006 15/06/2006	<p><i>Right to individual petition, protection of private life and correspondence, protection of rights in detention as well as access to and efficient functioning of justice: In detention, censorship of correspondence with and refusals to dispatch letters to the ECHR, interception of a letter addressed to the ECHR and imposition of a punishment as well as assertion by the prison administration that authorisation from a national judge is required before writing to the ECHR; ban on correspondence in detention to their families); refusals to allow family visits as well as unlawful expulsion from Latvia in one case.</i></p> <p><i>Automatic extension, without a legal basis, of detention on remand; excessive length of detention on remand due to insufficient grounds to justify it and lack of "particular diligence"; excessive length of criminal proceedings; refusal to let detainees participate in religious ceremonies during pre-trial detention; failure to provide adequate food on the days of the trial.</i></p> <p><i>(Articles 34, 5 §§1+3, 6 §1, 8 and 13 in conjunction with 8, 9 and 3)</i></p>	<p><b>Individual measures:</b> Just satisfaction for non-pecuniary damages paid. None of the applicants is still detained pending trial. The criminal proceedings were completed.</p> <p><b>General measures:</b> Concerning Article 34: The Code on Enforcement of Sentences 2004 and the Law on Procedure for Keeping Apprehended Persons prohibits censorship of prisoners' correspondence with international and national human rights institutions and organisations, the Prosecutor's Office, courts and defence counsel. Postal expenses for such correspondence are covered from budgetary means of the facility. Allegations of censorship of the prisoners' correspondence with the ECHR can be challenged before administrative courts which can prohibit a specific practice and award compensation, if requested.</p> <p>Concerning Article 8: For general measures see <a href="#">CM/ResDH(2009)131</a> in Lavents and Jurjevs. The Law on Procedure for Detention on Remand 2006 established a right of arrested persons to meet relatives and other persons for one hour per month. Following a Constitutional Court ruling of 2009 concerning long-term visits as well as the length, frequency and the modalities of short-term visits, this law was amended. Decisions by the prison administration related to visits can be appealed against to the Head of Prison Administration and the administrative court. Restrictions on visits imposed by an investigating judge or a court can be appealed in proceedings according to the Criminal Procedure Law. The deportation on the basis of a judgment with was not final yet constituted an isolated incident.</p> <p>Concerning Article 5 §1(c): A new Criminal Procedure Law 2005 introduced the function of investigative judge who may decide on the application of and complaints against measures like detention, house arrest, placement in an institution. The new law also imposes maximum duration of detention on remand and provides for regular judicial review of detention orders - or at any time on the detainee's request - at two levels of</p>

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					<p>jurisdiction. The violation of Article 5 §1(c) in the case of Čistiakov was of an isolated nature.</p> <p>Concerning Article 6 §1: To accelerate criminal proceedings, a written procedure before the appellate courts, a video conference systems and an obligation for the appellate courts to examine written evidence examined by the first instance court at the request of the defence, prosecution or victim were introduced. The new Criminal Procedure Law of 2005 established a compensatory remedy for complaints of unreasonably lengthy criminal proceedings.</p> <p>Concerning Article 9: The 2006 Law on Procedure of Detention on Remand established a Prison Administration Chaplain Service responsible for religious activities and access to a priest of the detainee's religion. Regulation No. 423 On Internal Rules of the Places of Deprivation of Liberty amended in 2011 contain similar provisions and allow pre-trial detainees to keep religious items in their cells. Alleged interferences by the authorities with detainees' freedom of religion can be challenged in the administrative courts.</p> <p>Concerning Article 3: The Cabinet of Ministers' regulation No. 1022 of 2006 provides nutritional standards for detainees, including during short-term transfers to court hearings or for participation in investigation activities.</p>
<a href="#">CM/ResDH(2017)64</a>	LVA / L.H.	52019/07	29/07/2014 29/04/2014	<i>Protection of private life: Unjustified interference due to collection of personal medical data from different medical institutions by a State agency (MAKKEDI) in the process of an administrative inquiry concerning the applicant's health care on the basis of legal provisions lacking sufficient precision and adequate legal protection against arbitrariness. (Article 8)</i>	<p><i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The data collected by the State agency in connection with the domestic dispute between applicant and hospital were destroyed.</p> <p><i>General measures:</i> Changes to the respective legal framework for the protection of the medical data, including in the context of review of the quality of health care, were introduced and the competence of public institutions clarified. By Cabinet of Ministers' Order no. 432 from 2007, the MADEKKI was integrated in the Health Inspectorate. The Administrative Procedure Law provides for safeguards and restrictions, if for</p>

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					<p>decision-making an institution needs to obtain private information on a person, including on his/her state of health state. The person concerned must be informed on the legal basis and the purpose as well as whether provision of such information is required by law or is voluntary. Concerning the protection of patient data, the 2009 Law on the Rights of Patients provides that such data may be used only with the written consent of the patient or in cases provided by this law. The law lists public healthcare institutions, including the Health Inspectorate, that may receive, collect and use patient data. The Health Inspectorate is authorised to collect patient data for ensuring the supervision of the healthcare sector. The range of supervisory functions is defined in its Statute, approved by the Cabinet of Ministers in 2008. The procedure for collection of patient data is established in its Internal Rules adopted by it on 23 June 2013. These rules require that, in case an investigation is initiated by the Health Inspectorate, an expert should evaluate the scope of information necessary and determine the time-period of the data to be processed. The judgment was translated, published and disseminated.</p>
<a href="#">CM/ResDH(2017)211</a>	LVA / Meimanis	70597/11	21/10/2015 21/07/2015	<i>Protection of private life and correspondence: Interference due to interception of telephone conversations without the ex post facto judicial approval for the interception of cell phone conversations by a competent judicial authority. (Article 8)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. In the light of the applicant's full confession, the evidence obtained by the disputed surveillance measures had no role in his conviction by the appellate court. <i>General measures:</i> The case resulted from inconsistency between the legislative framework (the Law on Operational Activities) and the practice of domestic law-enforcement authorities. Therefore the Constitutional Court held in 2011 that an ex post facto approval by the President of the Supreme Court, or a specially authorised judge, of the operational measures needs to be obtained notwithstanding that the measure in question was terminated in less than 72 hours. The domestic authorities are bound by this

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					interpretation. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)310</a>	LVA / O.G. (No. 2)	69747/13	30/09/2016 30/06/2016	<i>Protection of rights in detention: Unlawful detention and admission in a psychiatric hospital with the aim of bringing a person, having missed two appointments with a doctor, under compulsory outpatient treatment without concrete legal provision or specific judicial decision. (Article 5§1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicants were discharged from hospital and compulsory measures were revoked. <i>General measures:</i> The judgment was translated, published and disseminated. According to amendments to the Criminal Procedure Law, the opinion on the revocation or modification of a compulsory measure is now prepared by the psychiatrist treating the patient and not as previously by the medical commission. Amendments to the Medical Treatment Law provide that if a person to whom a compulsory measure of medical nature was applied does not comply with it, his/her doctor should immediately notify the competent court, which can decide on the actions to be adopted against a person not complying with compulsory medical measures. A survey conducted by the Ministry of Health confirmed that these changes are applied in practice. Thus, if a person fails to appear before a doctor as provided by the court order, first a phone call to the patient will be made and a reminder letter sent. If this brings no results, then the hospital will notify the competent court.
<a href="#">CM/ResDH(2017)208</a>	LVA / Raudevs	24086/03	17/03/2014 17/12/2013	<i>Protection of rights in detention: Unlawful confinement to a psychiatric hospital for compulsory medical treatment, after a conviction for "defamation of state officials" without criminal liability on account of the accused person's state of mental health; excessive time lapse between last medical examination and execution of the decision; failure to review the lawfulness of the applicant's detention within a reasonable time after the offence was declared unconstitutional and repealed as well as lack of compensation for</i>	<i>Individual measures:</i> Just satisfaction awarded for non-pecuniary damage was paid. The applicant was released from the psychiatric hospital. The domestic court's decision of 2002 ordering applicant's compulsory confinement in a psychiatric hospital was revoked. <i>General measures:</i> The new Criminal Procedure Law 2005 provides that the decision on compulsory measures of medical nature should be executed immediately after entering into effect and regulates the procedure for seeking a new opinion of the medical commission in cases in which execution of such measures is delayed for over six months after entering into

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				<i>the allegedly unlawful detention. (Article 5 §§ 1+4+5).</i>	effect of the decision ordering respective measure. Also, the decision ordering a compulsory measure of medical nature can be appealed by the person to whom this measure has been applied, his/her legal representative, spouse, or other kinsperson. The Civil Law, as amended in January 2013, allows a person deprived of his/her legal capacity to defend personally his/her rights before the domestic courts and State institutions in relation to the restrictions imposed on his/her legal capacity. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017) 345</a>	LVA / Rubins	79040/12	01/06/2015 13/01/2015	<i>Freedom of expression: Disproportionate interference due to the dismissal by the domestic courts in the context of a labour dispute, of a professor's appeal against the University's decision to terminate his employment following his criticisms directed at the University. (Article 10)</i>	<u>Individual measures:</u> The just satisfaction awarded on an equitable basis for pecuniary and non-pecuniary damage paid in time. The applicant seized the Supreme Court with a request to reopen the contested civil proceedings. The Supreme Court dismissed the request finding that there is no need to do so because the violation had been properly addressed by the judgment. <u>General measures:</u> Isolated incident. The judgment was published and disseminated and included in the programme of the Latvian Judicial Training Centre for judges of the regional courts and the Supreme Court.
<a href="#">CM/ResDH(2017) 213</a>	LVA / Santare and Labazņikovs	34148/07	30/06/2016 31/03/2016	<i>Protection of correspondence: Arbitrary interference due to covert interception in of telephone conversations in the framework of the criminal proceedings without possibility to verify whether the interference had been carried out on the basis of a prior judicial authorisation and failure of domestic courts to effectively review the lawfulness of the contested measure contrary to existing legal provisions. (Article 8)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. <u>General measures:</u> The Criminal Procedure Law 2005 provides that whenever information obtained through surveillance measures is used as evidence in criminal proceedings, the case file should include a reference letter with the respective authorisation mentioning the authorising institution, the date and period of time for which the measure had been authorised. Such reference letters, issued by the Supreme Court, allow the persons concerned to verify whether the evidence was obtained in compliance with the prescribed procedure. Amendments to the Criminal Procedure Law of

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					2014 enhanced the competence of the judiciary concerning the admissibility of evidence obtained as a result of special operative measures: Upon an arguable claim by the prosecutor, victim, defendant or defence counsel, the trial court must consider material resulting from classified special investigation related to the pieces of evidence used in criminal proceedings. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)123</a>	LVA / Svipsta	66820/01	09/06/2006 09/03/2006	<i>Protection of rights in detention and/or access to and efficient functioning of justice:: Lack of an effective judicial review of detention on remand, given the insufficient reasoning of the detention orders, the fact that defence counsel could not have access to the investigation file and the absence of any remedy at the judgment stage as well as excessive length of criminal proceedings. (Articles 5 §§1 and/or 3 and/or 4 as well as 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damages paid. All of the applicants were released from prison. For <i>General measures</i> see <a href="#">CM/ResDH(2009)131</a> in Lavents and Jurjevs. Two new laws reformed the Code on Criminal Procedure in 2005 introducing the function of investigative judge supervising the observance of human rights in criminal proceedings and deciding on the application and extension of certain means of restraint (detention, house arrest, placement in an institution) as well as on complaints related to other means of restraint (e.g. restraint order, bail, conditions of police supervision). The new law also imposes several time-limits for pre-trial detention and provides for regular judicial review of detention orders - or at any time on the detainee's request - at two levels of jurisdiction. The Ministry of Justice's action plan "On strengthening the capacity and enhancement of competences of law enforcement personnel in 2015-2020 provides extensive training of judiciary and law-enforcement personnel on human rights issues. The Latvian Judicial Training Centre provides professional education for judges, including investigating judges, on the application and reviewing of security measures in the pre-trial stage of criminal proceedings. Access to relevant case file material was established by amendment of the CCP in 2013. A compensatory remedy unreasonably lengthy criminal proceedings was introduced in the CCP in 2005 and amended in 2009 to allow a discontinuation of proceedings or a

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					reduction of the sentence. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)368</a>	MDA / Bujnita and 1 other case	36492/02+	16/04/2007 16/01/2007	<i>Access to and efficient functioning of justice: Denial of a fair trial in criminal proceedings due to the quashing of a final judicial decision in the favour of the accused on initiative of the Prosecutor's General Office. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. In one case the applicant was acquitted in reopened proceedings. In the other case, proceedings were discontinued. <i>General measures:</i> In 2003 in the new Code of Criminal Procedure, the annulment procedure was significantly reformed and made available to both parties. An annulment request may be filed for rectifying errors of law committed in the course of proceedings only if a fundamental error affected the judicial decision complained of, including a major violation of the rights and freedoms guaranteed by the Convention, other international treaties and domestic legislation. Statistical data show that after the adoption of the new legislation the number of requests for annulment admitted by the Supreme Court has dropped significantly. Thus, in 2010 this number decreased by 50% as compared to 2009. In 2011, only 8, 1 % of all annulment requests were upheld: out of these cases only 2 were sent for retrial. No acquittal judgment had been quashed. A later amendment of the Code of Criminal Procedure in 2014 provided that decisions of an investigative judge are irrevocable unless they concern the refusal to initiate, to terminate or to reopen criminal proceedings. The later decisions can be appealed against before the Court of Appeal within 15 days from delivery. Decisions of an investigative judge cannot be appealed against by means of a request for annulment.
<a href="#">CM/ResDH(2017)410</a>	MDA / Christian Democratic People's Party	28793/02+	14/05/2006 14/02/2006	<i>Freedom of association: Unjustified interference with the right to peaceful assembly through imposition of sanctions for holding demonstrations (temporary ban of a political party in the case of the Christian Democratic</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The temporary ban on the CDPP's activities was lifted. Arrested applicants were released. <i>General measures:</i> A new law on the Organisation and Conduct of Assemblies was adopted in February 2008 lifting

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
	(CDPP) and 8 other cases			<p><i>People's Party, fining of the participants in the demonstration in the Rosca, Secareanu and Others and the Solari cases as well as suppression of the demonstration by police and arbitrary arrest of participants in the Hyde Park and Others Nos.5 and 6 cases). (Article 11)</i></p> <p><i>Other violations: Unlawful arrest and detention. (Article 5 §1)</i></p>	<p>the requirement to obtain prior authorisation to hold a public event. The organisers of public events involving more than 50 participants are under the obligation only to notify the local public authorities their intention five days in advance with information on its time and place. Procedures applicable for the notification of spontaneous public gatherings are simplified. The local administration can only recommend to the organisers a change of place and time if necessary for the peaceful holding of the gathering. An assembly can be prohibited or its time, place or form changed only by court decision within three days upon a reasoned request made by a local administration. Reasons for prohibition are instigation of aggression, war, national, racial, ethnic or religious hatred, public discrimination or violence, or national security or territorial integrity of the State, perpetration of crimes, violation of public order or organisation of mass riots, violation of public morality, the rights and freedoms of other persons or endangering their lives and health. This court decision can be appealed within three days. Initiation of judicial proceedings by the local administration shall not suspend the right to hold a public event. In 2011 the Supreme Court adopted an explanatory decision concerning the application by the domestic courts of the Law on Assemblies and other related legislation. Since 2008, the Chişinău mayor's office has received 6,865 notifications, proposed changes of time and place in 27 cases and seized the courts in 11 cases. Awareness-raising events were conducted for police officers, judges and prosecutors. The judgments were published, translated and disseminated.</p> <p>General measures concerning unlawful arrest and detention are examined in the Musuc/Gutu/Brega groups of cases.</p>
<a href="#">CM/ResDH(2017)290</a>	MDA / Danalachi	25664/09	17/12/2013 17/09/2013	<i>Protection of rights in detention: Unlawful detention due to delay in release after the appeal</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
	(part of Sarban group)			<i>court had quashed the first instance judgment ordering detention. (Article 5 §1)</i>	<i>General measures:</i> Isolated incident. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)425</a>	MDA / Eremia and 2 other cases	3564/11	28/08/2013 28/05/2013	<i>Discrimination on the ground of gender and protection against ill-treatment: Authorities' failure to provide protection from domestic violence and their discriminatory attitude displayed towards the victims based on their gender. (Articles 3 and 14 in conjunction with 3)</i> <i>Other violations: Failure to take adequate measures to protect two minor daughters from witnessing their father's violent assaults on their mother and the recurrence of such behaviour. (Article 8)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The local authorities, police and social services conducted periodic visits to the applicants' houses and set up a continued supervision plan for their safety. There were no new occurrences of violence with regard to the applicants. <i>General measures:</i> The Ministry of Labour, Social Protection and Family continues to implement a general policy to reduce domestic violence through a national prevention mechanism and the Inter-Ministerial Committee for combatting domestic violence. The Ministry drafted relevant amendments to 11 legislative and administrative acts, which include new provisions in the Criminal Code allowing more efficient prosecution of domestic violence, the possibility for the police under ex-post judicial supervision to issue orders in cases of immediate threat and other urgencies, additional social benefits for victims, guarantees of the legal aid for victims, the right of the victim to claim compensation for serious bodily injuries or health damage from the aggressor or the authorities, the creation of a state-supported website concerning family violence, the organisation of regular training for emergency assistance services and free counseling. In May 2013, the Supreme Court adopted a recommendation on protective measures and urgent interim measures for victims of domestic violence. In order to change the population's perception of domestic violence and raise the level of knowledge on this issue and on the relevant legislation regular awareness-raising campaigns are organized.
<a href="#">CM/ResDH(2017)369</a>	MDA / G.B. and R.B. and 1 other case	16761/09+	18/03/2013 18/12/2012	<i>Protection of private and family life: Disproportionate interference on account of the low amount of compensation awarded by domestic courts, in the first case, for the</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. Reopening of the domestic proceedings not necessary, as the insufficient compensation awarded by

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				<i>sterilisation performed without the applicant's permission during a Caesarean section and in the second case for health damage caused by drinking contaminated water provided by a state-owned company. (Article 8)</i>	national courts is compensated by the just satisfaction awarded by the ECHR. <i>General measures:</i> A Supreme Court of Justice Decision of 2012 encourages domestic courts to directly apply the ECHR when solving the cases related to payment of compensations for non-pecuniary damage, and to ensure that their amount is proportional according to ECHR's case-law. In November 2016, 60 judges and prosecutors were trained in a course with the topic „Rules of awarding just satisfaction according to Article 41 ECHR“, organised by the National Institute of Justice.
<a href="#">CM/ResDH(2017)125</a>	MDA / Lilia Conev	28431/08	07/10/2014 Friendly settlement with undertakings	<i>Protection of rights in detention: Alleged poor material conditions of detention in Prison no. 13 in Chisinau and lack of adequate medical care as well as lack of an effective domestic remedy in this respect. (Article 3 and 13)</i>	<i>Individual measures:</i> Just satisfaction paid. The applicant was transferred to execute her sentenced in Prison no. 7 for women in the Rusca village where she is currently detained.
<a href="#">CM/ResDH(2017)347</a>	MDA / Radu	50073/07	15/07/2014 15/04/2014	<i>Protection of private life: Unlawful interference on account of the disclosure of information of a medical nature by a medical institution to a person's employer, including sensitive details about her pregnancy, her state of health and treatment received despite an explicit prohibition in domestic legislation to disclose such information. (Article 8)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The medical documents at issue were destroyed by the employer. <i>General measures:</i> A new Law on the protection of personal data 2012 sets up rules and proceedings for protection and management of personal data under the supervision of the Centre for Protection of Personal Data. It was adopted in the framework of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data 1981 and the Additional protocol thereto 2001 as well as Directive 95/46/EC of the European Parliament and of the Council of 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data. Instructions were issued by the Ministry of Health to all medical institutions. The judgment was published and disseminated. It is used in training activities by the National Institute of Justice.

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<a href="#">CM/ResDH(2017)124</a>	MDA / Savca	17963/08	15/06/2016 15/03/2016	<i>Protection of rights in detention: Poor material conditions of detention and overcrowding in Prison no. 13 amounting to degrading treatment and remand in custody contrary without relevant and sufficient reasons. (Article 3 and 5 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damages paid. The applicant was released. <i>General measures:</i> In May 2016, Parliament adopted amendments to the Criminal Procedural Code to align it with a prior Constitutional Court's decision. Thus, Article 186 of the CPC now provides that detention on remand cannot exceed 12 months for both pre-trial and trial stages of criminal proceedings until the first instance sentence on the case, including in case of an examination de novo. The previous provision allowing the extension of detention on remand in exceptional cases beyond the 12-month period was excluded. Training courses for prosecutors and judges are organised in partnership with the CoE. The judgment was translated, published and disseminated. General measures taken in improve conditions of detention are examined in the Ciorap group of cases.
<a href="#">CM/ResDH(2017)367</a>	MDA / Ziaunys	42416/06	28/11/2016 11/02/2014	<i>Protection of property: Unlawful interference on account of the seizure of the banknotes issued by the self-proclaimed bank of the "Moldavian Republic of Transnistria". (Article 1 of Protocol No. 1)</i>	<i>Individual measures:</i> Just satisfaction for pecuniary damage and non-pecuniary damage paid. The seized banknotes were returned to the applicant, who took them out of the country. <i>General measures:</i> Isolated cases. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)293</a>	MKD / Association of Citizens "Radko" and Paunkovski	74651/01	15/04/2009 15/01/2009	<i>Freedom of association: Unjustified interference due to dissolution of an association shortly after its foundation on the basis of a decision of the Constitutional Court declaring its Statute and Programme null and void. (Article 11)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. After several refusals of the applicant association's registration for procedural reasons and appeals against these decisions, the registration application was finally accepted on 05/10/2016. The applicant association now enjoys legal personality and is vested with capacity to operate in the framework of national legislation. <i>General measures:</i> In April 2010, the new Law on Associations and Foundations was adopted facilitating registration procedures. The registration authority examination is competent to examine only procedural requirements. Dissolution of an association requires a well-reasoned court

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					decision. 200 associations representing national minorities have been registered since 2010. The judgment was translated, published and disseminated. Training and awareness raising activities were organized by the Judicial Training Academy and the Office of the Government Agent.
<a href="#">CM/ResDH(2017)113</a>	MKD / Fetaovski	10649/03	19/09/2008 19/06/2008	<i>Access to and efficient functioning of justice: Appeal requests declared inadmissible as out of time despite evidence submitted to the contrary and excessive length of civil proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> The impugned proceedings ended in 2002. The domestic courts did not to grant leave for reopening. On 26 November 2010 the applicant lodged a fresh application no.71962/10. On 16 October 2015 the Government and the applicant reached a friendly settlement, in which the Government agreed to pay the applicant, ex gratia, pecuniary and non-pecuniary damages, as well as legal costs and expenses. <i>General measures:</i> The judgment was translated, published and disseminated and used in judicial training courses. For general measures concerning excessive length of proceedings, see <a href="#">CM/ResDH(2016)35</a> in the Atanasovic group of cases.
<a href="#">CM/ResDH(2017)428</a>	MKD / Ivanovski and 1 other case	29908/11	21/04/2016 21/01/2016	<i>Access to and efficient functioning of justice and protection of private life: Denial of a fair trial due to shortcomings in lustration proceedings based on the Prime Minister's public denunciation of the applicant as a collaborator of the former regime secret police during pending proceedings in the first case and the domestic authorities' failure to hold an oral hearing and to provide sufficient reasons for their decisions on the applicant's lustration and disproportionate interference with private life due to 5-year ban of employment in the public sector or academia and the publication on the Lustration Commission's website of the applicants' collaboration with former security services. (Articles 6 §1 and 8)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. One of the applicants did not request reopening of the administrative proceedings; the second applicant submitted such a request, which was granted. The employment ban expired. <i>General measures:</i> In 2012, a new Lustration Act entered into force which aligned domestic legislation with Convention requirements and terminating the Lustration Commission's possibility to institute new lustration proceedings. The Commission is allowed to complete, before September 2017 at the latest, any on-going proceedings. The judgment was translated, published and disseminated.

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<a href="#">CM/ResDH(2017)146</a>	MKD / Mitrov	45959/09	02/09/2016 02/06/2016	<i>Access to and efficient functioning of justice: Unfair criminal proceedings due to lack of impartiality of the tribunal given that the mother of the victim who had died in a traffic accident, was the president of the criminal section of the trial court; domestic law would have provided for the possibility of transferring a case to another competent court in case of objectively justified fears concerning the lack of the court's impartiality. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The impugned proceedings were reopened in December 2016 and are currently pending. <i>General measures:</i> Isolated case. The judgment was translated, published and disseminated and used in judicial training activities.
<a href="#">CM/ResDH(2017)112</a>	MKD / Petreska	16912/08	21/10/2016 21/07/2016	<i>Access to and efficient functioning of justice: Excessive length of proceedings concerning a State Intelligence Agency employee's dismissal. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damages paid. The impugned proceedings ended on 15 January 2008. <i>For General measures</i> concerning excessive length of proceedings, see <a href="#">CM/ResDH(2016)35</a> in the Atanasovic group of cases.
<a href="#">CM/ResDH(2017)144</a>	MKD / Trajce Stojanovski	1431/03	22/01/2010 22/10/2009	<i>Protection of rights in detention: Unlawful continued psychiatric confinement in a closed hospital without necessity and justification. (Article 5§1(e))</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicant was released and no further psychiatric confinement ordered. <i>General measures:</i> Measures taken to ensure that domestic courts periodically review compulsory measures in line with the relevant domestic legislation. Isolated case. The judgment was translated, published and disseminated and used in judicial training activities.
<a href="#">CM/ResDH(2017)145</a>	MKD / Vasilevski	22653/08	28/07/2016 28/04/2016	<i>Protection of property: Mandatory confiscation of a bona fide owner's lorry in criminal proceedings which had concerned the lorry's previous owner. (Article 1 of Protocol No. 1)</i>	<i>Individual measures:</i> As the restitution of the lorry was not possible, the authorities paid the applicant for the actual loss sustained in respect of pecuniary damage. <i>General measures:</i> The case at hand results from the provisions of the Criminal Code that were in force at the material time. Pursuant to 2004 amendments of the Criminal Code to take into account the proportionality of confiscation measures, items are to be confiscated from a third person if

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					he/she knew or should have known that they would be used for transportation or distribution of smuggled goods. The judgment was translated, published and disseminated and used in judicial training activities.
<a href="#">CM/ResDH(2017)366</a>	MLT / Abdullahi Elmi and Aweys Abubakar	25794/13+	22/02/2017 22/11/2016	<i>Protection against ill-treatment / reception of asylum seekers / protection of rights in detention: Degrading treatment of minor asylum-seekers, their unlawful detention and lack of right to challenge the lawfulness of their detention.(Articles 5 §§3+4 and Article 3)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. Both applicants were released. <i>General measures:</i> After an overall review of its national immigration policy, Malta no longer practices an across-the-board detention policy. The immigration policy currently in force, published in December 2015, was prepared in consultation with NGOs and the UNHCR: see <a href="#">CM/ResDH(2016)277</a> in the Suso Musa group of cases. As concerns the speediness in the processing of asylum applications, staff of the Office of the Refugee Commissioner was increased and management improved. A number of European Refugee Fund Projects were implemented. As regards the lack of a speedy remedy to challenge the lawfulness of detention: A 2015 amendment to the Immigration Act empowered the Immigration Appeals Board to grant release from custody where detention is no longer required or where there is no reasonable prospect of return within a reasonable time. Access to free legal aid is granted. As regards arbitrary detention: After giving-up the practice of systematic detention for all asylum seekers and irregular migrants, special facilities have been dedicated to the initial reception of vulnerable migrants and asylum seekers, including unaccompanied minors and families with children. Any person informing the authorities that he or she is vulnerable or a minor will no longer be detained in closed centres, but accommodated in open centres. Conditions of detention at Safi Barracks were improved due to refurbishing and the levels of occupancy are below maximum capacity. Moreover, a system for lodging complaints about conditions of detention was introduced, NGOs have access to the

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					detention centres and a substantial amount of public funds is allocated to manage and maintain detention centres. The judgment was published and disseminated to relevant organs.
<a href="#">CM/ResDH(2017)35</a>	MON / Bulatovic	67320/10	22/10/2014 22/07/2014	<i>Protection against ill-treatment and of rights in detention: Poor conditions of detention due to overcrowding in the Remand Prison in Podgorica and excessive length of pre-trial detention. (Articles 3 and 5 §3)</i>	<i>Individual measures:</i> The applicant's sentence was reduced in view of an amnesty and he was released; no just satisfaction awarded. <i>General measures:</i> Measures were taken to bring the state of repair and the conditions of detention in the Remand Prison in Podgorica in compliance with the usual CPT standards. In 2015, the Code of Criminal Procedure was amended introducing a possibility to apply alternative sanctions for minor offences (bail bonds, undertaking to report regularly to a state authority, removal of a travel documents etc.) This resulted in a reduced application of detention on remand. Presently there are 261 prisoners in the Remand Prison in Podgorica, while its official accommodation stands at 350. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)412</a>	MON / Dukovic	38419/08	13/06/2017 Committee	<i>Access to and efficient functioning of justice: Excessive length of two sets of civil proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage awarded was put at the disposal of the applicant. In the absence of a request for resumption of the impugned proceedings, it was not possible to bring them to an end. Pursuant to domestic legislation, the applicant keeps a concrete and effective possibility to request continuation of proceedings whenever he wishes so. <i>General measures:</i> Measures to promote efficiency of civil proceedings, including the introduction of effective remedies: see <a href="#">CM/ResDH(2017)38</a> in Stakić group. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2017)370</a>	MON / Jovicic	46689/12	18/07/2017 18/07/2017	<i>Access to and efficient functioning of justice: Denial a fair trial on account of the failure of domestic authorities to display adequate diligence</i>	<i>Individual measures:</i> No valid claims submitted. <i>General measures:</i> see <a href="#">CM/ResDH(2017)36</a> in Vukelic group.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>to enforce a judgment in civil proceedings. (Article 6 §1)</i>	
<a href="#">CM/ResDH(2017)190</a>	MON / Milicko Scepovic and Others	14561/08+	08/11/2016 (Friendly settlement with undertakings)	<i>Access to and efficient functioning of justice: Non-enforcement of final court decisions. (Article 6 §1)</i>	<i>Individual measures:</i> Costs and sums awarded in the domestic non-enforced decisions paid.
<a href="#">CM/ResDH(2017)141</a>	MON / Mugosa	76522/12	21/09/2016 21/06/2016	<i>Protection of rights in detention and presumption of innocence: Unlawful extension of detention on remand beyond the statutory time-limit on the basis of a decision not bearing a signature or stamp and in a wording pronouncing the detainee on remand guilty. (Articles 5 §1 and 6 §2)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicant is no longer detained on remand. <i>General measures:</i> The case was the consequence of non-compliant case-law of domestic courts. In 2017, the Supreme Court adopted two binding legal opinions: one on the obligation to strictly apply statutory time-limits for re-examination of detention grounds, a position which will also be adopted by the Constitutional Court; a second one on the obligation to clearly indicate in rulings ordering or extending detention the existence of a reasonable suspicion that a defendant committed a crime, but to avoid terms which imply a certainty that he is the perpetrator of the crime at this stage. The judgment was translated, published and disseminated and is used in judicial training activities.
<a href="#">CM/ResDH(2017)38</a>	MON / Stakic and 2 other cases	49320/07+	02/01/2013 02/10/2012	<i>Access to and efficient functioning of justice: Excessive length of civil and labour proceedings and lack of an effective remedy. (Article 6 §1)</i>	<i>Individual measures:</i> The impugned proceedings are closed and just satisfaction for non-pecuniary damage paid. Domestic proceedings closed. <i>General measures:</i> Amendments were introduced in the Civil Procedure Law in 2015 increasing the efficiency of civil and labour proceedings. The novelties include the abolition of multiple remittal possibilities, tight procedural deadlines and alternative dispute resolution options. As regards the labour proceedings, in particular those concerning the termination of an employment contract, domestic courts have to schedule a hearing within 30 days following the date of the preliminary

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					<p>hearing. First instance proceedings must be completed within 6 months from the date of filing of the complaint. The Labour Law 2008 established the Agency for Peaceful Settlement of Labour Disputes offering the possibility of out-of-court settlements. In 2015, 3 679 labour disputes were referred to it. The Agency resolved 1961 cases, i.e. 53,30% of all disputes submitted. This greatly contributed to relieving the domestic courts in labour proceedings. Capacity building measures were taken. To reduce the number of backlog cases, the Judicial Council defined measures aimed in particular at: referring judges from efficient courts to the courts with a significant case inflow; delegating cases from overburdened to less burdened courts; introducing overtime; rewarding judges with higher number of cases that the required quota; monitoring the work of all courts and individual work of judges. In 2015, a total of 57 874 cases was resolved, out of which 20 845 were backlog cases. In higher courts, 15 036 cases were brought to an end in 2015, out of which 3 125 backlog cases. At the end of 2015, 2 947 cases remained pending before the higher courts, out of which only 113 are backlog cases. These figures show the progress in reducing the backlog cases. In 2014 and 2015 average length of proceedings at first instance was 158 and 161 days respectively. The average length of these proceedings at second instance in 2014 and 2015 79 and 71 days respectively. A Strategy for the Reform of the Judiciary 2014-2018 was adopted by in March 2014 further enhancing the efficiency of the judiciary. In 2007 the Right to a Trial within a Reasonable Time Act provided the possibility to have lengthy proceedings expedited by means of a request for review, as well as an opportunity for claimants to be awarded compensation by means of an action for fair redress. The Act applies to judicial proceedings initiated after 03/03/2004. The judgment was translated, published and disseminated.</p>

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
<a href="#">CM/ResDH(2017)411</a>	MON / Svorcan and 1 other case	1253/08+	13/06/2017 Committee	<i>Access to and efficient functioning of justice: Excessive length of civil proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. Domestic proceedings closed. <i>General measures:</i> Measures to increase efficiency of civil proceedings, including the introduction of effective remedies: see <a href="#">CM/ResDH(2017)38</a> in Stakić group. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2017)36</a>	MON / Vukelic	58258/09	04/09/2013 04/06/2013	<i>Access to and efficient functioning of justice: Failure of the domestic authorities to display adequate diligence to enforce a judgment rendered in his favour against another private person. (Article 6 §1)</i>	<i>Individual measures:</i> Execution of the domestic judgment concerned was ordered. Just satisfaction for non-pecuniary damage paid. <i>General measures:</i> A new Enforcement Act was adopted in July 2011 and the former model of judicial enforcement abandoned. Public enforcement officers were introduced in 2013. According to the data for 2014, the average length of enforcement proceedings was 55 days. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)37</a>	MON / Zivaljevic	17229/04	15/09/2011 08/03/2011	<i>Access to and efficient functioning of justice: Excessive length of administrative proceedings due to failure of the authorities to act in accordance with relevant domestic legislation and time-limits provided. (Article 6 §1)</i>	<i>Individual measures:</i> Impugned proceedings were accelerated and closed. Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> No systemic problem. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)40</a>	NOR / Kristiansen	1176/10	17/03/2016 17/12/2015	<i>Access to and efficient functioning of justice: Unfair criminal proceedings due to justifiable grounds on which to doubt the High Court's impartiality, on account of the presence on jury of a juror, who knew the victim and commented on her character. (Article 6 §1)</i>	<i>Individual measures:</i> Isolated incident. The Supreme Court, on 20 October 2016, decided to repeal the High Court's impugned judgment, which will result in a re-trial before the High Court. <i>General measures:</i> The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)426</a>	POL / Abramczyk and 102 other cases	28836/04+	12/09/2007 12/06/2007	<i>Access to and efficient functioning of justice and protection of rights in detention: Excessive length of civil and criminal proceedings and lack of an effective remedy in this respect as well as lengthy</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. Domestic judicial proceedings have come to an end and/or the authorities adopted measures to accelerate pending proceedings. Applicants whose pre-trial detention was criticised are no longer detained.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>pre-trial detention of certain applicants. (Articles 6, 13 as well as 5 §3)</i>	<i>General measures:</i> For measures adopted to prevent excessively lengthy pre-trial detentions see <a href="#">CM/ResDH(2014)268</a> and <a href="#">CM/ResDH(2017)163</a> in the Trzaska group and in the Matczak case. General measures required to respond to other shortcomings established by the Court continue to be examined in the context of the Bąk, Majewski, Rutkowski and Zaluska cases.
<a href="#">CM/ResDH(2017)127</a>	POL / Karwowski and 6 other cases	29869/13	19/07/2016 19/04/2016	<i>Protection of rights in detention: The "dangerous detainee" regime, pursuant to Article 88§3, 88a and 88b and 212 (a) of the Code of Execution of Criminal Sentences (placement on a high-security ward, subjection to a "personal check", including strip searches, on leaving and entering the cell, handcuffing when outside the cell) exceeded the legitimate requirements of security in prison due to the rigid rules for its imposition, the lack of a meaningful review, and the duration and severity of the measures taken. (Article 3)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damages paid. None of the applicants is classified as a dangerous detainee. The regime was lifted. For <i>General measures</i> see <a href="#">CM/ResDH(2016)128</a> in the Horych group of cases and the information submitted. Amendments to the Code of Execution of Criminal Sentences entered into force on 24/10/2015, in particular Article 212 concerning the classification of a prisoner as dangerous and Article 88 concerning the restrictions to be applied. These amendments eliminate automatic application of the regime to certain categories of detainees. The correct application of these provisions is supervised by special bodies of the Prison Service, which control the appropriateness and promptness of the decisions of penitentiary commissions. Article 7 of CECS provides the possibility of judicial review of such decisions. Measures addressing the issue of excessive length of criminal proceedings are currently examined in the Bak group of cases. The issue of excessive length of detention on remand was examined by the Committee in the Trzaska group of cases, closed by Final Resolution <a href="#">CM/ResDH(2014)268</a> .
<a href="#">CM/ResDH(2017)270</a>	POL / Kurski	26115/10	05/10/2016 05/07/2016	<i>Freedom of expression: Disproportionate interference due to the sentence of a public person in civil proceedings for the protection of the plaintiff's reputation to pay a fine and to issue an apology for a statement made publicly in an</i>	<i>Individual measures:</i> The finding of a violation constitutes in itself sufficient just satisfaction for any non-pecuniary damage. Just satisfaction for pecuniary damage paid. Reopening of proceedings is not possible as three instances issued decisions.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>ongoing debate on matters of public interest. (Article 10)</i>	<i>General measures:</i> Failure by domestic courts concerned to apply the ECHR's standards. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)163</a>	POL / Matczak	26649/12	23/02/2016 Committee	<i>Protection of rights in detention: Excessive overall length of detention on remand due to overlapping periods in two parallel criminal cases. (Article 5 §3)</i>	<i>Individual measures:</i> No claim for just satisfaction submitted. The applicant was released from pre-trial detention on 02/07/2014. <i>For General measures</i> see <a href="#">CM/ResDH(2014)268</a> in Trzaska. The number of persons in pre-trial detention dropped (2013: 12,206; 2014: 11,558; 2015: 8,619 - 30% less). Since 2008, the number of persons in pre-trial detention over two years dropped by 67% in cases tried by district courts and by 62.6% in cases tried by regional courts (from 739 to 276 people. The number of prosecutors' motions for pre-trial detention decreased and the number of motions admitted by courts dropped by 52% (from 24,848 in 2008 to 11,951 in 2015). The judgment was translated, published and disseminated and is used in training activities of the National School of Judiciary and Public Prosecutor.
<a href="#">CM/ResDH(2017)41</a>	POL / Mogielnicki	42689/09	15/12/2015 15/09/2015	<i>Access to and efficient functioning of justice: Domestic courts' refusal to grant exemption from payment of the fee for lodging a cassation appeal in civil proceedings without thorough review of the applicant's financial situation. (Article 6)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. <i>General measures:</i> Isolated incident due to an error made by a particular court of appeal. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)162</a>	POL / Ojczyk	66850/12	17/05/2016 Committee	<i>Protection against ill-treatment / Conditions of detention: Inhuman and degrading treatment due to imprisonment in inadequate conditions, particularly overcrowding and detention with a person infected with the hepatitis C virus and HIV-positive. (Article 3)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The applicant is currently serving a sentence in the Lodz Remand Center, in a single cell, in adequate living conditions. <i>For General measures</i> see Resolution <a href="#">CM/ResDH(2016)254</a> in Orchowski and Sikorski group of cases and Resolution <a href="#">CM/ResDH(2016)278</a> in the Kaprykowski group of cases. In addition new accommodation units are being created. As of 2017, the ratio between prison population and the overall

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					capacity of prisons amounted to 87.2%. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)52</a>	POL / Olszewscy	99/12	03/02/2016 03/11/2015	<i>Right to life in detention: Shortcomings of the investigation into the circumstances of the applicants' son's death occurred after having been taken to a police station and allegedly released and examined by the prosecutors and courts on three occasions. (Article 2 procedural limb).</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The prosecutor re-examined the investigation case-file and concluded that there were no grounds for re-opening the completed investigation. <i>General measures:</i> Concerning <i>General measures</i> reference is made to those already presented in the Dzwonkowski group of cases (46702/99). Furthermore, the authorities provided the information about awareness-raising measures, including training for judges and prosecutors. The judgment was translated, published and disseminated together with the Committee of Ministers Guidelines on eradicating impunity for serious human rights violations and other relevant CoE documents.
<a href="#">CM/ResDH(2017)161</a>	POL / Stettner	38510/06	24/06/2015 24/03/2015	<i>Protection of rights in detention: Excessive length of the examination of an appeal against the lawfulness of a decision to extend pre-trial detention. (Article 5 §4)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The applicant was released. <i>General measures:</i> For <i>General measures</i> see <a href="#">CM/ResDH(2011)139</a> in Baranovski. A legislative amendment to the Code of Criminal Procedure from 01/07/2015 provides for a deadline of 7 days for a court of second instance to deal with an appeal against a decision concerning a detention on remand. The judgment was translated, published and disseminated and included in the curricula of training for judges.
<a href="#">CM/ResDH(2017)391</a>	POL / Ziembinski (No.2)	1799/07	05/10/2016 05/07/2016	<i>Freedom of expression: Disproportionate interference due to the severity of a criminal sanction applied to a newspaper owner and editor following a critical article on local authorities. (Article 10)</i>	<i>Individual measures:</i> Just satisfaction in respect of pecuniary (amount of the imposed fine) and non-pecuniary damages paid. The applicant did not exercise his right to request reopening of the impugned proceedings. <i>General measures:</i> Awareness-raising measures and training activities for judges were organised by the National School of Judiciary and Public Prosecution. The judgment was published, translated and disseminated.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
<a href="#">CM/ResDH(2017)42</a>	PRT / Companhia Agrícola da Apariça, SA	12474/12	14/03/2016 29/10/2015	<i>Protection of property: Excessive delay in determining and paying compensation following the expropriation of agricultural properties in the framework of the 1975 Agrarian Reform (Art. 1 Prot. 1).</i>	<i>Individual measures:</i> Just satisfaction paid. <i>General measures:</i> The judgment was translated, published and disseminated. Other general measures are covered in <a href="#">CM/ResDH(2014)11</a> in Carvalho Acabado.
<a href="#">CM/ResDH(2017)105</a>	PRT / Pinto Coelho No. 2	48718/11	22/06/2016 22/03/2016	<i>Freedom of expression: Imposition of the criminal-law fine on a journalist for non-authorized use of the recording of a court hearing. (Article 10)</i>	<i>Individual measures:</i> Just satisfaction paid. Re-opening of proceedings is possible. <i>For General measures</i> see <a href="#">CM/ResDH(2015)115</a> in Colaco Mestre.
<a href="#">CM/ResDH(2017)318</a>	PRT / Rolim Commercial S.A.	16153/09	16/07/2013 16/04/2013 (Merits) 13/04/2015 13/01/2015 (Just satisfaction)	<i>Protection of property: Disproportionate interference due to the occupancy of part of her land by the authorities, in 1991, with no formal act of transfer of property or compensation, as part of a road construction project. (Article 1 of Protocol No. 1)</i>	<i>Individual measures:</i> Just satisfaction for pecuniary and non-pecuniary damage paid. <i>General measures:</i> Isolated case. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)165</a>	ROM / Filip and 1 other case	41124/02+	14/03/2007 14/12/2006	<i>Protection of rights in detention and against ill-treatment: Unlawful psychiatric confinement ordered by the prosecutor in view of a forced psychiatric examination or compulsory treatment and lack of judicial review; excessive length of the proceedings seeking judicial review as well as lack of effective investigation into allegations of ill-treatment suffered during psychiatric confinement. (Articles 5 §§1e+4 and 3 procedural limb)</i>	<i>Individual measures:</i> Just satisfaction paid. Both applicants were released (one of them died before judgment delivery). Reopening of investigations into allegations of ill-treatment is time-barred. <i>General measures:</i> The new Code of Criminal Procedure 2014 brought significant changes as regards non-voluntary confinement for compulsory treatment and committal to a psychiatric institution for expert examination during criminal proceedings. The prosecutor is no longer competent to order such psychiatric committals. Such competence lies exclusively with the courts in a procedure with appropriate safeguards for liberty and security of suspects. The judgment was translated, published and disseminated to the Prosecutor's Offices and domestic courts with reference to the requirements imposed on the judicial organs to open and carry out appropriate investigations in case of allegations of ill-treatment.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
<a href="#">CM/ResDH(2017)220</a>	ROM / Agache	35032/09	04/01/2012 04/10/2011	<i>Access to and efficient functioning of justice: Failure of authorities to secure the prompt recovery of the damages awarded to the applicant by a criminal ruling of domestic courts given against private persons residing in Hungary, following a request for international judicial assistance brought by the applicant under the relevant bilateral treaty, due to delays in the transmission of the correspondence to the relevant Hungarian authorities. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The enforcement proceedings were completed by and the applicant recovered the entire debt. <i>General measures:</i> The bilateral Treaty between Romania and Hungary is only applicable to requests for international judicial assistance concerning the enforcement of court decisions given before 01/01/2007, the date of Romania's accession to the EU. Awareness-raising measures targeted at the Ministry of Justice in its capacity of Central Authority under the Treaty were organised. The recognition and enforcement of court decisions after the date of Romania's accession to the EU by the competent authorities of another EU Member State are governed by Council Regulation (EC) No. 44/2001 of 22/12/2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)239</a>	ROM / Alexe	66522/09	03/08/2016 03/05/2016	<i>Access to and efficient functioning of justice: Denial of an adversarial trial in civil proceedings due to the fact that the last-instance court based its decision on a legislative amendment adopted after the proceedings at first instance had ended and failure to submit the question of its application to a contradictory debate. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. Reopening of proceedings possible. <i>General measures:</i> Erroneous application of national legal provisions. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)43</a>	ROM / Aurelian Oprea	12138/08	19/04/2016 19/01/2016	<i>Freedom of expression: Disproportionate interference due to the substantial amount of civil damages the applicant was ordered to pay to the plaintiff in defamation proceedings compared with the incomes and resources of academics in Romania. (Article 10)</i>	<i>Individual measures:</i> Just satisfaction paid. Malpractice by domestic courts in specific case. <i>General measures:</i> The judgment was translated, published and disseminated to all courts. For general measures see also <a href="#">CM/ResDH(2015)213</a> in <i>Ieremeiov</i> and <a href="#">CM/ResDH(2015)180</a> <i>Antică</i> and "R" company .

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
<a href="#">CM/ResDH(2017)219</a>	ROM / Balteanu	142/04	16/10/2013 16/07/2013	<i>Protection of private and family life as well as correspondence: Interception of telephone communications, ordered by the prosecutor in 2003 under the former Code of Criminal Procedure, which did not offer sufficient safeguards for the applicant's right to respect of his private life and correspondence. (Article 8).</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The recordings of the applicant's telephone communications, which should have been stored at the Brasov County Court's headquarters, in secure conditions, have been misplaced. If they are found, they will be retained until the end of the retention period provided by domestic regulations, which is until 15 June 2034. At that moment, a special commission within the Brasov County Court will decide whether the recordings are to be destroyed or whether they should continue to be preserved either in the archives of this Court or in the National Archives. <i>General measures:</i> Concerning the <i>General measures</i> , the authorities indicated that the issues raised by this case are similar to the ones raised by the group of cases Calmanovici, closed by Final resolution <a href="#">CM/ResDH(2014)13</a> .
<a href="#">CM/ResDH(2017)143</a>	ROM / Boaca and Others and 2 other cases	40355/11+	12/04/2016 12/01/2016	<i>Protection against ill-treatment and effective investigations: Ill-treatment by police, failure to ensure expediting proceedings and shortcomings in the handling of evidence by the judicial bodies and failure to investigate possible racist motives behind the alleged abuse. (Article 3 substantive and procedural limb, Article 14 taken in conjunction with 3 procedural limb)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. In one case, reopening of the impugned proceedings is time-barred, in one case the question of reopening is under assessment and in the third case the criminal proceedings have been reopened. <i>General measures:</i> For <i>General measures</i> see <a href="#">CM/ResDH(2016)150</a> in Barbu Anghelescu group of cases.
<a href="#">CM/ResDH(2017)273</a>	ROM / Cazan	30050/12	05/07/2016 05/04/2016	<i>Protection against ill-treatment: Inhuman and degrading treatment of a lawyer by a police officer in his office and ineffective investigation. (Article 3 substantive and procedural limb)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. Reopening of investigation is time-barred. <i>General measures:</i> See also <a href="#">CM/ResDH(2016)150</a> in Barbu Anghelescu. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)166</a>	ROM / Colac and 1 other case	26504/06+	10/05/2015 10/02/2015	<i>Access to and efficient functioning of justice: Denial of a fair trial due to inability to cross-examine all the witnesses on whose statements</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The applicants had the possibility to request reopening of the impugned proceedings.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>the suspect's conviction was based on. (Article §§ 1+3d)</i>	For <i>General measures</i> see <a href="#">CM/ResDH(2017)8</a> in Sica group of cases.
<a href="#">CM/ResDH(2017)276</a>	ROM / Costel Popa	47558/10	26/07/2016 26/04/2016	<i>Freedom of association: Domestic court's refusal to register an association on the ground that the association's concepts and objectives ran the risk of being understood as political. (Article 11)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. No request for reopening was submitted. <i>General measures:</i> See <a href="#">CM/ResDH(2013)113</a> in The Arges College of Legal Advisers.
<a href="#">CM/ResDH(2017)274</a>	ROM / Craita	41773/09	17/01/2017 17/01/2007 (Committee)	<i>Discrimination and protection of family life: Discriminatory refusal of requests for conjugal visits during pre-trial detention compared to convicted prisoners.(Article 14 in conjunction with 8)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. <i>General measures:</i> See <a href="#">CM/ResDH(2016)136</a> in Costel Gaciu.
<a href="#">CM/ResDH(2017)352</a>	ROM / Fagaras	75431/10	14/02/2017 14/02/2017	<i>Protection of rights in detention: Lack of any "pertinent and sufficient" reasons to justify extending pre-trial detention. (Article 5 §3)</i>	<i>Individual measures:</i> No claim submitted. <i>General measures:</i> See <a href="#">CM/ResDH(2014)13</a> in Calmanovici.
<a href="#">CM/ResDH(2017)275</a>	ROM / Gheorghita and Alexe and 1 other case	32163/13+	31/08/2016 31/05/2016	<i>Protection against ill-treatment: Ineffectiveness of investigations into allegations of brutality in the context of a police operation, in particular due to failure to clarify differences in statements and to open the criminal investigation; excessive and unjustified force employed by the police during questioning. (Article 3 procedural limb in the first case, substantive limb in the second case)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. Reopening of investigation is time-barred. <i>General measures:</i> See also <a href="#">CM/ResDH(2016)150</a> in Barbu Anghelescu. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)215</a>	ROM / Ghiurau	55421/10	29/04/2013 20/11/2012	<i>Protection of rights in detention: Unlawful detention on the basis of warrant of appearance before the prosecutor that lacked reasoning and lack of effective investigation into allegations of ill-treatment by the police (Articles 5 §1 and 3)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. Investigations into alleged ill-treatment finalised in 2012. The Prosecutor's office at the Cluj Court of Appeal dismissed the applicant's criminal complaint; a decision which was confirmed by the Ploiești Court of Appeal and became final. For <i>General measures</i> concerning the lack of effective investigations, see <a href="#">CM/ResDH(2016)150</a> in Barbu Anghelescu.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					The unlawfulness of the applicant's detention resulted from a misapplication of domestic rules. The judgment was translated, published and disseminated. The new Code of Criminal Procedure 2014 introduced the judicial review of warrants of appearance by the human rights judge if its execution requires the entry of the concerned person's home or seat. Warrants must be reasoned. The investigation is to be conducted promptly and the person brought on the basis of a warrant of appearance may be held by the judicial bodies only for the duration of the interrogation, which can not in any case exceed eight hours. The new practice of the Prosecutor's Office was evaluated and improved.
<a href="#">CM/ResDH(2017)351</a>	ROM / Greek-catholic parish Lupeni and Others	76943/11	29/11/2016 Grand Chamber	<i>Access to and efficient functioning of justice: Unfairness of civil proceedings due to conflicting case-law of the High Court of Cassation and Justice and excessive length of civil proceeding. (Article 6 § 1).</i>	<i>Individual measures:</i> Reopening of the proceedings does not seem to be necessary as the legal approach followed by the domestic courts in the applicants' case, was latterly confirmed by the High Court of Cassation and Justice's consistent case-law. The Court awarded a sum in respect of non-pecuniary damage and rejected the claim for pecuniary damage, noting that it cannot speculate as to what would have been the outcome of the applicants' action for recovery of possession. <i>General measures:</i> Concerning inconsistency in domestic courts' case-law, see <a href="#">CM/ResDH(2015)4</a> . General measures concerning unreasonable length of civil proceedings are being examined in the Vlad and Others group of cases.
<a href="#">CM/ResDH(2017)238</a>	ROM / <b>Guța Tudor Teodorescu</b>	33751/05	05/07/2016 05/04/2016	<i>Protection of property: Refusal of domestic courts to grant a claim for an adjustment of the compensation for property taken over under the Treaty of Craiova of 1940, in line with the inflation. (Article 1 of Protocol No. 1)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid to the heirs of the deceased applicant. Reopening of proceedings may be requested by the applicant's heir. <i>General measures:</i> High Court of Justice gave a binding interpretation of relevant legal dispositions granting coherence of national jurisprudence. See also <a href="#">CM/ResDH(2015)4</a> in Beian No. 1 group. The judgment was translated, published and disseminated.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
<a href="#">CM/ResDH(2017)237</a>	ROM / Haralambie and 2 other cases	21737/03+	27/01/2010 27/10/2009	<i>Protection of private life and access to to and efficient functioning of justice: Excessive length of the administrative procedure granting access to personal information collected by the communist secret services; in 1 case denial of access to a court due to the refusal by the domestic courts, to review an administrative decision concerning the location of a plot of land on grounds that the issue at stake was the sole province of the administrative commissions set up by the restitution laws. (Articles 8 and 6 §1)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage (and in 1 case of pecuniary damage) paid. None of the applicants requested access to his personal file after 2012. Applicants will be informed automatically, if new elements appear in the course of declassification of documents. <i>General measures:</i> In order to allow effective access to records, the National Council for the Study of the Securitate Archives continued the inventory process of documents transferred from the Securitate archives. An inventory of cases pertaining to criminal issues was published on its website. A new technical system was set up for document management and digitalisation. Average length of access proceedings was reduced to 2 to 6 months. All Securitate files were transferred to the National Council except those containing classified information with regard to national security. Information request of interested parties must be answered within 30 days. Concerning the denial of access to a court, see <a href="#">CM/ResDH(2011)25</a> in Glod. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)245</a>	ROM / Loghin and 1 other case	1468/08+	21/06/2016 21/06/2016	<i>Access to and efficient functioning of justice: Denial of the right to have one's claim determined by a "tribunal established by law", as the composition of the bench examining his appeal on points of law was not in accordance with legal provisions in force. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. Reopening of proceedings possible. <i>General measures:</i> See <a href="#">CM/ResDH(2014)241</a> in Jenita Mocanu. The case originates in divergencies in case-law of domestic courts, which was settled by a judgment of the High Court of Cassation and Justice.
<a href="#">CM/ResDH(2017)241</a>	ROM / Martocian	18183/09	04/10/2016 04/10/2016	<i>Access to and efficient functioning of justice: Lack of access to court due to dismissal of a complaint against the prosecutor's decision to discontinue criminal proceedings as out of time. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The applicant's request for reopening was granted. <i>General measures:</i> Case due to formalistic and restrictive interpretation of the relevant provision in the Criminal Procedure Code, which was amended in 2014. The judgment was translated, published and disseminated.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
<a href="#">CM/ResDH(2017)242</a>	ROM / Mateescu	1944/10	14/04/2014 14/01/2014	<i>Protection of private life: Unlawful interference due to refusal of the Bucharest Bar to allow the applicant to practice simultaneously as a doctor and lawyer on the basis of unforeseeable legal provisions. (Article 8)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. In reopened proceedings, the National Bar admitted the applicant into the legal profession and allowed him to practice as a lawyer as well as a doctor. <i>General measures:</i> The law was amended to provide that exercising the profession of a lawyer is compatible only with some professions and activities explicitly mentioned.
<a href="#">CM/ResDH(2017)277</a>	ROM / Mazilu and 1 other case	23338/13+	17/01/2017 17/01/2017	<i>Protection against ill-treatment: Ineffective investigation into the allegations of assault by private parties. (Article 3 procedural limb)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. In one case, reopening of investigation is time-barred; in the other case the investigation is still pending. <i>General measures:</i> See <a href="#">CM/ResDH(2016)131</a> in Milena Dumitrescu. The first judgment was translated, published and disseminated and awareness-measures taken.
<a href="#">CM/ResDH(2017)82</a>	ROM / Muncaciu	12433/11	26/04/2016 26/01/2016	<i>Access to and efficient functioning of justice: Unfair civil proceedings due to the non-communication of the adversary's pleadings and the refusal to adjourn the only hearing held, which the applicant was unable to attend. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The applicant could have asked for extraordinary revision of the proceedings. <i>General measures:</i> In the 2013 Code of Civil Procedure, the communication of pleadings filed by the opposing party is mandatory (Article 206). The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)221</a>	ROM / Niculescu	25333/03	25/09/2013 25/06/2013	<i>Protection of private and family life as well as correspondence and conditions of detention: Absence of judicial guarantees related to the interception of the applicant's telephone conversations by the Romanian intelligence services under Law No. 51/1991 on national security; precarious conditions of detention in Rahova Penitentiary. (Articles 8 and 3)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The applicant was released. At present, the recordings of the telephone conversations are archived at the High Court of Cassation and Justice, in special places where the conditions of confidentiality are fully ensured. <i>General measures:</i> concerning the interception of telephone conversations see <a href="#">CM/ResDH(2016)134</a> in Dumitru Popescu (No. 2); concerning conditions of detention, see information submitted in Bragadireanu. The judgment was translated, published and disseminated.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
<a href="#">CM/ResDH(2017)9</a>	ROM / Ofensiva Tinerilor	16732/05	15/03/2016 15/12/2015	<i>Electoral rights: Lack of clarity of Electoral Law no. 373/2004 establishing unclear eligibility conditions for organisations of ethnic minorities to lodge their candidature and lack of sufficient safeguards for the impartiality of supervisory body, the Central Electoral Bureau. (Article 3 of Protocol No 1)</i>	<i>Individual measures:</i> The finding of a violation constitutes sufficient just satisfaction for the non-pecuniary damage. <i>General measures:</i> The applicable law in force at the material time, no. 373/2004, was modified by Law no. 208/2015 regarding the election of the Senate and the Deputy Chamber and the functioning of the Permanent Electoral Authority establishing detailed conditions of participation of organisations belonging to ethnic minorities, the sole criteria being the recognition of public utility by government decision and a minimum number of members. The role of the Central Electoral Bureau is limited to verifying these conditions. As regards the lack of impartiality of the bodies competent to examine the legal requirements to be complied with when submitting a candidature, Law no. 208/2015 states that the decisions of the Central Electoral Bureau are not final and can be contested in court. The judgment was translated, published and disseminated, in particular to the High Court of Cassation and Justice and the Permanent Electoral Authority.
<a href="#">CM/ResDH(2017)249</a>	ROM / Ostace	12547/06	25/05/2014 25/02/2014	<i>Protection of private and family life: Inability to obtain the revision of a judgment establishing one's paternity in spite of an extra-judicial forensic examination proving the contrary on the ground that the document in question did not exist at the time of the initial proceedings in 1981. (Article 8)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. Paternity proceedings were reopened and the applicant's name deleted on the child's birth certificate. <i>General measures:</i> Change of practice of the domestic authorities. Under the new Civil Code, paternity suits did not become time-barred throughout the life of the child. The judgment was translated, published and disseminated. The National School of Magistrates organised training sessions.
<a href="#">CM/ResDH(2017)164</a>	ROM / Pantea and 4 other cases	33343/96+	03/09/2003 03/06/2003	<i>Protection against ill-treatment/conditions of detention and protection of rights in detention as well as access and effective functioning of justice: Ill-treatment by co-detainees and/or the omission by prison staff to take the necessary measures to protect the physical integrity of inmates; failure to</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The possibility to reopen the impugned investigations is time-barred. The applicant Pantea was released from detention on remand. Criminal proceedings were closed.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<p><i>conduct effective investigations into allegations. (Article 3 substantive and procedural limb)</i></p> <p><i>Other violations: unlawful remand in custody and unlawful prolongation after the expiry of the remand warrant; failure to bring the applicant, failure to bring the applicant, whose detention was ordered by a prosecutor, rapidly before a judge and lack of a clear possibility to obtain compensation for unlawful detention; excessive length of criminal proceedings. (Articles 5 §§1+4+5 and 6§1)</i></p>	<p><i>General measures:</i> A new Law No. 254/2013 on the execution of sentences and custodial measures and its implementation rules (Government Resolution 157/2016) provide specific protective measures to be taken by the prison administration in respect of vulnerable prisoners. Vulnerability criteria were established. Protection measures comprise accommodation in a separate cell; determination of places and timetables for activities, itineraries and persons to encounter; assignment of experienced staff for guard, escort, surveillance, monitoring and intervention; complaint procedures regarding acts of violence; adequate psychological and social assistance; transfer to another prison or penitentiary hospital. After acts of aggression, the inmates concerned are taken to the doctor. The prison doctor has the obligation to register in the inmate's medical record any sign of violence he/she might find on his/her body, and to send the case to the prosecutor. In such cases, the inmate has the right to be examined by a forensic specialist. In case of serious consequences on the physical integrity, a disciplinary procedure or a criminal procedure is initiated ex officio. Additional penitentiary staff was appointed and special training on prevention of violence organised. Prison staff intervenes on three levels: prevention and evaluation of vulnerabilities of inmates and risks; direct measures in case of aggression; reporting and actions in the context of disciplinary or criminal proceedings as well as separation of the inmates by moving the aggressor. As a general rule, persons held in pre-trial detention are no longer placed together with the inmates serving a final sentence. A Strategy for decreasing aggressive conduct within the prison system adopted in 2014 is implemented under the supervision of the National Penitentiary Administration with the objective to establish an assessment system examining the causes of aggressive behaviour within penitentiaries; to elaborate and implement interdisciplinary policies to approach both self-aggressive and hetero-aggressive conduct; to complete the</p>

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					<p>legal framework for efficient handling of the penitentiary aggression phenomenon and to promote safeguards and physical safety for inmates and staff. The judgment was translated, published and disseminated and is used in training activities.</p> <p>Issues relating to Articles 5 and 6 § 1, were or are examined in the framework of the Calmanovici (<a href="#">CM/ResDH(2014)13</a>), Vlad and Others and Tase groups of cases.</p>
<a href="#">CM/ResDH(2017)244</a>	ROM / Ples	37213/06	12/07/2016 12/04/2016	<i>Access to and efficient functioning of justice: Unfairness of civil proceedings due to the failure of the High Court of Cassation and Justice to examine a claim for non-pecuniary damage without providing a clear reason. (Article 6 §1)</i>	<p><i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The applicant did not avail himself of the possibility to request reopening of proceedings.</p> <p><i>General measures:</i> Singular omission of the High Court of Cassation and Justice. The judgment was translated, published and disseminated.</p>
<a href="#">CM/ResDH(2017)247</a>	ROM / Pleshkov	1660/03	16/02/2015 06/09/2014	<i>No punishment without law and protection of property: Criminal conviction as well as forfeiture of property used for the commission of the alleged offense under a legal provision insufficiently foreseeable. (Articles 7 and 1 of Protocol No. 1)</i>	<p><i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. Reopening of proceedings possible.</p> <p><i>General measures:</i> The national case-law and practice, consolidated between 2009 and 2016, provides a consistent and foreseeable interpretation of the relevant legislation at issue. The judgment was translated, published and disseminated.</p>
<a href="#">CM/ResDH(2017)106</a>	ROM / Popoviciu	52942/09	01/06/2016 01/03/2016	<i>Protection of rights in detention: Deprivation of liberty for eight and a half hours without legal basis at the Anti-Corruption Directorate under an order to appear before the prosecutor. (Article 5§1)</i>	<p><i>Individual measures:</i> Just satisfaction for non-pecuniary damages paid.</p> <p>For <i>General measures</i> see <a href="#">CM/ResDH(2013)220</a> in Creanga and well as general measures adopted in the case Ghiurau.</p>
<a href="#">CM/ResDH(2017)291</a>	ROM / Predica and 3 other cases	42344/07	07/09/2011 07/06/2011	<i>Right to life and protection against ill-treatment / electoral rights / conditions of detention: Death or ill-treatment of prisoners and lack of effective investigations as well as lack of effective remedy</i>	<p><i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. In one case, in continued investigations new evidence was heard. In two cases, criminal liability is time-</p>

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>in this respect; overcrowding and poor material and hygiene conditions in Jilava and Giurgiu prisons and the automatic ban on prisoners' voting rights following a criminal conviction. (Articles 2 and 3 substantive and procedural limb and 13)</i>	barred. In the fourth case, a negative conflict of competence is yet to be decided by the court of appeal. <u>General measures:</u> According to the new legal framework on the execution of custodial sentences and measures ordered by the judicial authorities in criminal proceedings, adopted in 2013, the right to medical assistance, treatment, medication and care, free of charge, is guaranteed to all detainees, as well as access to a forensic examination in detention. For details see <a href="#">CM/ResDH(2016)150</a> in Barbu Anghelescu. In cases of death occurred in prison, internal procedures are established in different manuals of the Minister of Justice or the general director of penitentiaries adopted in 2010/11. In October 2015 the Prosecutor's Office attached to the High Court of Cassation and Justice issued the Strategy for increasing the effectiveness of investigations conducted in cases of ill-treatment inflicted by state agents (police officers, penitentiary staff, gendarmes) in connexion with the exercise of their professional duties. Effective prevention and detection of ill-treatment in prison were also enhanced through professional training activities provided to staff of special intervention units and the oversight of their interventions by the National Prison Administration. Regulations on the documentation and reporting of medical evidence of ill-treatment were adopted. For measures relating to other issues established in the case of Cucu: see <a href="#">CM/ResDH(2014)13</a> in the cases of Bragadireanu and Calmanovici groups. The judgments were translated, published and disseminated.
<a href="#">CM/ResDH(2017)240</a>	ROM / Rachita	15987/09	17/08/2016 17/05/2016	<i>Access to and efficient functioning of justice: Unfair civil proceedings due to the dismissal of an action seeking removal of a fence by a final judgment without properly examining the evidence submitted to domestic courts. ( Article 6 §1)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. Reopening of proceedings possible. <u>General measures:</u> Erroneous application of national legal provisions. The judgment was translated, published and disseminated.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
<a href="#">CM/ResDH(2017)218</a>	ROM / Rozalia Avram	19037/07	16/12/2014 16/09/2014 (Merits) 05/07/2016 05/04/2016 (Just satisfaction)	<i>Access to and efficient functioning of justice and protection of property: Infringement of the principle of legal certainty on the ground that the domestic court of appeal annulled the contract of sale in respect of the applicant's flat, thus calling into question the previous judgment of that court. (Articles 6)</i>	<i>Individual measures:</i> Just satisfaction in respect of pecuniary and non-pecuniary damage paid. <i>For General measures</i> see <a href="#">CM/ResDH(2013)263</a> in Amurăriței. The new Code of Civil Procedure 2013 expressly recognises the principle of res judicata. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)392</a>	ROM / Ruianu and 17 other cases	34647/97+	17/09/2003 17/06/2003	<i>Access to and efficient functioning of justice and protection of property: Failure to execute final and enforceable court decisions due to various deficiencies in regarding the legal framework of execution or its application and, in two cases, excessive length of proceedings. (Article 6 §1 and, in certain cases Article 1 of Protocol No. 1)</i> <i>Other violation: The case of Frasila et Ciocirlan concerns the failure to protect freedom of expression by taking adequate measures to ensure the execution of a court decision allowing journalists access to a radio station. (Article 10)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary (and pecuniary in certain cases, in particular when execution of the relevant domestic judgment had become time-barred) damages paid. <i>General measures:</i> A new legal framework for execution proceedings was introduced in 2000 and modified in 2005 providing two avenues to challenge inactivity of bailiffs: a preventive action challenging inaction or delay under the Civil Procedure Code and an action in tort liability as the failure to enforce a court injunction constituted a criminal offence both under law No. 188/2000 and under the new penal Code. After its entry into force in 2014, a New Civil Procedure Code brought further improvements, in particular concerning sanctions for debtors obstructing the execution of final court decisions. The penalties applied to the debtor benefit to the creditor and to the State. Training activities for bailiffs and magistrates were organised by the National Centre for bailiff training and the National Institute for Magistrates. The issue of excessive length of proceedings is examined in the context of the Vlad group. The judgments were published, translated and disseminated.
<a href="#">CM/ResDH(2017)350</a>	ROM / S.C. Britanic World S.R.L.	8602/09	12/09/2016 26/04/2016	<i>Access to and efficient functioning of justice: Breach of the principle of legal certainty on account of the revision of a final county court judgment by a Court of Appeal judgment which</i>	<i>Individual measures:</i> The finding of a violation constituted sufficient just satisfaction in respect of any non-pecuniary damage. No causal link between violation found and pecuniary damage claimed. No request for review of the impugned judgment filed.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>quashed the county court and upheld the first-instance court's judgment. (Article 6 §1)</i>	<u>General measures:</u> See <a href="#">CM/ResDH(2012)48</a> in Stanca Popescu.
<a href="#">CM/ResDH(2017)248</a>	ROM / S.C. Raisa M. Shipping S.R.L	37576/05	08/07/2013 08/01/2013	<i>Access to and efficient functioning of justice: Denial of access to court due to the lack of sufficient diligence of the competent court to ensure that the summons to a court hearing was transmitted and received by the applicant company. (Article 6 §1)</i>	<u>Individual measures:</u> The applicant company is no longer registered in the Companies National Register following the insolvency proceedings. Therefore, the Government deposited the awarded sums under the company's name and informed the creditors thereof. Reopening was possible. <u>General measures:</u> Erroneous application of legal provisions regarding summons. Modifications of the legal provisions under the Civil Code in 2013. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)8</a>	ROM / Sica and 4 other cases	12036/05+	09/10/2013 09/07/2013	<i>Access to and efficient functioning of justice: Impossibility in criminal proceedings to examine or have examined in court witnesses for the prosecution, whose statements before the prosecuting authorities had been decisive for the applicants' conviction and insufficient use of counterbalancing procedural guarantees to allow a correct and fair assessment of the witnesses' reliability by the courts. (Article 6§§1+3d)</i>	<u>Individual measures:</u> Just satisfaction paid; reopening of the impugned proceedings possible. <u>General measures:</u> According to the relevant provisions of a new Code of Criminal Procedure 2014, the competent court is obliged to collect evidence either at the request of the prosecutor or the injured parties or ex officio if necessary for its assessment. Judicial authorities are to give reasons for their decision to dismiss requests for the collection of evidence during criminal proceedings. Notification of all parties is mandatory for the early hearing of a witness. The legal counsel of the accused may, in principle, participate in all acts of criminal prosecution, including the hearing of witnesses. The High Court of Cassation and Justice changed its case-law accordingly. The judgments were translated, published and disseminated and are used in training of magistrates and judges.
<a href="#">CM/ResDH(2017)142</a>	ROM / Sirghi	19181/09	24/08/2016 24/05/2016	<i>Access to and efficient functioning of justice: Unfair criminal proceedings, due to the lack of legal assistance during police questioning and the decisive importance attached to the statement</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. The applicant may request reopening of proceedings within three months of the judgment's becoming final.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>given to the police resulting in the suspect's conviction. (Article 6 §§1+ 3(c))</i>	<i>General measures:</i> The new Code of Criminal Proceedings provides that suspects must be informed before the first interrogation of their right to be assisted by a lawyer.
<a href="#">CM/ResDH(2017)10</a>	ROM / Tase and 1 other case	29761/02+	10/09/2008 10/06/2008	<i>Protection of rights in detention: Unlawful placement in detention on remand and lack of pertinent and sufficient reasons for extending detention on remand as well as lack of compensation for unlawful detention as the applicants' detention had not been declared unlawful by the domestic courts. (Article 5 §§1+3+5)</i>	<i>Individual measures:</i> Just satisfaction paid. Periods of unlawful detention on remand taken into account in the sentences. <i>General measures:</i> Lack of concrete reasons for justifying placement in detention on remand or for extending it: for general measures see <a href="#">CM/ResDH(2014)13</a> in the Calmanovici group of cases. The Code of Criminal Procedure enables persons placed in detention on remand to request the judge to revoke the measure or to replace it with a different preventive measure (home arrest or judicial control) ensuring that each period of detention on remand is subjected to judicial scrutiny, be it ex officio or upon request. For the residual cases when the unlawfulness of the detention is not established by a prosecutor's order or by a court decision, the analysis of recent national jurisprudence shows a broad approach in the interpretation of the relevant provisions. In several cases, civil courts analysed the compatibility of the claimants' detention with ECHR standards.
<a href="#">CM/ResDH(2017)217</a>	ROM / Ulariu	19267/05	24/03/2014 19/11/2013	<i>Protection of private and family life as well as correspondence: Interception of telephone communications ordered by the prosecutor under the former Code of Criminal Procedure, which did not offer sufficient safeguards. (Article 8)</i>	<i>Individual measures:</i> No just satisfaction awarded. The recordings of the applicant's telephone communications are stored at the Brasov County Court's headquarters, in secure conditions and will be retained until the end of the retention period provided by domestic regulations, that is until 2034. A special commission within the Brasov County Court will decide whether the recordings are to be destroyed or whether they should continue to be preserved either in the archives of this Court or in the National Archives. <i>General measures:</i> Concerning the <i>General measures</i> , see <a href="#">CM/ResDH(2014)13</a> in Calmanovici group. The new Code of Criminal Procedure provides for the obligation of the prosecutor to inform the person concerned of the interception within 10 days from the

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					completion of the interception or at the latest, at the finalization of prosecution or classification of the case. The person may listen to the recordings made and read the minutes of the monitoring activities. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)349</a>	ROM / V.D.	7078/02	28/06/2010 16/02/2010	<i>Protection against ill-treatment in detention and access to and efficient functioning of justice: Inhuman and degrading treatment in prison, due to the failure to provide a destitute detainee with free dental prostheses as well as impossibility to cross-examine a prosecution witness whose testimony was decisive for the conviction of the accused and lack of sufficient safeguards for defence rights. (Articles 3 and 6 §§1+3d)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicant was released. He did not file a request for review of the impugned proceedings. <i>General measures:</i> Refusal of dental prosthesis was the result of a deficient social security and medical assistance framework concerning inmates. The Law on the Execution of Sentences ordered by Judicial Bodies in the contest of Criminal Proceedings of 2013 provides for free medical assistance, treatment and care to detainees without discrimination. The costs are covered by the budget of The National Fund of social health insurance in conformity with the conditions determined in a Framework Contract on National Level. Contracts were also concluded with the National Health Insurance Fund CASAOPSNAJ. A common order of the Minister of Justice and the Minister of Health on the health care of detainees in custody of the National Prison Administration was concluded, which is currently under revision. In the period 2014-2016, 11 prisoners received dental prosthesis. 9 dentists were recruited by the National Prison Administration. An in-depth analysis of the implementation of these measures will be examined in the context of the Dragan group. The violation concerning the unfair criminal proceedings was due to a punctual dysfunction in the particular circumstances of the case. After the fact of the case, a new Code of Criminal Procedure (Law 135/2010) entered into force in 2016 comprising extensive guarantees to ensure the equity of proceedings and defence rights. The judgment was translated, published and disseminated.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
<a href="#">CM/ResDH(2017)216</a>	ROM / Valentino Acatrinei	18540/04	25/09/2013 25/06/2013	<i>Protection of private and family life as well as correspondence: Absence of sufficient legislative safeguards as regards the interception of telephone communications by the intelligence services under Law No. 51/1991 on national security, in the context of criminal proceedings which resulted in the applicant's conviction by the High Court of Cassation and Justice (Article 8).</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>For General measures</i> see <a href="#">CM/ResDH(2016)134</a> in Dumitru Popescu (No. 2). . The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)272</a>	ROM / Velcea and Mazare	64301/01	01/03/2010 01/12/2009	<i>Right to life and protection of family life: Ineffectiveness of an investigation into murders in which the murderer's brother, a police officer, was implicated and refusal of courts to disinherit the murderer in proceedings for the division of the victim's estate after his suicide had prevented a final conviction. (Article 2 procedural limb and 8)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. No request for reopening of proceedings was submitted. The applicants request for revision of the inheritance proceedings was rejected as the finding of a violation by the ECHR does not constitute a valid motive to admit such a request. <i>General measures:</i> Concerning the ineffectiveness of investigations, see <a href="#">CM/ResDH(2016)293</a> in Truffin. Concerning the issue of declaring a person unfit to inherit, the Civil Code as amended in 2011 provides for the possibility of a declaration of judicial indignity to inherit in case of an offence committed with the intention to cause the deceased person's death or serious acts of physical or moral violence against her even after the perpetrator's death. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)243</a>	ROM / Vergu	8209/06	20/06/2011 11/01/2011 (Merits) 09/07/2013 09/04/2013 (Just satisfaction)	<i>Protection of property: Unlawful interference due to the irreversible occupation by the National Road Administration of a plot of land for works of public interest without an expropriation procedure and without granting compensation. (Article 1 of Protocol No. 1)</i>	<i>Individual measures:</i> The sum awarded as just satisfaction in respect of all damages was paid. <i>General measures:</i> After subsequent amendments of national law, formal expropriation proceedings would be conducted in similar situations. If the property is only temporarily affected by public works, lease contracts concerning the affected land can be concluded between the constructor and the owner. The judgment was translated, published and disseminated.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
<a href="#">CM/ResDH(2017)167</a>	RUS / Fedotova and 8 other cases	73225/01+	13/09/2006 13/04/2006	<p><i>Access to and efficient functioning of justice and protection of rights in detention/protection against ill-treatment/conditions of detention/right of individual petition: Unlawful composition of the domestic courts due to the authorities' failure to observe the provisions of the Lay Judges Act, following which lay judges were appointed with procedural irregularities in civil and criminal proceedings. (Article 6 §1)</i></p> <p><i>Other violations in certain cases: poor conditions of detention in a police facility; unlawful detention; unreasonably lengthy detention; lengthy detention appeal proceedings, lack of legal assistance and absence of the applicant and his counsel at the appeal instance; and interference with the right of individual petition by way of pressure on the legal representative. (Articles 3, 5 §§1+3+4 and 34)</i></p>	<p><b>Individual measures:</b> Just satisfaction in respect of non-pecuniary damage paid. As regards the civil proceedings, the proceedings in the Fedotova case were reopened and discontinued; in other case no request for reopening was submitted. As regards the criminal proceedings, the first applicant did not apply for reopening and was released before the delivery of the judgment. Proceedings against all other applicants were reopened and reconsidered either by newly composed tribunals or by the Supreme Court.</p> <p><b>General measures:</b> The Introductory Act to the 2003 Code of Civil Procedure repealed the 2000 Lay Judges. Today, only professional judges can participate in the administration of justice in civil cases.</p> <p>For general measures concerning removal of lay judges in criminal proceedings see <a href="#">CM/ResDH(2004)46</a> in Posokhov.</p> <p>The general measures in response to the other violations found are examined:</p> <ul style="list-style-type: none"> <li>- poor conditions of detention in a police facility in the Fedotov group;</li> <li>- other issues concerning detention and related proceedings in the Klyakhin group;</li> <li>- pressure on applicants' representative in connection with their application to the ECHR in the Ryabov case.</li> </ul>
<a href="#">CM/ResDH(2017)168</a>	RUS / Kormacheva and 105 other cases	53084/99	14/06/2004 29/01/2004	<p><i>Access to and efficient functioning of justice: Excessive length of civil and criminal proceedings and the lack of an effective domestic remedy in this respect as well as, in certain cases, refusal to examine a claim for compensation in respect of excessively long civil proceedings due to the lack of a relevant legal provision. (Articles 6 § 1 and 13)</i></p> <p><i>Other violations found: delayed enforcement of domestic judicial decisions concerning monetary awards against the State; repeated detention of</i></p>	<p><b>Individual measures:</b> Just satisfaction paid. Domestic proceedings in all cases were closed. The domestic judicial decisions were enforced. The passport was returned to the applicant concerned.</p> <p><b>General measures:</b> Legislative measures taken to reduce the length of civil proceeding and to introduce a remedy in this respect: A new appellate review procedure was introduced in 2012 for both civil and criminal cases, with the appeal instance's competence to examine new evidence and decide on the merits directly without sending the case back to the lower court for re-trial. Tight deadlines were set for the appeal</p>

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				<p><i>the applicants in the course of a criminal investigation on the basis of insufficiently reasoned decisions and failure to return the passport upon release from custody. (Articles 6 §1 and 1 of Protocol No. 1; Article 5 §§1+3; Article 8)</i></p>	<p>courts to examine cases referred: three months for civil cases and 45 days for scheduling a hearing in criminal cases. Notification of parties in both civil and criminal cases via text messages indicating the date, time and venue of the hearing was introduced in 2013, by a regulation of the Supreme Court's Judicial Department. The Codes of Civil and Criminal Procedure were amended in 2016 to introduce the availability of judicial decisions within five days of their adoption, including by publication online. An alternative mediation procedure was introduced in 2010 to reduce the judges' workload. In the context of the Federal Programme for the Development of the Russian Judicial System 2007-2012, the number of judges in civil and criminal courts and in commercial courts was increased by more than 2000, and the number of justices of peace by more than 40%. 41 new courts and 32 representations of permanent judicial bodies were opened. Modern IT tools allow the electronic administration of proceedings, automatic notification of parties about the date, time and venue of court hearings as well as internet broadcasting of public court hearings. The Supreme Court organised special training sessions and annual meetings with judges to raise their awareness of the right to a fair trial within a reasonable time. A domestic remedy in respect of excessively lengthy judicial and enforcement proceedings as well as of pre-trial criminal proceedings was introduced by the Compensation Act 2010 providing for both a compensatory and acceleratory remedy. In parallel, a new provision was introduced to the Codes of Civil and Criminal Procedure according to which the parties can now request acceleration of proceedings. The vast majority of civil and criminal cases are now dealt with in the time-limits fixed by domestic legislation. The number of cases considered outside of such time-limits decreased between 2005 and 2014: from 6,9% to 1,4% in civil cases and from 3,4% to 0,8% in criminal cases. According to the CEPEJ Report on "European Judicial Systems – Edition 2014</p>

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					<p>(2012 Data): Efficiency and Quality of Justice”, the ratio between pending cases and closed cases of both civil and criminal cases in the Russian Federation is the shortest in Europe, with a clearance rate (ratio between resolved cases and incoming cases) of 99 to 100%.</p> <p>For general measures concerning the other issues:</p> <ul style="list-style-type: none"> <li>- delayed enforcement of domestic judicial decisions concerning monetary awards against the State, see <a href="#">CM/ResDH(2016)268</a> in Timofeyev group of cases;</li> <li>- repeated detention during criminal investigation on the basis of insufficiently reasoned decisions is being examined in the Klyakhin group of cases;</li> <li>- failure to return the passport upon release was an isolated incident.</li> </ul>
<a href="#">CM/ResDH(2017)278</a>	RUS / Margushin	11989/03	01/07/2010 01/04/2010	<i>Access to and efficient functioning of justice and protection of property: Breach of the principle of legal certainty due to the non-enforcement of a judgment resulting in the inability to recover money deposited in a private bank. (Article 6§1 and 1 of Protocol No. 1)</i>	<p><u>Individual measures:</u> The domestic judgment was fully enforced. The domestic court ordered to recover indexation in the applicant's favour due to the excessive length of the enforcement proceedings. Just satisfaction for non-pecuniary damage paid.</p> <p><u>General measures:</u> Incorrect application of domestic legislation by the judge. The judgment was translated, published and disseminated.</p>
<a href="#">CM/ResDH(2017)95</a>	RUS / Rantsev	25965/04	10/05/2010 07/01/2010	<i>Prohibition of slavery and forced labour applied to trafficking in human beings and lack of effective investigations: Death in ambiguous circumstances of the applicant's daughter, who had travelled from the Russian Federation to Cyprus on an "artiste" visa and failure by Russia to conduct effective investigation into recruitment of a young woman by traffickers. (Article 4)</i>	<p><u>Individual measures:</u> The Russian authorities opened a criminal investigation into Ms Rantseva's death and also investigated the circumstances of her recruitment in the Russian Federation for the purpose of human trafficking. In 2011 in a procedural decision was taken to refuse the initiation of a criminal case. The applicant was informed of the decision which was not appealed against at the Prosecutor's Office or in courts.</p> <p><u>General measures:</u> An amendment of the Russian Criminal Code in December 2003 introduced a new provision</p>

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					criminalising trafficking in human beings, which also covers recruitment (Article 127.1). (See also CYP / Rantsev)
<a href="#">CM/ResDH(2017)354</a>	RUS / Republican Party of Russia	12976/07	15/09/2011 12/04/2011	<i>Freedom of association: Disproportionate interference due to refusal to include information on a political party's new address and representatives in the Unified State Register of Legal Entities as well as on account of the fact that the party had been dissolved following the judgment of the Supreme Court. (Article 11)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The Republican Party was re-registered in May 2012. Subsequently, the Party requested to amend the State Register several times, and all of its requests were granted. In November 2015 it changed its name to People's Freedom Party (PARNAS). <i>General measures:</i> The requirements and procedure of registration in the State Register (including amendments) was clarified by federal laws in 2001 and 2013 and by orders of the Ministry of Justice in 2011, 2013 and 2015. These acts define the competences of the registration authorities. They enumerate the documents the parties have to submit and describe their detailed contents. Federal Law No. 28-FZ of 2012 limited the number of the reasons to suspend or refuse registration of amendments. Prior to a refusal, the authorities must suspend registration, inform the party about the reasons thereof and give it three months to address them. As to dissolution, the 2012 Law provides that the minimum number of party members should now be 500 (dropping from 5,000), and cancelled the requirements concerning number of members in the parties' regional branches. The judgment was translated, published and disseminated to the authorities concerned.
<a href="#">CM/ResDH(2017)280</a>	RUS / Romensky	22875/02	13/09/2013 13/06/2013	<i>Access to and efficient functioning of justice: Lack of impartiality of a domestic court referring to an accused person as "guilty" in a ruling issued before his conviction. (Article 6 §1)</i>	<i>Individual measures:</i> No just satisfaction awarded. In reopened proceedings, the conviction and the cassation decision were quashed and the case transferred for new examination. <i>General measures:</i> In 2002, the principle of the presumption of innocence was introduced in the current Code of Criminal Procedure, which was already included in Article 49 of the Constitution. A Supreme Court Ruling 2013 explained

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					respective standards. The Code of Judicial Ethics also underlined its importance providing for disciplinary liability of judges. The judgment was translated, published and disseminated to domestic courts.
<a href="#">CM/ResDH(2017)83</a>	RUS / Ryabykh group (113 cases)	52854/99+	03/12/2003 24/07/2003	<i>Access to and efficient functioning of justice and protection of property: Infringement of the principle of legal certainty on account of the quashing of final judicial decisions in the applicants' favour by way of the supervisory-review procedure ("nadzor") provided for by the Code of Civil Proceedings in various regions of the Russian Federation before 2012 on an application made by a State official whose power to lodge such an application was not subject to any time-limit or – after 2003 when a time-limit was introduced in principle - on the basis of court presidents' unfettered powers to reopen the case even after that time-limit had expired, which led to interference with property rights. (Articles 6 §1 and 1 Protocol No. 1)</i>	<i>Individual measures:</i> Just satisfaction for pecuniary and non-pecuniary damage paid. In all cases, in which the relevant judgment had ordered enforcement of domestic judicial decisions, these were enforced. <i>General measures:</i> Structural problem. The supervisory-review procedure was reformed in 2003, 2008 and 2012. Following the 2003 and 2008 reforms, only the parties to the proceedings could initiate a supervisory-review within a certain time-limit and only after the available regular avenues of appeal had been exhausted. The time-limit could be waived (restored) only in exceptional circumstances within one year of the contested judgment's becoming binding. On 12 February 2008, the legislative reform was supplemented by a decree of the Supreme Court's Plenary with guidelines to lower courts emphasising the need to respect the principle of legal certainty. The 2012 reform converted the first two (of three) levels of supervisory review (i.e. the presidia of the regional courts and the Civil Chamber of the Supreme Court) into cassation procedures, while limiting the supervisory-review procedure to the Supreme Court's Presidium. The supervisory-review procedure is now very seldom used: 1 case in 2013, 0 case in 2014 and 2 cases in 2015. The judgment was translated, published and disseminated. In 20 of the cases of this group, the Court also found other violations, as follows: excessive length of civil proceedings examined in the Kormacheva group; delays in the enforcement of judicial decisions concerning the State's monetary obligations examined in the Timofeyev group and the interference with property rights due to the quashing of final judicial decisions regarding pension rights on the basis of

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					newly discovered circumstances examined in the Pravednaya group of cases.
<a href="#">CM/ResDH(2017)84</a>	RUS / Slyusarev	60333/00	20/07/2010 20/04/2010	<i>Protection against ill-treatment in detention: Degrading treatment on account of a detainee's deprivation of his eye glasses during several months. (Article 3)</i>	<i>Individual measures:</i> No just satisfaction claimed. The glasses had been returned before the judgment in December 1998. <i>General measures:</i> Isolated incident of malpractice. Domestic regulations include glasses in the list of items of primary necessity allowed to be kept in detention. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)85</a>	RUS / Sun and 1 other case	31004/02+	14/09/2009 05/02/2009	<i>Protection of property: Confiscatory measures taken by Customs without the necessary legal basis. (Article 1 of Protocol No. 1)</i>	<i>Individual measures:</i> Just satisfaction for pecuniary and non-pecuniary damage paid. <i>For General measures</i> see <a href="#">CM/ResDH(2011)301</a> in Baklanov. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)355</a>	RUS / Vershinin	42858/06	20/09/2016 20/09/2016	<i>Protection of rights in detention: Unlawful deprivation of liberty on account of a person's involuntary placement in a psychiatric hospital due to the authorities' failure to convincingly demonstrate that he presented any danger and that his mental disorder was of a kind or degree warranting compulsory confinement. (Article 5 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicant was discharged from hospital and proceedings in view of compulsory medical treatment terminated. <i>General measures:</i> Isolated incident. The legislation in force contains sufficient guarantees in the context of compulsory medical measures. An amendment to the Criminal Procedure Code obliges the judge to take into account psychiatric experts' opinions as well as medical reports prepared by medical organisation providing psychiatric assistance in stationary conditions. In 2011 the Supreme Court adopted a Ruling on Compulsory Medical Measure Applied by Court on the subject, stressing, inter alia, that, when determining the type of a compulsory medical measure, the courts shall take into account the nature and the extent of such mental disorder, hazard posed by such a person to himself/herself or others, or a possibility of significant harm inflicted by this person. Under a new Ruling in 2013, courts were instructed to take into account the provision of the ECHR and the respective

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					ECHR's case-law. The judgment was translated, published and disseminated to the authorities concerned.
<a href="#">CM/ResDH(2017)413</a>	RUS / Zhukov Stanislav and 5 other cases	54632/00+	12/01/2007 12/10/2006	<p><i>Access to and efficient functioning of justice: Breach of the principle of equality of arms due to failure to summon convicted persons and their counsel in criminal supervisory review proceedings,. (Article 6 §1 alone or in conjunction with Article 6 §3c)</i></p> <p><i>Additional violations in certain cases: poor material conditions of detention both on remand and in prison (Article 3); police ill-treatment and failure to hold an effective investigation; inability to participate in civil proceedings initiated against the convicted person by the victims; and censorship of the correspondence with the Court. (Articles 3, 6 §1 and 8)</i></p>	<p><i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. In the cases of Sharomov, Alekseyenko, Anatoliy Tarasov and Yevgeniy Kornev, the supervisory-review proceedings were reopened and fresh hearings with the participation of the applicants or his counsel were held. Other applicants did not request a review of proceedings.</p> <p>General measures: According to the legislation in force before July 2002, a convicted person and his or her counsel were summoned to a supervisory review hearing only if the court found it necessary. In 2000 the Constitutional Court ruled that supervisory review proceedings conducted in the absence of the defence and resulting in the deterioration of convicted persons' situations were unconstitutional. Legislation was reformed in 2009 providing for the defence's participation on request. Subsequently, a direct right of the defence to be present at the supervisory review hearing was introduced in the Code of Criminal Procedure. The judgments were published, translated and disseminated.</p>
<a href="#">CM/ResDH(2017)183</a>	SER / EVT Company and 2 other cases	3102/05+	21/09/2007 21/06/2007	<p><i>Access to and efficient functioning of justice: Non-enforcement of final court decisions concerning debts of socially-owned companies or municipal authorities as well as of final administrative decisions concerning pensions and demolition orders in respect of unauthorised construction; in one case lack of an effective remedy for complaint in respect of the non-enforcement of a final decision against the debtor. (Articles 6 §1 , 1 of Protocol No.1 as well as 13)</i></p>	<p><i>Individual measures:</i> In these cases, the applicants did not take the steps needed to continue enforcement proceedings against the debtors, which resulted in the inability to proceed with the enforcement of relevant domestic decisions.</p> <p>For <i>General measures</i> taken with a view to ensuring the effectiveness of the enforcement of decisions in civil, commercial and family-related matters, as well as eviction orders within the context of the special "protected tenancy regime", see <a href="#">CM/ResDH(2016)152</a> in Bjelajac and 10 other cases. The implementation of measures required to ensure the enforcement of decisions rendered against socially-owned companies, municipal authorities, demolition orders in respect</p>

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					of unauthorised constructions and decisions rendered in the pension matters remains under examination.
<a href="#">CM/ResDH(2017)427</a>	SER / Grudic	31925/08	24/09/2012 17/04/2012	<i>Protection of property: Unlawful suspension of payment, by the Serbian Pensions and Disability Insurance Fund (SPDIF), of pensions earned in the Autonomous Province of Kosovo and Metohija for more than a decade. (Article 1 of Protocol No. 1)</i>	<p><i>Indication under Article 46: the Serbian authorities had to take all appropriate measures to ensure that the relevant laws were implemented in order to secure payment of the pensions and arrears in question within six months.</i></p> <p><i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. On account of pecuniary damages suffered, the pensions due plus statutory interest were paid.</p> <p><i>General measures:</i> In 2013 a public invitation to eligible persons was addressed in a number of newspapers in Serbia and in Kosovo as well as on the website of Serbian Pensions and Disability Insurance Fund (SPDIF) to apply for resumption of the payment of pensions earned in Kosovo. The authorities received 8,238 applications out of which 1,295 contained the required documents. Incomplete documents were received in the 6,943 remaining cases. 1,244 applications were rejected mostly on the ground that the applicants were receiving pensions in Kosovo: pursuant to the relevant legal provision, a pension beneficiary entitled to two or several pensions on Serbian territory may only exercise the right to one pension. The legal situation in the Grudić case was different, as the applicants were not recipients of the so-called "Kosovo pensions". As regards the judicial review, it was open to claimants to lodge an appeal and to bring administrative proceedings before the Administrative Court. Refusals to resume payment of pension had thus a clear basis in domestic law and are subject to effective judicial review, including by constitutional complaint. The Constitutional Court developed a body of compliant case-law in similar pension matters. The judgment was translated, published and disseminated.</p>
<a href="#">CM/ResDH(2017)194</a>	SER / Isakovic Vidovic	41694/07	01/10/2014 01/07/2014	<i>Protection of private life: Failure of domestic courts to provide adequate protection against an</i>	<i>Individual measures:</i> Just satisfaction in respect of pecuniary damage paid. Criminal proceedings are time-barred.

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				<i>attack on the applicant's physical integrity in criminal proceedings which became time-barred due to defective implementation of criminal law mechanisms. (Article 8)</i>	<i>General measures:</i> The new Criminal Procedure Code 2011 introduced measures improving the efficiency of criminal proceedings, in particular the "prosecutorial investigation" obliging prosecutors to prove grounds for indicting a person before and not during trial. See also <a href="#">CM/ResDH(2014)18</a> in Ristić. The judgment was translated, published and disseminated as well as awareness-raising activities organised.
<a href="#">CM/ResDH(2017)193</a>	SER / Paunovic and Milivojevic	41683/06	24/08/2016 24/05/2016	<i>Electoral rights: Termination of an MP's parliamentary mandate on the basis of an undated resignation letter requested by his party as condition for his candidacy in breach of domestic legislation and lacking effective remedy in this respect due to the Supreme Court's and the Constitutional Court's failure to consider the merits of the MP's complaint. (Article 3 of Protocol No. 1 and Article 13 taken in conjunction with Article 3 of Protocol No. 1)</i>	<i>Individual measures:</i> Just satisfaction in respect of pecuniary damage paid in the amount of the corresponding to the net salary and allowances to which the applicant would have been entitled before new parliamentary elections. <i>General measures:</i> A new Constitution 2006 changed the rules and provided for the MPs' freedom to put his or her mandate irrevocably at the disposal of the political party on the proposal of which he or she was elected and introduced the remedy of a constitutional appeal. Following two Resolutions of the CoE Parliamentary Assembly in 2008 and 2010, the Act on Altering and Amending the Act on Election of Members of Parliament was adopted in 2011 abolishing "party-administered mandates" and blank resignations, taking into account a Joint Opinion of the Venice Commission and OSCE/ODIHR. According to the Constitutional Court Law 2007, the Constitutional Court has exclusive competence to examine electoral disputes and may quash non-ECHR-compliant decisions and thus provide a legal basis for compensation requests. Since 2011, no constitutional complaint concerning early termination of parliamentary mandates was filed. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)393</a>	SER / Salontaji-Drobnjak	36500/05	13/01/2010 13/10/2009	<i>Access to and efficient functioning of justice and protection of private life: Exclusion from a final hearing in proceedings resulting in partial deprivation of the applicant's legal capacity and denial of access to a court in proceedings</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary paid. The impugned proceedings were reopened and the applicant's legal capacity restored. <i>General measures:</i> Violation due to misapplication of domestic law. In 2014, a new Non-Contentious Procedure Act

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				<i>concerning its restoration as well as disproportionate interference with private life due to the partial deprivation of legal capacity. (Articles 6 §1 twice and 8)</i>	was adopted, its scope covering also proceedings relating to deprivation and restoration of legal capacity. It provides, as a rule, for the presence of the persons concerned and for the courts' obligation to provide sufficient reasons for their decisions. The mental condition of persons concerned is to be examined by at least by two medical specialists in such proceedings. A time-frame for periodic judicial reassessment has to be set by courts. Examination may be ordered ex officio or pursuant to an application made by a guardian or another authorised person. Interferences with these statutory guarantees may be appealed against by constitutional complaint. Training and awareness-raising activities for judges were organised by the Academy for Judges. Measures ensuring efficient civil proceedings, including those concerning deprivation of legal capacity, are examined in context of the Jevremović group of cases. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2017)195</a>	SER / Sorgic	34973/06	03/02/2012 03/11/2011	<i>Access to and efficient functioning of justice: Legitimate doubts on the impartiality of a tribunal with two judges sitting on the bench in the adjudication of a case despite both their participation in the ruling in the same matter at a lower instance and excessive length of two sets of civil proceedings (Article 6§1 twice) .</i>	<i>Individual measures:</i> No just satisfaction awarded. The Supreme Court of Cassation granted leave for reopening of proceedings, quashed the impugned decision and decided on the merits of the applicant's appeal on points of law. The second set of (inheritance) proceedings were suspended pending the outcome of a civil suit and cannot be resumed due to the lacking request by the applicant. <i>General measures:</i> Change of the Supreme Court's case-law concerning the exclusion of judges. Measures in respect of excessive length of civil proceedings are examined within the context of the Jevremović group of cases, notably Popović subgroup of cases.
<a href="#">CM/ResDH(2017)107</a>	SER / Vincic and Others and 2 other cases	44698/06+	02/03/2010 01/12/2009	<i>Access to and efficient functioning of justice: Denial of a fair hearing on account of the district court's inconsistent adjudication in respect of the claims brought by many persons in identical</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damages paid as awarded. None of applicants requested reopening of the impugned civil proceedings.

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				<i>situations; the Supreme Court and the Constitutional Court having rejected the applicants' request to intervene, these conflicts were not institutionally resolved. (Article 6§1)</i>	<i>General measures:</i> Amendments to the 2009 Court Rules enable domestic courts to harmonise domestic case-law. On the basis of the 2014 action plan by the Supreme Court of Cassation, the Presidents of Appellate courts hold joint sessions to discuss relevant civil-law topics in view of a general harmonisation of case-law; 24 joint sessions were held and 20 legal opinions adopted. A constitutional appeal before the Constitutional Court was introduced in 2007, on which basis impugned civil judgments were quashed and reopening of proceedings ordered. Training and awareness-raising measures with special focus on "the issue of harmonised case-law" were taken. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)250</a>	SMR / M.N. and Others	28005/12	07/10/2015 07/07/2015	<i>Protection of private life and correspondence: Unnecessary interference due to lacking safeguards related to a decision to copy and store bank documents containing personal data of the first applicant who had entered into fiduciary agreement with a Sammarinese company investigated by Italian authorities. (Article 8)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. All bank records, once acquired, are forwarded to the Authority of the requesting State and the Court of San Marino shall not retain any copy thereof. <i>General measures:</i> Future similar cases would be interpreted in the light of the present judgment.
<a href="#">CM/ResDH(2017)128</a>	SUI / Di Trizio	7186/09	04/07/2016 02/02/2016	<i>Discrimination: Refusal of the authorities, based on the so-called combined method of calculation, to continue granting disability allowance to a mother when she decided to combine care of her two children and part time work, which constituted in practice, for the great majority of women wishing to work part time following the birth of their children, a source of discrimination. (Article 14 in conjunction with Article 8)</i>	<i>Individual measures:</i> In December 2016 the Federal Court granted the applicant a revision request dismissing a public-law appeal lodged by the Swiss Disability Insurance Office. Subsequently, the applicant was granted a 50% disability allowance to be paid from 31 August 2004. <i>General measures:</i> The Swiss Federal Social Insurance Office addressed a circular letter to all competent authorities in the area of disability insurance indicating that the combined method shall no longer be applied in similar cases and that a reduction in working time for purely family reasons related to childcare is no longer a reason for revision of decisions to grant disability benefits. The Government plans to amend the relevant legislation by introducing a suitable method of

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					calculation to improve the situation of concerned part-time workers. The judgment was published and disseminated to all authorities directly concerned.
<a href="#">CM/ResDH(2017)415</a>	SUI / El Ghatet	56971/10	08/02/2017 08/11/2016	<i>Protection of family life: Refusal to permit family reunification of a father residing in Switzerland with his son of 15 years living in Egypt, on the basis of the failure to give sufficient consideration to the child's best interest. Article 8)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The applicants could have seized the Federal Court with a request to reopen domestic proceedings but did not avail themselves of this opportunity. <i>General measures:</i> The judgment was published and disseminated to all authorities directly concerned.
<a href="#">CM/ResDH(2017)416</a>	SUI / Peltereau-Villeneuve	60101/09	28/01/2015 28/10/2014	<i>Access to and efficient functioning of justice: Breach of the presumption of innocence on account of terms used by the prosecutor in his decision to discontinue as time-barred criminal investigation on suspicion of sexual abuse; these terms having been made public and confirmed by the Federal Court leaving no doubt as to the prosecutor's opinion on the applicant's guilt. (Article 6 §2)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The applicant's revision request was rejected this request by the Federal Court on the ground that there are no continuing negative effects of the prosecutor's decision that would need to be remedied by means of a revision. <i>General measures:</i> A new Code of Criminal Procedure entered into force in 2011, stipulating that a decision to discontinue criminal proceedings equals to acquittal of the person concerned. Thus, any reasons adduced for the possible guilt of the person concerned are excluded and are subject to appeal. The judgment was published and disseminated, including to all authorities directly concerned.
<a href="#">CM/ResDH(2017)414</a>	SUI / X.	16744/14	26/04/2017 26/01/2017	<i>Protection against ill-treatment / deportation/asylum: Failure of authorities to sufficiently assess in asylum-proceedings the risk of ill-treatment if returned to Sri Lanka resulting in subsequent deportation and ill-treatment of the applicant at the hands of the Sri Lankan authorities while in prison. (Article 3)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The Federal Migration Office allowed the applicant to return to Switzerland and his fresh asylum application was granted. <i>General measures:</i> The judgment was widely published and disseminated, including to the Federal Administrative Court and the State Secretariat for Migration (the former Federal Migration Office). Change of practice of the FMO based on the results of its field missions to this country, the jurisprudence of international courts and other States, and the reports of

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					international organisations as well as three independent assessments of the FMO's decision-making process. Now the risk-assessment in asylum procedures is done based on the criteria developed by the ECHR and these new rules are applied retroactively to all cases involving Sri Lankan nationals.
<a href="#">CM/ResDH(2017)170</a>	SVK / Cernak	36997/08	14/04/2014 17/12/2013	<i>Protection of rights in detention: Failure to guarantee adequate review of lawfulness of detention in the context of the applicant's arrest in the Czech Republic on the basis of an European Arrest Warrant and his extradition to Slovakia, as the applicant's representatives had limited possibilities to consult the case file; all the contested decisions were taken in private; no written version of the detention order was available before the determination of appeal; and none of the domestic courts took any stance on the lawfulness of his detention under the rule of specialty under the European Convention on Extradition 1957. (Article 5 §4)</i>	<i>Individual measures:</i> No just satisfaction awarded in addition to the finding of a violation. The applicant was convicted and is not under pre-trial detention any more. <i>General measures:</i> Violations found were the result of malpractice of domestic courts in a case of serious crime and complicated facts. The European Arrest Warrant Act 2004, in force at the material time, was replaced by the EAW Act 2010. It excludes application of the rule of specialty under the European Convention on Extradition in relation to other EU member States unless and to the extent that it simplifies or facilitates the proceedings under this Act. The judgment was translated, published and disseminated and is used in training activities organised by the Judicial Academy.
<a href="#">CM/ResDH(2017)371</a>	SVK / Cicmanec	65302/11	28/09/2016 28/06/2016	<i>Access to and efficient functioning of justice: Denial a fair hearing due to the Constitutional Court's failure to forward to the applicant a copy of the written observations by the District Court and the Regional Court in response to his constitutional complain and excessive length of proceedings. (Article 6 §1 twice)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. Reopening of domestic proceedings was possible, but not requested. <i>General measures:</i> The judgment was published and disseminated. Isolated case of improper judicial practice with regard to the non-communication of statements. General measures with regard to length of proceedings are examined in the Maxian and Maxianova group.
<a href="#">CM/ResDH(2017)86</a>	SVK / Koky and Others	13624/03	12/09/2012 12/06/2012	<i>Protection against ill-treatment: Lack of an effective investigation into an attack by private individuals on a Roma settlement in light of the sensitive nature of the situation related to Roma. (Article 3 procedural limb)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The investigation, suspended in 2003, was pursued in 2012. However, the circumstances did not permit to identify a perpetrator. In conclusion, by the decision of 29/11/2013 the investigator suspended the proceedings

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					<p>under Article 228 of the Code of Criminal Procedure, on the ground that the established facts do not form any material basis for raising charges. This decision was not challenged and thus considered lawful by the Poprad District Prosecution Office and the General Prosecution Office. The decision does not restrict the right of the victims to claim civil liability on the basis of Act no. 40/1964 Coll. as amended.</p> <p><i>General measures:</i> A new 2006 Code of Criminal Procedure enables the prosecutor to review actions of police officers on the basis of a request. The accused, the victim and any person participating in the investigation are entitled to submit such a request at any moment. Prosecutors shall examine the request and notify the applicants of the result. Decisions concerning the suspension of criminal proceedings shall be communicated to the accused and the victim, who can file a complaint against it. Investigations of particularly serious crimes must be completed within six months, in other cases, within four months. If an investigation is not completed within the deadlines, the police officer shall notify the public prosecutor in writing. On 01/02/2014 the offence of the extremism was introduced into the Act on Offence 1990. A new regulation on fighting extremism and fan violence was issued in 2014 by the Ministry of Interior introducing specialised investigators to examine crimes of extremism and racially motivated crimes. Amendments of the Code of Criminal Procedure and the Criminal Code entered into force on 01/01/2017 enhancing efficiency of investigations of racially motivated crimes, the jurisdiction for such crimes being transferred from the District Courts to the Specialized Criminal Court. The judgment was translated, published and disseminated. Awareness-raising activities and training for prosecutor and judges are organised.</p>
<a href="#">CM/ResDH(2017)87</a>	SVK / Labsi	33809/08	24/09/2012 15/05/2012	<i>Protection against ill-treatment and co-operation with the ECHR: Expulsion of an Algerian national convicted in France for preparing a</i>	<p><i>Individual measures:</i> The applicant served his sentence in Algeria. He was released in May 2012 he and enjoys all his constitutional rights since. Isolated nature of disrespect of an</p>

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				<p><i>terrorist act despite a real risk of being subjected to ill-treatment and a respective interim measure indicated by the European Court under Rule 39 of its Rules and lack of an effective remedy against the expulsion order as a challenge before the Constitutional Court is not automatically suspensive and as the expulsion was carried out only one working day after the judgment of the Supreme Court was served. (Article 13)</i></p>	<p>interim measure indicated under Article 39 Court Rules and official commitment to respect it in the future.</p> <p><u>General measures:</u> A new Act on the Residence of Foreigners entered into force on 01/01/2012: In expulsion proceedings the competent department of the foreigner police shall decide in first instance and the Directorate of the Border and Foreigner Police shall decide on appeal. According to Section 53 of the Administrative Code, the decision on expulsion issued by the police authority may be appealed within 15 days. The appeal lodged in time has automatic suspensive effect. The Directorate of the Border and Foreigner Police's decision may be appealed against before administrative courts within 30 days without suspensive effect unless in case of serious risk of damage. According to Section 84 § 5 of the Act on Residence of Foreigners the police authority shall suspend the execution of the expulsion decision in case of obstacles to expulsion as set out in Section 81 of that Act.</p> <p>On 14 May 2015 the Asylum Act and the Act on Residence of Foreigners were amended to implement the Directive of the European Parliament and the Council 2013/32/EU of 26 June 2013 on Common Procedures for Granting and Withdrawing International Protection and the Directive of the European Parliament and the Council 2013/33/EU of 26 June 2013 Laying Down Standards for the Reception of Applicants for International Protection. In line with the amended provisions, a foreigner shall not be expelled until a domestic court made a full assessment of any risk of ill-treatment in the country to which he would be expelled. Provisions of the Act on Residence of Foreigners regulating expulsion of foreigners are also in conformity with the Directive of the European Parliament and of the Council 2008/115/EC of 16 December 2008 on Common Standards and Procedures in Member States for Returning Illegally Staying Third-country Nationals (Return Directive).</p>

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					Thus, since 2012 and 2015 respectively, two remedies with automatic suspensive effect in expulsion cases are available under national law permitting the person concerned to raise objections concerning alleged risks of ill-treatment: the appeal against the decision on expulsion and the appeal against the rejection of the asylum request. The judgment was translated, published and disseminated, including to police and border guards. Awareness-raising activities and training for prosecutor and judges are organised.
<a href="#">CM/ResDH(2017)109</a>	SVN / Azdajic	71872/12	01/02/2016 08/10/2015	<i>Access to and efficient functioning of justice: Denial of a fair trial in civil proceedings on account of the rejection of a reinstatement request against a default judgment delivered during a prolonged absence from the country and the rejection of an appeal against the default judgment by taking an excessively formalistic approach. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damages paid. The civil dispute between the applicant as a debtor and the creditor was solved out of court. <i>General measures:</i> The 2008 amendments of the Civil Procedure Act remedied the shortcoming of the legislation and extended the absolute time-limit for lodging the application to reinstate the proceedings to 6 months. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)396</a>	SVN / Eberhard and M.	8673/05+	01/03/2010 01/12/2009	<i>Protection of family life: Failure to take adequate and effective steps to enforce an administrative access order and inefficient subsequent court proceedings concerning access and custody rights. (Article 8)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary paid. Following fresh access arrangements in 2006, the applicant had regular contact with his daughter. <i>General measures:</i> Administrative access orders by Social Welfare Centres were abolished in 2004, due to a Constitutional Court's decision finding several provisions of the Marriage and Family Relations Act applicable to custody and access arrangements to be unconstitutional. Subsequently, in 2004, the Act on Changes and Amendments to the Marriage and Family Relations Act entered into force, resulting in the domestic courts' competence to adjudicate custody and access arrangements. Cases concerning the relationships between parents and children are examined as a matter of priority. The number of staff at the district court concerned was increased. As concerns legislative, capacity-

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					building, awareness-raising and other measures nationwide aimed to prevent the excessive length of criminal proceedings (which was at the root of the violation in this case) see <a href="#">CM/ResDH(2016)354</a> in Lukenda group. The judgment was published, translated and disseminated. It was also used in training courses for judges in family law.
<a href="#">CM/ResDH(2017)395</a>	SVN / K.	41293/05	07/10/2011 07/07/2011	<i>Protection of family life: Disproportionate interference due to lengthy criminal proceedings concerning the allegation that a father had sexually abused his daughter entailing severe restrictions of his contact rights with his daughter until his final acquittal. (Article 8)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary paid. The applicant concluded with his former wife an enforceable court settlement concerning the contact rights with their daughter. <i>General measures:</i> The number of staff at the district court concerned was increased. As concerns legislative, capacity-building, awareness-raising and other measures aimed at preventing the excessive length of criminal proceedings (which was at the root of the violation in this case) see <a href="#">CM/ResDH(2016)354</a> in Lukenda group. The judgment was published, translated and disseminated; It was also used in training courses for judges in family law.
<a href="#">CM/ResDH(2017)110</a>	SVN / Korosec	77212/12	08/01/2016 08/10/2015	<i>Access to and efficient functioning of justice: Unfair social court proceedings concerning disability allowance as the courts had based their decisions on the opinions of the disability commissions, which had not been independent bodies but had been appointed by the opposing party, namely the Institute which had refused to increase his allowance in the first place. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damages paid. The applicant did not re-apply for an increase in the assistance and attendance allowance following the judgment. <i>General measures:</i> The case resulted from an omission by domestic courts, which departed from their well-established case-law. Judicial training ensures the respect of case-law compliant with the Supreme Court's respective jurisprudence. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)111</a>	SVN / Mladina d.d. Ljubljana	20981/10	17/07/2014 17/04/2014	<i>Freedom of expression: Publisher ordered to pay damages in civil proceedings for an article harshly critical of a member of Parliament's remarks and</i>	<i>Individual measures:</i> Just satisfaction for pecuniary damages paid. <i>General measures:</i> The Constitutional Court had failed to correct the mistakes made by regular courts in the present

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>conduct during parliamentary debate on legal regulation of same-sex relationships. (Article 10)</i>	case and therefore subsequently changed its case-law when deciding on similar constitutional complaints. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)394</a>	SVN / Tence	37242/14	31/08/2016 31/05/2016	<i>Access to and efficient functioning of justice: Denial of access to a court as an appeal sent by fax was rejected by domestic courts, including the Supreme Court and the Constitutional Court, as out of time following the dysfunction of the court's fax machine, which did not allow printing out the appeal. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary paid. Slovenian legislation does not explicitly provide for reopening of civil proceedings following a judgment by the ECHR. The decision on the merits was not found contrary to the Convention. <i>General measures:</i> Isolated incident. In 2013, the Supreme Court had clarified in a decision that any risk of fault in the telecommunication network or similar technical issues was to be borne by the party sending the application by fax. The judgments were published, translated and disseminated.
<a href="#">CM/ResDH(2017)108</a>	SVN / Zavodnik	53723/13	21/08/2015 21/05/2015	<i>Access to and efficient functioning of justice: Denial of a fair hearing in bankruptcy proceedings due to the failure to serve in person or to publish a notification of a hearing on the distribution of the bankruptcy estate in mass media, thus depriving the applicant of the opportunity of participating and of challenging the receiver's plan; excessive length of a set of employment, enforcement and bankruptcy proceedings and lack of effective remedy. (Articles 6 §1 and 13)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damages paid as awarded. Given the lapse of time, the fact that the bankrupt company does not exist any longer and its estate had been distributed among creditors, the reopening of the impugned bankruptcy proceedings is not necessary. <i>General measures:</i> The case resulted from inadequate legislation on the one hand and the omission of the domestic court to use alternative publication options available on the other. The 2008 Financial Operations, Insolvency Proceedings and Compulsory Dissolution Act emphasised required promptness as one of the fundamental principles in insolvency proceedings. The new law abolished the hearing on the distribution of the estate and introduced a new modern way of publishing court documents on a special website offering free access to all documents and information on pending bankruptcy proceedings. For general measures aimed at preventing excessive length of employment, enforcement and bankruptcy proceedings and the lack of effective remedies in this respect see <a href="#">CM/ResDH(2016)354</a> in the Lukenda group. The judgment was translated, published and disseminated.

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<a href="#">CM/ResDH(2017)171</a>	SWE / J.K. and Others	59166/12	23/08/2016 Grand Chamber	<i>Protection against ill-treatment/deportation: Risk of ill-treatment in the event of the applicants' deportation to Iraq. (Article 3)</i>	<i>Individual measures:</i> The just satisfaction awarded was paid. The applicants' expulsion order became statute-barred on 09/08/2016 according to the Aliens Act. On 21/12/2016, the Migration Court of Appeal granted the petition for relief and decided to refer the case back to the Migration Agency for new proceedings. On 28/01/2017, the applicants were granted residence permits and refugee status by the Migration Agency. <i>General measures:</i> The judgment was translated, published and disseminated to the relevant authorities.
<a href="#">CM/ResDH(2017)12</a>	TUR / Acar Ahmet and 1 other case	26546/95	30/04/2003 30/01/2003	<i>Protection of property: Excessive delays in administrative or judicial proceedings to determine compensation and gap of default interest rate in comparison with inflation rate. (Article 1 of Protocol No.1)</i>	<i>Individual measures:</i> Just satisfaction paid. Proceedings closed and applicants redressed for consequences of expropriation. For <i>General measures</i> concerning the administration's delay in paying additional compensation for expropriation of land see <a href="#">ResDH(2001)71</a> in the <i>Akkuş</i> group of cases. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)376</a>	TUR / Adem Yilmaz Dogan and Others and 9 other cases	25700/05+	15/09/21010 15/06/2010 (Merits) 18/01/2012 18/10/2011 (Just satisfaction)	<i>Protection of property and access to and efficient functioning of justice: Disproportionate interference due to cancellation of property titles in the land register without compensation and excessive length of domestic proceedings. (Articles 1 of Protocol No. 1 and 6 §1)</i>	<i>Individual measures:</i> Just satisfaction in respect of pecuniary damages paid. <i>General measures:</i> See <a href="#">CM/ResDH(2012)106</a> in the <i>Turgut</i> group of cases concerning the lacking award of compensation following the cancellation of property entries in the land register; see <a href="#">CM/ResDH(2014)298</a> in the <i>Ormancı</i> group of cases concerning excessive length of domestic proceedings. The judgment was published, translated and disseminated to the relevant bodies.
<a href="#">CM/ResDH(2017)18</a>	TUR / Alfatli and Others	32984/96	24/03/2004 30/10/2003	<i>Access to and efficient functioning of justice: Excessive length of the criminal proceedings before the Ankara Martial Law Court (and partially before ordinary criminal courts) and lack of independence and impartiality of that court. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction paid. No request for reopening was filed. The applicant's conviction became final in 1995. For <i>General measures</i> see Final Resolution DH(98)89 in <i>Mitap</i> and <i>Müftüoğlu</i> concerning the excessive length of detention on remand, the excessive length of criminal proceedings, the lawfulness, independence and impartiality of the Martial Law Court and the fairness of the proceedings. For measures aimed

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					at preventing excessive length of proceedings and introducing an effective remedy in this respect see <a href="#">CM/ResDH(2014)298</a> in Ormanci group of cases. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)116</a>	TUR / Alican Demir	41444/09	25/05/2014 25/02/2014	<i>Protection of rights in detention: Delay in the domestic court's decision on a detainee's conditional release 20 days after he had fulfilled all conditions and lack of an effective remedy to challenge this delay as well as excessive extension of detention on remand without sufficient and relevant grounds. (Article 5 §1+3+4)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damages paid. The applicant was released. <i>General measures:</i> Isolated case due to exceptional malfunctioning in practice. The National Judiciary Network Information System (UYAP), an integral part of the e-justice system, ensures that the length of the transmission periods of data, files and documents between the judicial bodies were reduced and transparent communication processes between judicial institutions. Final decisions on conviction after a judgment of the Court of Cassation are automatically and directly sent to the local authorities concerned. The current Code of Criminal Procedure of 2005 (amended in 2012) provides that the legal and factual reasons of detention must be explicitly established as well as the lack of possible alternative measures. Relevant change of case-law of the Constitutional Court. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)114</a>	TUR / Alinak and Others and 5 other cases	34520/97+	04/08/2006 04/05/2006	<i>Freedom of expression: Criminal conviction by State Security Courts under former Article 8 of Anti-Terrorism Law following the publication of articles and books or the preparation of messages addressed to a public audience. (Article 10)</i>	<i>Individual measures:</i> Just satisfaction paid. <i>General measures:</i> Following the abrogation of Article 8 of the Anti-Terrorism Law No. 3713 on 19/07/2003 by the Law No. 4928, any information on criminal records was deleted ex officio by the General Directorate of Judicial Records and Statistics of Ministry of Justice. For general measures, see <a href="#">CM/ResDH(2006)79</a> in the Arslan group of cases. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)89</a>	TUR / Altinay	37222/04	09/10/2013 09/07/2013	<i>Discrimination in conjunction with the right to education: Unforeseeable change in the rules on access to university, several years after the</i>	<i>Individual measures:</i> The applicant passed university entrance exam in 2000 and could enrol in a higher education programme. He could request reopening of the impugned

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				<i>applicant had made his educational choice and in the absence of a transitional period. (Article 14 taken together with Article 2 of Protocol No.1)</i>	administrative proceedings. Just satisfaction in respect of the non-pecuniary damage was paid. <i>General measures:</i> As of September 2000, the Higher Education Council introduced a facility for transferring, under specified conditions, from a vocational to an ordinary high school, having realised that the lack of transitional measures had been negatively impacting students from vocational schools. In 2012 the Law on Higher Education was amended so as to revoke the difference between vocational and ordinary high schools in university entrance exams. Since then the grades have been calculated without any discrimination against the graduates from vocational high schools. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)15</a>	TUR / Atici No.2	31540/02	12/07/2007 12/04/2007	<i>Access to and efficient functioning of justice: Excessive length of criminal proceedings before state security courts. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction paid. Proceedings closed (judgment of Court of Cassation on 26/09/2012). <i>General measures:</i> State Security Courts were abolished following the constitutional amendments of May 2004 in Article no. 143 of the Constitution. The jurisdiction of these courts was transferred to the Assize Courts by virtue of the Law no. 5190 on the amendment of the Code of Criminal Procedure (Article 394/a). For general measures see <a href="#">CM/ResDH(2008)83</a> in Sertkaya and others; for measures aimed at preventing excessive length of proceedings and introducing an effective remedy in this respect see <a href="#">CM/ResDH(2014)298</a> in Ormanci group of cases. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)94</a>	TUR / Avci and Others	70417/01	27/09/2006 27/06/2006	<i>Protection against ill-treatment in detention: Ill-treatment on account of disproportionate restraint measures taken to prevent detainees from absconding during their hospitalization following a hunger strike and lack of an effective remedy in this respect. (Articles 3 and 13)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. Reopening of investigations is time-barred. <i>General measures:</i> Article 2 of the 2005 Law on the Execution of Penalties and Security Measures no. 5275 prohibits ill-treatment in general. Article 155 of the 2006 Regulation on the Administration of Prisons and the Execution of Penalties and

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					Security Measures forbids chaining and regulates conditions for handcuffing and other restraints of physical movements. Means of restraint which may be used during transfer or referral of convicts and detainees are defined in Article 4 of Section 5 of the 2006 Directive on the External Security of Prisons and Referral and Transfer Services. Concerning an effective remedy, the Enforcement Judgeship was established in 2001, with the competence to examine complaints of convicts and detainees. The complaint may be either lodged with the Enforcement Judgeship directly or through the Chief Public Prosecutor's Office or the prison and detention house administration. The Enforcement Judgeship may hold a hearing. An objection may be raised against its decisions before the Assize Court within one week. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)375</a>	TUR / Bremner	37428/06	13/01/2016 13/10/2015	<i>Protection of private life: Failure of domestic courts to protect the right to one's own image in the context of the broadcasting of a television documentary on religious proselytising showing the non-blurred image of an individual presented as "foreign merchant of religion" engaged in secret activities in Turkey. (Article 8)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The applicant did not request reopening of proceedings. <i>General measures:</i> See <a href="#">CM/ResDH(2016)209</a> in Alkaya. The judgment was published, translated and disseminated to the relevant bodies.
<a href="#">CM/ResDH(2017)131</a>	TUR / Çamlar	28226/04	10/02/2016 10/11/2015	<i>Access to and efficient functioning of justice: Denial of a fair trial by an independent and impartial court on account of the presence of a military judge on the bench of the state security. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damages paid. The applicant did not avail himself of the opportunity to request reopening of the impugned proceedings. For <i>General measures</i> see <a href="#">CM/ResDH(2013)256</a> in the Gençel group of cases.
<a href="#">CM/ResDH(2017)13</a>	TUR / Cevat Soysal	17362/03	23/12/2014 23/09/2014	<i>Access to and efficient functioning of justice: Unfair criminal proceedings due to failure of domestic courts to comply with the principle of equality of arms or to incorporate adequate</i>	<i>Individual measures:</i> Just satisfaction paid. The applicant did not request reopening of proceedings. <i>General measures:</i> State Security Courts were abolished in 2004. The rule not to grant access to the case file in

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>safeguards to protect the interests of the applicant; absence of domestic law regulating telephone tapping and recording; refusal by trial court to grant the applicant's request to obtain a copy of the audiotapes the transcripts of which constituted decisive evidence against him without providing any reason as well as its refusal to allow the hearing of defence witnesses. (Article 6 §1+3d twice)</i>	proceedings before the State Security Court or to obtain a copy of it was also repealed. Provisions regarding wiretapping of telephone conversations on the basis of a court order were introduced in 2005. The possibility of an individual application before the Constitutional Court in case of alleged human rights violations was introduced in 2012. The judgment was translated, published and disseminated. It is also used in the training of judges with regard to the necessity to give reasons for their decisions. The refusal of courts to hear witnesses is being examined in the context of the Orhan Çağan group of cases.
<a href="#">CM/ResDH(2017)130</a>	TUR / D.Y.S.	49640/07	16/10/2015 16/07/2015	<i>Access to and efficient functioning of justice: Failure to communicate the Principal Public Prosecutor's opinion before the Court of Cassation to the applicant's lawyer. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damages paid. The applicant did not avail himself of the opportunity to request reopening of the impugned proceedings. <i>General measures</i> see <a href="#">CM/ResDH(2011)307</a> in the Göç group of cases.
<a href="#">CM/ResDH(2017)115</a>	TUR / Davran	18342/03	03/02/2010 03/11/2009	<i>Access to and efficient functioning of justice: Denial of access to the Court of Cassation due to failure of the authorities to notify the applicant of the first instance court's judgment while he was placed in pre-trial detention in connection with another set of criminal proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damages paid. The applicant did not avail himself of the opportunity to request reopening of the impugned proceedings. <i>General measures:</i> Isolated case. As of 2008, the National Judiciary Network Information System (UYAP), an integral part of the e-justice system, works in full capacity and enables justice services to be carried out in the shortest time with the least cost in a transparent, effective, reliable, objective and auditable way. It connects all courts, prosecution offices, prisons, and other relevant judicial bodies and institutions. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)373</a>	TUR / Davut Micoogullari	6045/03	14/09/2009 24/05/2007 (Merits)	<i>Protection of property and access to and efficient functioning of justice: Lack of compensation following the transfer to the State Treasury of a</i>	<i>Individual measures:</i> Just satisfaction in respect of pecuniary and non-pecuniary damage paid. Domestic proceedings closed.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
			14/09/2009 16/12/2008 (Just satisfaction - Revision)	<i>plot of land having originally belonged to a Syrian national and excessive length of related proceedings. (Article 1 of Protocol No. 1 and 6 §1)</i>	<i>General measures:</i> Isolated case due to the exceptional character of underlying bilateral Turkish-Syrian issues. See <a href="#">CM/ResDH(2014)298</a> in Ormanci group concerning excessive length of proceedings. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2017)372</a>	TUR / Ebcin	19506/05	01/05/2011 01/02/2011	<i>Protection against ill-treatment and of private life: Excessive length of criminal proceedings following a teacher's attack in the street and of administrative proceedings for compensation. (Articles 3 and 8 procedural aspects)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The two perpetrators were sentenced to prison terms. The administrative proceedings are closed. <i>General measures:</i> see <a href="#">CM/ResDH(2014)298</a> in Ormanci group concerning excessive length of proceedings. An individual application procedure for State liability in case of ECHR and/or constitutional rights' violations was introduced through constitutional amendments in 2010 and became operative before the Constitutional Court in 2012. An amendment of the Code of Criminal Procedure led to speedier investigations. Activities raising awareness of judges, prosecutors as well as law-enforcement officers were carried out by the High Council of Judges and Prosecutors and the Justice Academy, promoting effective investigations and prosecutions concerning ill-treatment and the failure to protect the right to life. A Judicial Reform Strategy was adopted in 2009 and 2015 with the support of the CEPEJ. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2017)147</a>	TUR / Emel Boyraz	61960/08	02/03/2015 02/12/2014	<i>Discrimination on the ground of sex and access to and efficient functioning of justice: Dismissal of a woman from her post as security officer on the ground that she did not fulfill the requirements of "being a man" and "having completed military service"; excessive length of proceedings and lack of adequate reasoning in the Supreme Administrative Court's decisions. (Article 14 in conjunction with 8 as well as Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicant's request for reopening of the impugned proceeding was admitted. As a result, the administrative decision of Ministry of Energy and Natural Resources concerning applicant's dismissal from duty was revoked and the applicant was awarded compensation for her pecuniary losses. <i>General measures:</i> Isolated case concerning discrimination. After the facts of the case, the procedures of employing civil servants were changed by a new regulation in 2002 clearing

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					the ambiguity in condition regarding compulsory military service. For general measures concerning excessive length of administrative proceedings see <a href="#">CM/ResDH(2014)298</a> in the Ormanci group of cases. Concerning the absence of adequate reasoning in the Supreme, awareness-raising activities were organised including a workshop by the Justice Academy of Turkey for judges working in administrative courts and the Council of State. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)374</a>	TUR / Enerji Yapi-Yol Sen	68959/01	06/11/2009 21/04/2009	<i>Freedom of association: Disproportionate interference with the rights of a labour union active in the fields of land registration, energy, infrastructure services and motorway construction, due the imposition of disciplinary sanctions to public servants organised in it, on the basis of a general ban of strike for all state employees in a circular of 1996. (Article 11)</i>	<i>Individual measures:</i> No claim for just satisfaction made. The disciplinary sanctions concern the members, not the union itself. <i>General measures:</i> The impugned 1996 Circular was repealed in 2007. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2017)14</a>	TUR / Erbey	29188/02	14/09/2009 10/03/2009 (Merits) 11/04/2011 26/10/2010 (Just satisfaction)	<i>Protection of property: Lack of compensation for the loss of title to property under Article 38 of Law on Expropriation. (Article 1 to the Protocol No.1)</i>	<i>Individual measures:</i> Just satisfaction paid to the applicant's heir. <i>For General measures</i> concerning the inability to obtain compensation following the occupation of their land for purposes of public use without expropriation see <a href="#">CM/ResDH(2007)98</a> in <i>I.R.S and others</i> . The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)92</a>	TUR / Erdogan Gokçe	31736/04	14/01/2015 14/10/2014	<i>Freedom of expression and to impart information: Disproportionate interference due to the conviction to a prison sentence for a candidate in municipal elections for disseminating his programme in a press release before the start of the statutory electioneering period. (Article 10)</i>	<i>Individual measures:</i> No just satisfaction claimed. The applicant was awarded leave for re-opening of the impugned proceedings. He was acquitted in fresh proceedings and his criminal record was erased. <i>General measures:</i> The relevant provisions of the Law on the Fundamental Provisions Governing Elections and Voter Registration were amended in 2008 and criminal punishment for the violation of the election rules was abolished.

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					Infringement of the law can only be punished by administrative fines. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)320</a>	TUR / Fazli Aslaner	36073/04	07/07/2014 04/03/2014	<i>Access to and efficient functioning of justice: Lack of impartiality of the general assembly of the Supreme Administrative Court, one of its members having participated and presided the examination of the same case he had examined previously at the chamber level. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The impugned proceedings were re-opened and a judgment in favour of the applicant was delivered. Following that judgment the Ministry of Justice appointed the applicant to the post as he initially requested. <i>General measures:</i> The Supreme Administrative Court changed its practice as to the selection procedure in that chamber members who signed the judgment on the appeal were not invited to attend general assembly for the second appeal examination. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)197</a>	TUR / Gunaydin Turizm ve İnşaat Ticaret Anonim Şirketi	71831/01	02/09/2009 02/06/2009 (Merits) 21/06/2011 (Just satisfaction-strike out of the list)	<i>Protection of property: Unlawful deprivation of property without legal basis due to its transfer to public ownership without compensation. (Article 1 of Protocol No.1)</i>	<i>Individual measures:</i> Compensation settled by agreement with the applicant, thus no reopening required. <i>General measures:</i> Isolated case stemming from extraordinary circumstances caused by the World War I caused by immigrations and war-related unusual incidents. The judgment was translated, published and disseminated. According to the Court of Cassation's case-law under Article 125 of the Code of Obligations, every person whose title of deed was cancelled and then registered in the name of the Treasury is entitled to bring an action for compensation relying on the Civil Code within a period of ten years.
<a href="#">CM/ResDH(2017)91</a>	TUR / Karaosmanoglu and Ozden	4807/08	17/09/2014 17/06/2014	<i>Protection of rights in detention: Lack of a hearing to examine the prolongation of detention on remand during six months and inability to obtain compensation. (Article 5 §4+5)</i>	<i>Individual measures:</i> Just satisfaction in respect of the non-pecuniary damage paid. The applicants were released. The criminal proceedings are still pending. <i>General measures:</i> According to the amendment of the Code of Criminal Procedure of 2013 extension of detention on remand requires judicial review periodically in intervals which shall not exceed 30 days and a hearing of the accused or his

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					lawyer. The right to compensation for unlawful detention on remand was introduced in the CCP in 2005 and 2013 (see also <a href="#">CM/ResDH(2016)332</a> in Demirel and 195 other cases. This right can be exercised without awaiting the final judgment in the underlying matter. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)93</a>	TUR / Mesut Yurtsever and Others	14946/08+	20/04/2015 20/01/2015	<i>Freedom of expression and to receive information: Unlawful refusal of prison authorities to provide detainees with a daily newspaper published in Kurdish. (Article 10)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> To clarify the implementation of the Law no. 5275 on Execution of Penalties and Security Measure, the Directorate General of Prisons and Detention Houses of the Ministry of Justice ordered penitentiary institutions to have summary reports on all periodicals, publications, letters, documents etc. written any other language than Turkish prepared by their respective language experts or by private expert at the expenses of the Government. The remedy of a constitutional complaint was introduced in 2012. In 2013, Law no. 6384 on the Settlement of Applications lodged with the ECHR by Means of Paying Compensation, established the Compensation Commission with the competence to examine complaints relating to, among others, the refusal of prison authorities to provide the detainees with periodicals. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)90</a>	TUR / Parlak	22459/04	28/11/2011 19/07/2011	<i>Protection of rights in detention: Failure to bring the applicant promptly before a judge following arrest due to the fact that he was hospitalized soon after his arrest and inability to obtain compensation for unlawful detention. (Article 5 §§ 3+5)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The applicant was released. On 13 March 2013 the Istanbul Assize Court awarded him compensation in respect of pecuniary and non-pecuniary damages resulting from his unlawful detention. <i>General measures:</i> Amendment of the Criminal Code in 2005 prohibiting detention in absentia. Amendments in 2013 of the Code of Criminal Procedures prohibit the extension of detention on remand without hearing the accused or his lawyer. In case of hospitalisation of a suspect, the person's

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					<p>custody ends. At the end of the treatment, the suspect would be taken under police custody and taken before the prosecutor responsible for the investigation. Following the suspect's questioning; s/he will be released by the prosecutor or referred to a competent court deciding on his detention on remand. State-of-art communication equipment for investigation judges allows them to hear detained individuals if they are not able to be physically present, such as in the penitentiary institutions, within 24 hours. In 2015, a strategy and rules for the use of recording and live transmission for bringing detained individuals before the competent judge were put in place.</p> <p>The right to compensation for unlawful detention on remand was introduced in the CCP in 2005 and 2013 (see also <a href="#">CM/ResDH(2016)332</a> in Demirel and 195 other cases. This right can be exercised without awaiting the final judgment in the underlying matter. The judgment was translated, published and disseminated.</p>
<a href="#">CM/ResDH(2017)132</a>	TUR / S.S. Goller Bolgesi Konut Yapi Koop	35802/02	23/06/2010 23/03/2010 (Merits) 06/03/2017 15/12/2015 (Just satisfaction)	<i>Protection of property: Lack of compensation following the annulment of titles of plots of land in the framework of the public forest law regime. (Article 1 of Protocol No. 1)</i>	<i>Individual measures:</i> No just satisfaction awarded. For <i>General measures</i> see <a href="#">CM/ResDH(2012)106</a> in Turgut and Others.
<a href="#">CM/ResDH(2017)397</a>	TUR / Sahin Kus	33160/04	07/09/2016 07/06/2016	<i>Protection of private life: Disproportionate interference due to the applicant's removal from his teaching post as a result of subsequent, unforeseeable amendments in certificate recognition of certain foreign degrees and due to the legal uncertainty created by the change of the applicant's employment status without any assessment of his performance. (Article 8)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary paid. The applicant's request for reopening of proceedings is still pending before the Supreme Administrative Court. The applicant had not applied to the Ministry of National Education in order to be re-appointed. In 2017, the Turkish Higher Education Council issued ex officio the applicant with a Certificate of Bachelor's Degree Equivalence in "Arabic Language and Literature".

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					<i>General measures:</i> In 2016, procedures for equivalence of diplomas concerning associate's, bachelor's or master's degrees obtained abroad were determined by law. The Supreme Administrative Court takes into account acquired rights when ruling on the cancellation of the certificate of diploma equivalence. The remedy of a constitutional complaint was introduced in 2012. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2017)16</a>	TUR / Salih Salman Kilic	22077/10	05/06/2013 05/03/2013	<i>Protection of rights in detention: Delayed examination of the lawfulness of the applicant's arrest and detention in Denizli Prison as he could not be brought before the judge having issued the arrest warrant who was 1600 km away. (Article 5 §§1+3)</i>	<i>Individual measures:</i> Just satisfaction paid. The applicant was released. <i>General measures:</i> Domestic legislation, notably Article 141 of the Criminal Procedure Law could have provided a possibility for the applicant to lodge a claim in respect of pecuniary damage. To strengthen safeguards against unlawful detention the relevant provision of Article 94 of the Code of Criminal Procedure was amended in 2014 and the procedure of provisional detention was abrogated: Today, if it is not possible to bring a person detained pursuant to an arrest warrant within 24 hours before a competent judge, the competent judge shall hear such person through audio-visual communication system. Significant efforts and funds were invested to ensure that the domestic courts are equipped with state-of-art communication equipment. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)148</a>	TUR / Selin Asli Ozturk	39523/03	13/01/2010 13/10/2009 (Merits) 17/11/2014 10/06/2014 (Just satisfaction)	<i>Protection of property and access to and efficient functioning of justice: Inability to apply for recognition of the applicant's deceased father's divorce decree issued by a foreign court and thus deprivation of part of her inheritance. (Articles 6 § 1 and 1 of Protocol No. 1)</i>	<i>Individual measures:</i> No just satisfaction awarded. The impugned proceedings were reopened and the divorce decree recognized by the Family Court. <i>General measures:</i> A new Code on International Private and Procedure Law adopted in 2007 provides that any person interested can request recognition of a foreign judgment. The Court of Cassation amended its case-law accordingly. The judgment was translated, published and disseminated.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
<a href="#">CM/ResDH(2017)11</a>	TUR / Senyucel and Others and 2 other cases	37601/02+	16/07/2015 (Committee)	<i>Protection of property: Excessive delays in administrative or judicial proceedings to determine compensation and gap of default interest rate in comparison with inflation rate. (Article 1 of Protocol No.1)</i>	<i>Individual measures:</i> Just satisfaction paid. Proceedings closed and applicants redressed for consequences of expropriation. For <i>General measures</i> concerning the administration's delay in paying additional compensation for expropriation of land see <a href="#">ResDH(2001)70</a> the Aka group of cases. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)176</a>	TUR / The Institute of French priests and Others	26308/95	14/12/2000 Friendly settlement with undertakings	<i>Protection of property: Decision by courts to register a plot of land belonging to the Institute in the name of the Treasury and of the Directorate General of Foundations, on the ground that the Institute was no longer eligible for special treatment as a religious body, having let part of its garden and buildings to a private company for sporting activities. (Struck out of the list)</i>	<i>Individual measures:</i> The friendly settlement stated: "The Treasury and the Directorate General of Foundations recognise a life tenancy in favour of the priests representing the applicant Institute. This life tenancy shall comprise the full use and enjoyment of the land and the buildings thereon. The Institute shall thereby be entitled to rent the land for profit-making purposes in order to meet its needs. The Institute agrees to the levy by the Treasury and the Directorate General of Foundations of a reasonable sum from the income received in rent. The Treasury and the Directorate General of Foundations agree to undertake the formalities necessary to register their respective declarations in the land register with a view to renewing the life tenancy in favour of the priests who will replace the current life tenants... The Directorate General of Foundations waives its claim to USD 41,670 owed by the applicant Institute in rent collected over the five years since its property title was annulled." <i>General measures:</i> The right of usufruct of two properties (an estate and a monastery) in favor of the Cultural Association of Assumptionists was established in the land registry on 04/03/2013. The Directorate General of foundations renounced its claims for the collection of rents within 5 years after the cancellation of the title.
<a href="#">CM/ResDH(2017)398</a>	TUR / Tunc Talat and 1 other case	32432/96+	27/06/2007 27/03/2007	<i>Access to and efficient functioning of justice: Unfair criminal proceedings due to lacking legal assistance by a lawyer and failure to take necessary steps in case of non-fulfillment of the</i>	<i>Individual measures:</i> Just satisfaction in respect of pecuniary (loss of opportunities) and non-pecuniary paid. Benefiting from an amnesty law, the first applicant was released in December 2000. The "Fourth Judicial Reform Package"

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>designated lawyers' obligations as well as failure to ensure the accused persons' appearance in the court hearing. (Article 6 §§1+3c)</i>	introduced in 2013 granted an exceptional opportunity for the applicants to request reopening of the proceedings. The applicants did not avail themselves thereof. <u>General measures:</u> An amendment of the Criminal Procedure Code in 2005 introduced the requirement of obligatory defence counselling. It also provides in case of transfer of the accused to other provinces out of the competent court's jurisdiction, the possibility to exempt the accused from appearing before the court providing that his/her statements have been taken. Recently, an Audio-Visual Information System was introduced enabling courts and the chief public prosecutors' offices to receive audio-visual statements of suspects, accused persons, witnesses, complainants, interveners etc. without presence at hearings. The judgments were published, translated and disseminated.
<a href="#">CM/ResDH(2017)17</a>	TUR / Turnali	4914/03	06/11/2009 07/04/2011	<i>Protection of private and family life: Dismissal of a daughter's request for paternity establishment as out of the statutory limitation period without allowing her to plead the existence of particular circumstances capable of justifying her delay despite a respective amendment of the Civil Code. (Article 8)</i>	<u>Individual measures:</u> The impugned proceedings were reopened. <u>General measures:</u> The amended provision of Article 303 Civil Code 2003 made it possible to bring paternity action outside the statutory time limit, if it is possible to substantiate the reasons for the delay. The Civil Code currently in force does not impose any time limit for bringing paternity claims. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)175</a>	TUR / Urun	36618/06	04/01/2017 04/10/2016	<i>Access to and efficient functioning of justice: Excessive length of domestic proceedings. (Article 6 §1)</i>	<u>Individual measures:</u> Just satisfaction in respect of the non-pecuniary damage paid. <u>General measures:</u> aimed at preventing excessive length of domestic proceedings see <a href="#">CM/ResDH(2014)298</a> in Ormanci group of cases. The impugned facts had taken place before the measures taken within the framework of the Ormanci group. The judgment was translated, published and disseminated to the relevant authorities.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
<a href="#">CM/ResDH(2017)129</a>	TUR / Vedat Dogru	2469/10	12/09/2016 05/04/2016	<i>Protection of rights in detention: : Delayed examination of the lawfulness of the applicant's arrest and detention in Tuzla Prison as he could not be brought before the judge having issued the arrest warrant who was 1200 km away. (Article 5 §§1+3)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damages paid. The applicant was released. Clone case of the Salih Salman Kilic judgment, closed by <a href="#">CM/ResDH(2017)16</a> .
<a href="#">CM/ResDH(2017)24</a>	UK / Doherty	76874/11	18/05/2016 18/02/2016	<i>Protection of rights in detention: Lack of speedy review of detention of a mandatory life prisoner following his recall to prison after he had been released on licence. (Article 5 §4)</i>	<i>Individual measures:</i> Just satisfaction paid. The applicant was released from prison in 2008. <i>General measures:</i> Arrangements for sentencing and assessment of offenders in Northern Ireland were reviewed and new primary and secondary legislation was introduced in 2008. A new body independent of the Government – the Parole Commissioners for Northern Ireland – was established. Its role is to direct the release of offenders once the minimum custodial period was served or after a recall to custody from licence, on the basis of an assessment of the risks the offender poses to the public. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)179</a>	UK / Ibrahim and Others	50541/08	13/09/2016 Grand Chamber	<i>Access to and efficient functioning of justice: Delay in providing access to a lawyer to one of four applicants during police questioning relying on powers of the Terrorism Act 2000 related to exceptionally serious and imminent threat to public safety, in the context of suicide bombings in London in 2005. (Article 6 §§1+3c)</i>	<i>Individual measures:</i> No just satisfaction awarded. The ECHR expressly recognised that it would be open to the applicant to apply to the Criminal Cases Review Commission to have the proceedings reopened if he wished to do so. <i>General measures:</i> Operational failure by the police to correctly apply the relevant domestic law. The judgment was published and disseminated and procedural training and guidance is provided to the police in relation to the conduct of witness and suspect interviews to avoid similar violations in the future.
<a href="#">CM/ResDH(2017)252</a>	UK / J.N. and 1 other case	37289/12+	19/08/2016 19/05/2016	<i>Protection of rights in detention: Excessive length of detention pending deportation due to the authorities' failure to pursue their</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> No general legislative measures necessary because the Court held that the immigration detention system

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>deportation with sufficient diligence and expedition. (Article 5 §1)</i>	and the domestic remedies available to a detained person are in principle compatible with Article 5. Comprehensive guidance on detention is provided in the instructions and guidance for immigration staff. The judgments were reported in the general and legal media.
<a href="#">CM/ResDH(2017)285</a>	UK / McNamara	22510/13	12/01/2017 12/01/2017 (Committee)	<i>Access to and efficient functioning of justice: Excessive length of civil proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> The finding of a violation constitutes in itself sufficient just satisfaction for non-pecuniary damage. <i>General measures:</i> Reform and modernisation of the Scottish Civil Court system: The measures adopted followed a review published in 2009 which resulted in the Court Reform (Scotland) Act 2014. The exclusive competency of Scotland's Sheriff Courts was increased to £100,000. A dedicated Sheriff Personal Injury Court was established as well as a Sheriff Appeal Court. The Court of Session is therefore more efficient, with only cases that are appropriate for Scotland's supreme civil courts. Additionally, the Scottish Courts and Tribunal introduced a new electronic case management system in 2016 helping to prevent undue delays. Cases are now more closely supervised and court business is more appropriately allocated across the various court levels of Scotland.
<a href="#">CM/ResDH(2017)225</a>	UK / O'Neill and Lauchlan	41516/10+	28/11/2016 28/06/2016	<i>Access to and efficient functioning of justice: Excessive length of criminal proceedings in Scotland with certain stages of the proceedings particularly protracted, to determine the applicants' appeals. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for cost and expenses paid. Criminal proceedings concluded. <i>General measures:</i> No systemic problem with excessive length of criminal proceedings in Scotland. A number of general measures to improve the efficiency of criminal proceedings were taken since 2008, including the appointment of administrative judges to strengthen the efficient management of court business and changes to the law and practice relating to criminal appeals. The duration of appeals against both sentence and conviction was continually reduced since 2012. Appeals against conviction are currently disposed of within less than six months. The judgment was published and disseminated.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
<a href="#">CM/ResDH(2017)178</a>	UK / Vinter and Others	66069/09+	09/07/2013 Grand Chamber	<i>Protection against ill-treatment/ of rights in detention: Imprisonment for life with release possibilities only at the discretion of the Justice Secretary, whose respective power lacked clarity, and absence of a dedicated review mechanism for whole life orders. ( Article 3)</i>	<i>Individual measures:</i> Finding of a violation constituted sufficient just satisfaction. The judgment did not give any prospect of imminent release: Mr Vinter (sentenced to a whole life order in 2008) and that Messrs Bamber and Moore (both had their whole life orders reviewed and upheld by the High Court in 2008) may apply at any point to the Secretary of State to be considered for release on compassionate grounds in exceptional circumstances under section 30 of the Crime Sentences Act 1997. <i>General measures:</i> Following the judgment, the Court of Appeal for England and Wales addressed the lack of clarity in domestic law and confirmed Justice Secretary' duty to exercise his power to release a whole life prisoner where continued detention can no longer be justified on legitimate penological grounds. This duty cannot be restricted by other relevant instructions (Prison Service Order 4700), even if those instructions identify only exceptional grounds for release. Any decision by the Justice Secretary must be reasoned and is subject to judicial review, including on grounds of compatibility with the ECHR. Thus domestic law provides a prisoner with the possibility of release and review as recognised by ECHR in Hutchinson. The judgment was published and widely reported and discussed.
<a href="#">CM/ResDH(2017)198</a>	UKR / Aliev and 3 other cases	41220/98+	29/07/2003 29/04/2003	<i>Protection against ill-treatment/conditions of detention; protection of private and family life/freedom of religion and lack of a remedy: Poor conditions of detention for detainees on "death row" in four prisons amounting to degrading treatment, due to prolonged confinement in a very restricted living space without natural light and the virtual impossibility of any activity or human contact, the detention regime having been governed principally by an</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicants' death sentences were commuted to life imprisonment in June 2000. <i>General measures:</i> The Internal Instruction on conditions of detention of persons sentenced to capital punishment was circulated to prisons in 1998 and subsequently the conditions of detention on death row underwent substantial and progressive improvements, including removal of the coverings on the windows, introduction of outdoor walks and enhancement of the inmates' right to receive visits and to correspond. New rules of 1999 significantly extended the

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>internal instruction inaccessible to the public. (Articles 3, 8, 9 and 13)</i>	scope of the inmates' rights, including the right to receive correspondence and visits from relatives, as well as the right to pray, read religious literature and receive visits from a priest. Death penalty was abolished in 2000. Further general measures in respect of poor conditions of detention are examined in the <i>Yakovenko</i> group (police stations), the <i>Nevmerzhitsky</i> group (pre-trial detention centres) and the <i>Melnik</i> group of cases (prisons). The issues of lack of an effective remedy for complaints about conditions of detention and interference with correspondence are examined in the context of the <i>Melnik</i> case. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)323</a>	UKR / Andriy Rudenko	35041/05	21/03/2011 21/12/2010	<i>Protection of property: Unlawful interference due to a domestic court's decisions to terminate a title to a part of a flat a husband had jointly owned with his former wife and mother-in-law. (Article 1 of Protocol No. 1)</i>	<i>Individual measures:</i> Claim for just satisfaction rejected as unsubstantiated. The applicant was informed about the possibility provided by the legislation to apply for the review of the impugned proceedings. In reopened proceedings the applicant's title was recognised and certain sums repaid by the co-owners. <i>General measures:</i> Isolated case. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)326</a>	UKR / Balatsky	34786/03	25/01/2008 25/10/2007	<i>Access to and efficient functioning of justice: Denial of access to a court due to the domestic courts' failure to take a formal final decision in the proceedings concerning the applicant's unlawful transfer brought against his employer. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicant was informed of the right provided by the legislation in force of applying for the reopening of proceedings. The applicant did not avail himself of this opportunity. <i>General measures:</i> Isolated incident due to the failure of to comply with national legislation. The judgment was translated, published and disseminated. It is included in the training programmes for judges.
<a href="#">CM/ResDH(2017)295</a>	UKR / Borotyuk and 7 other cases	33579/04+	16/03/2011 16/12/2010	<i>Access to and efficient functioning of justice and protection of rights in detention: Unfair proceedings resulting in convictions on the basis</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid as awarded. None of the applicants in these cases has applied for re-opening of the impugned proceedings.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
	(part of the Balitskiy group)			<p><i>of self-incriminating statements made in the absence of a lawyer and in circumstances giving rise to a suspicion that they had been given in defiance of the suspects' will; in particular: - formal placement under administrative arrest thus depriving them of access to a lawyer; - waivers whereby allegedly renouncing the right to a lawyer were signed in questionable circumstances;</i></p> <p><i>- in initial classification of the investigated crimes as a less serious one which did not require obligatory legal representation as well as lack of relevant and sufficient reasons for continued pre-trial detention. Other violations: Alleged ill-treatment by the police and lack of effective investigation. (Articles 6 §§1 and 3 (c), Article 5 §3 and Article 3)</i></p>	<p><u>General measures:</u> Article 46 indication both as regards the placement of suspects under administrative arrest and the classification of crimes as less serious ones in order to deny suspects legal representation and called upon the Ukrainian authorities to address these issues both through legislative measures and changes to administrative practice.</p> <p>Adoption of the 2012 Code of Criminal Procedure with new rules on the rights of suspects, accused or defendants, in particular regarding their access to a legal counsel. Rules on the inadmissibility of evidence obtained through human rights violations were also introduced. A new fee legal aid system was established by the Law on Free Legal Aid of 2011. The Constitutional Court adopted a judgment relating to the prohibition to base prosecution of a suspect on illegally obtained evidence. Comprehensive sets of training were held for prosecutors, law-enforcement, judges, the State security service and the tax police by the National School of Judges. Council of Europe support is granted in the framework of the Project "Further support to Criminal Justice Reform in Ukraine". Outstanding questions related to the impact of general measures will remain under the supervision of the Committee in the context of the Balitskiy group of cases. General measures concerning length of pre-trial detention and ill-treatment by police are being examined in the context of the Kaverzin/Afanasiyev and Kharchenko groups, respectively.</p>
<a href="#">CM/ResDH(2017)325</a>	UKR / Budchenko	38677/06	24/07/2014 24/04/2014	<p><i>Protection of property: State's prolonged failure to secure the exemption from payment for electricity and gas to which a former mine worker in a State enterprise was entitled by law owing to the absence of relevant mechanism for such benefits.. (Article 1 of Protocol No. 1)</i></p>	<p><u>Individual measures:</u> Just satisfaction for pecuniary and non-pecuniary damage paid. The applicant can now get exemption under the mechanism adopted in 2009 (see below).</p> <p><u>General measures:</u> In 1999, the Mining Act provided that pensioners who have worked in coal-mining enterprises shall be provided by coal-mining enterprises with free coal for everyday domestic needs in certain amount. In case such persons live in houses with central heating, they shall be</p>

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					exempted from paying for electricity and gas. In order to implement this Act, the Cabinet of Ministers should have established the relevant legal mechanism within four months. However, such legal mechanism was adopted only on 12 August 2009. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)399</a>	UKR / Bulanov and Kupchik and 1 other case	7714/06+	09/03/2011 09/12/2010	<i>Access to and efficient functioning of justice: Denial of access to court due to the Supreme Court's and Higher Administrative Court's refusals to accept jurisdiction and to examine appeals in cassation because of conflicting application of domestic procedural law. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary paid. Requests for reopening were dismissed with regard to the first two applicants due to formal deficiencies. No request was submitted in the second case. <i>General measures:</i> Following legislative changes entering into force in 2004, the Supreme Court's role as cassation court was abolished and administrative jurisdiction established. Certain difficulties relating to the Higher Administrative Court's or the Supreme Court's jurisdiction found rapid clarification. The judgments were published, translated and disseminated.
<a href="#">CM/ResDH(2017)357</a>	UKR / Ichin and Others	28189/04+	21/03/2011 21/12/2010	<i>Protection of rights in detention: Arbitrary detention - in the course of criminal proceedings against unknown persons - of two minors in a juvenile holding facility, without legitimate reasons as the minors could not be criminally responsible nor could the juvenile holding facility be considered a place for "educational supervision". (Article 5 §1)</i>	<i>Individual measures:</i> In review proceedings the Supreme Court of Ukraine quashed the decisions by which the applicants had been placed in a juvenile holding facility and remitted the case for the new consideration to the first-instance court. Just satisfaction for non-pecuniary damage paid. <i>General measures:</i> Amendments to the Law on the placement of children in juvenile holding facilities from 2010 provides for an exhaustive list of well-defined grounds for the placement of children in juvenile holding facilities and the procedure of such placement. The judgment was translated, published and disseminated to the authorities concerned.
<a href="#">CM/ResDH(2017)294</a>	UKR / Igor Shevchenko and 6 other cases	22737/04+	04/06/2012 12/01/2012	<i>Right to life: Lack of effective investigations into the deaths of relatives caused, inter alia, by road traffic accidents, illegal acts of private individuals and in unclear circumstances due to repeated refusals to initiate criminal proceedings, failure to</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid as awarded. In general, due to the length of time passed since the time of events, it was impossible in almost all cases to conduct new effective investigations. Nevertheless, in some cases, investigations into police officers for negligence in

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	(part of Khaylo group)			<p><i>secure and preserve initial evidence and evidence collected in the course of investigation, poor quality of forensic evidence, lack of thorough inquiry into the cases; multiple and repetitive breaches of procedural law, failure to reconcile contradictions and to present consistent conclusions as well as frequent gross delays in the proceedings. (Article 2 procedural limb)</i></p>	<p>office in the conduct of initial proceedings were opened or initial criminal investigations reopened and terminated in some cases (lack of evidence, diplomatic immunity or prescription).</p> <p><u>General measures:</u> Adoption of a Criminal Procedure Code in 2012, with new rules governing the conduct of criminal investigations focusing on four of the five principles elaborated by the ECHR regarding their effectiveness: independence, promptness, public scrutiny, and the involvement of victims and next-of kin. In addition to the requirement of independence of prosecutors in the CPC and according to amendments to the Law "On the Prosecutor's Office of Ukraine" in 2017, the Prosecutor General has no more powers to appoint and dismiss prosecutors directly and prosecutors' self-governing bodies were established. Shorter deadlines for initiating criminal proceedings, transferring files and completing pre-trial investigations were introduced. Time limits for pre-trial investigations may be extended to six months (for misdemeanours and crimes of small or medium gravity) and twelve months (for serious crimes). A prosecutor has a legal obligation to initiate pre-trial investigations within 24 hours of suspicion of a criminal offence being brought to his attention. The pre-trial investigation is public. The involvement of the victim or next-of kin is to be assured by the new rules on the victim's status, including the rights to produce evidence; propose disqualifications and submit requests; give explanations, testimonies or refuse to do so; challenge decisions, acts, and omissions by an investigator, a prosecutor, an investigating judge, or a court; examine materials directly related to the criminal offence committed in his respect, etc. Several additional laws have been drafted with the participation of experts from the National Police (mainly concerning the status, rights, obligations and personal responsibility of investigators). The judgments were translated, published and disseminated and are used in</p>

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					training activities organised by the Government Agent's office and the National Police and for instructions, guidelines and cooperation activities.
<a href="#">CM/ResDH(2017)296</a>	UKR / Khachenko and 35 other cases	40107/02+	10/05/2011 10/02/2011	<p><i>Protection of rights in detention: Unlawfulness and length of pre-trial detention and of inadequate review procedures due to deficiencies in legislation and its application (general practice of unregistered detention by the police and of using administrative arrest for criminal investigation purposes without safeguarding the detainee's procedural rights, in particular the right to a defence, detention without any judicial decision, failure to state grounds when authorising detention on remand and to set a time-limit for such detention; failure to bring the arrested person before a judge promptly; failure to advance relevant and sufficient grounds for extending detention on remand as well as to consider any alternative preventive measure; lack of a procedure for speedy review of the lawfulness of detention on remand and lack of compensation for unlawful detention. (Article 5 §§1+3+4)</i></p> <p><i>Other violations: poor conditions of detention in Kyiv pre-trial detention, excessive length of criminal proceedings. (Articles 3 and 6 §1)</i></p>	<p><i>Individual measures:</i> None of the applicants were in detention on remand by the time the Court delivered its judgments. Just satisfaction awarded was paid and the initial or reopened criminal proceedings concluded except in the case of Pleshkov.</p> <p><i>General measures:</i> Article 46 indication that specific reforms in legislation and administrative practice should be implemented urgently; a respective strategy should be adopted within 6 months. The introduction of the 2012 Code of Criminal Procedure appears capable of remedying most of the shortcomings concerning pre-trial detention. Its comprehensive evaluation, in the light of the development of judicial practice, is still outstanding. Awareness-raising and capacity-building measures, to ensure that the provisions in the new Code relating to detention on remand are effectively implemented by all relevant actors in the judicial system, including the prosecution, should be continued. As regards the Chanyev case, two draft laws were drawn up and proceedings before the Constitutional Court regarding the problem of detention without a court order between the end of the investigation and the beginning of the trial are pending. The Higher Specialised Court in Civil and Criminal Cases issued a letter for the presidents of the courts of appeal in which it addressed the issue with a view to ensuring that no-one is detained without a judicial decision. An amendment to the Code of Criminal Procedure was initiated in 2016 to exclude preliminary detention from the list of preventive measures that are automatically extended if, at the preliminary hearing, none of the parties requests to the contrary. Outstanding questions will be examined in the context of the case of Ignatov and the remaining cases of this group.</p>

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<a href="#">CM/ResDH(2017)20</a>	UKR / Kirovogradobl energo, PAT	35088/07	27/09/2013 27/06/2013	<i>Protection of property: Failure by the State to reimburse the applicant company, a privately owned electricity supplier, the expenses related to the electricity bills of judges who were entitled to a 50%, due to the absence of clear and foreseeable legal provisions. (Article 1 of Protocol 1)</i>	<i>Individual measures:</i> Just satisfaction paid. <i>General measures:</i> The new Law on the Judiciary and the Status of Judges 2010 repealed the 50% reduction in payment for communal charges (electricity included). The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)377</a>	UKR / Koretskyy and Others	40269/02	03/07/2008 03/04/2008	<i>Freedom of assembly and association: Unjustified interference due to the refusal to register a non-governmental association for environmental protection based on a broad interpretation of a vague legal provision. (Article 11)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damages paid. In 2008, the applicants were informed about the possibility provided by the legislation to apply for the review of the impugned proceedings. No requests for review were submitted. It would be open to the applicants to re-apply to register their association under the new legislation. <i>General measures:</i> A new Law on Civil Associations 2013 introduced new opportunities for the creation, registration, work and termination of civil associations. It introduced new standards and approaches to civil associations, eliminated the territorial limitation of activity, and granted the right to conduct entrepreneurial activity and to protect its interests. It also contains an exhaustive list of reasons to limit the establishment and functioning of a civil association. Any disagreements with negative decisions of authorities are decided by domestic courts. The judgment was published, translated and disseminated to the relevant bodies.
<a href="#">CM/ResDH(2017)359</a>	UKR / Kovach	39424/02	07/05/2008 07/02/2008	<i>Electoral rights: Arbitrary and disproportionate interference due to the electoral authorities' decision to annul the results of the 2002 vote to the Ukrainian Parliament, notably in the applicant's electoral divisions, thus depriving him of his right to sit as a member of parliament once elected, on account of certain irregularities noted inter alia by the observers of the applicant's opponent, which were not included in the</i>	<i>Individual measures:</i> Just satisfaction for the non-pecuniary damage paid. Whilst acknowledging the applicant's entitlement to pecuniary damages, (salary he would have received as a Member of Parliament) the Court nonetheless dismissed his as he failed to specify what his net loss would have been. It was open to the applicant to apply for reopening of the impugned proceedings at the domestic level, in which he could have claimed pecuniary damage.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>exhaustive list of reasons for annulment in the 2001 Parliamentary Elections Act. (Article 3 of Protocol No. 1)</i>	<u>General measures:</u> The judgment was published and disseminated to all authorities directly concerned. As regards legislative measures, the election law underwent multiple changes in recent years. The latest Law on the Election of Members of Parliament in Ukraine adopted in November 2011 provides an exhaustive list of three grounds which may give rise to a decision to declare the voting in a particular precinct invalid. The provision of the former law which had given rise to arbitrary interpretation was not included in the new law. In 2013, Parliament adopted amendments of several provisions of the electoral legislation keeping however the exhaustive list of three grounds contained in the 2011 law.
<a href="#">CM/ResDH(2017)400</a>	UKR / Kurochin	42276/08	20/08/2010 20/05/2010	<i>Protection of private and family life: Disproportionate interference due to lacking relevant and sufficient reasons for the annulment of the adoption of V.G. following the adoptive parents' divorce without any careful assessment of the orphan child's best interest. (Article 8)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary paid. The annulment of the child's adoption was quashed. <u>General measures:</u> Case of an isolated nature. The judgments were published, translated and disseminated, in particular by the Higher Specialised Court to the presidents of appellate courts of regions. The National School of Judge organised training for judicial legal clerks and counsellors at trial courts of general jurisdiction and appellate courts.
<a href="#">CM/ResDH(2017)322</a>	UKR / Luchaninova	16347/02	09/09/2011 09/06/2011	<i>Access to and efficient functioning of justice: Denial of a fair trial in an administrative offence case due to the lack of a public hearing as the trial was held in a clinic with restricted access and failure to provide the accused with an opportunity to prepare the defence and effectively benefit from the assistance of a lawyer. (Article 6 §1 taken together with Article 6 §3b+c)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. The applicant was informed about the possibility provided by the legislation in force to apply for the review of the impugned proceedings. <u>General measures:</u> Isolated incident due to a domestic court's incorrect application of domestic legislation. The issue of lack of time to prepare one's defence in administrative cases are being examined in the framework of the case of Kornev and Karpenko. The judgment was translated, published and disseminated.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
<a href="#">CM/ResDH(2017)283</a>	UKR / Matsyuk	1751/03	10/03/2010 10/12/2009	<i>Access to and efficient functioning of justice: Denial of access to court due to domestic courts' inconsistent interpretation of the procedural legislation resulting in the inability to challenge in a clear and practical manner the administrative authorities' refusal to pay compensation in connection with unjustified criminal proceedings. (Article 6 § 1)</i>	<i>Individual measures:</i> The finding of a violation constituted in itself sufficient just satisfaction for the non-pecuniary damage. The applicant did not apply for the review of the impugned proceedings before the Supreme Court. <i>General measures:</i> Isolated case. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)378</a>	UKR / Mushta and 1 other case	8863/06+	18/02/2011 18/11/2010	<i>Access to and efficient functioning of justice: Infringement of the principle of legal certainty on account of the application of unclear and unforeseeable procedural limitations by domestic courts leading to the failure to renew time-limits for appeal/appeal in cassation as well as excessive length of civil proceedings in the second case. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damages paid in one case. No claims made in the other case. In reopened proceedings, the first applicant's cassation appeal was dismissed. The second applicant did not file any request for reopening. <i>General measures:</i> The Civil Procedure Code was amended to clarify the time limits for filing appeals and for contesting court orders (10 days after proclamation of the decision or reception of a copy thereof in case of absence and five days respectively). Cassation appeals may be filed within 20 days. In respective resolutions of the Higher Supreme Court on Civil and Criminal Cases (cassation court) and of the Supreme Court on judicial practice in cassation and appeal proceedings, guidance on the application of provisions concerning the renewal and extension of procedural time limits was given. The Law on the judicial system and status of judges of 2016 abolished the Higher Supreme Court on Civil and Criminal Cases and replaced it by the Supreme Court. The new rules of procedure for dealing with cassation appeals, the scope of jurisdiction for the respective chamber of the Supreme Court dealing with civil cases is awaited in 2017. The judgments were published, translated and disseminated to the relevant bodies.
<a href="#">CM/ResDH(2017)329</a>	UKR / Nadochiy	7460/03	15/08/2008 15/05/2008	<i>Access to and efficient functioning of justice: Unfairness of administrative proceedings against a detainee on account of the domestic courts'</i>	<i>Individual measures:</i> The finding of a violation constitutes in itself sufficient just satisfaction. The applicant is entitled to

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>failure to properly notify him about these proceedings and of the examination of the case in his absence, depriving him of an opportunity to present his comments on the charges brought against him and on their reclassification. (Article 6 §1)</i>	claim reopening of the impugned proceedings before the domestic courts. He did not avail himself of this opportunity. <i>General measures:</i> Isolated incident of judicial malpractice to fail to notify the applicant about the proceedings against him, as foreseen by legislation. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)328</a>	UKR / Peretyaka and Sheremetyev	17160/06+	20/06/2011 21/12/2010	<i>Access to and efficient functioning of justice: Refusal of the High Administrative Court's to consider certain cassation appeals as being lodged out of time, despite their compliance with the time-limits set by the courts of appeal in their judgments on the ground that new (reduced) time-limits for lodging appeals in cassation had been introduced in new procedural legislation which had come into force during consideration of the cases concerned. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. Reopening of proceedings possible. The first applicant submitted a request for review of the High Administrative Court's admissibility decision, the second applicant did not avail himself of this possibility. <i>General measures:</i> The violation occurred as a result of improper administrative practice after substantial changes in the procedural legislation took place in 2006. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)327</a>	UKR / Romanova	33089/02	13/03/2008 13/12/2007	<i>Access to and efficient functioning of justice: Lack of an impartial tribunal in proceedings brought following the dismissal from a post with a maintenance company of a university due to the participation of a judge who has been involved in the first instance an impartial tribunal.(Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. Reopening of proceedings possible, but the applicant did not avail himself of this opportunity. <i>General measures:</i> Isolated incident of judicial malpractice to fail to respect the domestic law. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)21</a>	UKR / Serkov	39766/05	07/10/2011 07/07/2011	<i>Protection of property: Absence of foreseeable and clear domestic legal provisions on VAT exemption, producing contradictory judicial interpretations by the Supreme Court resulting in the application of a less favourable approach to the applicant who was thus charged VAT. (Article 1 of Protocol No. 1)</i>	<i>Individual measures:</i> Just satisfaction paid. The applicant did not request reopening of proceedings. <i>General measures:</i> The new Tax Code came into force on 01/01/2011 together with the Law "On Value-Added Tax simplifying the system of taxation, accounting and reporting (single tax system) and introducing a special collection mechanism. The system does not allow divergent interpretations by the courts or any other State authorities.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					The Presidential Decree "On a Simplified System of Taxation, Accounting and Reporting for Small Business" of 1998 and the Law "On State Support for Small Business" were abolished in 2012. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)324</a>	UKR / Seryavin and others	4909/04	10/05/2011 10/02/2011	<i>Protection of property and access to and efficient functioning of justice: Unlawful interference in that the authorities, first, contrary to domestic legislation, commissioned renovation work in the attic of the applicants' building and, secondly, transferred it to a third party; failure of domestic courts to adduce adequate reasoning when dismissing the claim. (Article 1 of Protocol No.1 twice and 6 §1)</i>	<i>Individual measures:</i> No claim for just satisfaction submitted within the time-limit. In reopened proceedings the applicants were awarded compensation in respect of non-pecuniary and pecuniary damage. <i>General measures:</i> Violation caused by divergent case-law of the domestic courts during a particular period of time until 2004 rectified subsequently by the Constitutional Court by clarifying the interpretation of the applicable law in a way which endorsed automatic entitlement of owners of privatised flats to a share auxiliary premises. The judgment was translated, published and disseminated in order to prevent further failures by courts to adduce adequate reasoning.
<a href="#">CM/ResDH(2017)321</a>	UKR / Stebnitskiy and Komfort	10687/02	03/05/2011 03/02/2011	<i>Protection of property and access to and efficient functioning of justice: Unlawful interference due to a court decision concerning the applicant company's insolvency resulting in the limitation of its business activity and loss of control over its assets, taken in proceedings of which the company had not been informed and excessive length of criminal proceedings against the first applicant. (Article 1 of Protocol No. 1 and 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid to the first applicant. Criminal proceedings completed. Reopening of the insolvency proceedings is not necessary as the national court itself recognised in 2005 that the decision on the applicant company's insolvency was unlawful and quashed it. <i>General measures:</i> Excessive length of proceedings is being examined in the Merit group. The violation of property rights was an isolated case. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2017)22</a>	UKR / Suk	10972/05	10/06/2011 10/03/2011	<i>Protection of property: Domestic courts' arbitrary dismissal of the applicant's claims for recovery of annual payments to be paid from the State budget on the ground of lacking of expenditure provisions in the relevant budget. (Article 1 of Protocol No. 1)</i>	<i>Individual measures:</i> The applicant did not request reopening of proceedings. No claim for just satisfaction submitted. <i>General measures:</i> The case resulted from improper court's practice and constitutes an isolated incident. The judgment was translated, published and disseminated.

