Summaries of Final Resolutions adopted by the Committee of Ministers in 2020

(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.

Highlighted cases

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2020)93	**ALB / Bici and 1 other case**	**5250/07+**	**03/03/2016** 03/12/2015	***Access to and efficient functioning of justice:*** *Excessive length of judicial proceedings and lack of effective remedy. (Articles 6 §§1 and 13)*	*Individual measures*: Just satisfaction awarded for non-pecuniary damage was paid. Domestic proceedings closed before the judgment delivery. *General measures* will continue to be examined within the framework of the Luli and Others group.
CM/ResDH(2020)237	**ALB / Gjyli**	**32907/07**	**29/12/2009** 29/09/2009 Merits **07/03/2011** 07/12/2010 Just satisfaction	***Access to and effective functioning of justice and lack of a remedy:*** *Failure of the public administration to abide by final court decisions ordering the applicant's reinstatement in public service and payment of his salary arrears as well as the lack of an effective remedy in this respect. (Articles 6 §1 and 13 in conjunction with 6 §1)*	*Individual measures*: Just satisfaction for non-pecuniary and pecuniary damages (corresponding to the outstanding amount of salary arrears as calculated by the authorities) paid. The applicant had already retired and withdrew his request for reinstatement of duties. *General measures*: Tangible progress has been made, in particular through the adoption of legislative and practical measures ensuring timely enforcement of final judicial decisions ordering reinstatement and payment of salary arrears and the introduction of remedies of public administrations failures to abide by final judgments. In 2017 a general acceleratory and compensatory remedy for excessively long civil, criminal and administrative judicial proceedings and for enforcement proceedings was adopted. Outstanding questions concerning the impact of the adopted measures on the enforcement of final judicial decisions ordering reinstatement and payment of salary arrears continue to be examined in the cases of the Memishaj group (Application No. 40430/08); the effectiveness of measures adopted to tackle the problem with non-enforcement of final

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					judicial decisions in general continues to be examined under the Brahimaj group (former Puto and Others group); the effectiveness of the general acceleratory and compensatory remedy for excessively long civil, criminal and administrative judicial proceedings and for enforcement proceedings is entirely taken up in the context of the Luli and Others group.
CM/ResDH(2020)16	**ALB / Lako and Others and 1 other case**	**45718/12+**	**24/03/2015** Decision Friendly settlement	***Access to and efficient functioning of justice and protection of property**: Denial of a fair trial on account of the non-enforcement of final court decisions given in the applicants' favour concerning their reinstatement as civil servants and the payment of salary arrears. (Articles 6 §1 and 1 of Protocol No. 1 as well as 13)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid as awarded. The applicants' salary arrears were paid. The applicants were either reinstated in the state administration or provided with the possibility to do so. *General measures*: The judgements were published, translated and disseminated. They are used in training activities of the School of Public Administration with regard to the law "on civil servants.
CM/ResDH(2020)300	**ALB / Puto and Others and 3 other cases**	**607/07+**	**22/11/2010** 20/07/2010	***Access to and effective functioning of justice, protection of property and lack of an effective remedy:** Domestic authorities' failure to execute final judicial decisions awarding the applicants damages against the State, and lack of an effective remedy in this respect; non-enforcement of judicial decisions resulting from failure on the part of the State or State companies to take specific actions. (Articles 6 §1, 13 and 1 of Protocol No. 1)*	*Individual measures*: Just satisfaction for non-pecuniary and pecuniary damages paid as awarded by the ECtHR. The domestic courts' judgments were enforced. *General measures*: In 2014, the Council of Ministers adopted a strategy and an action plan for the transparent settlement of overdue obligations and the respect for financial discipline to prevent such obligations in the future. The Government prioritised the settlement of all financial obligations accrued before 2013 and achieved this goal within 2015. The Ministry of Finance and Economy's supervisory role in the monitoring process of State obligations payments was enhanced. Legislative measures were adopted to improve the effectiveness of the enforcement of final judicial decisions, in particular by privatising the bailiff service in 2008, by imposing compulsory cooperation between the General Police and the Private Bailiff Service to enforce executive titles (2008) and by creating an electronic management system of bailiffs in 2011. The creation of the Private Bailiff's Office under the Ministry of Justice improved the

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					enforcement of final judicial decisions, including those concerning State debts. Amendments to the Civil Procedure Code in 2008, 2013, 2016 and 2017 set out a strict procedure and deadlines for the execution and provided that the execution of financial obligations of State financed institutions is carried out against their relevant bank accounts, against the credits they have with third parties and the treasury's account. Furthermore, the Law on the organisation of Administrative Courts of 2012 also provided for sanctions against the head of the debtor institutions in case obligations deriving from a court decision are not implemented. In 2012, the Ministry of Finance and Economy "Directive No.2 on Procedures to Implement the State Budget" set out rules, procedures and deadlines that shall be followed by public authorities as a means of improving financial management and to enhance transparency in the use of public funds. In 2018, a quarterly reporting system was introduced. The monitoring process is conducted with the aim of keeping financial risks under control. In 2017, an amendment to the Code of Civil Procedure, introduced an acceleratory and compensatory remedy for excessive length of proceedings applicable also to the enforcement of final domestic decisions (including in-kind obligations). Initial and continuous training for judges, prosecutors and bailiff officers is organised. The judgments were published, translated and disseminated.
CM/ResDH(2020)214	**ARM / Aghanyan and Others**	**58070/12+**	**05/12/2019** 05/12/2019	***Freedom of religion:*** *Disproportionate interference due to failure to make allowances for the applicants' conscience and beliefs as Jehovah's Witnesses and to guarantee a system of appropriate alternative service resulting in the applicants' convictions for refusing to*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. The applicants' criminal records were deleted. *General measures*: See CM/ResDH(2018)374 in Adyan and Others as well as CM/ResDH(2014)225 in Bayatyan group.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				perform both military and alternative civilian service. (Article 9)	
CM/ResDH(2020)44	**ARM / Ayvazyan**	**56717/08**	**13/11/2017 01/06/2017**	***Right to life and protection against ill-treatment; discrimination:*** *Killing of the applicant's mentally-ill brother in a police operation lacking adequate planning and conduct as well as ineffective investigations into the circumstances of the victim's death. (Article 2 substantive and procedural limb)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. The renewed investigation established that the used force was proportionate. *General measures* required in response to the shortcomings found continue to be examined within the framework of the Virabyan group.
CM/ResDH(2020)94	**ARM / Ayvazyan and 2 other cases**	**46245/08+**	**18/10/2018** 18/10/2018	***Protection against ill-treatment and of rights in detention:*** *Unlawful detention, degrading conditions of detention. (Articles 3 and 5 §1)*	*Individual measures*: Just satisfaction awarded for non-pecuniary damage was paid. The applicants were released or sentenced. *General measures* required in response to the shortcomings found continue to be examined within the framework of the Mushegh Saghatelyan group.
CM/ResDH(2020)213	**ARM / Fil LLC**	**18526/13**	**30/04/2019** 31/01/2019	***Access to and effective functioning of justice:*** *Excessive length of civil proceedings related to the applicant's compensation claim against a private company due to the lack of domestic mechanisms to ensure the implementation of expert examination. (Article 6 §1)*	*Individual measures:* Just satisfaction for non-pecuniary damage paid. No request for reopening submitted. *General measures*: See also CM/ResDH(2019)290 in Aganikya. The Judicial Code of 2018 determines criteria for assessing the reasonableness of the length of proceedings, which were later clarified by the Court of Cassation's case-law. As concerns more particularly the efficiency of forensic expertise work, the 2019-2023 Strategy for Judicial and Legal Reforms foresees that both current State-run forensic institutions will be merged into one institution with the necessary expert staff resources. Furthermore, a draft law on forensic activities is under preparation to regulate the forensic examination procedure, including time-limits, to define the instruments to be used and determine issues related to qualification and training of experts. The new

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					Code of Civil Procedure of 2018 regulates the procedure for conducting forensic examinations in detail and provides relevant safeguards. In case of non-execution, a court decision to undertake a forensic examination may be enforced in accordance with the Law on Compulsory Enforcement of Judicial Acts. The judgment was published, translated and disseminated. It is used in training activities of the Justice Academy and the Centre for Legal Education and Implementation of Rehabilitation Programmes.
CM/ResDH(2020)125	**ARM / Mirzoyan**	**57129/10**	**23/08/2019** 23/05/2019	***Right to life and effective remedy**: Failure of authorities to protect the life of the applicant's son, a military conscript, and dismissal of his claim against the State for non-pecuniary damage suffered as a result of that loss. (Articles 2 and 13)*	*Individual measures*: Just satisfaction in respect of non-pecuniary damage paid. *General measures*: See Action Report in Muradyan, in particular with regard to the measures taken in the context of the project "the soldier as citizen in uniform" (including the hotline service and the establishment of the Human Rights and Integrity Building Centre within the Ministry of Defence, as well as the Human Rights Defender's oversight over the armed forces) with a view to ensuring human rights standards in the armed forces in line with international standards. As concerns the remedy, see CM/ResDH(2016)84 in Poghosyan and Baghdasaryan, in particular the provisions of the Civil Code on compensation for non-pecuniary damage in case of violations of fundamental rights and freedoms, including the right to life. The judgment was published, translated and disseminated.
CM/ResDH(2020)212	**ARM / Scholz AG**	**16528/10**	24/01/2019 24/01/2019	***Access to and effective functioning of justice:** Unjustified and disproportionate limitation of access to court due to the domestic courts' failure to examine the applicant company's civil claims. (Article 6 §1)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. No request for reopening submitted. *General measures*: Violation due to due to a general uncertainty as to whether the court of general jurisdiction or the arbitration tribunal had jurisdiction upon the case the circumstances of which had occurred shortly before and after the abolition of the Commercial Court. The new Code of Civil Procedure of 2018), provides that the court can leave

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					a claim or request unexamined if there is an agreement between the parties to the proceedings to take the dispute to an arbitration tribunal and the possibility of applying to an arbitration tribunal has not been eliminated. Following the amendments to the Law on Commercial Arbitration the courts of general jurisdictions must examine the claim if the arbitration tribunal lacks jurisdiction over it. The judgment was published, translated and disseminated.
CM/ResDH(2020)126	**ARM / Tadevosyan**	**69936/10**	**16/05/2019** 16/05/2019	***Protection of property:*** *Interference without public interest due to the domestic courts' decision on the non-restitution of the applicant's property (monetary assets transferred to the Yerevan Construction and Investment Project Implementation Agency. (Article 1 of Protocol No. 1)*	*Individual measures*: Just satisfaction in respect of pecuniary (amount of the transferred sum) and non-pecuniary damage paid. *General measures*: Violation due to an isolated misinterpretation of legislation by domestic courts. For detailed information on the regulatory framework for expropriations, see CM/ResDH(2015)191 in Minasyan and Semerjyan group. The judgment was published, translated and disseminated.
CM/ResDH(2020)215	**ARM / Vardanyan and Nanushyan**	**8001/07**	**06/03/2017** 27/10/2016 Merits **25/10/2019** 25/07/2019 Just satisfaction	***Access to and effective functioning of justice and protection of property:*** *Infringement of the principle of legal certainty due to the **q**uashing of a final domestic judgment in the applicants' favour recognising their ownership on a plot of land; an infringement of the principle of the impartiality due to the Court of Cassation chamber's chairman conduct and infringement of the principle of the equality of arms due to the Court of Appeal's refusal to postpone the hearing depriving the applicant of an opportunity to submit his arguments. (Article 6 §1 and 1 of Protocol No. 1)*	*Individual measures:* Just satisfaction for non-pecuniary damage paid. As no restitution of the property in question was possible, just satisfaction for pecuniary damage was awarded and paid. *General measures*: As concerns the functioning of justice, see CM/ResDH(2019)115 in Karen Poghosyan. The shortcomings identified in the judgment are under the constant attention of the Court of Cassation. Constitutional reforms initiated the process of positive change with a view to promoting an independent, accountable and high-quality judiciary. Furthermore, the Constitution determined a Supreme Judicial Council as a guarantor of independence of judicial system whereas the Judicial Code of 2018 regulates its functioning. The Code of Civil Procedure defines the rules for postponing a hearing, which were erroneously applied in the present case. As concerns the protection of property, see

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					CM/ResDH(2015)191 in Minasyan and Semerjyan group. The judgment was published, translated and disseminated. It is used in training activities of the Justice Academy and the Centre for Legal Education and Implementation of Rehabilitation Programmes.
CM/ResDH(2020)140	**AUT / P.R.**	**200/15**	**21/11/2019** 21/11/2019	***Protection of private life:*** *Failure to comply with the State's positive obligation due to the authorities' refusal to provide to the applicant an amended university diploma certificate following the change of his surname. (Article 8)*	*Individual measures*: Just satisfaction in respect of non-pecuniary damage paid. The University of Graz is ready to issue the amended diploma certificate should the applicant wish to request it at any given time in the future. *General measures*: The present judgment was presented in the advanced training courses for judges and in seminars for candidate judges and legal trainees. It was published, translated and widely disseminated.
CM/ResDH(2020)178	**AZE /Ilgar Mammadov and 2 other cases**	**15172/13+**	**13/10/2014** 22/05/2014 Merits **29/05/2019** Article 46 §4 Infringement procedure	***Restriction of rights for unauthorised purposes; protection of rights in detention and efficient functioning of justice:*** *Arrest and detention in the absence of any reasonable suspicion against the applicants, who were opposition politicians, to have committed an offence, lack of a genuine review of the lawfulness of their detention and initiation of criminal proceedings with the purpose to punish them for their political activities or to prevent their further work as well as the restriction of their rights for purposes other than those prescribed by the ECHR. (Article 18 taken in conjunction with Article 5; Article 5 §1c; Article 5 §4)* *Other violations: Unlawful interference with protection of home due to the search and seizure operations at one of the applicant's home and office (Article 8 § 2),*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. Although the applicants had already been released from detention, the convictions against them were still standing, entailing serious impediments for their personal and professional activities. Thus, in December 2017, the first-ever infringement proceedings under Article 46 §4 were launched by the Committee of Ministers. Subsequently, in 2019, the ECtHR confirmed Azerbaijan's failure to fulfil its obligation to execute the Ilgar Mammadov judgment of 2014. Following this judgment, the Supreme Court finally quashed the applicants' convictions and awarded them compensation for non-pecuniary damage resulting from their unlawful arrest and imprisonment. *General measures* required in response to the shortcomings found continue. to be examined within the framework of the Mammadli group (Application No. 47145/14).

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				and, in the case of Rasul Jafarov interference with the right of individual petition following the suspension of the licence to practice as a lawyer of the applicant's representative. (Article 34)	
CM/ResDH(2020)17	**BEL / Beuze**	**71409/10**	**09/11/2018** Grand Chamber	***Access to and efficient functioning of justice:*** *Unfairness of criminal proceedings as a whole due to the fact that procedural defects which had occurred at pre-trial stage (lacking legal assistance during interrogation by police and the investigating judge due to the absence of a respective legal provision in domestic law) remained subsequently uncured. (Article 6 §§1 and 3c)*	*Individual measures*: The finding of a violation constituted sufficient just satisfaction in respect of any non-pecuniary damage. The applicant did not avail himself of the opportunity to request reopening of the impugned proceedings. *General measures*: The legislative reform "Salduz", which had been initiated after 2008 to take account of the evolution of ECtHR jurisprudence with regard to access rights to a lawyer, lead to the adoption of laws in 2011 and 2016 granting full access rights to legal assistance as from arrest and during interrogations by police and investigating judges at pre-trial stage as well as all subsequent investigative acts. Detailed information on the right to remain silent should also be communicated. Measures to implement the reform on a practical level were taken and its application is regularly reviewed. The judgement was published and disseminated to all authorities and courts concerned.
CM/ResDH(2020)51	**BEL / Claes**	**43418/09**	**10/04/2013** 10/01/2013	***Protection against ill-treatment and protection of rights in detention:*** *Prolonged detention in a prison psychiatric wing not offering the appropriate care to the applicant's mental health disorders and lack of an effective judicial remedy to complain about it and obtain redress. (Articles 3 and 5 §§1e and 4)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. The applicant was released in September 2019. *General measures* required in response to the shortcomings found in this case continue to be examined within the framework of the W.D. pilot judgment and the L.B. group.
CM/ResDH(2020)32	**BEL / H.G.S.**	**26763/18**	**07/03/2019** Friendly	***Protection against ill-treatment / expulsion:*** *Risk of ill-treatment in case of*	*Individual measures*: In reopened asylum proceedings, the applicant was granted refugee status in 2020.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
			settlement	*deportation to Afghanistan of the applicant, whose second asylum-application had been dismissed on account of lacking new elements. (Article 3 combined with 13)*	General measures: The ECtHR decision was published on the Court of Cassation's website and disseminated to the competent authorities.
CM/ResDH(2020)302	**BEL / M.D. and M.A.**	**58689/12**	**19/04/2016** 19/01/2016	***Protection against ill-treatment:*** *Risk of ill-treatment in case of the deportation of a Russian couple of Chechen origin to the Russian Federation; failure to examine the risk in the light of the documents submitted in support of the applicants' fourth asylum request. (Article 3 conditional - Interim measure under Rule 39 of the Rules of Court)*	Individual measures: The finding of a violation constitutes sufficient just satisfaction for non-pecuniary damage. The applicants' fourth asylum request was transmitted from the Aliens' Office to the General Commissioner for Refugees and Stateless Persons. Following the applicants' adducing of new evidence in two hearings held, the decisions to deny refugee status and subsidiary protection of 2016 included a precise and detailed motivation. It was upheld on appeal by the Litigation Council for Aliens. Finally, the applicants' appeal to the Council of State was dismissed in May 2017. General measures: In May 2013, a new law transferred the jurisdiction to examine the admissibility and merits of fresh asylum applications including new elements from the Aliens' Office to the General Commissioner for Refugees and Stateless Persons (a specialized, independent body), which must give a reasoned opinion as to the risk of violating the principle of non-refoulement, directly or indirectly. The law of 2013 also provides for an appeal to the Litigation Council for Aliens. Following a ruling by the Constitutional Court, a law of 2014 provided retroactively for the Litigation Council's review of the General Commissioner for Refugees and Stateless Persons' decision, on the merits *in concreto and ex nunc;* which can thus be confirmed, reformed or quashed. In 2015, the Constitutional Court ruled that the 2014 Law provides an effective remedy in respect of Article 3 ECHR. A review of the new elements put forward in the context of a new asylum application, in support of the alleged risks under Article 3 of the ECHR, and in the light of the principle of non-refoulement is therefore provided. The judgement was

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					published and translated.
CM/ResDH(2020)238	**BEL / Mimbenga and 1 other case**	**54634/18+**	**30/01/2020** Decision	***Protection of private and family life and lack of a remedy:*** *Allegation of excessive delay in deciding the applicants' request of a visa for family reunification. (Articles 8 and 13)*	Respect of the terms of the two friendly settlements amounts of money_paid and visas for family reunification granted on the basis of positive DNA tests as a proof of filiation, the costs of which were born by the State.
CM/ResDH(2020)141	**BEL / Rooman**	**18052/11**	31/01/2019 Grand Chamber	***Protection against ill-treatment and of rights in detention:*** *Failure to ensure a dangerous detainee's appropriate psychiatric care in a social protection facility, due to linguistic barriers as no care staff spoke German (one of the official languages) and insufficient efforts by the authorities to find a way to overcome the deadlock arising from the communication issue between him and his health-care providers, amounting to ill-treatment and resulting in the unlawfulness of the detention. (Articles 3 and 5 §1)*	*Individual measures*: Just satisfaction in respect of non-pecuniary damage paid. Following a multidisciplinary meeting in May 2019, an individualised treatment plan was drawn up, in which account had been taken of the language factor. The applicant is being granted regular reviews of his psychological, psychiatric and social situation by German-speaking staff as well as once a month the assistance of an interpreter and an excursion under the supervision of a German-speaking nurse. *General measures*: The judgment was published and disseminated. The participants in the above-mentioned multidisciplinary meeting (care staff of the social protection facility, social workers, legal staff and representatives of the central administration) also defined a more general approach for similar cases in the future, underlining in particular the need to establish individualised treatment plans taking account of the language factor.
CM/ResDH(2020)31	**BEL / Tekin and Arslan**	**37795/13**	**05/12/2017** 05/09/2017	***Right to life:*** *Excessive use of force resulting in the death of a mentally ill prisoner after being restrained in a stranglehold by a prison officer. (Article 2 substantive limb)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. Reopening of the proceedings against the prison officers not required as related investigations were conducted with seriousness and diligence. *General measures*: Isolated occurrence related to the specificities of the case. A circular on means of restraint and intervention equipment in penitentiaries was adopted in 2009 defining a comprehensive conflict and aggression management strategy. The prohibition of stranglehold

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					techniques and the need to limit the use of force to correct restraint methods and to absolute necessity are communicated and regularly recalled in improved prison staff training. The judgment was published and disseminated.
CM/ResDH(2020)128	**BGR / Antonovi and 10 other cases**	**20827/02**	**01/03/2010** 01/10/2009	***Protection of property:*** *Unlawful interference due to the failure to provide compensation through property (flat or garage) for expropriations which took place during the 1980s or the early 1990s. (Article 1 of Protocol No. 1)* *Other violations: Excessive length of compensation proceedings. (Article 6 §1)*	*Individual measures*: Just satisfaction in respect of pecuniary (loss of opportunity on account of not having been able to use and enjoy the flat for a long period of time) and non-pecuniary damage paid. The applicants were provided with the flats or garages due to them or received monetary payment for their value. *General measures* required in response to the shortcomings found continue to be examined within the framework of the Basmenkova group.
CM/ResDH(2020)221	**BGR / Askon AD**	**9970/05**	**11/02/2013** 16/10/2012	***Access to and effective functioning of justice:*** *Denial of a fair trial due to the Supreme Court of Cassation's formalistic refusal to examine evidence presented in cost proceedings by the successful applicant company with regard to changes in its particulars. (Article 6 §1)*	*Individual measures:* The applicant company's claim for pecuniary damage was dismissed on the ground that the most appropriate form of redress would reopening of proceedings. In 2019, in reopened proceedings, the Supreme Court of Cassation amended the part of the original decision relating to costs confirming the applicant company's identity, finding however their attorney's remuneration to have been excessive. *General measures*: **Isolated occurrence** due to erroneous interpretation of clear legal framework. The judgment was published, translated and dissemination.
CM/ResDH(2020)246	**BGR / Chakalova-Ilieva**	**53071/08**	**06/01/2017** 06/10/2017	***Access to and effective functioning of justice:*** *Denial of access to a court due to the applicant's impossibility to challenge her dismissal from the position of a head teacher as a consequence of the courts' unpredictable and divergent practice as to the correct defendant in the civil*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. In reopened proceedings, domestic courts ordered the applicant's reinstatement and awarded compensation for the period in which she had been unemployed. *General measures*: Violation due to the inconsistency of the case-law of the domestic courts on the subject of the proper

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				proceedings	defendant in employment cases. In 2012 and 2013, the Supreme Court of Cassation, confirmed by two binding interpretative decisions that schools were the proper defendants in cases of dismissal of head teachers. The judgment was published, translated and disseminated.
CM/ResDH(2020)222	**BGR / Dimitar Yordanov**	**3401/09**	**06/12/2018** 06/09/2018	***Protection of property:*** *Unlawful interference through exposure of the applicant's residential property to daily mine detonations in close proximity in disrespect of domestic law requirements of protective "sanitation zones" around industrial installations representing environmental hazard. (Article 1 of Protocol No. 1)*	*Individual measures:* Just satisfaction for non-pecuniary and pecuniary damage awarded as lump sum and paid. The applicant's house was abandoned in 1997 and collapsed thereafter. *General measures*: The violation stems from an unlawful carrying out of detonations by a State-owned company in the course of mining operations. A new Health Act came into force in 2005 regulating the competence of health protection bodies. In 2009, an Ordinance on the conditions and procedures for exercising health protection control by the State was adopted, providing rules and procedures for inspections and stipulating supervision of sites/projects of public importance/use at least once a year. Inspections may be initiated by complaints of citizens, by legal entities or State bodies. When vibrations exceed the statutory limits, health control authorities may impose appropriate measures. The judgment was published, translated and dissemination.
CM/ResDH(2020)248	**BGR / Fazliyski**	**40908/05**	**16/07/2013** 16/04/2013	***Access to and effective functioning of justice:*** *Unfair Supreme Administrative Court's proceedings due to its refusal to examine the assessment of the applicant's mental fitness for work at the Ministry of Interior and the failure to give publicity to its judgments. (Article 6 §1 twice)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. In 2013, in reopened proceedings, the Supreme Administrative Court referred the case for fresh examination and, finally, the impugned dismissal order was quashed. In 2006, a commission appointed by the Supreme Administrative Court's president declassified the impugned domestic judgments. *General measures*: In 2006 and 2014, amendments to the Ministry of Internal Affairs Act provided for possible judicial review of psychological expert assessments of civil servants

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					employed by the Ministry of Interior. In 2020, another amendment provided that a Ministry of Internal Affairs' civil servant's psychological fitness is to be determined by a commission of the Institute of Psychology of the Ministry of Internal Affairs. Its decision is subject to judicial review before administrative courts. General measures with regard to the Supreme Administrative Court's failure to give publicity to its judgments continue to be examined in the case of Nikolova and Vandova, as well as in the C.G. and Others group of cases.
CM/ResDH(2020)223	**BGR / Gavrilov and 1 other case**	**44452/10+**	18/01/2018 18/01/2018	***Access to and effective functioning of justice and protection of property:*** *Non-enforcement of final court judgments ordering municipalities to pay compensation. (Article 6 §1)*	*Individual measures*: Just satisfaction for non-pecuniary and pecuniary (amounts of the State debts owed to the applicants as stipulated in the writ of enforcement, respectively as awarded in the final judgments) damages awarded and paid *General measures*: **Relatively isolated case.** See also CM/ResDH(2018)196 in Angelov group. The 2008 Code of Civil Procedure provides for enforcement proceedings for municipality debts recognised in final judgments. It also provides for civil responsibility in case of enforcement agents' unlawful behaviour in the enforcement proceedings. Change of case-law as administrative courts started, in 2012, to decide on the merits of complaints about delayed enforcement of state debts. In addition, the administrative practice of the responsible State bodies has shown that the adopted decrees which regulate the closing down or transformation of administrative structures always contain certain provisions on handling of outstanding claims and obligations of the closed entity. These decrees also designate the body or institution which succeeds into the rights and obligations of the closed entity. The judgment was translated, published and disseminated.
CM/ResDH(2020)	**BGR /**	**45285/12**	**02/07/2018**	***Protection of private and family life:***	*Individual measures*: Just satisfaction for non-pecuniary

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
19	**Hadzhieva**		01/02/2018	*Failure of authorities to comply with their positive obligation to ensure that the applicant, who was 14 years old at the time of her parents' arrest, is not left unattended. (Article 8)*	damage paid. *General measures*: Isolated violation. The judgement was published, translated and disseminated.
CM/ResDH(2020)247	**BGR / Ifandiev**	**14940/11**	**18/04/2019** 18/04/2019	***Freedom of expression:*** *Disproportionate interference due to an excessive sanction in a tort claim for non-pecuniary damage for false factual statements. (Article 10)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. The enforcement proceedings concerning the applicant's sanction were terminated in 2016. *General measures*: **Isolated occurrence.** The judgment was published, translated and disseminated. It is used in training activities for criminal and civil judges.
CM/ResDH(2020)216	**BGR / Ilieva and Others and 2 other cases**	**17705/05+**	**03/05/2015** 03/02/2015	***Protection of property:*** *Disproportionate interference on account of unjustified delays in restitution proceedings concerning agricultural and forestry land nationalised during the communist era, partly due to acquisition of the land concerned by private law companies in parallel privatisation procedures. (Article 1 of Protocol No. 1)*	*Individual measures:* Just satisfaction for non-pecuniary (and pecuniary damage in one case) paid as awarded. In the first case, the applicants had received compensation in lieu of restitution before the ECHR judgment. *General measures* required in response to the shortcomings found continue to be examined within the framework of the Sivova and Koleva group.
CM/ResDH(2020)220	**BGR / Ivanov**	**19988/06**	**11/12/2012** 11/12/2012	***Protection of property and lack of effective remedy:*** *Disproportionate interference due to the authorities' failure, following a restitution procedure, to issue a plan of the applicant's property for a considerable period of time of time, and the lack of effective remedies. (Articles 1 of Protocol No. 1 and 13)*	*Individual measures:* Just satisfaction for non-pecuniary and pecuniary damage paid. The applicant obtained possession of the plot of land restored to him. *General measures* required in response to the shortcomings found continue to be examined within the framework of the Lyubomir Popov group.
CM/ResDH(2020)303	**BGR / Kiril Andreev**	**79828/12**	**19/04/2016** 19/01/2016	***Protection of rights in detention****: Unlawful pre-trial detention of the applicant based the need to transfer him to another town*	*Individual measures:* Just satisfaction in respect of non-pecuniary damage paid. The applicant was released in 2012. *General measures:* See CM/ResDH(2017)405 in Lolova-

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				for the sake of bringing charges against him. (Article 5 §1)	Karadzhova. The judgment was published, translated and disseminated.
CM/ResDH(2020)217	**BGR / Krasteva and Others**	**5334/11**	**01/09/2017** 01/06/2017	***Protection of property:*** *Deprivation of property without compensation, on the basis of the legislation on restitution allowing former pre-collectivisation owners to challenge post-collectivisation private parties' title to agricultural land, in breach of the principle of legal certainty. (Article 1 of Protocol No. 1)*	*Individual measures:* Just satisfaction for non-pecuniary and pecuniary damage paid. *General measures* required in response to the shortcomings found continue to be examined within the framework of the Tomov and Nikolova case.
CM/ResDH(2020)157	**BGR / Mihalevi**	**63481/11**	**21/06/2018** Merits **16/05/2019** Just satisfaction	***Protection of property:*** *Disproportionate interference in the applicants' right to peaceful enjoyment of possessions due to the loss of the possibility to obtain compensation for a factory building nationalised during communist era. (Article 1 of Protocol No. 1)*	*Individual measures*: Just satisfaction in respect of pecuniary and non-pecuniary damage was duly paid. *General measures*: Case of an isolated nature. The judgment was published, translated and disseminated. See also CM/ResDH(2014)202 in Yavashev and Others.
CM/ResDH(2020)199	**BGR / Petkov and Parnarov**	**59273/10**	**19/08/2015** 19/05/2015	***Right to life and protection against ill-treatment:*** *Deaths, acts of torture, ill-treatment or lack of timely medical assistance during arrest, in police detention or in penitentiary facilities and lack of an effective investigation. (Articles 2 and 3)*	*Individual measures:* Just satisfaction for non-pecuniary damage paid. The Prosecutor's Office submitted that potential criminal proceedings would be time-barred. *General measures* required in response to the shortcomings found continue to be examined within the framework of the Velikova group of cases.
CM/ResDH(2020)218	**BGR / Tilev**	**25051/02**	**22/11/2010** 27/05/2010	***Access to and effective functioning of justice and protection of property:*** *Failure of the administration authorities to abide by a final domestic judgment annulling the applicant's eviction from farmland and the excessive length of domestic civil proceedings for damages. (Article 6 §1 and*	*Individual measures:* No claim for just satisfaction submitted. The applicant's lease contract for the farm land had expired and the applicant made no attempts to regain possession of the farmland or to seek compensation in another way. *General measures*: Concerning the issue of non-enforcement of judicial decisions see CM/ResDH(2015)223 in the Popnikolov case; general measures related to the issue of

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				Article 1 of Protocol No. 1)	non-enforcement of judicial decisions requiring an administrative authority to deliver a non-substitutable action continue to be examined within the framework of the Stoyanov and Tabakov case; concerning the issue of excessive length of civil proceedings see CM/ResDH(2017)420 in the Djangozov group.
CM/ResDH(2020)244	**BGR / Valkova**	**48149/09**	**10/01/2019** 10/01/2019	***Access to and effective functioning of justice:*** *Denial of access to a court due to the dismissal of the applicant's inheritance claim exclusively on the basis of the retroactive application of an interpretative decision of the Supreme Court of Cassation introducing an unforeseeable procedural requirement. (Article 6 §1)*	*Individual measures*: Just satisfaction for non-pecuniary damages paid. The applicant has not requested reopening of the domestic proceedings. *General measures*: See CM/ResDH(2014)261 in *Petko Petkov*. The judgment was published, translated and disseminated.
CM/ResDH(2020)52	**BGR / Vanchev**	**43418/09**	**05/03/2018** 19/10/2017	***Protection of rights in detention and access to and efficient functioning of justice:*** *Unjustified detention due, inter alia, to a failure to deduct from a prison sentence a period of pre-trial and the infringement of the applicant's access to a court in proceedings for damages against the State because of the excessive amount of court fees. (Articles 5 §1 and 6 §1)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. *General measures* needed to allow for a judicial review where there is a dispute between a prisoner and the Prosecutor's Office as to whether a period of detention on remand has been properly deducted from a prison sentence are examined in the context of the Svetoslav Dimitrov case. As for the excessive amount of court fees, see CM/ResDH(2011)8 in Stankov and Tzvyatkov, in particular concerning the legislative changes introduced in 2008. The judgment was published, translated and disseminated.
CM/ResDH(2020)219	**BGR / Velcheva and 1 other case**	**35355/08+**	**09/09/2015** 09/06/2015 Merits **09/05/2017** 09/02/2015 Just satisfaction	***Access to and effective functioning of justice and protection of property:*** *Failure by authorities to comply with a domestic judgment, in the first case, and infringement of property rights due to the non-enforcement or delayed enforcement of final judgments for restitution of*	*Individual measures:* Just satisfaction for non-pecuniary and pecuniary damage paid: either the plot of land had been returned to the applicants and damages were awarded for the prolonged impossibility to use that plot or financial compensation was awarded in lieu of the applicant's entitlement to restitution of land and damages for the prolonged non-enforcement of the domestic judgment.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				agricultural and/or forestry land nationalised during the communist era, in both cases. (Article 6 § 1 and 1 of Protocol No. 1)	*General measures* required in response to the shortcomings found continue to be examined within the framework of the case of Mutishev and Others group.
CM/ResDH(2020)245	**BGR / Yordanova and Others**	**61432/11+**	**19/07/2018** 19/07/2018 Merits **11/07/2019** 11/07/2019 Just satisfaction	***Protection of property:*** *Disproportionate interference due to the authorities' refusal to provide compensation in the form of company shares for property nationalised during the communist period, despite judicial decisions in the applicants' favour or to propose another appropriate solution. (Article 1 of Protocol No. 1)*	*Individual measures*: Just satisfaction for non-pecuniary and pecuniary damages paid. *General measures* concerning administrative authorities' failure to comply with final domestic judgments obliging them to deliver a non-substitutable action continue to be examined in the Stoyanov and Tabakov group. Violation due to the specific circumstances of the present isolated case. The judgment was published, translated and disseminated.
CM/ResDH(2020)95	**BIH / Advic and Others and 8 other cases**	**47345/15**	**07/02/2019** 07/02/2019	***Access to and efficient functioning of justice and protection of property:*** *Unfair trial due to the non-enforcement of final domestic judgments ordering to pay due work-related benefits to public service employees and thus interference with property rights. (Articles 6 §1 and 1 of Protocol No. 1)*	*Individual measures*: Just satisfaction awarded for non-pecuniary damage was paid. Domestic decisions were enforced. *General measures* required in response to the shortcomings found continue to be examined within the framework of the Kunić group.
CM/ResDH(2020)242	**BIH / Al Husin (No. 2)**	**10112/16**	**25/09/2019** 25/06/2019	***Protection of rights in detention:*** *Unjustified prolonged detention of the applicant classed as a national security risk, due to the lack of a realistic prospect for his expulsion. (Article 5§1)*	*Individual measures*: Just satisfaction for non-pecuniary damages paid. The applicant was released in 2016 and placed under a preventive measure. *General measures*: The judgment was published, translated and disseminated to all authorities and courts concerned.
CM/ResDH(2020)240	**BIH / Baralija**	**30100/18**	**29/01/2020** 29/10/2019	***Electoral rights:*** *Deprivation of the possibility to vote and stand in local elections since 2008 due to the State's failure to adopt the measures required for the holding of democratic elections in Mostar following the Constitutional Court's*	Under Article 46 domestic legislation must be amended within six months in order to enable the holding of local elections in the City of Mostar. *Individual measures*: The finding of a violation constituted in itself sufficient just satisfaction for the non-pecuniary damage.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				decision and ancillary orders of 2010, which declared certain sections of the Election Act 2001 and the Statute of the City of Mostar unconstitutional and ordered their amendment. (Article 1 of Protocol No. 12)	*General measures*: In July 2020, the Election Act was amended, in line with OSCE requirements and Venice Commission recommendations, to enable local elections in Mostar. No further interim arrangements necessary. The judgment was published, translated and disseminated.
CM/ResDH(2020)33	**BIH / Momic and 74 other applications** **BIH / Gavric and 104 other applications**	**28730/06+** **54644/11+**	**17/05/2011** **08/10/2013** Friendly settlements	***Access to and efficient functioning of justice:*** *Non-enforcement of final judicial decisions against the Republika Srpska for war damage. (Article 6)*	*Individual measures*: The authorities ensured full enforcement of domestic judgements under consideration in the present cases in cash. Just satisfaction for non-pecuniary damage paid.
CM/ResDH(2020)241	**BIH / Skrbić and Vujičić**	**37444/17**	**06/06/2019** 06/06/2019	***Access to and effective functioning of justice:*** *Excessive length of civil proceedings. (Article 6 §1)*	*Individual measures*: Just satisfaction for non-pecuniary damages paid. Impugned domestic proceedings were closed. *General measures*: See CM/ResDH(2018)323 in the Kahriman group of cases. The judgments were published, translated and disseminated.
CM/ResDH(2020)226	**CRO / A. and 1 other case**	**55164/08+**	**14/01/2011** 14/10/2011	***Protection of private life:*** *Failure of authorities to provide adequate protection against domestic violence due to various shortcomings, e.g. individual programme during prison term, enforcement of mandatory psychiatric treatment, non-execution of fines, failure to consider re-classification of charges under the 2011 Criminal Code. (Article 8)*	*Individual measures:* Just satisfaction for non-pecuniary damage paid. The first applicant's partner attended individual psychiatric sessions as well as group therapy with a view to preventing re-offending. The prison terms imposed had been enforced. He was released in 2013. The applicant did not submit any new allegations of domestic violence incidents. As concerns the second applicant, her allegations of threats by her ex-husband were investigated; however, the evidence adduced did not allow to conclude to a reasonable level of suspicion and her complaint was thus dismissed. Since 2013, the applicant had not raised new complaint to the domestic authorities. *General measures*: National Strategies against Domestic Violence were adopted for the periods 2011-2016 and 2017

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					– 2022. In 2019, general principles of action for the police, judiciary, health practitioners, probation officers, social welfare centres and other competent authorities) were adopted by a Government Protocol for Responding to Domestic Violence, on the basis of data and statistics collected throughout 2018. A national team for preventing and combating domestic violence was set up. It is composed of members of the judiciary, prosecution authorities and ministries. It should monitor the implementation of national anti-domestic violence policies and guide 21 regional teams in their work providing expert assistance to the relevant local authorities. Seven victim assistance offices were put in place by the Ministry of Justice, including a national call centre. Efforts were increased to offer victims a possibility to obtain State-funded housing. Amendments, in 2011 and 2015, to the Criminal Code introduced a definition of the offence of domestic violence in a family and family-related crimes of particular gravity and introduced new protective measures against perpetrators of family-related crimes such as compulsory psychological and social treatment, restraining orders, removal from a household and protective supervision following to the release from prison. In 2020, a minimum prison sentence of one year was introduced for the crime of domestic violence. In addition, the 2018 Protection against Domestic Violence Act translated the standards of the Istanbul Convention on preventing and combating violence against women and domestic violence, ratified in 2018, into domestic law, particular the obligations to speedily decide on safety measures, to swiftly bring domestic proceedings to an end and to impose stricter sanctions for the perpetrators. Appropriate training and awareness-raising measures for the judiciary and law-enforcement bodies were organised. The 2018 Probation Act provides an obligation for adequately trained probation officers to assess the risks of

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					re-offending before reintegrating perpetrators into society. They may intervene at every stage of criminal proceedings and deliver recommendations on the most appropriate type of sanction and/or security measure. After the judgment, they monitor the implementation of security measures imposed and prepare individual prevention programmes. They also intervene after the perpetrator's release from prison for a period of three years, which can be extended for an additional year. Furthermore, the supervision of the psycho-social treatment imposed in misdemeanor proceedings was reinforced. In case of shortage of licensed experts in prison hospitals, mandatory psychiatric treatment may be provided in regular hospitals. The execution of fines imposed in misdemeanour proceeding is monitored through a tailor-made electronic data system. The judgments were published, translated and disseminated.
CM/ResDH(2020)54	**CRO / Boljevic and 1 other case**	**43492/11**	**30/04/2017** 31/01/2017	***Protection of property:*** *Disproportionate interference due to the confiscation - for failing to declare foreign currency at the border - of the sums concerned by customs authorities in addition to the imposition of a fine. (Article 1 of Protocol No. 1)*	*Individual measures*: Just satisfaction for pecuniary damage (amount confiscated) paid. The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. *General measures*: See CM/ResDH(2011)49 in Gabric, in particular concerning the provisions of the new law on preventing money laundering and financing terrorism 2009 and the change of case-law by the High Misdemeanor Court finding that undeclared cash carried over the border should not be confiscated, if the purpose of punishment could be achieved by fining the offender. Following a period of fledging domestic case-law, the Constitutional Court also operated a change of its case-law and developed a consistent practice. The judgment was published, translated and disseminated.
CM/ResDH(2020)	**CRO / Branko**	**46598/06+**	**15/04/2009**	***Right to life:*** *Failure to protect the lives of*	*Individual measures*: Just satisfaction for non-pecuniary

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
227	**Tomašić and Others and 1 other case**		15/01/2009	*the applicants' relatives from a person who had been previously convicted of threatening to kill them (Branko Tomašić) and from a mentally disturbed person (Bljakaj). (Article 2 substantive limb)*	damage paid. Perpetrators in both cases shot themselves after killing the applicants' relatives. There was thus no possibility to ensure fresh investigation in these cases. In *Bljakaj* the domestic courts awarded the applicants damages within the context of the civil claim relating to the State's inadequate response to killings of their relatives. The applicants in *Branko Tomašić* did not avail themselves of the possibility to claim damages against the State. *General measures*: National Strategies against Domestic Violence were adopted for the periods 2011-2016 and 2017 – 2022. In 2019, general principles of action for the police, judiciary, health practitioners, probation officers, social welfare centres and other competent authorities) were adopted by a Government Protocol for Responding to Domestic Violence, on the basis of data and statistics collected throughout 2018. A national team for preventing and combating domestic violence was set up. It is composed of members of the judiciary, prosecution authorities and ministries. It should monitor the implementation of national anti-domestic violence policies and guide 21 regional teams in their work providing expert assistance to the relevant local authorities. Seven victim assistance offices were put in place by the Ministry of Justice, including a national call centre. Efforts were increased to offer victims a possibility to obtain State-funded housing. Amendments, in 2011 and 2015, to the Criminal Code introduced a definition of the offence of domestic violence in a family and family-related crimes of particular gravity and introduced new protective measures against perpetrators of family-related crimes such as compulsory psychological and social treatment, restraining orders, removal from a household and protective supervision following to the release from prison. In 2020, a minimum prison sentence of one year was introduced for the crime of domestic violence. In addition, the 2018 Protection against

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					Domestic Violence Act translated the standards of the Istanbul Convention on preventing and combating violence against women and domestic violence, ratified in 2018, into domestic law, particular the obligations to speedily decide on safety measures, to swiftly bring domestic proceedings to an end and to impose stricter sanctions for the perpetrators. Appropriate training and awareness-raising measures for the judiciary and law-enforcement bodies were organised. The 2018 Probation Act provides an obligation for adequately trained probation officers to assess the risks of re-offending before reintegrating perpetrators into society. They may intervene at every stage of criminal proceedings and deliver recommendations on the most appropriate type of sanction and/or security measure. After the judgment, they monitor the implementation of security measures imposed and prepare individual prevention programmes. They also intervene after the perpetrator's release from prison for a period of three years, which can be extended for an additional year. Furthermore, the supervision of the psycho-social treatment imposed in misdemeanor proceedings was reinforced. In case of shortage of licensed experts in prison hospitals, mandatory psychiatric treatment may be provided in regular hospitals. The execution of fines imposed in misdemeanour proceeding is monitored through a tailor-made electronic data system. The judgments were published, translated and disseminated.
CM/ResDH(2020)225	**CRO / Cenbauer and 3 other cases**	**73786/01+**	**13/09/2006** 09/03/2006	***Protection against ill-treatment / conditions of detention and lack of an effective remedy:*** *Inadequate prison conditions due inter alia to overcrowding, poor state of repair and cleanliness, lack of outdoor exercise and of medical care. (Article 3 and 13)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. The applicants were released or transferred to a different prison. In the case Lonic, the impugned proceedings were reopened and the applicant's conviction was upheld in new proceedings. *General measures*: A number of prison facilities were renovated, including heating systems and sanitary facilities.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				Other violations in one case: Unfair criminal proceedings due to lack of equality of arms and infringement of defence rights. (Article 6 §§1+3c)	Furthermore, a probation system was put in place and alternative measures such as community work were introduced. Moreover, in the context of the EU project "Support of the Prison System of the Republic of Croatia", the organisation of purposeful activities as well as sport activities for prisoners was initiated. As concerns medical treatment, additional medical staff was recruited. Finally, the new Law on Compulsory Medical Insurance 2013 provided for compulsory medical insurance for all prisoners. Prisons were connected to the public IT health system in 2019. As concerns an effective remedy, the possibility of civil proceedings for damages in combination with an urgent decision of a judge responsible for execution of sentences in general works appropriately. The Constitutional Court furthermore refined its respective case-law. As concerns measures to be adopted in the context of fair trial requirements, will continue to be examined in the context of the Zahirović group. The judgments were translated, published and disseminated. Training activities for authorities dealing with complaints on prison conditions were organised.
CM/ResDH(2020)142	**CRO / Cvijetic and 1 other case**	**71549/01+**	**26/05/2004** 26/02/2004	***Access to and efficient functioning of justice and protection of home:*** *Excessive delay with regard to the execution of eviction orders in respect of the applicant's flat occupied by individuals without any legal ground. (Articles 6 §1 and 8)*	*Individual measures*: Just satisfaction in respect of pecuniary (costs for alternative accommodation) and non-pecuniary damage paid. The applicants *General measures*: See CM/ResDH(2018)409 in Jakupovic, in particular concerning the adoption of the Courts Act 2013 and the broadening of judicial inspection supervising the length of enforcement proceedings. The judgment was published, translated and disseminated.
CM/ResDH(2020)309	**CRO / Dolenec and 1 other case**	**25282/06**	**26/02/2010** 26/11/2009	***Protection against ill-treatment / access to and effective functioning of justice:*** *Failure of authorities to conduct an effective investigation into allegations of*	*Individual measures:* Just satisfaction in respect of non-pecuniary damage paid in both cases. The Central Office of Prison Administration of the Ministry of Justice established in 2019 that reopening of proceedings had become time-

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				ill-treatment by prison guards in the first case; ill-treatment by prison guards in the second case; unfair criminal proceedings due to the authorities' failure to provide the applicant unrestricted access to his case file. (Article 3 procedural limb in the first case and substantive limb in the second case as well as Article 6 §1 in conjunction with 6 §3)	barred in 2009 and 2010, respectively. The first applicant was awarded compensation for damages in civil proceedings. *General measures*: The National Preventive Mechanism for Prevention of Torture and Other Cruel, Inhuman and Degrading Treatment and Punishment Act of 2011 set up an independent body tasked to prevent ill-treatment in places where the persons are deprived of their liberty. The activities of the NPM are carried out by the Ombudsperson. Furthermore, an Order of Conduct for Prison Staff in Situations of Violence was issued in 2011: Prison staff is also under an obligation to assess the proportionality and intensity of the measure taken. A doctor examines the prisoner immediately after the use of force and again 12 hours later. The prison governor must inform the Central Office of Prison Administration of the Ministry of Justice of all relevant facts. The procedure to be followed is stipulated in the Rulebook on the Use of Force by Prison Guards in Prisons and Penitentiaries that was adopted and entered into force in April 2009. According to the Execution of Prison Sentences Act as amended in 2013, prisoners can file written complaints to the judge responsible for the execution of sentences concerning their ill-treatment in prisons and decisions of prison staff in respect of which they are not allowed to submit the request for judicial protection. Prior to these amendments, prisoners' complaints were dealt with only by the prison administration. In 2018, the Central Office for Prison Administration of the Ministry of Justice issued a written instruction to the penitentiaries to keep records of prisoners' complaints. Furthermore, the Criminal Code as amended in 2013 stipulated that the bodily injury committed by an official is considered an aggravated offence for which prosecution is instituted ex officio. The statute of limitations for this offence is ten years.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					The constitutional complaint is considered an effective domestic remedy for complaints concerning ineffective investigations under Article 3: See admissibility decision in Kušić (71667/17). As concerns one's right to unrestricted access to the casefile in criminal proceedings, recent convention-compliant decisions of the Constitutional Court and Supreme Court were submitted. The judgment was published, translated and disseminated. It was used in awareness-raising and training activities for prison staff by the Centre for Education in the Prison System Directorate of the Ministry of Justice.
CM/ResDH(2020)307	**CRO / Đorđević**	**41526/10**	**24/10/2012** 24/07/2012	***Protection against ill-treatment, protection of private and family life and lack of an effective remedy:*** *Failure by police and social welfare authorities to provide adequate protection to the first applicant from harassment by children from his neighbourhood on account of his mental and physical disability; failure to protect the private and family life the first applicant's mother complaining to the relevant authorities and welfare services about the above harassment and lack of an effective remedy in respect of the applicants' complaints under Articles 3 and 8. (Article 3 in procedural limb as regards the first applicant, Article 8 in regard to the second applicant and Article 13)*	*Individual measures:* Just satisfaction in respect of non-pecuniary damage paid (awarded jointly). In 2013, the second applicant passed away and the first applicant was placed under his brother's guardianship. According to the Social Welfare Centre, he changed location and benefits from a comprehensive programme for disabled persons tailored to his needs. *General measures*: The present case concerns the State's positive obligations outside the sphere of criminal law, that is harassment situation directed against a disabled person by children. In 2013, the Police Directorate, following a survey amongst all units, set up an effective mechanism to monitor and prevent similar forms of harassment. Several changes of the Police Duties and Powers Act were adopted to safeguard incapacitated persons from harassment by children. Expert assistance was provided to disabled. In 2016, the Police Directorate adopted a binding instruction to reinforce neighbourhood patrols. In 2014, the Social Welfare Services Act was amended to provide more psychosocial support to incapacitated person through counselling and the development of their social and communications skills. The State School for Public

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					Administration organised workshops for social welfare centres' staff. As concerns the lacking effective remedy, the Police Act was amended in 2015 to strengthen disciplinary responsibility resulting from police negligence and omissions introducing a three-tier procedure of examining complaints to be filed with the Ministry of the Interior and ultimately decided by the Complaints Board appointed by Parliament. In 2019, the Police Act was further amended to enhance independence and efficiency of the Board's work. The judgement was published, translated and disseminated.
CM/ResDH(2020)251	**CRO / Dragica Oreščanin and Others**	**27888/15**	24/03/2020 Decision	***Right to life and access to and effective functioning of justice:*** *Lack of effective investigations into the applicants' relative's death and lack of access to a court in civil proceedings against the State for compensation of damages. (Articles 2 procedural limb and 6 §1)*	*Individual measures*: Ex gratia payment made as agreed in the friendly settlement. Outstanding costs-of-proceedings and other legal expenses (representation) debts written off or covered. *General measures*: None.
CM/ResDH(2020)306	**CRO / Durdevic**	**52442/09**	**19/10/2011** 19/07/2011	***Protection against ill-treatment:*** *Failure of police and prosecuting authorities to conduct an effective and independent investigation into allegations of ill-treatment of Roma applicants by the police resulting in the dismissal of their criminal complaints. (Article 3 procedural limb)*	*Individual measures:* Just satisfaction in respect of non-pecuniary damage paid. The competent Municipal State Attorney's Office decided to reopen the impugned investigation on its own motion and conducted it in full. As no corroborating evidence was found, the criminal complaints were dismissed. The applicants were notified of the possibility to inspect the case file and to request the investigating judge of the Velika Gorica County Court to obtain further evidence. In 2013, following the above-mentioned dismissal of their criminal complaint, the second and the third applicant brought criminal charges against S.M. and A.B., the two officers allegedly involved in the incident. After having heard several witnesses and obtained a medical report the two police officers were found guilty of ill-treatment during the exercise of their duty by the Velika

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					Gorica County Court. The police officers appealed against the decision and the proceedings are pending before the Pula County Court. *General measures*: Following the present judgment, the Constitutional Court aligned its case-law with the European Court's standards on investigations into allegations of police ill-treatment. In 2014, the Constitutional Court changed the Constitutional Court Rules to ensure that when it finds such investigations ineffective, it has the authority to order the prosecuting authorities to carry out specific steps aimed at identifying perpetrators and bringing them to justice. In addition, when finding a violation, the Constitutional Court may award a party compensation for damages. The European Court found in Kusic and Others (71667/17) that in particular change of the Constitutional Court's practice indicates that the constitutional complaint has become an effective domestic remedy for complaints concerning ineffective investigations under Articles 2 and 3 of the Convention. The Code of Criminal Procedure adopted in 2008 (entry into force 2011) introduced prosecutorial investigation and ensured the information of the injured parties on the course of the investigation. In 2013 amendments to the Criminal Procedure Code introduced strict time-limits and a new system of legal remedies to ensure that criminal investigations are carried out promptly, transparently and effectively. The amendments also ensured a higher level of victim participation by introducing legal remedies that enable them to scrutinise the course of the investigation, obtain information thereon and to seek rectification of any shortcomings in the investigation. Amendments of 2014 to the Act on Police Work and Powers prescribed that in case of a suspicion that a criminal offence was committed by a police officer or other employee of the Ministry of the Interior or at the police premises,

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					investigative steps are not to be conducted by the same organisational unit of the police. In 2015 the Police Act was amended to strengthen disciplinary responsibility resulting from police negligence introducing a three-tier procedure of examining complaints to be filed with the Ministry of the Interior and ultimately decided by the Complaints Board appointed by Parliament. According to the 2019 amendment of the Police Act, the Complaints Board consists of nine members representing civil society, public institutions and non-governmental organisations and appointed by Parliament on proposal of the Committee on Human Rights and National Minorities. In 2019, amendments to the Ministry of Interior's Regulation internal organisation ensured a higher degree of independence and impartiality of police officers working in internal control units. The internal control service was restructured and also assigned with preventive functions by identifying the causes of unlawful, unprofessional or unethical behaviour and making risk assessments for individual positions, transfers, rotations of management personnel, etc. Moreover, complaints against the police officers are entered into the Ministry's information system. The judgement was published, translated and disseminated. It was used in training activities of the Judicial Academy and in-house training of the Constitutional Court. See also CM/ResDH(2018)236 in D.J. - Legislative measures undertaken to grant victim participation in criminal investigations carried out by prosecuting authorities were positively assessed in the group of cases Skenderić and Krznarić (16212/08).
CM/ResDH(2020)304	**CRO / Dvorski**	**25703/11**	**20/10/2015** Grand Chamber	***Access to and effective functioning of justice:*** *Unfair criminal proceedings due to the denial, without relevant and sufficient reasons, of access to a lawyer of the*	*Individual measures*: The finding of a violation constitutes in itself sufficient just satisfaction for the non-pecuniary damage. The applicant's request for reopening of the impugned proceedings was dismissed by the country court

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				suspect's own choosing during police questioning and failure to inform him that his family had appointed a lawyer to represent him during police questioning; the admission of his confession in evidence at the trial resulting in his conviction to forty years' imprisonment; and the national courts', notably the Supreme Court's and the Constitutional Court's failure to take adequate remedial measures to ensure fairness in these criminal proceedings. (Article 6 §§1+3c)	and the Supreme Court on the ground that the contested confession was not the sole or decisive evidence for his conviction. *General measures*: The Code of Criminal Procedure adopted in 2008 (entry into force 2011) provided that, transferred the competence to conduct pre-trial criminal investigations from the Police to the State Attorneys. In 2014, the Ministry of Justice's Rules provided that State Attorneys have an obligation to keep detailed records of interrogations and to document procedures and decisions in this respect, including the suspect's selection of a lawyer and the timeframe allocated for consultations between them before the interrogation. Moreover, with regard to alleged breaches of defence rights in criminal proceedings, domestic courts, in particular the Supreme Court and the Constitutional Court aligned their case-law to the present judgment. The judgment was published, translated and disseminated. It was used in awareness-raising and training activities for judges and state attorneys organized by the Judicial Academy.
CM/ResDH(2020)249	**CRO / Ezgeta**	**40562/12**	**07/12/2017** 07/09/2017	***Access to and effective functioning of justice:*** *Unfair civil proceedings conducted by a court administrator, who also drafted the judgment, unauthorised to do so by domestic law; thus these proceedings did not take place before a "tribunal established by law". (Article 6 §1)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. Upon the applicant's request, the impugned proceedings were reopened and a new decision pronounced. *General measures*: In 2015, the Ministry of Justice introduced the Integrated Court Case Management System (ICMS). The ICMS ensures a random case allocation so that cases are assigned to judges or court administrators based on the applicable criteria of the Civil Procedure Act and the Courts Act, such as the type of proceedings, value of dispute, minimum monetary threshold, etc. Examples of relevant domestic Constitutional and Supreme Court case-law were submitted: The Supreme Court now quashes similar decisions rendered by a court administrator; the Constitutional Court clarified criteria according to which

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					court administrators have powers to conduct proceedings. The judgment was published, translated and disseminated.
CM/ResDH(2020)55	**CRO / Hodzic**	**28932/14**	**04/07/2019** 04/04/2019	***Access to and efficient functioning of justice:*** *Unfair criminal proceedings the criminal courts unconditionally relied on the expert evidence concerning the applicant's mental condition in uncritical fashion and rejected the reports commissioned by the applicant contradicting these findings; inability of the applicant to challenge to adduce any evidence in his favour challenging the necessity and grounds for his placement in a mental hospital in subsequent civil proceedings. (Article 6 §1 twice)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. The applicant did not avail himself of the opportunity to request reopening of the impugned proceedings. The applicant had been released in 2014. *General measures*: In 2013, the Criminal Procedure Code was amended introducing the possibility of a defendant's treatment outside the psychiatric hospital, making the psychiatric internment no longer mandatory. In 2015, the new Act on Protection of the Individuals with Mental Disorders, provided that when deciding on a defendant's psychiatricinternment in criminal proceedings, a judge shall thoroughly assess the necessity of the measure on the basis of an expert report. If internment is not strictly necessary, a judge may order a less intrusive measure, i.e. psychiatric treatment outside an institution for a period of six months. Domestic courts aligned their case-law. The Judicial Academy and the Supreme Court organised awareness-raising activities. The judgment was published, translated and disseminated.
CM/ResDH(2020)104	**CRO / Kvartuc and 2 other cases**	**4899/02+**	**18/02/2005** 18/11/2005	***Access to and efficient functioning of justice:*** *Excessive length of enforcement proceedings and, in one case, lack of an effective remedy. (Article 6 §1 and 13)* *Other violations: One case also concerns protection of property. (Article 1 of Protocol No. 1)*	*Individual measures:* Just satisfaction for non-pecuniary damage paid and impugned domestic proceedings closed. *General measures*: In 2014 the Enforcement Act was amended and a dedicated authority, the Financial Agency, was set up to enforce writs of execution. In 2015, IT solutions enabling the Agency to sell movable and immovable properties at electronic public auctions were introduced. Thus, excessive delays of enforcement proceedings on all enforcement objects (bank accounts, movable and immovable property) could be prevented. As regards the enforcement proceedings on immovable property, an amendment to the Enforcement Act of 2017

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					further enhanced these solutions. Concerning the issue of an effective remedy in enforcement proceeding, in 2013, a new Courts Act provided for the possibilities of acceleratory and compensatory requests in cases of excessive delays and the Judicial Inspection of the Ministry of Justice was vested with special powers in the supervision of required diligence. Furthermore, an Integrated Court Case Management System was introduced in municipal and county courts facilitating the detection of cases of non-compliance with deadlines, which constitutes a disciplinary offence. Combined effects of ICMS and Judicial Inspection made it possible to monitor better the workload of judges and court administrators and the frequency of procedural steps taken in cases in pending and backlog cases. The judgments were published, translated and disseminated also ensuring that seized vehicles are returned to their owners without delay. Extensive statistics on the number of enforcement proceedings pending and other data were submitted demonstrating their steady decline in the past years.
CM/ResDH(2020)228	**CRO / M. and M.**	**10161/13**	**03/12/2015** 03/09/2015	***Protection against ill-treatment and protection of family life:*** *Lack of prompt and effective investigation into allegations of child abuse and domestic violence (first applicant) and protracted custody proceedings (second applicant). (Articles 3 procedural limb and 8)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. The criminal proceedings for bodily injury instituted against the first applicant's father were brought to an end in 2016 after the applicant was heard. The fine was paid. In 20015, the second applicant was awarded custody of her daughter, who reached majority in 2019. *General measures*: In 2014 the "National Strategy on Children Protection" was prepared by the government in cooperation with NGOs, UNICEF and children from several schools. In 2014, the Government "Protocol on Conduct in Cases of Ill-treatment and Neglect of Children" set out mandatory course of action to be followed by prosecutors in cases of alleged child abuse. All municipal and county courts were equipped with video-link devices and an electronic case

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					management system. In 2015, a new Family Act tightened procedural deadlines in the custody proceedings and reinforced their control. The Constitutional Court adapted its case-law to ensure that children are heard in the custody proceedings. In 2014 the Ministry of Social Policy and Youth launched a project aimed at protecting children in divorce and custody proceedings and published guidelines for judges. The judgment was published, translated and disseminated and it is used in training activities for judges. Concerning lengthy criminal proceedings, see also CM/ResDH(2018)236 in Jeans and concerning lengthy custody proceedings see CM/ResDH(2018)281) in Ribić group.
CM/ResDH(2020)310	**CRO / M.S. (No.2) and 1 other case**	**75450/12+**	**19/05/2015** 19/02/2015	***Protection of rights in detention and against ill-treatment:*** *Failure of authorities to ensure the applicants' participation and effective legal representation in proceedings concerning their compulsory confinement; unjustified use of physical restraints following involuntary admission to the psychiatric hospital and lack of an effective investigation into the applicant's credible allegations of ill-treatment in a psychiatric hospital. (Articles 5 §1e and Article 3 substantive and procedural limb)*	*Individual measures*: Just satisfaction in respect of non-pecuniary damage paid in the second case. No claim submitted by the first applicant. Both applicants were released in 2012 and 2015 respectively. Both applicants did not avail themselves of the opportunity to request reopening of the impugned placement proceedings. *General measures*: In 2014, the Protection of Individuals with Mental Disorders Act introduced a tight timeframe for psychiatric hospitals to examine allegations of ill-treatment raised by persons with mental disorders subject to involuntary placement; it also introduced safeguards for rights of persons with mental disorders in involuntary placement proceedings, including their right to be informed of the reasons and purpose of their involuntary admission as well as of the proposed medical treatment. In 2015, the Ministry of Health's regulation governing involuntary placement to psychiatric institutions codified the rules of conduct of medical staff when applying compulsory measures of restraint and introduced an obligation for psychiatric hospitals to issue internal guidelines governing

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					the procedures to be applied in respect of compulsory measures of restraint. Furthermore, the 2014 Act provided that persons with mental disorders and their legal representative have to be present at hearings concerning involuntary confinement. The judgments were published, translated and disseminated. They were used in training activities for judges.
CM/ResDH(2020)158	**CRO / Oluic and 1 other case**	**61260/08+**	**20/08/2010** 20/05/2010	***Protection of private life/home:*** *Failure of authorities to take action to deal with the applicants' exposure to night-time excessive noise coming from nearby bars; inadequate noise protection measures; in the second case: failure to approach the matter with due diligence and to give proper consideration to all competing interests as well as failure to ensure the applicant's effective participation in the related administrative proceedings. (Article 8)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. The first applicant was unwilling to actively participate in the administrative proceedings and prevented the Sanitary Inspection from conducting the required measurements despite her continued complaints. With regard to the second applicant, administrative proceedings were terminated in 2013/14; no request for reopening of the civil proceedings was submitted and the bar in question ceased to operate in 2013. *General measures*: The Act on the State Inspectorate, entering into force in April 2019, transferred the powers of 8 Ministries to carry out inspections to one single specialised, independent body, the State Inspectorate, thereby accelerating and enhancing the efficiency of inspection proceedings. The Act also increased the fines which can be imposed on individuals and legal entities if they fail to comply with the inspector's noise reduction orders. As from July 2018, the Administrative Inspection Act had already strengthened the Administrative Inspection's capacity, thereby ensuring the parties' participation and their compliance with decisions taken by it. The Act allowed frequent and comprehensive supervision of administrative authorities and regular inspections ex officio or on request of another authority or an interested party. The inspection results are kept in electronic records allowing to synchronize the activities of different government bodies. Administrative courts changed their case-law ensuring the effective

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					participation of the party concerned in noise-related proceedings. As from January 2012, the Administrative Disputes Act enabled parties to lodge an action before administrative courts requesting the execution of an administrative decision or compensation for damages resulting from non-execution. The administrative court may set deadlines for the execution and/or impose fines on the head of the administrative authority concerned in case of further non-execution. As from January 2010, the new Administrative Procedure Act allowed second instance authorities to set timeframes for decision-making and introduced electronic communication, including the delivery of decisions. A reform of the administrative judiciary established four first-instance and one appellate administrative courts. Furthermore, according to the Administrative Disputes Act, the possibility of appellate case remittals was abolished, deadlines for the delivery of court decisions were introduced and a compensatory remedy made available in case of unreasonable delays. In 2015, the administrative judiciary's capacities were increased, and backlog cases redistributed. Concerning excessive length of administrative proceedings, see also CM/ResDH(2018)429 in Procuca group. The Supreme Court, in 2017, changed its case-law allowing plaintiffs in noise-related civil proceedings to challenge noise expert reports used as evidence. Statistics on the efficiency of the measures taken were submitted. The judgments were published, translated and disseminated to the relevant authorities, including the Ministry of Health and the State Inspectorate.
CM/ResDH(2020)224	**CRO / Petrina**	**31379/10**	**13/05/2014** 13/02/2014	***Access to and effective functioning of justice:*** *Unfair criminal proceedings due notably to a breach of the principle of*	*Individual measures:* Just satisfaction for non-pecuniary damage paid. The impugned proceedings were reopened in 2014. Due to multiple absences of the applicant from the

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				equality of arms, resulting in the applicant's conviction in his health-related absence at the hearing without legal representation and failure of the appellate court to rectify these shortcomings. (Article 6 §§1+3c)	subsequent hearings and the revocation of his lawyer's power of attorney, the reopened proceedings are still pending. These delays may however not be attributed to the authorities. *General measures*: Domestic courts were encouraged to ensure that in similar cases in, physicians should be present at the trial. Following the facts of this case, the Constitutional Court and the Supreme Court changed their case-law to ensure an appropriate and effective legal defence of defendants at trials. Furthermore, the Supreme Court's case-law quashing appellate courts' decisions, which failed to redress deficiencies in an effective participation of the defendant or his legal representative in the trial hearings. The judgment was translated, published and disseminated.
CM/ResDH(2020)250	**CRO / Sanader**	**66408/12**	**06/07/2015** 12/02/2015	***Access to and effective functioning of justice:*** *Unfair trial* on account of the fact that the domestic courts did not grant the applicant the reopening of criminal proceedings in which he was sentenced *in absentia* to a prison term for war crimes	*Individual measures*: Just satisfaction for non-pecuniary damage paid. The applicant's belated request for reopening of the impugned proceedings was rejected as out of time. The applicant's subsequent constitutional complaint was also rejected as he had failed to avail himself of the possibility offered by the Criminal Procedure Code within the prescribed time-limit. *General measures*: In July 2017, the Criminal Procedure Code was amended to clarify the reopening requirements for criminal proceedings conducted in absentia, ensuring that an accused may exercise the right to a retrial without being obliged to first surrender to the judicial authorities. The judgment was published, translated and disseminated.
CM/ResDH(2020)308	**CRO / Sikic**	**9143/08**	**15/10/2010** 15/07/2010	***Access to and effective functioning of justice:*** *Excessive length of proceedings before the Constitutional Court. (Article 6 §1)*	*Individual measures:* Just satisfaction in respect of non-pecuniary damage paid. Impugned proceedings closed. *General measures*: In 2010, the Constitutional Court's Rules of Procedure were amended to set up committees composed of three judges to rule on the requirements of

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					constitutional complaints to tackle the backlog. Capacity-building measures resulted in significant reduction in backlog cases pending before the Constitutional Court. Moreover, additional advisers were recruited in 2019. Statistics on the average length of proceedings were submitted.
CM/ResDH(2020)305	**CRO / Starčević**	**80909/12**	**13/02/2015** 13/11 2014	***Right to life:*** *Failure of authorities to conduct an effective investigation into the death of the applicant's father in a road accident. (Article 2 procedural limb)*	*Individual measures:* Just satisfaction in respect of non-pecuniary damage paid. The applicant did not avail himself of the opportunity to request reopening of the impugned proceedings. *General measures*: The Code of Criminal Procedure adopted in 2008 (entry into force 2011) introduced prosecutorial investigation and ensured the information of the injured parties on the course of the investigation. In 2013, amendments to the Criminal Procedure Code additionally strengthened the prosecutorial role of the State Attorney's Office and enhanced the transparency of investigations through a higher level of participation of victims. The Criminal Procedure Code also prescribed that, irrespective of the penalty prescribed for the particular offence, in cases subjected to ex officia prosecution, as it was in the applicant's case, the criminal proceedings are only to be instituted by an indictment. As concerns the length of criminal proceedings, see (CM/ResDH(2019)339) in Remetin and CM/ResDH(2018)236) in Jeans. The judgment was published, translated and disseminated.
CM/ResDH(2020)311	**CYP / Seagal**	**50756/13**	**12/09/2016** 26/04/2016	***Protection against ill-treatment and protection of rights in detention:*** *Ill-treatment by prison guards and other prisoners and the failure of authorities to conduct an effective investigation to establish facts or account for the applicant's injury; unlawful detention due to failure of the authorities to act with the*	*Individual measures*: Just satisfaction in respect of non-pecuniary damage paid into an account at the applicant's disposal. In 2017, an investigator mandated by the Attorney General took all the necessary and reasonable steps to carry out an investigation but could not pursue it further given the passage of time and the applicant's lack of cooperation. *General measures*: After 2014, A clear procedure for investigating allegations of ill-treatment was established,

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				required diligence to effect the detained applicant's deportation. (Article 3 substantive and procedural limb and Article 5 §1f)	according to which an internal investigation is ordered to establish the facts and to attribute responsibility and disciplinary action. The alleged victim shall be immediately taken to the prison doctor and then to the Nicosia General Hospital for a medical examination, to obtain information about the prisoner's version, a full account of medical findings, the doctor's observation and opinion on whether the prisoner's allegations are consistent with the injuries found. Simultaneously to the internal investigation, the matter shall also be reported to the police for a criminal investigation. Following the ordinary course of taking statements, collecting evidence and referring the alleged victim to a forensic examination by a forensic pathologist. The Human Rights Sector of the Attorney General 's office drew the relevant authorities' attention the fact that the failure to act with due diligence in deportation arrangements where a person is detained with a view to deportation renders the detention unlawful. The judgment was published, translated into Greek and disseminated.
CM/ResDH(2020)252	**CZE / Žirovnický**	**10092/13+**	**08/02/2018** 08/02/2018	***Access to and effective functioning of justice:*** *Excessive length of civil proceedings, including compensation proceedings. (Article 6 §1)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed. *General measures*: In 2017, the Supreme Court changed its case-law so that the principle of concentration no longer hinders a claimant from seeking higher compensation for non-pecuniary damage due to protracted compensation proceedings, even at later stages. Moreover, from 2017 onwards, the number of manifestly ill-founded or abusive claims for compensation under the State Liability Act, started to decrease after the introduction of obligatory prior payment of courts' fees and certain procedural simplifications. See also CM/ResDH(2013)89 in Bořánkova and Hartman group, for the general measures taken to expedite judicial proceedings, in particular the amendments of the Civil Procedure Code, which entered into force in

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					2014. Further ongoing reforms of the civil procedure concern its recodification, the possibility of collective actions and the level of court fees as well as the digitalisation of the justice system and the increase in the courts' personnel. The judgment was published, translated and disseminated as well as used in training activities for judges.
CM/ResDH(2020)312	**DNK / Tim Henrik Bruun Hansen**	**51072/15**	**09/10/2019** 09/07/2019	***Protection of rights in detention:*** *Authorities' failure to obtain fresh evidence by an external expert opinion when reviewing the necessity of continuing "safe custody" of the applicant, convicted for serious sexual crimes and sentenced to safe custody for an indefinite term. (Article 5 §1)*	*Individual measures*: The finding of a violation constituted in itself sufficient just satisfaction for any non-pecuniary damage. In 2016, the High Court upheld the applicant's safe custody referring inter alia to renewed opinions obtained from the Medico-Legal Council. *General measures*: The Department of Prisons and Probation drafted guidelines on the Medico-Legal Council's consultation in cases in which the courts had not prescribed any maximum period of the measure imposed. The Director of Public Prosecutions revised the guidelines according to which, state prosecutors shall consider which cases must be submitted to the Medico-Legal Council, both as part of the general supervision of the safe custody measures and when a measure is being brought to court for judicial review. Both guidelines are binding instructions. The judgment was published, translated and disseminated to the relevant authorities.
CM/ResDH(2020)287	**ESP / Mercedes Jiménez Rui**	**2649/16**	**10/10/2017** Decision	***Discrimination / protection of property:*** *Discriminatory treatment due to the judge's refusal to grant the applicant a reversion pension after her companion's death on the ground that she had not reported the couple's reconciliation following their prior separation. (Article 14 in conjunction with 1 of Protocol No. 1)*	*Individual measures*: Payment made as agreed in the friendly settlement. The reversion pension was granted retrospectively. *General measures*: None.
CM/ResDH(2020)	**EST / Nikitin**	**23226/16+**	**24/06/2019**	***Protection against ill-treatment /***	*Individual measures*: Just satisfaction for non-pecuniary

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
20	**and Others**		29/01/2019	***conditions of detention:*** *Insufficient space during the applicants' detention for various periods in Tallinn Prison and unreasonable application of procedural rules on statutory limitations for compensation claims (in two cases). (Articles 3 and 13)*	damage paid. Two applicants were released; the remaining applicants are no longer detained in Tallinn Prison, but in prisons with acceptable standards. *General measures*: As regards legislative measures see CM/ResDH(2016)22 in Tunis. Furthermore, the old Tallinn Prison was closed in 2018. Conditions in all three current prisons correspond to European standards. As regards preventive remedies: Under the State Liability Act of 2002, a detainee may request that appropriate conditions be ensured, including affording a larger personal space and/or relocation. The Supreme Court gave relevant guidance in a ruling of 2010. As concerns the violation of Article 13, the Supreme Court's approach with regard to the calculation of a time-limit in continuous situations is in principle ECHR-consistent, despite the exceptional misapplication found in the present case. The judgement was published, translated and disseminated.
CM/ResDH(2020)254	**FRA / Kazuhiko Shiozaki and Yuna Shiozaki**	**69802/17**	**13/02/2020** Decision	***Discrimination / protection of family life:*** *Alleged discriminatory treatment due to the refusal of social-security benefits to a foreign child who had entered the country legally, albeit by a procedure other than family reunification. (Article 14 in conjunction with 8)*	Payment made as agreed in the friendly settlement. Social-security benefits awarded as from the date of the granting of a residence permit to the applicants' child.
CM/ResDH(2020)145	**FRA / Olivieri and 6 other cases**	**62313/12**	**11/10/2019** 11/07/2019	***Access to and efficient functioning of justice:*** *Lack of legal assistance in police custody and absence of notification of the right to remain silent. (Article 6 §§1+3c)*	*Individual measures*: Just satisfaction in respect of non-pecuniary damage paid. In one case, the finding of a violation constituted sufficient just satisfaction in respect of any non-pecuniary damage. The applicants may request the reopening of the impugned proceedings. *General measures*: Evolution of the Constitutional Council's and the Court of Cassation's case-law regarding police custody in 2010 and 2011, respectively. A legislative reform entered into force in 2011 – with further amendments

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					introduced in 2014, 2016 and 2019. Indeed, the Code of Criminal Procedure now provides that persons placed in police custody are now immediately informed of their right to answer questions or to remain silent and of their right to the assistance of a lawyer right from the outset of police custody. The judgments were published and disseminated.
CM/ResDH(2020)253	**FRA / Toubache**	**19510/15**	**07/09/2018** 07/06/2018	***Right to life:*** *Unnecessary and disproportionate use of force by law-enforcement agents resulting in the death of the applicants' son, who was shot and killed by a gendarme while travelling in the rear of a fleeing vehicle. (Article 2 substantive limb)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. Reopening of the criminal proceedings against the gendarme (prescription in October 2020) was not necessary as the Court did not criticize any specific procedural element and in view of the final domestic judicial decision. *General measures*: see CM/ResDH(2016)6 in *Guerdner and Others* (very similar facts in 2009 as *Toubache*), in particular with regard to the Code of Internal Security of 2014, which codifies the ethical conduct prescribed to the police and the gendarmerie and provides that "A police officer or policeman may use force within the framework set by the law only when necessary, and proportionate to the goal or to the seriousness of the threat, depending on the case. Weapons are to be used only when absolutely necessary and within the legal framework related to his status". In 2017, a law was passed incorporating the above-mentioned principles laid down in the Court's and Supreme Court's case-laws. The judgment was published and disseminated by specific internal instructions and trainings.
CM/ResDH(2020)129	**FRA / Yengo**	**50494/12**	**21/08/2015** 21/05/2015	***Lack of an effective remedy****: Absence of an effective preventive domestic remedy in the field of conditions of detention in prisons. (Article 13)*	*Individual measures*: Just satisfaction in respect of non-pecuniary damage paid. The applicant is no longer detained. *General measures* required in response to the shortcomings found continue to be examined within the framework of the new judgment J.M.B. and others.
CM/ResDH(2020)	**GCR / Peca**	**33067/08**	**10/09/2010**	***Access to and effective functioning of***	*Individual measures*: Just satisfaction for non-pecuniary

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
258	**(No. 2)**		10/06/2010	***justice:*** *Disproportionate limitation of the applicant's right of access to the Court of Cassation due to the dismissal of his appeal on points of law combined with the rejection of his request for legal assistance on the very morning of the scheduled hearing, making it inevitable that his appeal would be declared inadmissible for failure to appear. (Article 6 §1)*	damage paid. No request for reopening of the impugned proceedings submitted. The applicant was released and expelled to Albania. *General measures*: Violation due to excessive formalism in the interpretation of admissibility grounds concerning appeals in cassation combined with the rejection of the request for legal aid on the ground of this very inadmissibility decision. In 2020, a law was adopted providing that the admissibility of the appeal in cassation ceased to constitute a requirement for admission of requests for legal aid in the context of said legal remedy. The judgment was published, translated and disseminated.
CM/ResDH(2020)200	**GEO / Begheluri and Others and 1 other case**	**28490/02+**	**07/01/2015** 07/10/2014	***Freedom of religion, freedom of association, protection against ill-treatment and against discrimination:*** *Lack of protection by state authorities from homophobic or religiously motivated attacks by private individuals during marches or meetings, as well as the absence of effective investigations into these incidents, including with regard to their discriminatory motives. (Articles 3, 9, 11 in conjunction with 14)*	*Individual measures*: 20 years after the facts in question, due to the expiration of the period of limitation, the prosecution lacked the opportunity to initiate criminal proceedings. The applicants have been granted victim status. Hence, they have opportunity to get information regarding the classification of the case and may lodge a respective motion before prosecution authorities. However, the victims of the above cases have never voiced concerns on this point. The victims may also challenge the prosecutor's decision to terminate the investigation and/or a criminal prosecution under the Criminal Procedure Code. Furthermore, the relevant provisions of the Civil Code and of the General Administrative Code also grant victims the possibility to apply to national courts for compensation for the alleged failure of authorities, notably law enforcement, to protect them from physical violence during marches/public meetings. *General measures* required in response to the shortcomings found continue to be examined within the framework of the cases Identoba and Others and 97 members of the Gldani Congregation of Jehovah's Witnesses and 4 Others.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2020)105	**GEO / Gakharia and 1 other case**	**30459/13+**	**17/04/2017** 17/01/2017	***Access to and efficient functioning of justice**: Unfair proceedings due to the infringement of the principle of equality of arms and adversarial proceedings; in the first case on account of the applicant's lack of information on the initiation of proceedings due to a stay abroad, which resulted in restrictions of his parental rights and his lack of opportunity to have his case re-examined with his participation; in the second case on account of the court's conclusion that the applicant's refusal to participate in labour proceedings without his lawyer amounted to his absence, thus resulting in the rejection of the case. (Article 6 §1)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. Both applicants did not file any request for the reopening of the impugned proceedings. *General measures*: The Code of Civil Procedure had been amended in 2012 to clarify the procedure for the service of court documents to the defendant. Subsequent domestic case law confirmed, that the plaintiff must specify the main address of the defendant, which is usually the place of residence or, otherwise, he must inform the court of the impossibility to locate the defendant, in which case a public notification is acceptable. National courts will take all necessary measures available to ascertain the whereabouts of the defendant. Under the Minsk Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters, domestic courts may request legal assistance for the service of judicial documents from other State parties. The Guidebook on the servicing of documents in different States, obtaining of evidence, recognition and execution of the judgments of foreign courts, etc. as well as recommendations concerning the grant or request of legal assistance was issued by the Ministry of Justice. Respective training and awareness activities for judges were organised. Domestic case law developed also with regard to the second violation and thus the participation of a lawyer in a hearing in other proceedings is considered a valid reason for the adjournment of the hearing at stake and cannot lead to a decision in absentia. Erroneous default judgment must be annulled.
CM/ResDH(2020)255	**GEO / Jugheli and Others**	**38342/05**	**13/10/2007** 13/07/2007	***Protection of private life / home:** Disproportionate interference on account of the environmental pollution emanating from the thermal power plant in close proximity to the applicant's home, due to the absence of a buffer zone, of filters or*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. The applicants did not submit any request for reopening of the proceedings. The thermal plant ceased operation in 2001. In 2020, the State Sub-Agency Department of Environmental Supervision once again inspected the territory of the plant confirming that it is not

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				other purification equipment and defective technical compliance documents as well as a defective regulatory framework and the government's passive attitude. (Article 8)	functioning. *General measures*: The 1997 Law on Environmental Protection, consolidated in 2016, required that enterprises may only become operative if the smooth disposal of hazardous waste and neutralization equipment, treatment facilities and means of environmental control are ensured. An amendment of 2017 introduced the necessity of an environmental assessment and determined the respective procedure. Following the EU-Georgia Association Agreement of 2014, the 2017 Environmental Assessment Code was adopted (in line with the relevant EU directives and the Aarhus Convention) introducing the obligation of a Strategic Environmental Assessment and a Transboundary Environmental Impact Assessment for both private and public entities' relevant activities according to the nature of their impact and the size of the enterprise. The new code foresees the public's access to relevant information and involvement in decision-making as well as regular public reviews. The Law on Environmental Impact Permits of 2017 requires certain enterprises having started activities before 2015 to obtain environmental impact permits retroactively. Administrative and criminal liability is stipulated for entities operating without EIA or other relevant permit. The Criminal Code was amended accordingly in 2017. A 2017 draft Law on Environmental Responsibility creates a legal framework to prevent and remedy significant environmental damages based on the "polluter pays" principle. Furthermore, the technical Regulation on Ambient Air Quality Standards of 2018 ensures air quality assessment in accordance with European standards. A specific Law on Industrial Emission is also under preparation. In February 2020, a CoE High Level Conference on Environment and Human Rights was concluded by underlining the importance of the relation between human rights and the environment as well as the need for States to

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					develop a strategy to fulfil their environmental obligations. The judgment was published, translated and disseminated.
CM/ResDH(2020)61	**GER / Annen**	**3690/10**	**26/02/2016** 26/11/2015	***Freedom of expression:*** *Disproportionate interference due to a court order restraining the applicant's distribution of leaflets equating abortion to the Holocaust and his publication on-line of the contact details of doctors performing abortions. (Article 10)*	*Individual measures*: The applicant's claim for just satisfaction for non-pecuniary damage was rejected. The applicant had not requested the reopening of the case. *General measures*: Violation due to an inappropriate adjudication in an isolated case (see also four subsequent similar applications by the same applicant). The judgment was published, translated and disseminated.
CM/ResDH(2020)65	**GER / Becht**	**79457/13**	**06/07/2017** 06/07/2017	***Protection of rights in detention and retroactive application of criminal legislation:*** *Unlawful retrospective extension of the applicant's "preventive detention" beyond the former statutory ten-year maximum duration as a person of "unsound mind". (Articles 5§1 and 7§1)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. As from May 2013 onwards the applicant's preventive detention was again ECHR-compliant due to the availability of comprehensive and interdisciplinary treatment and other measures. *General measures*: See CM/ResDH(2014)290 in M. group, in particular concerning the abolition of retrospective ordering of preventive detention in 2011 and the entry into force of the Act to Effect Implementation under Federal Law of the Distance Requirement in the Law Governing Preventive Detention in 2013 amending relevant provisions of the criminal Code and setting out guiding principles regarding the treatment and placement of preventive detainees. The Länder, responsible for the execution of preventive detention, had modified their laws to implement a freedom-oriented and therapy-based overall concept of preventive detention. The judgment was published, translated and disseminated.
CM/ResDH(2020)63	**GER / El Kaada**	**2130/10**	**12/02/2016** 12/11/2015	***Access to and efficient functioning of justice:*** *Infringement of the presumption of innocence due to the revocation of the applicant's probation on the ground that a new offence had been committed despite*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. The applicant was sentenced for the new offence in January 2010 within the probation period which expired in October 2010. Consequently, the probationary suspension could have been revoked without violation of the

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				the fact that – at that point in time - he had not yet been convicted for that second offence, but only suspected of having committed it on the basis of a confession he retracted shortly afterwards. (Article 6 §2)	presumption of innocence following that judgment. The applicant was released in 2011. *General measures*: Violation due to an erroneous interpretative decision in an isolated case, in which domestic courts considered the confession at hand (being made without his counsel present) as credible despite the fact that the applicant had withdrawn it prior to his conviction and prior to the decision on the revocation of a probationary suspension. The judgment was published, translated and disseminated. Domestic courts adapted their case-law.
CM/ResDH(2020)60	**GER / Furcht**	**54648/09**	**23/01/2015** 23/10/2014	***Access to and efficient functioning of justice:*** *Unfair criminal proceedings due to the applicant's conviction based on evidence obtained as a result of incitement by undercover investigators. (Article 6 §1)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. In reopened proceedings, the impugned judgment based on unlawful incitement was reversed. Subsequently, the received compensation for his unlawful detention. *General measures*: Domestic courts changed their case-law with regard to the redress to be provided in case of unlawful incitement by an investigator, replacing the "mitigation of sentencing"-solution by a decision on the existence of a procedural obstacle. The judgment was published, translated and disseminated.
CM/ResDH(2020)62	**GER / Moog**	**23280/08+**	**06/03/2017** 06/10/2017	***Protection of family life:*** *Unjustified interference due to a domestic court decision to suspend the applicant's contact with his son for a period of three years and the lack of appropriate diligence in the conduct of contact proceedings. (Article 8)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. The applicant's son reached majority in 2016. *General measures*: Violation due to an inappropriate adjudication in an isolated case. The judgment was published, translated and disseminated. Furthermore, a distinct legal remedy with a preventive effect in certain parent and child matters entered into force in 2016 supplementing the principle of priority and expediting proceedings in certain parent and child matters, as provided for in the Act on Proceedings in Family Matters and in Matters of Non-contentious Jurisdiction.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2020)59	**GER / Patalakh**	**22692/15**	**08/06/2018** 08/03/2018	***Protection of rights in detention**: Lack of a speedy review of the applicant's detention on remand. (Article 5 §4)*	*Individual measures*: No claim submitted. The applicant was convicted in 2016 and sentenced to four years and six months' imprisonment; the impugned arrest warrant of 2013 was set aside. *General measures*: Violation due to an erroneous interpretative decision in an isolated case. The judgment was published, translated and disseminated.
CM/ResDH(2020)146	**GER / Stollenwerk**	**8844/12**	**07/12/2017** 07/09/2017	***Protection of rights in detention:** Infringement of the principle of equality of arms because the Court of Appeal took its decisions relating to the continuation of the applicant's detention (on remand) and his request for a subsequent hearing without informing him of the written observations of the prosecution authorities and giving him the opportunity to comment on them. (Article 5 § 4)*	*Individual measures*: The finding of a violation constituted sufficient just satisfaction in respect of any non-pecuniary damage. The duration of remand detention is automatically set off against the later total penalty by the competent authority for execution of sentence. The applicant was released in 2013; he did not bring an action for compensation under domestic law. *General measures*: Isolated occurrence, due to the wrongful application of the domestic law by the appeal court. According to the provisions of Code of Criminal Procedure, a defendant should be able to comment on any facts or evidentiary conclusions before these are used to his detriment. This provision includes every aspect of the right to be heard in a court of law and ensures the possibility of being heard on all facts in the form that they have been presented to the court for judgment. The right to be heard is also guaranteed by the Basic Law and elaborated in the Federal Constitutional Court's well-established case-law. A violation would result in an enforceable right to compensation. The judgment was published, translated and disseminated.
CM/ResDH(2020)179	**GRC / Chowdury and Others**	**21884/15**	**30/06/2017** 30/03/2017	***Slavery and forced labour:** Failure to prevent the human trafficking of 42 applicants, nationals of Bangladesh, and their subjection to agricultural labour exploitation, failure to provide them victim*	*Individual measures*: Just satisfaction in respect of the pecuniary (non-payment of wages) and non-pecuniary damage awarded on an equitable basis paid. Thirty-three of the applicants were identified by the Ministry of Migration either as victims of human trafficking or as victims of

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				protection as well as lack of an effective investigation into the offences and failure to sanction those responsible for the trafficking/exploitation. (Article 4 §2)	violence according to their request. They were all granted a renewable residence and work permit. Five of the applicants hold a temporary residence and work permit whilst their request for an ordinary one is still pending due to technical reasons. Finally, seven of the applicants never requested a residence and work permit, apparently because they left the country. *General measures*: The domestic legal framework is compliant with the relevant international instruments adopted within the UN, the Council of Europe and the EU on the prosecution of trafficking in human beings and covering modern forms of slavery and forced labour, including forced prostitution. The new Criminal Code of 2019 consolidated the previous provisions criminalizing the offences of trafficking in human beings and sex trafficking and extended the scope of criminal liability as well as of victim protection: The definition of the term 'exploitation' was broadened and the related sentences were increased. The definition of the THB offence was disconnected from the subjective element of the victim's "consent to the intended exploitation". As regards the protection of THB victims, the new Criminal Code provided that alleged perpetrators of the offences of "illegal entry to the country", "possession and use of false travel documents, identity cards, residence cards or other false documents", "delivery of authentic documents to another person", "illegal work" and "prostitution" would not be prosecuted, if they were victims of trafficking. The Court of Cassation changed its case-law accordingly. In order to detect cases of THB for labour exploitation, the Labour Inspectorate operating under the authority of the Ministry of Labour, Social Security and Welfare is responsible for carrying out inspections at workplaces, including farms and agricultural activities. Furthermore, the Police Anti-Trafficking Unit regularly carries out inspections in brothels, bars, and massage parlors as well as in places of work such

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					as industrial sites, craft enterprises, laundries and car-wash enterprises, agricultural facilities and livestock farms, fish farms, hotels, constructional sites etc.. Relevant statistics on the inspection results were submitted. The Office of the National Rapporteur in cooperation with the National Center for Social Solidarity of the Ministry of Labour launched, in 2019, a multi-disciplinary referral mechanism. The Mechanism is responsible for coordinating national resources available for the victims' support, including their health care, accommodation, psychological support and assistance for voluntary return and for the collection of relevant data. Furthermore, an Office of the National Rapporteur on Action against THB was set up. The objectives of its new National Action Plan 2019-2023 are the following: prevention of THB; early detection of potential THB victims; ensuring the victims' protection and assistance; ensuring law enforcement so that perpetrators are brought to justice and punished accordingly; coordination and effective co-operation of all the national and international actors involved in the field. Prevention, training and awareness-raising activities for all actors involved were organised, in particular for law enforcement, judges and prosecutors as well as for civil society. The judgment was published, translated and disseminated.
CM/ResDH(2020)106	**GRC / Dimitriou and Others and 8 other cases**	**32398/11+**	**18/05/2017** 18/05/2017	***Access to and efficient functioning of justice**: Excessive length of civil, criminal and administrative proceedings and the absence of an effective remedy in this respect. (Articles 6§1 and 13)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. All domestic proceedings closed. *General measures*: See CM/ResDH(2015)230 in Athanasiou/Manios group in respect to administrative proceedings and CM/ResDH(2015)231 in Glykantzi/Konti Arvaniti group in respect to civil proceedings and CM/ResDH(2015)231 in Diamantides No 2/Michelioudakis group in respect to criminal proceedings.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2020)21	**GRC / Frezadou**	**2683/12**	**08/02/2019** 08/11/2018	***Access to and efficient functioning of justice:*** *Denial of access to a court due to the domestic courts' failure to consider the applicant's request for annulment of an administrative act in due course (the legal force of the act had expired after two years), which prevented her from having a judgment on the merits of her case. (Article 6 §1)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. According to the Code of Administrative Procedure, the applicant may have requested the reopening of the impugned proceedings. *General measures*: Isolated incident. A legislative change of 2012 provides that if a case had been adjourned once due to the Administration's failure to provide its observations and/or relevant data and information, the domestic court may consider that the Administration has admitted the factual basis of the applicant's allegations and proceed to adjudication. The judgement was published, translated and disseminated.
CM/ResDH(2020)162	**GRC / Georgakis**	**40279/14**	**07/01/2015** 07/01/2015	***Access to and effective functioning of justice:*** *Excessive length of proceedings before the Court of Audit and lack of an effective remedy. (Articles 6 §1 and 13)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. *General measures*: See CM/ResDH(2016)94 in Papazoglou group.
CM/ResDH(2020)8	**GRC / Georgiou**	**1406/13**	**11/04/2019** 11/04/2019	***Access to and efficient functioning of justice:*** *Excessive length of criminal proceedings. (Article 6 §1)*	*Individual measures:* Just satisfaction for non-pecuniary damage paid. Domestic proceedings were concluded. *General measures*: See CM/ResDH(2015)231 in the Michefioudakis/Diamantides No 2 group.
CM/ResDH(2020)257	**GRC / Koutalidis**	**18785/13**	**27/02/2015** 27/11/2014	***Protection of rights in detention:*** *Unjustified extension of the applicant's detention pending trial and of the authorities' failure to examine the possibility of ordering alternative measures to detention. (Article 5 §3)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. General measures: Violation due to shortcomings in the application of the legislation regulating pre-trial detention. See also CM/ResDH(2019)176 in Nerratini. The judgment was published, translated and disseminated.
CM/ResDH(2020)314	**GRC / L.E. and 1 other case**	**71545/12+**	**21/04/2016** 21/01/2016	***Prohibition of slavery and forced labour:*** *Authorities' failures with regard to their positive obligations due to shortcomings in response to criminal complaint of human-trafficking, in particular lack of promptness*	*Individual measures*: Just satisfaction in respect of non-pecuniary damage paid or deposited in an account at the disposal of the applicants. The applicants were identified as victims of human trafficking and granted protection and a residence permit. In both cases, law enforcement agencies

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				in taking operational measures in the applicant's favour (first case); ineffective and insufficient criminal law framework concerning sanctioning and preventing human trafficking (second case). (Article 4) Other violations: Excessive length excessive length of criminal proceedings which the applicant joined as a civil party, and lack of an effective remedy proceedings extending beyond a reasonable time. (Articles 6 §1 and 13)	try to locate the suspects of the crimes committed. <u>*General measures*</u>: The legislative framework governing the issue of trafficking in human beings (laws 2010 and 2013) was considered sufficient, appropriate and effective. In 2013, the Office of National Rapporteur for the combating of the crime of trafficking in human beings for exploitative purposes was established in the Ministry of Foreign Affairs, supervising and coordinating the establishment and operation of the National System of Recognition and Reference of Victims of Trafficking. The number of anti-trafficking police brigades was increased. In 2016, a parliamentary sub-committee on trafficking in human beings was established. In 2019, the National Orientation Mechanism became operative providing training for all professionals (judges, prosecutors, law enforcement, social services, civil society, etc.) called upon to deal with trafficking victims. Statistics on number of interventions, police investigations and judicial proceedings in the context of human trafficking were submitted. The judgment was published, translated and disseminated. Concerning the excessive length of criminal proceedings and the lack of a respective remedy, see CM/ResDH(2015)231 in Michelioudakis.
CM/ResDH(2020)163	**GRC / Loupas**	**21268/16**	**04/11/2019** 60/06/2019	***Access to and efficient functioning of justice:*** *Refusal of the Supreme Administrative Court to consider certain evidence adduced by the applicant in disciplinary proceedings resulting in the imposition of a disciplinary penalty in the form of a 6-months suspension without pay. (Article 6 §1)*	<u>*Individual measures*</u>: Just satisfaction for non-pecuniary damage paid. The applicant did not submit any request for reopening of the impugned proceedings. <u>*General measures*</u>: **Isolated incident** due to the specific circumstances of the case. The judgment was published, translated and disseminated, in particular to the Legal Council of State.
CM/ResDH(2020)315	**GRC / S.D. and 19 other cases**	**53541/07+**	**11/09/2009** 11/06/2009	***Protection of rights in detention, protection against ill-treatment and***	<u>*Individual measures*</u>: Just satisfaction in respect of non-pecuniary damage paid. All the applicants were released.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				effective remedy: *Unlawful detention of asylum seekers, unaccompanied minors and irregular migrants and lack of a respective remedy; degrading detention conditions or living conditions after the applicants' release and lack of an effective remedy; deficiencies of the asylum procedure, in particular risk of deportation without serious consideration of the asylum application and without access to an effective remedy. (Articles 5 §§1+4, 3 and 13 as well as 13 in conjunction with Article 3)*	<u>*General measures*</u> required in response to the shortcomings found concerning conditions of detention or the applicants' living conditions after their release; as well as the deficiencies of the asylum procedure and the risk of deportation without serious consideration of the asylum application and without access to an effective remedy continue to be examined within the framework of the M.S.S. and Rahimi groups of cases. The question of measures required in respect of the lack of an effective remedy to complain about the conditions of detention (Article 13) was closed in June 2019. In view of the legislative changes adopted concerning the administrative detention of asylum seekers and irregular migrants, the examination of measures required in response to violations of Article 5 §1 was closed in 2016. Outstanding issues relating to the accessibility and full effectiveness of the remedy before courts, introduced by the above-mentioned legislation, continue to be examined in the context of the framework of the new M.D. group of cases.
CM/ResDH(2020)201	**GRC / Sharifi and Others and 3 other cases**	**16643/09+**	**21/01/2015** 21/10/2014	***Protection against ill-treatment / lack of an effective remedy / protection of rights in detention:*** *Conditions of detention of the migrant applicants in various detention facilities and living conditions of the applicants in Greece; lack of the applicants' right to an effective remedy against their expulsion, due to deficiencies in the examination of their asylum applications, notably lack of thorough and timely examination of the merits of asylum applications, and the risks incurred in case of expulsion to countries of origin; unlawful deprivation of the applicants' liberty and absence of judicial review of the lawfulness*	<u>*Individual measures*</u>: Just satisfaction for non-pecuniary damage paid. The applicants were granted refugee status or had settled in other countries, in the context of family reunification proceedings. <u>*General measures*</u> required to resolve the problems related to: a) the conditions of detention of the migrant applicants in various detention facilities, b) the living conditions of the applicants in Greece; c) the applicants' right to an effective remedy against expulsion, are being examined in the context of the M.S.S and Rahimi group of cases; and d) the applicants' unlawful deprivation of liberty and absence of judicial review of the lawfulness of detention, these measures being examined in the context of the S.D. group of cases.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				of detention (Article 3, Article 13 taken in conjunction with Article 3, Article 5 §§1+4)	
CM/ResDH(2020)161	**GRC / Taslkittzis and 1 other case**	**11801/04+**	**26/03/2007** 16/11/2006	***Access to and effective functioning of justice:*** *Denial of access to a court due to Parliament's refusal to lift parliamentary immunity of members of Parliament against whom the applicants wished to institute criminal proceedings for acts that were not linked with the performance of their parliamentary duties. (Article 6§1)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. *General measures*: In 2010, the Rules of Procedure of Parliament were amended requiring the competent parliamentary committee to investigate whether the act for which the lifting of the immunity is sought is linked to the political or parliamentary activity of the MP and in case it is not to propose the lifting of the immunity. Subsequently, the Constitution was amended in 2019, providing that the lifting of parliamentary immunity is mandatorily granted if the prosecutor's request concerns a crime, which is not connected to the exercise of the MP's duties or political activity. Parliament, under the responsibility of its President, must mandatorily decide on the request within three months. Figures on the number of requests to lift immunity and their decision were submitted. The judgements were published, translated and disseminated.
CM/ResDH(2020)260	**GRC / Tsalikidis and Others and 1 other case**	**73974/14+**	**16/02/2018** 16/11/2017	***Right to life:*** *Failure to carry out an adequate and effective initial investigation into the death of the applicants' brother and son, and unreasoned closure of a supplementary investigation, without addressing the inconsistencies identified such as the injuries found or the lack of injuries normally associated with hanging, the difference in the conclusions of the coroners' forensic reports and the apparent lack of motive for suicide as well as the lack of clarity concerning the public prosecutor's grounds not to prosecute and to close investigations.*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. In the first case, the preliminary investigation was reopened and the criminal inquiry resulted in bringing charges for homicide against unknown perpetrators, who however could not be identified. In the second case, reopening of investigations was time-barred. In 2013, the applicants lodged an action for damages alleging negligence on the part of the prison wardens and medical staff. The action was dismissed, since the applicants did not appear at the court nor authorised any lawyer to represent them. *General measures*: Violation of an **isolated character**. The judgments were published, translated and disseminated. The Code of Criminal Procedure as amended in 2019 provides that the person who joins criminal proceedings for the

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				The second case concerned the excessive length of the judicial investigation into the death of a drug-addict in prison and the unreasoned closure of the case against the prison governor and doctor. (Article 2 procedural limb)	support of the accusation can have access to the file from the moment that the suspect is called to provide explanations. The judgment was published, translated and disseminated.
CM/ResDH(2020)259	**GRC / Zazanis and Others**	**68138/01**	**30/03/2005** 18/11/2004	***Access to and effective functioning of justice and lack of a remedy:*** *Non-enforcement of a final judicial decision due to a municipal authority's refusal to comply with a Supreme Administrative Court's judgment quashing the decision to refuse planning permission in respect of land owned by the applicants; the request by the municipal authority to accept a different construction coefficient from that usually applied, amounting to a refusal to comply with the Supreme Administrative Court's judgment; the reclassification of the land as "parkland" by the Ministry of the Environment three years after the Supreme Administrative Court's judgment amounting to a formal expropriation order rendering the judgment devoid of purpose as well as lack of an effective remedy. (Articles 6 §1 and 13)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. Following the Court's judgment, the applicants' land was expropriated, the relevant proceedings were concluded and, in 2012, the amount of compensation awarded by domestic courts was paid. *General measures* required in response to the shortcomings found continue to be examined within the framework of the Beka-Koulocheri group of cases and Pialopoulos and Others (No. 2). The judgment was published, translated and disseminated.
CM/ResDH(2020)317	**HUN / Alajos Kiss and 2 other cases**	**38832/06+**	**20/08/2010** 20/05/2010	***Electoral rights:*** *Illegitimate restriction of voting rights due to their indiscriminate removal without individualised judicial evaluation, solely on the grounds of mental disability necessitating partial/full guardianship. (Article 3 of Protocol No. 1)*	*Individual measures*: Just satisfaction in respect of non-pecuniary damage paid. Two of the applicants died in 2015 and 2020 respectively. The third applicant was placed under partial guardianship in 2015 without barring his right to vote. *General measures*: The Constitution, in force since 2012, stipulates that courts decide on an individual basis if the personal circumstances of the incapacitated person justify a

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					restriction of their voting rights. Furthermore, the 2013 Act on the Civil Code provides for the ex officio mandatory review of placement under partial or full guardianship within five or ten years as well as the possibility for the interested person to request revision or termination of partial or full guardianship. The 2013 Act on the Electoral Procedure sets forth the modalities and criteria for the exclusion of incapacitated persons' voting rights to be decided by domestic courts in the context of guardianship proceedings. In application of these constitutional and legal provisions, domestic courts have aligned their case-law with ECHR standards. A ban on voting rights is thus no longer an automatic consequence of either partial or full incapacitation. Domestic courts now separately specify in their reasoning whether, from the evidence available, it can be clearly established that due to mental impairment the person is unable to exercise the right to vote. The Code of Civil Procedure guarantees the interested person's right to be personally heard before such a decision is reached. Almost in one fourth (23%) of the cases resulting in a placement under partial guardianship between 2013 and 2014, the partially incapacitated persons were not deprived of their right to vote. The present judgments were published, translated and disseminated. The Civil Law Heads of Division of domestic courts regularly participate in awareness-raising conferences on the subject.
CM/ResDH(2020)319	**HUN / Csaszy and Pinter**	**14447/11+**	21/01/2015 21/10/2015	***Protection of private and family life:*** *Disproportionate interference due to the refusal of leave from prison to attend the funeral of or pay a visit to a close relative. (Article 8)*	*Individual measures*: Just satisfaction in respect of non-pecuniary damage paid. *General measures*: In 2015, the Act on the Execution of punishments, coercive Measures and confinement for Infractions provided for the possibility for convicted prisoners, pre-trial detainees and preventive arrestees of an extraordinary leave of absence from prison in order to visit a seriously ill relative or attend a relative's funeral. The

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					decision is to be taken by the prison governor and may be challenged before the National Commander of the Prison Service Headquarters. The judgments were published, translated and disseminated to the relevant authorities.
CM/ResDH(2020)318	**HUN / Tatar and Faber**	**26005/08+**	**12/09/2012** 12/06/2012	***Freedom of expression**: Disproportionate interference due to the imposition of an administrative sanction for hanging dirty laundry outside Parliament as a brief political artistic performance staged by the applicants, considered by the authorities as an "assembly" under the Assembly Act, which should have been notified to them in advance. (Article 10)*	*Individual measures*: Just satisfaction in respect of non-pecuniary damage paid. The applicants did not file a civil law action for damages within the statutory limitation period. *General measures*: Violation due to erroneous application of the Assembly Act. In 2008, the Constitutional Court highlighted the importance of correctly identifying the scope of application of the Assembly Act. The judgment was published, translated and disseminated to the relevant authorities.
CM/ResDH(2020)262	**ISL / Strymir Þór Bragason and 1 other case**	**36292/14**	**16/10/2019** 16/07/2019	***Access to and effective functioning of justice:** Unfair criminal proceedings on account of the applicants' convictions (of aiding and abetting the crime of fraud by abuse of position in the first case; for criminal price collusion in the second case), on appeal, by the Supreme Court after having been acquitted at first instance by a district court, without the defendant or witnesses being reheard by the Supreme Court in contradiction with the principle of direct assessment of evidence. (Article 6 §1)*	*Individual measures*: The finding of a violation constituted sufficient just satisfaction for any non-pecuniary damage. Neither applicant has applied for the reopening of the Supreme Court ruling to the Committee on Reopening of Judicial Proceedings. In 2020, a new Court on the Reopening of Judicial Proceedings was established by an amendment to the Judiciary Act to decide on reopening requests, inter alia upon submission of new information, which is likely to have had significant impact on the outcome of the case. The concept of "new information" comprises judgments of international courts, including the European Court of Human Rights. *General measures*: Until recently, the civil and criminal courts system consisted only of the District Courts and the Supreme Court. In the context of a general reform of the judicial system, a Court of Appeal was set up in 2018 by the Act on the Judiciary of 2016 dealing with both civil and criminal matters. The Court of Appeal has access to recordings of testimony from the proceedings before district courts and can also hear witnesses directly. The judgments

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					were published, translated and disseminated.
CM/ResDH(2020)263	**ITA / Alberti and 1 other case**	**15397/11**	**24/09/2014** 24/06/2014	***Protection against ill-treatment:*** *Ill-treatment of the applicants by law enforcement agents in the context of their arrest and ineffectiveness the ensuing criminal investigations. (Article 3 substantive and procedural limb)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. Fresh investigations were time-barred in the first case; in the second case, the conditions for the reopening of criminal proceedings against the police officers concerned were not met, due to lacking new elements. *General measures*: In 2017, the crime of torture was introduced and defined in the Penal Code. To ensure that criminal proceedings do not become time-barred, since 2020, the prescription is suspended after the first-instance judgment for the remaining duration of the proceedings. Sentences imposed on public officials for torture may not be suspended. Disciplinary investigations against police officers and carabinieri are initiated, conducted, and concluded independently from criminal proceedings concerning the same facts and can be put on hold pending the outcome of the latter. Furthermore, the independent institution of a national Guarantor of the rights of persons deprived of their liberty was created by law and became operative in 2016 as a non-judicial control body. Theorical and practical initial and continuing training of law enforcement agents on the protection of human rights is key in preventing ill-treatment upon arrest. The Code of Criminal Procedure, the Law on Penitentiary Administration and different police corps rules concerning arrest also provide specific safeguards in the context of arrest and deprivation of liberty. The judgments were published, translated and disseminated.
CM/ResDH(2020)264	**ITA / Elia S.R.L. and 2 other cases**	**37710/97**	**02/11/2001** 02/08/2001 Merits **22/10/2004** 22/01/2004 Just satisfaction	***Protection of property:*** *Disproportionate interference due to the authorities' refusal to allow the applicants to build on their land on the basis of expired administrative decisions taken with a view to expropriation more than 20 years before*	*Individual measures*: Just satisfaction for non-pecuniary and pecuniary (interest calculated on the probable value of the property when the interference with the full enjoyment of the applicants' right of property began until the date of the judgment) damage paid as awarded by the European Court. A remedy was introduced in 2003 by the "Consolidated text

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				and to the subsequent inactivity of the authorities, resulting in a state of total uncertainty as to the future of the applicants' properties and without compensation. (Article 1 of Protocol No. 1)	on expropriations", at the disposal of the applicants in case of prolongation of the building prohibition. *General measures*: In 1999, the Constitutional Court declared unconstitutional the absence of a stipulation providing for compensation in case a construction prohibition is renewed in view of an expropriation. In 2007, the Court of Cassation clarified that civil jurisdictions are competent to decide such compensation claims. In case of the authorities' inaction beyond expiry of the expiry of an expropriation permit an administrative claim may be submitted to the regional authorities. The judgments were published, translated and disseminated.
CM/ResDH(2020)131	**ITA / S.V.**	**55216/08**	**11/01/2019** 11/10/2019	***Protection of private life:*** *Failure to comply with the State's positive obligations due to the refusal by the authorities to authorise the change of the applicant's forename prior to the completion, ascertained by a final judicial decision, of the gender transition process by means of gender reassignment surgery. (Article 8)*	*Individual measures*: The finding of a violation constituted sufficient just satisfaction in respect of any non-pecuniary damage. In 2003, the municipal authorities were ordered by the district court to change the indication of the applicant's gender and forename in the civil-status records. *General measures*: Legislative measures adopted in 2011 and the evolution in the relevant case-law of the Court of Cassation and the Constitutional Court ensured that domestic courts can order a change in the forename when they authorise a gender reassignment surgery or, for individuals choosing not to undergo such surgery, once they have ascertained that the gender transition process is serious, unambiguous and definitive.
CM/ResDH(2020)229	**ITA / Savino and Others**	**17214/05+**	**28/07/2009** 28/04/2009	***Access to and effective functioning of justice:*** *Lack of independence and objective impartiality of the Chamber of Deputies' Judicial Section competent to decide in last instance in administrative proceedings between the applicants, employees of the Chamber of Deputies, and the administration of the latter, on the ground*	*Individual measures:* The finding of a violation constitutes sufficient just satisfaction for non-pecuniary damage. The applicants' request to the Chamber of Deputies' Judicial Section to declare null and void its decision was dismissed. One of the applicants retired. *General measures:* The composition of the Judicial Section, competent to decide in last instance in administrative proceedings between employees of the Chamber of

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				that was entirely composed of members of the Bureau, the body in charge of the main administrative questions. (Article 6 §1)	Deputies and its administration, was modified by the Assembly and the President of the Chamber of Deputies in 2009. Members of the Bureau as the Assembly's administrative body, the government and the Commission (body deciding in first instance) were excluded from the Judicial Section which is now exclusively composed of members of the Chamber of Deputies without particular links to the Chamber's administration. The judgment was published, translated and disseminated.
CM/ResDH(2020)267	**LIT / D.D.**	**13469/06**	**09/07/2012** 14/02/2012	***Access to and effective functioning of justice and protection of rights in detention:*** *Unfair guardianship proceedings concerning the mentally incapacitated applicant's request to discontinue her adoptive father's appointment as her legal guardian without separate legal representation available to her and inability of the mentally incapacitated applicant to obtain a judicial review of her continued involuntary confinement at the request of her legal guardian without separate legal representation available to her, in the light of the applicant's problematic relationship with her adoptive father and their conflicting interests. (Article 8)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. In 2012 the applicant's legal capacity was restored and she left the social care home of her own will. *General measures*: The legal framework governing the legal incapacitation procedure and safeguarding the rights of persons with mental disabilities was reformed in 2016, inter alia by amendments of the Civil Code, the Code of Civil Procedure and the Law on the State Guaranteed Legal Aid, with the objective to allow courts to declare a person suffering from mental disorders, legally incapacitated only in a certain area of his life and to oblige the courts to restore legal capacity if the person's health improves, so that full incapacitation would be envisaged as ultima ration only. 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 new independent body to be established in every municipality. The amended Civil Code also provides a possibility to appeal against acts of the guardian and to initiate proceedings to dismiss him from his office. In its recent rulings, the Supreme

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					Court strengthened procedural rights of persons suffering from mental disorders in incapacitation proceedings. See also CM/ResDH(2017)268 in A.N. The judgment was translated, published and disseminated. Training programmes were provided for judges deciding in incapacitation proceedings. In 2014, an initiative was launched by the Ministry of Social Security and Labour to reform the care system by a transition from institutional care to services provided to the disabled in the family and community.
CM/ResDH(2020)28	**LIT / Miliukas**	**10992/14**	**16/04/2019** 16/04/2019	***Protection of life and against ill-treatment and conditions of detention****: Failure of the authorities to protect the applicant's life during the fire in Lukiškės Remand Prison and failure to carry out an effective investigation into the circumstances surrounding the fire and to inform the applicant, who had been granted victim status, of the suspension of the pre-trial investigation; inadequate prison conditions in Lukiskès Remand Prison. (Articles 2 (substantive and procedural limb) and 3)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. The applicant was granted conditional release in 2013. The applicant also was officially informed about the suspension of the pre-trial investigation and his right under the Code of Criminal Procedure to appeal against it. *General measures*: Lukiskès Remand Prison was closed in July 2019. The domestic law was not called into question in the case at issue. Thus, the judgement was published, translated and disseminated.
CM/ResDH(2020)22	**LIT / Mockute**	**66490/09**	**27/05/2018** 27/02/2018	***Protection of private life and freedom of religion:*** *Unlawful interference due to the disclosure, by a publicly run hospital, of personal, confidential information about the applicant to journalists and her mother as well as unlawful interference due to the pressure exerted on her to change her religious beliefs and to prevent her from manifesting them. (Articles 8 and 9)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. The applicant did not avail herself of the opportunity to request reopening of the relevant domestic proceedings. *General measures*: Isolated incident stemming from the hospital staff's unlawful acting as well as the poor reasoning of the courts. The domestic legal framework was not put in question. The judgment was published, translated and disseminated.
CM/ResDH(2020)	**LIT /**	**1471/05+**	**10/03/2014**	***Access to and effective functioning of***	*Individual measures:* Just satisfaction for non-pecuniary and

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
232	**Nekvedavicius and 5 other cases**		10/12/2013 Merits **02/05/2016** 17/11/2015 Just satisfaction	***justice, lack of a remedy and protection of property:*** *Failure to enforce domestic judgments on restoration of property rights over previously nationalised land or on acquisition of farm land; lack of effective remedies in that latter aspect; length of restitution proceedings for the previously nationalised land and unlawful deprivation of property. (Articles 6 and 13 of the Convention and Article 1 of Protocol No. 1)*	pecuniary damage paid as awarded to all applicants. Domestic procedures concerning restoration of new plots of land or monetary compensation closed. The first applicant's partial appeal against a decision by the National Land Service to pay monetary compensation is still pending. *General measures*: In order to accelerate proceedings, a 2019 amendment to the Law on the Restoration of the Rights of Ownership of Citizens to the Existing Real Property of 1997 accelerates the restoration procedure when persons fail to indicate the location where they wish to receive the property to be restored or fail to choose from the plots available by imposing monetary compensation. A further 2019 amendment of the Law on the Restoration of the Rights of Ownership of Citizens to the Existing Real Property of 1997 gives the possibility to citizens who filed applications to restore ownership rights in urban areas to change, prior to June 2019, their will regarding the form of compensation and request to be compensated with an equivalent plot of State forests, provided that no prior relating decision was enforced yet. Statistics provided by the National Land Service show that in April 2020 property rights to urban lands have been restored at 94.56%: 87,068 decisions to restore property rights on land, forest, water bodies in towns had been adopted. Property rights in rural areas have been restored at 99.68%: 806,389 decisions to restore ownership rights on land, forest, water bodies have been adopted. Concerning compensation for lengthy restoration of property rights: The Civil Code provides compensation for damage caused by unlawful actions of public authorities. In 2019, the ECtHR found this is an effective domestic remedy for complaints concerning the excessive length of the restitution process as domestic courts usually award compensation for authorities' mistakes and delays in the restitution process. The judgements were published, translated and disseminated.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2020)231	**LIT / Stemplys and Debesys and 1 other case**	**71024/13+**	**17/10/2017** 17/10/2017	***Protection against ill-treatment and protection of family life:*** *Inadequate conditions of the applicants' detention and disproportionate limitations on long-stay family visits while in detention on remand. (Articles 3 and 8)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. The applicants are no longer in detention on remand. *General measures*: Concerning long-stay family visits in detention on remand, see CM/ResDH(2017)140 in *Varnas.* General measures required in response to the inadequate conditions of detention continue to be examined within the framework of the Mironovas and Others group.
CM/ResDH(2020)109	**LIT / Urbonavicius**	**549/17**	**21/05/2019** 21/05/2019	***Protection against ill-treatment:*** *Failure to ensure comprehensive and adequate medical care in detention in Kaunas Remand Prison as the applicant was prevented from using a continuous positive airway pressure device recommended by his doctor. (Article 3)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. The applicant continuously used a CPAP device after his transfer to correctional facilities in 2015. *General measures*: **Isolated incident** due to inappropriate attitude of remand prison staff, who had not acted in conformity with the law. The applicable legal framework is regularly updated in order to increase protection of rights of detained persons. The Rules on Health Care Services for Persons in Prison of 2019 provide when a remand prisoner or a convicted person is recommended by a doctor to use other medical products that are not obligatory in the treatment process or have already been purchased and used by a person prior to their arrival to the imprisonment institution, that person shall be ensured a possibility to acquire and use such medical product. In addition, the domestic courts' case-law developed on the basis of the present judgment with regard to the need to assess the adequacy of medical treatment or healthcare services provided and with regard to the need remedy consequences in case of inadequacy. The judgment was published, translated and disseminated.
CM/ResDH(2020)230	**LIT / Variene**	**42916/04**	**12/02/2014** 12/11/2013	***Access to and effective functioning of justice and protection of property:*** *Unfair proceedings due to the quashing of an execution order by the Supreme*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. In 2019, the applicant's heir accepted a particular plot of land, he was granted by the National Land Service under the Ministry of Agriculture, as partial

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				Administrative Court and thus deprivation of the applicant of a plot of land formerly owned by her mother and nationalised in 1940. (Articles 6 §1 and 1 of Protocol No. 1)	restoration. In 2020, the applicant's heir refused pecuniary compensation for the remaining plot of land to be restored. Thus, the applicant's heir remains on a list of persons waiting for land in Vilnius. He can always choose monetary compensation instead. *General measures*: The violation results from **a rare occasional error** in the application and interpretation of legislation in the first set of administrative proceedings as the disputed plot of land was situated in an area of national forests. The judgment was published, translated and disseminated.
CM/ResDH(2020)323	**LUX / Etute**	**18233/16**	**10/09/2018** 30/01/2018	***Protection of rights in detention:*** *Absence of a judicial review of revocation of releases on parole. (Article 5 §4)*	*Individual measures*: The finding of a violation constituted in itself sufficient just satisfaction for non-pecuniary damage. The applicant is currently detained on basis of a new ground, which occurred after the fact of the present case. *General measures*: In 2018, the Criminal Procedure Code was amended: The Chamber on the application of sanction at the Appeal Court was created to decide on appeals against the General Prosecutor's decisions. The judgment was published, translated and disseminated.
CM/ResDH(2020)68	**LVA / Andersone**	**301/12**	**05/09/2019** 05/09/2019	***Access to and efficient functioning of justice:*** *Excessive length of civil proceedings. (Article 6 §1)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. *General measures*: See CM/ResDH(2018)284 in Lutova group as well as the Action Report submitted in the Veiss case, in particular concerning the amendments to the Law on Judicial Power of 2013 taken in conjunction with provisions of the Civil Procedure Law, allowing acceleratory complaints. As a result of the complex court reforms, statistical data show a decrease in the duration of court proceedings. This progress was acknowledged by the European Commission for the Efficiency of Justice (CEPEJ) and European Union bodies. The judgment was published, translated and disseminated.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2020)189	**LVA / Balajevs and 1 other case**	**8347/07+**	**28/07/2016** 28/04/2016	***Protection against ill-treatment:*** *Ill-treatment of prisoners by escort officers in the premises of the Riga Regional Court in and lack of effective investigations. (Article 3 substantive and procedural limb)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. The applicants did not request the reopening of domestic proceedings, the statutory limitation period of which has already expired. Given the lapse of time since the events occurred, the reopening of criminal proceedings could not have rectified the identified shortcomings. *General measures*: In 2015, the Law on Internal Security tasked the Internal Security Bureau with the conduct of investigations into alleged offences by police officers and ensured its officials' practical and institutional independence. It is subordinated to the Minister of Interior. The Bureau ensures the timely collection of evidence and assesses the necessity and proportionality of use of force. Case numbers were submitted. Measures were also taken to enhance the effectiveness the prosecutors' supervision. In August 2010, the Prosecutor General issued the Decree "on duties of the supervising prosecutor" with a view to intensifying prosecutorial supervision in respect of alleged offences by State officials. Moreover, in 2011 the State Police launched the database containing important information about the current state of criminal proceedings, to which prosecutors have access. As from 2012 the quality of the prosecutorial supervision is under continuous assessment. In 2016, the Prosecutorial Information System was created. The judgments were published, translated and disseminated to the authorities concerned. Awareness-raising and training activities were organized.
CM/ResDH(2020)108	**LVA / Jasinkis**	**45744/08**	**21/03/2011** 21/12/2011	***Right to life:*** *Death of the applicant's deaf and mute son due to the lack of his adequate and timely medical treatment following his placement in the sobering-up room of the district police department. (Article 2 substantive and procedural)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. The reopening of criminal proceedings is time-barred and would at this stage not be able to remedy the deficiencies identified more than fifteen years ago. *General measures*: In 2015, the Internal Security Bureau was separated from the State Police and mandated to investigate all offences allegedly committed by officials of subordinate

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					bodies to the Ministry of the Interior, prison staff and municipal police. A database of all on-going criminal proceedings was set up in January 2011. It serves as an important tool to strengthen the prosecutorial supervision over the criminal proceedings. In addition, to ensure proper supervision of investigations by the prosecutors, the Prosecutor General Office issued, in 2010, a Decree "On duties of the supervising prosecutors" and elaborated methodological guidelines on this topic. Investigations against state officials are assigned priority status. In 2016, a Prosecutorial Information System was launched to allow rapid supervision of the pre-trial investigations. Awareness-raising measures were conducted for the law-enforcement agents. The judgment was published, translated and disseminated.
CM/ResDH(2020)107	**LVA / Kangers**	**35726/10**	**09/09/2019** 14/03/2019	***Access to and efficient functioning of justice**: Infringement of the presumption of innocence in administrative offence proceedings due to the finding of a repeat offence while the appeal against the original offence was still pending. (Article 6 §2)*	*Individual measures:* The finding of a violation constitutes in itself sufficient just satisfaction for the non-pecuniary damage. In impugned administrative proceedings were reopened and terminated considering the statute of limitations. The applicant may submit a claim for compensation for the administrative detention served and fine paid. *General measures*: A new Law on Administrative Liability entering into force in 2020 abolished the notion of a "repeated administrative offence" and administrative arrest as type of administrative penalty. Awareness-raising activities on the new law were organised for legal professionals. The judgment was published and disseminated to the authorities concerned.
CM/ResDH(2020)266	**LVA / Klopcovs**	**26902/13**	**13/02/2020** 13/02/2020	***Access to and effective functioning of justice:** Excessive length of administrative proceedings concerning the monitoring of the applicant's correspondence in prison*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed in 2012. *General measures*: The judgment was published, translated and disseminated. It is used in training activities for the

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				and his claims for damages. (Article 6 §1)	judiciary. In 2013, amendments to the Law on Judicial Power entered into force which, taken together with the relevant provisions of the Civil Procedure Law, allow the parties to the proceedings to file motions complaining about the length of proceedings and requesting their acceleration. In 2017, extensive amendments to the Administrative Procedure Law were adopted to accelerate proceedings, inter alia by devising plans for the cases' priorisation. In 2018 the territorial reform of the judiciary was completed, introducing the specialisation of judges, increasing the number of judges in courts and allowing for a better distribution of workload between judges. Alternative out-of-court dispute resolution is promoted. Statistical data show that in recent years the duration of court proceedings decreased.
CM/ResDH(2020)321	**LVA / Sļadzevskis**	**32003/13**	**11/06/2020** 11/06/2020	***Access to and effective functioning of justice:*** *Excessive length of civil and administrative proceedings. (Article 6 §1)*	*Individual measures*: Just satisfaction in respect of non-pecuniary damage paid. Domestic proceedings closed. *General measures*: In 2013, amendments to the Law on Judicial Power entered into force which, taken together with the relevant provisions of the Civil Procedure Law, allow the parties to the proceedings to file motions complaining about the length of proceedings and requesting to accelerate them. According to the Law on Judicial Power the president of the court determines the recommended/achievable average periods of time within which the examination of a case should be completed and supervises the compliance by the judges with these standards. If a judge fails to examine a case within a reasonable time limit, the president of the court is authorized to intervene and set a time limit within which the judge should carry out specific procedural activities or to redistribute his/her cases to other judges. In the period 2017-2018 the authorities adopted a wide range of other legislative, policy and organisational measures, such as the introduction of an online system to monitor the length of proceedings, the possibility to transfer cases among the

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					courts to balance the caseload and ensure faster examination of cases, the territorial reform of courts and the increase in the number of judges. The statistical data provided by the authorities shows a decrease in recent years in the duration of court proceedings. The judgment was published, translated and disseminated.
CM/ResDH(2020)322	**LVA / Zelčs**	**65367/16**	**20/06/2020** 20/02/2020	***Protection of rights in detention:*** *Unlawful administrative detention in a police car with a view to drawing up an administrative-offence report on drink-driving on the ground that the legal provisions invoked to justify the applicant's detention were not sufficiently foreseeable and thus fell short of the "quality of law" standard required. (Article 5 §1)*	*Individual measures*: The finding of a violation constituted in itself sufficient just satisfaction for non-pecuniary damage. *General measures*: In 2020, the Constitutional Court adopted a judgment on the application of the impugned provision of the Code of Administrative Offences underlining that a person's administrative detention must be proportional in the specific circumstances of the individual case and be a measures of last resort (less restrictive measures exhausted). Furthermore, the 2020 Law on Administrative Liability restricted the application of administrative detention to two grounds: establishment of the identity of a person to be held liable and failure of a person to respond to the invitation to terminate an offence. The judgment was published, translated and disseminated.
CM/ResDH(2020)325	**MDA / Agurdino S.R.L. and 25 other cases**	**7359/06+**	27/12/2011 27/09/2011 Merits 24/03/2014 29/10/2013 Just satisfaction	***Access to and effective functioning of justice and protection of property:*** *Quashing of final domestic judgments in the applicants' favour through the extension of the defendants' time-limit for taking procedural staps without plausible reason in breach with the principle of legal certainty and resulting interference with the applicants' property rights. (Articles 6 §1 and 1 Of Protocol No. 1)*	*Individual measures*: Just satisfaction in respect of non-pecuniary and pecuniary damage paid as awarded by the European Court. *General measures* required in response to the shortcomings found continue to be examined within the framework of the Popov (no. 2) group of cases (19960/04).
CM/ResDH(2020)271	**MDA / Asito (No. 2)**	**39818/06**	**13/06/2012** 13/03/2012	***Access to and effective functioning of justice and protection of property:*** *Denial*	*Individual measures*: Just satisfaction for non-pecuniary and pecuniary (unduly paid amount) damage paid. Reopening or

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				of the applicant company's right to a fair hearing and infringement of the principle of legal certainty on account of a Supreme Court's supplementary judgment ordering the applicant company to pay additional legal costs allegedly incurred by another company, which had not been a party to the main proceedings. (Articles 6 §1 and 1 of Protocol No. 1)	the impugned proceedings not required. General measures: Violation stems from incorrect application of domestic law. In 2013, the Supreme Court of Justice adopted an explanatory decision concerning the extraordinary revision procedure in civil cases, which it is possible to launch only on limited grounds and with a view to correcting judicial miscarriages. The revision procedure may also be used for the consolidation of the domestic case-law when two or more judgments reveal an inconsistency of judicial practice. In practice, supplementary judgments are very isolated occurrences. The judgment was published, translated and disseminated.
CM/ResDH(2020)326	**MDA / Avram and Others**	**41588/05**	**05/10/2011** 05/07/2011	***Protection of private life:*** *Supreme Court's failure to award to the applicants as victims of defamation a proportionate compensation for the broadcasting of an intimate video footage of them on national television; the compensation determined under the old Civil Code without consideration of the relevant ECtHR case-law was in no relation to the severity of the breach of their right to respect for their private lives. (Article 8)*	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The applicants have not requested the reopening of the domestic proceedings. General measures: The 2003 Civil Code provided that the amount of compensation for non-pecuniary damage payable to victims of defamation shall be determined in the light of, inter alia, the nature and seriousness of the moral damage caused to the injured party, the degree of guilt of the offender, the circumstances in which the damage was caused, the limitation of family and social life, opportunities and the social status of the injured party. The 2010 Law on freedom of expression provided that the domestic courts determine the amount of compensation for non-pecuniary damage in defamation cases considering the following elements: the nature and gravity of the physical and mental suffering caused to the victim, the nature, impact and consequences of the information spread, the personality of the claimant, the reputation and degree of guilt of the offender, the possible existence of a right of reply given to the claimant and/or the rectification of the information and any other relevant circumstance. In its explanatory judgment of 2012, the Plenary Supreme Court stated that "the

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					compensation for non-pecuniary damage shall be proportionate to those awarded by the European Court in similar cases. The judgment was published, translated and disseminated. It is used in training activities of the National Institute of Justice for civil servants and judges.
CM/ResDH(2020)110	**MDA / Bittoun**	**51051/15**	**05/03/2019** 05/03/2015	***Protection of private and family life:*** *Failure of authorities to ensure the applicant's access to this daughter in the light of the child's mother's resistance to his meetings with the child. (Article 8)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. The applicant left the country and did not try to contact his daughter following the judgment. *General measures*: In 2018 the Code of Contraventions was amended to provide that the obstruction of a decision of the guardianship authority on contact rights with a child by a parents/legal representatives, grandparents or siblings shall be punishable by a fine or community work. Following these amendments, the decision of the guardianship authority became mandatory for execution by the family members concerned. In case of disagreement, it can be challenged in court. The National Institute of Justice conducted training activities for judges and prosecutors on Article 8 standards, inter alia on the legal regime of adoption, the determination of the child's domicile or the authorities' positive obligations in custody cases. The judgment was published, translated and disseminated to the authorities concerned.
CM/ResDH(2020)96	**MDA / Botnari and 1 other case**	**74441/14**	**05/06/2018** 05/06/2018 Merits **01/10/2019** 01/10/2019 Just satisfaction	***Protection against ill-treatment:*** *Poor conditions of detention in the facilities under the authority of the Ministry of Justice, lack of adequate medical care and lack of an effective remedy to challenge them. (Articles 3 and 13)*	*Individual measures*: Just satisfaction awarded for non-pecuniary damage was paid. The applicants were released. *General measures* required in response to the shortcomings found continue to be examined within the framework of the I.D. group.
CM/ResDH(2020)112	**MDA / Cocu and Calentiev**	**20919/05**	**09/04/2019** 09/04/2019	***Access to and efficient functioning of justice****: Denial of access to a court due to the Supreme Court of Justice's refusal to allow the applicants' claims for*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. The applicants lodged a revision request and the Supreme Court ordered a fresh examination of the applicants' appeal on points of law against the appeal court's

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				compensation for pecuniary damage, sustained as a result of a crime, to be examined in civil proceedings. (Article 6 §1)	decision. *General measures*: Erroneous application of relevant legal provisions. Training activities for legal professionals were organised. The judgment was published, translated and disseminated.
CM/ResDH(2020)70	**MDA / Dimitrieva**	**28347/08**	**26/03/2019** 26/03/2019	***Access to and efficient functioning of justice:*** *Unfair criminal proceedings due to the courts' failure to take into account the applicant's incitement plea, resulting in her conviction for taking a bribe. (Article 6 §1)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. The applicant did not request reopening of the case. *General measures*: See CM/ResDH(2018)295 in Dan concerning the failure to hear a witness. See also CM/ResDH(2018)12 in Sandu group concerning the authorisation of special investigations measures. The judgment was published, translated and disseminated.
CM/ResDH(2020)167	**MDA / Gheorghiță**	**5334/06**	**02/07/2019** 02/07/2019	***Access to and efficient functioning of justice:*** *Denial of access to a court on account of the dismissal by the Supreme Court of the applicant's appeal on points of law in civil proceedings due to an extremely narrow interpretation of the relevant legal provisions. (Article 6 §1)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. The applicant did not submit any request for revision of the impugned proceedings. *General measures*: In 2018, the Civil Code was amended providing that a party, who had not appealed the first instance judgment, may nevertheless lodge an appeal in cassation against the appeal decision, if his/her situation was aggravated by it. The judgment was published, translated and disseminated. It was also used in training activities for civil servants and judges.
CM/ResDH(2020)97	**MDA / Gorea and 2 other cases**	**63507/11**	**22/01/2019** 22/01/2019	***Protection of rights in detention****: Lack of relevant and sufficient reasoning of court decisions ordering or extending detention on remand and insufficient amount of compensation for unlawful detention. (Article 5§§3)*	*Individual measures*: Just satisfaction awarded for non-pecuniary damage was paid. The applicants are no longer in detention on remand. *General measures* required in response to the shortcomings found continue to be examined within the framework of the Sarban group.
CM/ResDH(2020)34	**MDA / Guja and**	**14277/04**	**12/02/2008 Grand Chamber**	***Freedom of expression:*** *Unjustified interference due to the applicant's*	*Individual measures*: Just satisfaction for non-pecuniary damage paid following the first judgment; just satisfaction

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
	MDA /Guja No.2	**1085/10**	and **27/05/2018** 27/02/2018	*dismissal from the position of the Head of the Press Department of the Prosecutor General's Office after an incident of whistle-blowing and continued interference due to the applicant's second wrongful dismissal ten days following his reinstatement despite the ECtHR's judgment in his favour. (Article 10)*	for pecuniary and non-pecuniary damage, awarded on an equitable basis in the second judgment, paid. The applicant had been reinstated in 2008 and his salary arrears paid. Following the second judgment, the applicant lodged a revision request with the Supreme Court, which ordered the applicant's reinstatement in his previous position in 2018 and awarded compensation for pecuniary and non-pecuniary damage. In March 2019 the Prosecutor General issued an order on the applicant's reinstatement effective as of 10 June 2008. *General measures*: In 2011, the Code of Conduct for civil servants was amended to grant confidentiality to civil servant reporting acts of corruption or related wrongdoings, to include a presumption of good faith and to prevent disciplinary sanctions for such disclosures. In 2013, Government adopted a decision on a Framework Regulation on Whistlerblowers intending to introduce whistlerblower protection rules into the Law on Preventing and Combating Corruption. Finally, in 2018, a Law on Whistlerblowers regulated the disclosure of illegal practices and wrongdoings in public organisations and private entities, whistleblowers' rights and protection measures, the employers' obligations and the competent authorities' powers in the review procedures of such disclosures. Prior to these legislative measures, law enforcement authorities instituted internal security departments to which corruption and wrongdoings could be reported. Concerning more specifically the Prosecutor General's Office, which had undergone a comprehensive reform process directed at consolidating the independence and efficiency of prosecutors, a new Law on the Prosecution Service of 2016 set up a Prosecutorial Inspection and the Council for Discipline and Ethics to examine complaints on wrongdoings, investigate disciplinary cases and apply disciplinary sanctions. The judgements were published, translated and disseminated. They are used in

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					training activities for judges and prosecutors and in general awareness-raising activities.
CM/ResDH(2020)273	**MDA / Iurie Proţap**	**29012/06**	11/10/2011 Decision	***Access to and effective functioning of justice and protection of property:*** *Failure of authorities to enforce a final domestic judgment ordering the applicant's (an officer working in the penitentiary system) accommodation in social housing. (Articles 6 §1 and 1 of Protocol No. 1)*	*Individual measures*: Payment made as agreed in the friendly settlement. The applicant moved his residence to another locality, thus the court decision became void. *General measures*: See measures taken in the context of the supervision of the Olaru and Others group. According to the Law on housing of 2015, service housing can be rented to persons occupying certain functions or exercising certain professions if they do not own a dwelling in the locality they are working in. Purchasing of a dwelling or obtaining property by other means as well as termination of the employment are the basis for termination of the rent of the service housing. Furthermore, in July 2011 a domestic compensatory remedy was introduced to address excessive length of judicial and enforcement proceedings.
CM/ResDH(2020)29	**MDA / Masaev**	**6303/05**	**12/08/2009** 12/05/2009	***Freedom of religion and access to and efficient functioning of justice:*** *Unjustified interference with the applicant's right to freedom of religion as a result of a fine he received under the Code of Administrative Offences for practising – in private premises and together with a group of other Muslims – Islamic religion, which at the time of the events was not registered with the State; denial of a fair trial due to the belated service of summons for the appeal hearing.* *(Articles 9 and 6 §1)*	*Individual measures*: Just satisfaction for non-pecuniary and pecuniary damage (amount of the fine) paid. The applicant has not availed himself of the right to seek the reopening of the impugned proceedings. *General measures*: In 2007, a Law on Freedom of Conscience, Thought and Religion, which guarantees everyone's right to freedom of thought, conscience and religion, was adopted. In 2009, a new Code of Administrative Offences was adopted which provides that only practices and rituals contrary to the 2007 Law on Religious Freedom are punishable by fines. General measures in response to the belated service of summons for the appeal hearing continue to be examined in the Ziliberberg group (61821/00).
CM/ResDH(2020)168	**MDA / Negura and Others**	**16602/06**	**05/03/2019** 05/03/2019	***Access to and efficient functioning of justice:*** *Denial of access to a court due the appeal court's decision to strike the*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. The applicants did not submit any request for revision of the impugned proceedings.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				applicants' case out its list for formalistic reasons, despite the applicants' compliance with all legal requirements for lodging it. (Article 6 §1)	General measures: **Isolated case** resulting from an erroneous application of legislation. The judgment was published, translated and disseminated. It was also used in training activities for civil servants and judges.
CM/ResDH(2020)166	**MDA / Roman**	**13274/07**	**03/12/2019** 03/12/2019	***Protection of private life/home**: Failure of the authorities to discharge their obligation to protect the applicant from the noise caused by the activity of a restaurant located next to her place of residence. (Article 8)*	Individual measures: Just satisfaction for non-pecuniary damage paid. Following soundproofing work, the noise reached an acceptable level according to the checks by the Centre for Preventive Medicine in 2005. General measures: **Isolated case.** The judgment was published, translated and disseminated. It was also used in training activities for civil servants and judges.
CM/ResDH(2020)270	**MDA / Tocono and Profesorii Prometeişti**	**32263/03**	**26/09/2007** 26/06/2007	***Access to and effective functioning of justice:** Unfair proceedings due to the lacking impartiality of a Supreme Court judge whose son had been expelled from a school run by one of the parties to the dispute. (Article 6 §1)*	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicants did not request reopening of the proceedings. General measures: Under the new Code of Civil Procedure 2003, the judge hearing a case shall be obliged to withdraw from it if there is a personal, direct or indirect, interest in its outcome, or if there are other circumstances that call into question his or her objectivity and impartiality. The participants at the trial or the court itself can also request the removal of a judge when justified reasons apply. The judgment was published, translated and disseminated. It is used in training activities for civil judges.
CM/ResDH(2020)111	**MDA / Vieru**	**25763/10**	**18/06/2019** 18/06/2019	***Access to and efficient functioning of justice**: Abusive quashing by the Supreme Court of a final judicial decision issued in the applicant's favour. (Article 6 §1)*	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant has not requested revision of his case. General measures: See CM/ResDH(2017)368 in Bujnita group. The judgment was published, translated and disseminated.
CM/ResDH(2020)272	**MDA / Vitalie Iordăchescu**	**13980/08**	11/10/2011 Decision	***Access to and effective functioning of justice and protection of property:** Failure*	Individual measures: Payment made as agreed in the friendly settlement. The first applicant left public service.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				of authorities to enforce a final domestic judgment ordering the applicant's (a policeman) accommodation in social housing. (Articles 6 §1 and 1 of Protocol No. 1)	General measures: See measures taken in the context of the supervision of the Olaru and Others group. According to the Law on housing of 2015, service housing can be rented to persons occupying certain functions or exercising certain professions if they do not own a dwelling in the locality they are working in. Purchasing of a dwelling or obtaining property by other means as well as termination of the employment are the basis for termination of the rent of the service housing. Furthermore, in July 2011 a domestic compensatory remedy was introduced to address excessive length of judicial and enforcement proceedings.
CM/ResDH(2020)269	**MDA / Ziliberberg and 1 other case**	**61821/00+**	**01/05/2005** 01/02/2005	***Access to and effective functioning of justice:*** *Unfair trial due to the domestic courts' failure to summon the applicants properly, thus depriving them of the possibility of attending a court hearing and/or preparing their defence for participating in unauthorised demonstrations. (Article 6 §1)*	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicants did not request reopening of the impugned proceedings. General measures: In 2009, the summoning procedure of the Code of Administrative Offences and the Code of Criminal Procedure was amended regulating the service of summons, traceability and prior notice. Summons must be served on the person concerned no later than five days before the hearing. They are to be sent by post or by a courier duly authorized for that purpose. The summons may also be conveyed by telephone or telegraphic note, by telefax or by electronic means, via e-mail or any other electronic messaging system, if prosecution or court are able to prove due receipt. Proof of receipt by means of the concerned person's signature is required for the summons to be considered as duly served. Recently, in case of failures to properly summon the person concerned, the Supreme Court of Justice quashed Appeal Court decisions and ordered a fresh examination of the case. The judgments were published, translated and disseminated.
CM/ResDH(2020)73	**MKD / Arsovski**	**30206/06**	**15/04/2013** 15/01/2013	***Protection of property:*** *Disproportionate interference due to the expropriation of the*	Individual measures: Just satisfaction for non-pecuniary and pecuniary (adequate compensation on an equitable basis)

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
			Merits **24/06/2019** 07/02/2019 Just satisfaction	*applicants' plot of land without adequate reasoning concerning a less restrictive measure, e.g. a lease, and without sufficient compensation. (Article 1 of Protocol No. 1)*	damage paid. *General measures*: Domestic legislation concerning this type of expropriation was abolished in 2009. Violation due to the specific facts of the case. The judgment was published, translated and disseminated.
CM/ResDH(2020)276	**MKD / Asp Pp Dooel**	**66313/14**	**06/06/2019** 06/06/2019	***Access to and effective functioning of justice:*** *Unfair proceedings due to the failure of domestic courts to provide explanation as to why the applicant company's case had been decided contrary to already existing case-law. (Article 6 §1)*	*Individual measures*: Just satisfaction for non-pecuniary damage transferred to a deposit account remaining at the applicant's disposal. In reopened proceedings, the first-instance court rendered a judgment accepting the applicant company's claims for annulment of a specific clause of the contract signed between the applicant company and the Ministry of Finance. *General measures*: See CM/ResDH(2015)152 in the Atanasovski group of cases. In 2017 and 2019 additional training and awareness-raising activities were carried out for judges and other legal professionals by the the Academy for Training of Judges and Prosecutors. The judgment was published, translated and disseminated.
CM/ResDH(2020)74	**MKD / Bileski**	**78392/14**	**06/09/2019** 06/06/2019	***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 domestic authorities' failure to hold an oral hearing and to provide sufficient reasons for their decisions on the applicant's lustration. (Articles 6 §1)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. The Administrative Court, in reopened proceedings, set aside the previous judgment establishing that the applicant had collaborated with State security bodies. Subsequently in 2020, following the reopening of the impugned proceedings before the State Judicial Council concerning the applicant's position as a judge, the applicant, passed away. *General measures*: See CM/ResDH(2017)428 in Ivanovski, in particular concerning the new Lustration Act of 2012. The judgment was translated, published and disseminated.
CM/ResDH(2020)98	**MKD / Church of Real Orthodox**	**35700/11+**	**29/11/2018** 29/11/2018	***Freedom of association and religion:*** *Unjustified refusal to register the applicant associations as religious entities. (Article 11*	*Individual measures*: Just satisfaction awarded for non-pecuniary damage was paid. The first applicant associaton's request for reopening of the impugned proceedings was

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
	Christan and Ivanovsi and 1 other case			*read in the light of Article 9)*	rejected as out of time; the second applicant association withdrew its request. *General measures* required in response to the shortcomings found continue to be examined within the framework of the Orthodox Ohrid Archdiocese group.
CM/ResDH(2020)277	**MKD / Romeva**	**32141/10**	**12/03/2020** 12/12/2019	***Protection of property:*** *Disproportionate interference due to the Pension and Disability Fund's decision to discontinue payment of the applicant's retirement pension due to the discovery of an error concerning the assessment of her pension rights and to bring a civil action against her for unjust enrichment, resulting in the total loss of her retirement pension, which constituted her sole source of income and enforcement proceedings with regard to the amount of which she was retroactively divested. (Article 1 of Protocol No. 1)*	*Individual measures*: Just satisfaction for non-pecuniary and prospective pecuniary damage awarded on an equitable basis, paid. In 2009, the applicant was granted a newly calculated retirement pension following new legislation. The enforcement proceedings were discontinued in December 2019. In May 2020 the applicant received the amount of retirement pension recovered in the enforcement proceedings by the Fund for refund. Furthermore, in April 2020, the applicant had filed a request for reopening of the civil proceedings against her on grounds of unjust enrichment and, in May 2020, introduced a further claim for penalty interest; these proceedings are still pending falling however outside the scope of the execution of the present judgment. *General measures*: The Act on Pension and Disability Insurance of 2012 regulates the collection of data regarding employment under the jurisdiction of the Fund, the overview of which are submitted to each beneficiary and to employers, self-employed persons or individual farmers twice a year. Beneficiaries may ask for rectification if needed. The Administrative Procedure Act of 2015 provides that a public authority that delivered an administrative act against which an administrative action is initiated, may annul or change that act before the final decision. The Act also introduced the principle of proportionality. In July 2020, the Higher Administrative Court adopted a conclusion that authorities are to respect the principle of proportionality, thus preventing to impose an excessive burden to the individual that has acted bona fide, especially having in

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					consideration his/her financial situation (such as the applicant in the present case). The judgment was published, translated and disseminated.
CM/ResDH(2020)35	**MKD / Saso Gorgiev**	**49382/06**	**19/07/2012** 19/04/2012	***Right to life:*** *Failure of authorities to protect the applicant against a uniformed police reservist, who – on unauthorised leave of absence - injured him with his service gun and dismissal of the applicant's claim to establish State responsibility for the damage suffered in the ensuing civil proceedings. (Article 2 substantive limb)*	*Individual measures*: Just satisfaction for pecuniary (medical expenses) and non-pecuniary damage paid. The applicant's request for reopening of the impugned civil proceedings was dismissed on the ground that the ECtHR had already awarded him just satisfaction for pecuniary and non-pecuniary damage. *General measures*: Domestic courts changed their case-law in accordance with ECHR requirements in compensation proceedings involving State agents. A new legal framework was put in place to regulate selection criteria and employment of the reservists and to control the use of official weapons, which included provisions in the 2014 and 2009 Law on Internal Affairs, the 2006 Law on Police and the 2005 Law on Weapons as well as several bylaws and rulebooks. Finally, in 2016, an external oversight mechanism was set up, thus providing adequate and effective safeguards against and measures to prevent criminal misconduct, in particular abuse of official weapons. Furthermore, a series of training activities were organised for police reservists. The judgment was published, translated and disseminated.
CM/ResDH(2020)275	**MKD / Sinadinovska**	**27881/06**	**16/01/2020** 16/01/2020	***Access to and effective functioning of justice:*** *Excessive length of three sets of proceedings (civil proceedings for disturbance of possession and subsequent enforcement proceedings as well as administrative proceedings and a second set of civil proceedings for damages). (Articles 6 §1)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. All domestic proceedings closed. *General measures*: A wide-range of multifaceted measures aimed at preventing excessive length of civil and enforcement proceedings and introducing an effective remedy in this respect have been taken within the framework of the Atanasovic group of cases (see CM/ResDH(2016)35). As concerns the Supreme Court's impugned dismissal of the applicant's excessive length remedy, the "Length Remedy Department" within the

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					Supreme Court adopted conclusions stipulating that the present case will be used as reference for further case-law. The Supreme Court's Department also considered that in cases where a party to civil proceedings has to institute enforcement proceedings in order to satisfy his or her judicially-determined claim, those proceedings must be regarded as the second stage of proceedings on the merits and, consequently, an integral part of the original proceedings. The judgment was published, translated and disseminated.
CM/ResDH(2020)23	**MKD / Stojanovski and Others**	**14174/09**	**23/01/2015** 23/10/2014 Merits **07/05/2019** 07/02/2019 Just satisfaction	***Protection of property:*** *Unlawful interference due to the dismissal of the applicants' claims in restitution proceedings without providing any specific reference to the complaints, the relevant courts' case-law or any domestic authorities' practice. (Article 1 of Protocol No. 1)*	*Individual measures*: Just satisfaction for non-pecuniary and pecuniary damage paid. *General measures*: Isolated erroneous deviation from existing case-law by administrative authorities, notably the Restitution Commission of the Ministry of Finance and the Administrative Court. The judgement was published, translated and disseminated. It is used in training courses of the Academy for Judges and Public Prosecutors.
CM/ResDH(2020)233	**MKD / Tasev**	**9825/13**	**16/08/2019** 16/05/2019	***Protection of private life:*** *Unforeseeable interference due to the authorities' refusal in 2012 to grant the applicant's request to have his ethnicity entry in the electoral roll for judges changed in the context of his participation as a candidate in the forthcoming elections of judges. (Article 8)*	*Individual measures:* Just satisfaction for non-pecuniary damage paid. A new request by the applicant in 2018 was again refused. No further request was submitted after the judgment became final. *General measures*: In July 2020, amendments to the State Judicial Council's Rules clarified the procedural rules for rectification and changes of the judges` personal data in the electoral roll for judges and introduced a distinction between a change and a rectification. A rectification of the data in the electoral roll for judges, for errors concerning names or numbers and based on relevant documentation, may be requested at any time. After the announcement of elections of new members to the State Judicial Council, the electoral roll is submitted for inspection to all the judges for three days.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					A change in the data in the electoral roll for judges (including the ethnicity) could also be requested at any given time, except in the election period, to be decided within three days. The judgment was published, translated and disseminated to all relevant judicial authorities.
CM/ResDH(2020)12	**MLT / Borg**	**37537/13**	**12/04/2016** 12/01/2016	***Access to and efficient functioning of justice:*** *Unfair criminal proceedings a lack of legal assistance during the applicant's questioning in police custody. (Article 6 §1)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. The applicant instituted fresh constitutional redress proceedings, which were refused. He could also have instituted proceedings for the enforcement of the ECtHR judgment under the European Convention Act where a re-trial could have been ordered. *General measures*: Legislation was amended in 2010 in order to provide legal assistance to suspects during pre-trial investigations. Moreover, the Criminal Code was amended through the implementation of EU Directive 2013/48/EU on the right of access to a lawyer in criminal proceedings and European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty. In 2016, a further amendment of the Criminal Code introduced a remedy giving a suspect or accused the possibility to seek redress for a breach of the right to legal assistance before the court seized of the case and a right of appeal against a decision to grant or deny such redress to the Court of Criminal Appeal. The judgement was published and disseminated.
CM/ResDH(2020)10	**MLT / Carmel Saliba**	**24221/13**	**24/04/2017** 29/11/2016	***Access to and efficient functioning of justice:*** *Unfair civil proceedings concerning civil liability for a robbery due to the combination of procedural shortcomings, particularly the failure to give reasons in respect of the conflicting evidence and of the applicant's requests to produce certain*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. The applicant instituted proceedings before the Constitutional Court requesting execution of the European Court's judgment. In 2018, the Constitutional Court ordered the Government to repay the sum that the applicant had been previously ordered to pay in the impugned civil proceedings.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				evidence resulting in the obligation to pay high damages. (Article 6 §1)	*General measures*: **Isolated case**. The judgement was published and disseminated to the Office of the Attorney General and the judiciary.
CM/ResDH(2020)69	**MLT / Mikalaukas and 2 other cases**	**4458/10+**	**23/10/2013** 23/07/2013	***Protection of rights in detention:*** *Excessive extension of the applicants' pre-trial detention on remand without relevant and sufficient reasons or sufficient care in fixing appropriate bail and lack of a remedy to speed up the review of detention. (Article 5 §§3+4)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. All applicants were released on bail before judgment became final. General measures*:* The judgments were published and disseminated to the domestic courts which take them into account when fixing the amount of bail according to the applicants' real financial situation and when examining extensions of detention pending trial. Steps have been taken to speed up criminal proceedings further to the publication of a report into the reform of the justice system in 2014 which set out a number of recommendations. In addition, in 2014, five Acts amended the Criminal Code ensuring the effectiveness and speediness of criminal trials.
CM/ResDH(2020)11	**MLT / Seychel**	**43328/14**	**28/11/2018** 28/08/2018	***No punishment without law:*** *Failure of the legal provisions to satisfy the foreseeability requirement and lack of effective safeguards against arbitrary punishment due to the Attorney General's discretion to determine the trial court could lead to heavier penalties for the accused if the trial took place in the Criminal Court instead of the Court of Magistrates. (Article 7)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. The applicant was released and has not instituted any further proceedings. *General measures*: See also CM/ResDH(2014)142 in Camilleri: Legislation was enacted in 2014 to amend the Criminal Code and the Dangerous Drugs Ordinance providing guidelines to the Attorney General to steer his decision (harm or potential harm caused, quantity of drugs involved, role played by the accused). The new legislation also provided for the possibility for the accused to request the Criminal Court to order that the case be tried in the Court of Magistrates. Furthermore, regarding the penalty, the Criminal Court may also apply the more lenient punishment that can be awarded by the Court of Magistrates. The judgement was published and disseminated to the Office of the Attorney General and the police force. See also ECtHR inadmissibility decision in Porsenna v. Malta.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2020)190	**MON / Despotovic and 5 other cases**	**36225/11+**	**16/01/2020** 16/01/2020	***Access to and effective functioning of justice:*** *Excessive length of civil proceedings. (Article 6 §1)*	*Individual measures:* Just satisfaction for non-pecuniary damage paid. One applicant did not submit any claim. The impugned proceedings in these cases were brought to an end prior to the ECtHR's judgments. *General measures*: For measures aimed at preventing excessive length of civil proceedings and introducing an effective remedy see CM/ResDH(2017)38 in the Stakić group of cases. The judgments were published, translated and disseminated to the authorities concerned. Intensive awareness-raising and training activities were organized for practitioners.
CM/ResDH(2020)274	**MON / KIPS DOO and Drekalović**	**28766/06**	26/09/2018 26/06/2018 Merits 15/04/2020 22/10/2019 Just satisfaction	***Protection of property, access to and effective functioning of justice and lack of a remedy:*** *Unjustified interference due to the refusal by authorities to issue a building permit for a shopping centre, length of the administrative proceedings to buy the adjacent plot as well as lack of an effective remedy to address the length of proceedings. (Articles 6 §1, 13 and 1 of Protocol No. 1)*	*Individual measures*: Just satisfaction for non-pecuniary and pecuniary (loss of profits in 2006 and 2007) damage paid. The dispute before the Administrative Court concerning the "completion" of the urban plot came to an end in December 2017: the Administrative Court dismissed the claim of applicant company for "completion" of the urban plot as unfounded pursuant to domestic legislation. As the applicants had built another shopping centre based on the same plans in 2007, the impugned proceedings for issuing a building permit are of no relevance for execution of the present judgment. *General measures*: The violation resulted from uncertainty arising from the practices applied by the authorities, reflected in constantly changing the urbanistic plans, introducing new conditions, such as buying an additional cadastral plot of land in order to "complete" the newly-created urban plot, and by unlawfully refusing to calculate the relevant charges. It represents an isolated incident. The judgment was published, translated and disseminated to the Ministry of Environmental Protection and Spatial Planning, the Podgorica Municipality, including to the Agency for Construction and Development of Podgorica. It was used in training of civil servants from the Ministry of Environmental

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					Protection and Spatial Planning. As concerns the length of administrative proceedings see CM/ResDH(2018)51 in Stanka Mirković. Furthermore, in 2018/19, several additional awareness-raising and training activities for prosecutor and judges as well as for representative of all municipalities were organised.
CM/ResDH(2020)71	**MON / Saranovic**	**31775/16**	**07/10/2019** 26/03/2019	***Protection of rights in detention:*** *Unjustified detention as the extension order of the applicants' pre-trial detention was issued after the statutory time-limit having expired due to lack of precision of detention orders and lack of consistency of the relevant legislation. (Article 5 §1)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. The applicant was released as the High Court had the detention order revoked. General measures: See CM/ResDH(2017)141 in Mugosa. In particular concerning the Supreme Court's binding legal opinion of 2017 concerning the respect of statutory time-limits for the re-examination of detention grounds. The Centre for Training of Judiciary and Public Prosecutors organised training and awareness-raising activities. The judgement was published, translated and disseminated.
CM/ResDH(2020)72	**NDL / Cabral**	**37617/10**	**28/11/2018** 28/08/2018	***Access to and efficient functioning of justice:*** *Unfair criminal proceedings due to the applicant's conviction on the sole basis of the statements of his co-accused, whose silence made questioning by the applicant futile without effective counterbalancing procedural measures. (Article 6 §§1+3d)*	*Individual measures*: The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. The applicant did not file an application for revision of the impugned judgment. *General measures*: See CM/ResDH(2018)436 in Vidgen, in particular concerning the Supreme Court's detailed rules on the use of evidence and on the exercise of a defendant's right of examination of 2013. The judgment was published, translated and disseminated.
CM/ResDH(2020)278	**POL / Brzeziński**	**47542/07**	**25/07/2019** 25/07/2019	***Freedom of expression:*** *Disproportionate interference due to a domestic court's decision to order - the context of a municipal elections campaign - the publication of the applicant's apology to another candidate in a newspaper and to ban the further distribution of the*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. *General measures*: Violation due to an erroneous application of existing legal provisions. The judgment was published, translated and disseminated. It was also included in the schedule of training activities for 2020-2021 of the National School for Judiciary and Public Prosecution.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				applicant's leaflet. (Article 10)	
CM/ResDH(2020)181	**POL / Bukowski and Others and 2 other cases**	**47395/09+**	**06/12/2018** 06/12/2019	***Access to and efficient functioning of justice:*** *Excessive length of proceedings before administrative courts and bodies. Article 6 §1)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed. General measures required to respond to the shortcomings established by the Court in the present judgments continues to be examined in the context of the Beller group of cases.
CM/ResDH(2020)99	**POL / Jarmuz and 2 other cases**	**63696/12+**	**13/06/2019** 13/06/2019	***Access to and efficient functioning of justice:*** *Excessive length of judicial proceedings and lack of effective remedy. (Articles 6 §§1 and 13)*	*Individual measures*: Just satisfaction awarded for non-pecuniary damage was paid. Domestic proceedings closed at the time of the judgments' delivery; *General measures* required to respond to the shortcomings established continue to be examined in the context of the Bąk, Majewski and Rutkowski group.
CM/ResDH(2020)150	**POL / Klibisz**	**2235/02**	**04/01/2017** 04/10/2016	***Protection against ill-treatment****: Subjection of the applicant to the "dangerous detainee" regime, pursuant the respective provisions of the Code of Execution of Criminal Sentences, which included including strip searches on leaving and entering the cell as well as handcuffing when outside the cell and on the high-security ward, without sufficient and relevant reasons to justify the severity of the measures taken, in particular that they had been necessary in their entirety to attain a legitimate aim of ensuring prison security. (Article 3)*	*Individual measures*: Just satisfaction with regard to non-pecuniary damage paid. The applicant is no longer detained. *General measures*: See CM/ResDH(2016)128 in the case of Horych, in particular with regard to the amendment to the Code for the Execution of Criminal Sentences in 2015 concerning the abolition of automatism in the imposition of dangerous detainee regime. The judgment was translated and published on the website of the Ministry of Justice. The ECtHR's concerns as to the dangerous detainee regime were included in the trainings for the prison staff. The number of detainees under the dangerous detainee regime and the number of complaints concerning imposition of the regime decreased substantially between 2010 and 2019.
CM/ResDH(2020)279	**POL / Mierzejewski**	**9916/13**	**04/11/2014** 04/11/2014	***Protection of rights in detention:*** *Excessive length of detention on due to extensions that were not justified by sufficient grounds. (Article 5 §3)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. The applicant is no longer in pre-trial detention. *General measures*: See measures required in response to the shortcomings found have been and continue to be examined

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					in the context of the Trzaska and Porowski group of cases. The judgments were published, translated and disseminated. They are used in training activities of the Ministry of Justice for judges and prosecutors organised by the National School of Judiciary and Public Prosecution. Special coordinators (45 in civil matters and 45 in criminal matters) for international co-operation and human rights were appointed in every judicial district in order to inform judges, judicial assessors, court referendaries and assistants of judges on applicable ECHR standards.
CM/ResDH(2020)24	**POL / Wesolek**	**65860/12**	**13/06/2019** 13/06/2019	***Access to and efficient functioning of justice:*** *Lack of access to a court on account of the refusal of the applicant's request for full exemption from court fees to challenge a payment order. (Article 6 §1)*	*Individual measures*: Just satisfaction for non-pecuniary and pecuniary damage paid. According to the Supreme Court's case-law, the applicant could have submitted a claim for damages under the Civil Code. *General measures*: Erroneous interpretation and application of legal provisions on the exemption from court fees by domestic courts. The judgement was published, translated and disseminated to the authorities concerned. It was used in training activities of the National School for Judiciary and Public Prosecution.
CM/ResDH(2020)191	**POL / Zaręba**	**59955/15**	**10/10/2019** 10/10/2019	***Protection against ill-treatment / conditions of detention:*** *Detention in an overcrowded cell at the Remand Centre in Łódź. (Article 3)*	*Individual measures:* Just satisfaction for non-pecuniary damage paid. The applicant is currently detained in Garbalin prison in a cell which is not overcrowded. *General measures* taken in order to address the issue of the detention in overcrowding conditions are supervised in the context of the Orchowski group of cases (17885/04, see document DH-DD(2016)791) and the Ojczyk case (66850/12).
CM/ResDH(2020)25	**POL / Zuk**	**48286/11**	**06/01/2016** 06/10/2015 Merits **30/08/2017** 30/05/2017	***Access to and efficient functioning of justice:*** *Non-enforcement of a final judgment in the applicant's favour with regard to her claim to purchase two plots of state-owned land. (Articles 6 §1 and 1 of*	*Individual measures*: Just satisfaction for pecuniary damage (compensation lump sum) paid. *General measures*: Violation resulted from an incorrect and erroneous application of the law by a national court. The judgement was published, translated and disseminated, in

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
			Just satisfaction	*Protocol No. 1)*	particular to the presidents of the two courts concerned.
CM/ResDH(2020)234	**PRT / Carvalho Pinto de Sousa Morais**	**17484/15**	**25/10/2017** 25/07/2015	***Discrimination / protection of private life:*** *Discriminatory treatment on the grounds of age and sex in the award of a reduced compensation in damages for medical negligence. Article 14 in conjunction with Article 8)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. In reopened proceedings, the Supreme Administrative Court revised the previous decision and awarded the applicant an increased compensation. *General measures*: The judgment was published, translated and disseminated. Awareness-raising activities and extensive training sessions on issued relating to gender equality was organised for magistrates at the Center for Judicial Studies.
CM/ResDH(2020)328	**ROM / Cuiperscu and 1 other case**	**35555/03**	**15/09/2010** 15/06/2010	***Protection against ill-treatment and conditions of detention:*** *Degrading* regime of weekly full body searches following the prison administration's decision to assign him to the category of dangerous prisoners; degrading treatment on account of the overcrowding in the prison of Bucharest - Jilava, and, later, poor detention conditions in cell C306 of the prison of Giurgiu as well as body searches twice a day, in the absence of a regulatory framework and without justification resulting from the applicant's behavior. (Article 3)	*Individual measures*: Just satisfaction in respect of non-pecuniary damage paid. The applicant was released conditionally in 2016. *General measures*: As regards the legal framework for body searches, a Regulation on the security of penitentiaries was adopted by the Ministry of Justice in 20110. The body search regime depended on the category of prisoners the detainee was assigned to. In 2013, in the context of a wide prison reform, a Law on the Execution of Sanctions by Deprivation of Liberty and detailed Regulations by the National Prison Administration were adopted providing for a uniform regime for body searches for all prisoners. According to a new Regulation of 2018, the detainees' cells may be searched once a month and a summary body search (in clothes) undertaken. Integral body searches may only be undertaken on the basis of concrete indications of illegal possession. The issue of degrading conditions of detention and over-crowding continues to be examined in Bragadireanu (22088/04).
CM/ResDH(2020)280	**ROM / Romanian Musical Performing and**	**70937/14+**	**28/03/2019** 28/03/2019	***Access to and effective functioning of justice:*** *Unfair proceedings due to the non-enforcement or delayed enforcement of domestic court decisions ordering various*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed. *General measures* required in response to the shortcomings found continue to be examined within the framework of the

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
	Mechanical Rights Society and Others and 1 other case			*State authorities or a State-controlled company to pay various sums to the applicant parties. (Article 6 §1)*	Săcăleanu group.
CM/ResDH(2020)329	**ROM / Stelian Roşca**	**5543/06**	**04/09/2013** 04/06/2013	***Protection of rights in detention:*** *Absence of a legal basis for an involuntary psychiatric hospitalisation in the context of incapacitation proceedings and inability to obtain compensation for the irregular deprivation of liberty and other damage caused to the applicant's reputation by the manner in which the impugned proceedings had been conducted. (Article 5 §1+5 and Articles 13 in conjunction with 8))*	*Individual measures*: Just satisfaction in respect of non-pecuniary damage paid. The applicant was released in 2001. The applicant's requests to review appeal decisions of 2005 and 2007 taken in relation with his health assessment were dismissed as they had not resulted in current damage. *General measures*: Erroneous application of domestic law by the authorities. The judgment was published, translated and disseminated. Persons who do consent to psychiatric assessment are to be treated in consideration of a special recommendation by the High Court of Cassation and Justice dated 2002. As from 2010, domestic courts grant compensation for irregular hospitalization for psychiatric assessment. The judgment was published, translated and disseminated.
CM/ResDH(2020)331	**RUS / Galich**	**33307/02**	**26/01/2009** 13/05/2008	***Access to and effective functioning of justice:*** *Unfair civil proceedings due to the lack of foreseeability of an appeal court's unsubstantiated decision to reduce proprio motu the statutory interest on a private debt awarded to the applicant by a first-instance court, without consulting the parties and without their request thereto. (Article 6 §1)*	*Individual measures*: Just satisfaction in respect of non-pecuniary damage paid. Request for reopening of the impugned proceedings dismissed as the civil procedure applicable at the time of the events did not list a ECtHR-judgment as a "newly discovered circumstance". *General measures*: Erroneous application of law. The judgment was published, translated and disseminated.
CM/ResDH(2020)335	**RUS / Kosheleva and Others**	**9046/07+**	**17/04/2012** 17/01/2012	***Right of individual petition.*** *Pressure and intimidation exerted by prosecutors on the applicants following their invitation to the prosecutors' offices in the context of their applications lodged with the European*	*Individual measures*: Just satisfaction in respect of non-pecuniary damage paid or deposited in a bank account at the disposal of the applicants concerned. *General measures*: **Isolated case.** The judgment was published, translated and disseminated via the website of

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				Court. (Article 34)	the General Prosecutor.
CM/ResDH(2020)282	**RUS / Larisa Zolotareva**	**15003/04**	**26/10/2011** 26/07/2011	***Protection of private and family life / home:*** *Interference due to the bailiff's unlawful manner to carry out the applicant's eviction and the domestic courts' failure to offer appropriate and sufficient redress on the ground that she had not shown a causal link between the bailiff's actions and the damage claimed. (Article 8)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. *General measures*: **Isolated incident**. The judgment was published, translated and disseminated, notably to the Constitutional and Supreme Courts, the General Prosecutor's Office and the Federal Bailiffs Service. The domestic courts' practice with regard to compensation claims for the bailiff's non-compliance with domestic legislation in the enforcement proceedings changed.
CM/ResDH(2020)332	**RUS / Mokrushina and 34 other cases**	**23377/02**	**12/02/2007** 05/10/2006	***Access to and effective functioning of justice:*** *Denial of a fair hearing (mostly in civil cases) due to the applicants' absence without proper notification. (Article 6 §1)*	*Individual measures*: Just satisfaction in respect of non-pecuniary damage paid. The possibility to request reopening of the impugned proceedings was available to the applicants. *General measures*: Notifications rules were amended in 2013 by a Supreme Court's Judicial Department's Order to reform the Internal Regulations for the Regional Courts, covering both civil and criminal proceedings, and providing that judicial acts are to be sent by registered mail with acknowledgment of receipt. SMS-messages for notification about court proceedings are sufficient, if the party concerned had agreed to it in writing. An internet portal was created to facilitate the use of SMS for the notification of court hearings. In 2015, the Council of Judges' Presidium planned the introduction of electronic registration and automatic notification of parties of date, time and venue of court hearings. Moreover, in June 2018, the Post guaranteed to process all judicial notifications in 24 hours. Domestic courts are paying special attention to proper notification about hearings in their everyday practice. In 2018, the Supreme Court aligned its case-law with the present judgments and quashed various judgments on appeal on the grounds that a party's right to

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					be notified about the hearing had been violated. The judgments were published, translated and disseminated.
CM/ResDH(2020)333	**RUS / Rakevich and 8 other cases**	**58973/00+**	**24/03/2004** 28/10/2003	***Protection of rights in detention:*** *Lack of appropriate legal safeguards in incapacitation proceedings and concerning psychiatric hospitalisation, in particular due to the inability to appeal against the decision declaring a person legally incapacitated in court or to request restoration of her legal capacity, lacking alternatives to full legal incapacity and the possibility of involuntary psychiatric hospitalisation on the basis of the guardian's opinion without due judicial initial or subsequent control. (Articles 5 §§1+ 4, 6 and 8)*	*Individual measures*: Just satisfaction in respect of non-pecuniary damage paid. All applicants were released from psychiatric confinement. *General measures* required in response to the shortcomings found as regards the right to initiate judicial review of psychiatric confinement under the domestic law continue to be examined within the framework of the *Bataliny* case
CM/ResDH(2020)334	**RUS / Ryakib Biryukov and 1 other case**	**14810/02+**	**07/07/2008** 17/01/2008	***Access to and effective functioning of justice:*** *Lack of public access to the reasoning of judicial decisions in civil and criminal matters between 2001 and 2009 as the legislation in force at the material time, while allowing the operative part of the judicial decisions to be read out in public, restricted access to written copies of the decision reasoning and to the parties or their representatives. (Article 6 §1)*	*Individual measures*: The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. The judicial decisions in the applicants' cases are now available on the internet or by request. *General measures*: A law of 2010 granted access to information on the functioning of courts and required judicial decisions to be published on the courts' websites. Access to the internet is also provided on the premises of government buildings, libraries and other places. The law also provides for the possibility for anyone to request and to obtain copies of judicial decisions in specific case from the court registries within 30 days. The judgment was published, translated and disseminated.
CM/ResDH(2020)37	**RUS / Shpakovskiy and 12 other**	**41307/02+**	**07/10/2005** 07/07/2005	***Access to and efficient functioning of justice and protection of property:*** *Non-enforcement of domestic judgments*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. All domestic judgments enforced. *General measures*: In January 2015, the Ministry of Defense

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
	cases			*ordering authorities to provide the applicants with flats to which they were entitled as former military servicemen and lack of an effective remedy in two cases. (Articles 6 §1 and 1 of Protocol No. 1 as well as 13)*	adopted an instruction setting out clear procedures and mechanisms for the enforcement of judicial decisions against the Ministry. In January 2016, it adopted a housing programme for former military personnel and performed an inventory check of existing housing facilities. Contracts for the construction of over 10,000 flats have been signed. As a result, the number of unenforced judicial decisions for provision of housing to military personnel dropped by over 75% between 2013 and 2016. With regard to compensatory and acceleratory remedies, a federal law of 2017 amended the 2010 Compensation Act, thus extending the right to obtain compensation for the lack of speedy enforcement of domestic judicial decisions concerning the State's pecuniary obligations in kind, at issue in the present group of cases. The possibility of punitive damages was introduced in the Civil Code in 2015. The Code of Administrative Procedure of 2015 provided for examination of complaints arising out of lengthy non-enforcement of judicial decisions. The Supreme Court formulated its legal positions aimed at increasing the effectiveness of execution of court judgments by imposing pecuniary and/or non-pecuniary obligations on state authorities, local self-government authorities and their officials in a Plenum Ruling of 2015. The judgments were translated, published and disseminated to all the authorities concerned, often with explanatory notes and recommendations.
CM/ResDH(2020)330	**RUS / Shugayev**	**11020/03**	**14/04/2010** 14/01/2010	***Right to individual petition and access to and effective functioning of justice:*** *Prison administration's failure to forward the European Court's letters to another correctional institution where the applicant was temporarily held, thus causing delays in the examination of his case; denial of a*	*Individual measures*: Just satisfaction in respect of non-pecuniary damage paid in a deposit due to lacking bank details from the applicant. The Supreme court quashed the impugned appeal judgment and remitted the case for fresh examination. *General measures*: The 2005 Order of the Ministry of Justice on *Internal Regulations of Detention Facilities* provides that if

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				fair trial on account of the appeal court's failure to verify whether the applicant was legally represented in the appeal proceedings. (Articles 34 and 6 §§1+3c)	a convict is transferred to a new detention facility, his or her correspondence should be forwarded to that facility within 3 days. The judgment has been translated, published and disseminated to the Prosecutor General's Office, the Federal Penitentiary Service, and within the judiciary. General measures required to address the violation established on account of the lack of legal representation in the criminal appeal proceedings are examined in the framework of the Sakhnovskiy group.
CM/ResDH(2020)281	**RUS / Sobolev and Others and 5 other cases**	**45057/06+**	**09/11/2017** 09/11/2017	***Protection against ill-treatment, protection of rights in detention and access to and effective functioning of justice:*** *Various irregularities, the excessive length and the poor conditions of detention on remand, the excessive length of criminal proceedings, and the failure to ensure the participation of a prisoner in civil proceedings. (Articles 3, 5 and 6 §1)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid or transferred to a deposit account remaining at the applicant's disposal, if bank details had not been submitted. The applicants are either released or are serving their sentences. Some of the applicants are at large. Domestic criminal proceedings closed. *General measures* required in response to the shortcomings found by the Court in the present judgments continues to be examined within the framework of the groups of cases Klyakhin, Kalashnikov, and Igranov and Others. In relation to the excessive length of criminal proceedings, for general measures see CM/ResDH(2017)168 in the Smirnova group of cases.
CM/ResDH(2020)284	**RUS / V.P. and 1 other case**	**23783/10+**	**23/01/2015** 23/10/2014	***Protection of private and family life:*** *Non-enforcement of foreign or domestic judicial decisions on child custody and the lack of coercive mechanisms against the defaulting party. (Article 8)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. The children had been reunited with the applicants prior to the adoption of the judgments. *General measures* required in response to the shortcomings found continue to be examined within the framework of the Khanamirova group.
CM/ResDH(2020)205	**RUS / Vereshchagin and Others and 2 other cases**	**30155/05+**	**14/06/2018** 14/06/2018	***Protection against ill-treatment / protection of private life / protection of rights in detention / functioning of justice:*** *Confinement in metal cages in the*	*Individual measures:* Just satisfaction for non-pecuniary damage paid. Criminal proceedings against the applicants closed; no more confinement in metal cages and inhuman transport conditions.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				courtrooms, inadequate conditions of detention during transport, lack of family visits during pre-trial detention and excessive length of pre-trial detention and of judicial review of detention; unfair criminal proceedings in view of the lack of proper legal assistance - the applicant's lawyer was absent in the appeal hearing. (Articles 3, 8 §1, 5 §3+4, 6 §§1+3c	General measures required in response to the shortcomings found by the Court in the present judgments continues to be examined within the framework of the Svinarenko and Slyadnev group (32541/08).
CM/ResDH(2020)336	**RUS / yuriy Lobanov and 2 other cases**	**15578/03+**	11/04/2011 02/12/2010 Merits 09/07/2012 14/02/2012 Just satisfaction	***Protection of property:*** *Authorities' failure to set up a legislative or regulatory procedure for the implementation of the applicants' right to redemption of the State premium loan bonds issued in 1982. (Article 1 of Protocol No. 1)*	*Individual measures*: Just satisfaction in respect of non-pecuniary and pecuniary damage paid. *General measures*: The judgments were published, translated and disseminated to the Ministry of Finance, the Supreme Court, the Prosecutor General's Office. Further general measures required for the prevention of future violations will continue to be examined in the Volokitin and Others case.
CM/ResDH(2020)184	**SER / Alisic and Others**	**60642/08**	**16/07/2014** Grand Chamber	***Protection of property:*** *Unlawful interference due to inability of the applicant, a national of Bosnia and Herzegovina, to recover "old" foreign-currency savings deposited in Bosnian-Herzegovinian branches of banks with head offices in Serbia respectively following dissolution of former SFRY. (Article 1 of Protocol and Article 13))*	**Systemic Problem*: Under Article 46,*** the Court considered that, within one year Serbia (and Slovenia) must make necessary arrangements, including legislative amendments, in order to allow the applicants and all other persons in their position to recover their "old" foreign-currency savings under the same conditions as their nationals who held such savings in the domestic branches of Serbian (and Slovenian) banks. *Individual measures:* Just satisfaction for non-pecuniary damage paid. In January 2020, the applicant received full repayment of his pecuniary claim, interests included. *General measures:* The Alisic Implementation Act, introducing a repayment scheme for the deposits held by citizens of SFRY successor States in Serbian banks was adopted in July 2016. In 2017, Government adopted the Regulation on the procedure for the establishment of the

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					right to payment of foreign-currency savings. The amount determined in the verification proceedings will be reimbursed to the depositors in the form of government bonds by February 2023. In the inadmissibility decision in Hodžić, the Court found that the repayment scheme met the criteria set out in the pilot judgment. In order to overcome certain obstacles which had arisen in the context of the verification procedure and the need to obtain reliable data on savings already used in the privatisation process in Bosnia and Herzegovina, Parliament amended the law in 2019. The verification procedure has been conducted by the Public Debt Administration. The verification and repayment procedure also governed by the relevant provisions of the General Administrative Procedure Act and the Administrative Procedure Act. Finally, the necessary administrative arrangements to ensure the efficient functioning of the repayment scheme were put in place as well as cooperation arrangements with other SFRY successor States in view of the need to clearly establish the amounts of deposits used in the privatisation process. The Act and its repayment scheme were effectively implemented. Respective statistics were submitted: the bulk of the applications were resolved positively and repayment was ordered with regard to 75% of the amounts claimed. The judgment was translated, published and disseminated.
CM/ResDH(2020)76	**SER / Dimovic and Others**	**7203/12**	**06/05/2019** 11/12/2018	***Access to and efficient functioning of justice:*** *Unfair criminal proceedings due to the applicants' convictions on the sole basis of the statements of his co-accused, without being able to question them. (Article 6 §3d)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. In reopened proceedings, the applicants were finally acquitted. The applicants did not raise any claim for damages before the domestic courts. *General measures*: See CM/ResDH(2018)68 in Dimović, in particular concerning the awareness-raising measures carried out by the Academy for Judges and Public Prosecutors. The judgment was published, translated and disseminated.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2020)45	**SER / Doric and 12 other cases**	**33029/05+**	**27/04/2009** 27/01/2009	***Access to and efficient functioning of justice:*** *Excessive length of judicial proceedings and lack of a remedy. (Article 6 §1 and 13)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed. *General measures* required in response to the shortcomings found continue to be examined within the framework of the Jevremović group of cases.
CM/ResDH(2020)79	**SER / Gjini**	**1128/16**	**15/04/2019** 15/01/2019	***Protection against ill-treatment****: Failure to protect the applicant from being ill-treated by his prison cell mates and lack of official investigation despite the applicant's complaints to the civil courts, the President, the Ombudsman and the Ministry of Justice. (Article 3 substantive and procedural limb)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. Prosecution concerning the applicant's alleged ill-treatment became time-barred in 2018. The initiation of the disciplinary proceedings for a serious breach of duty against the suspected prison guards became time-barred in 2010. *General measures*: In 2013, the Government adopted a National Strategy for the Development of the System of Execution of Criminal Sanctions. A new Law on the Execution of Criminal Sanctions was adopted in 2014, including measures to prevent or monitor violence in detention. In 2015, the Rulebook on Supervision of the Work of the Penal institutions for the Execution of Criminal Sanctions laid down the procedure for controlling the work and legality of treatment in institutions. Employment of prison staff can be terminated, inter alia, as a result of the failure to declare violations of the institution's house rules (including inter-prisoner violence). Moreover, the medical personnel must keep special records of injuries sustained by detainees and notify the institution's warden of any sign that violence has been inflicted. As concerns the procedural violation, allegations of ill-treatment should be prosecuted ex officio and public authorities are obliged to report alleged criminal offences to public prosecution, of which they are informed, including inter-prisoner violence. Extensive training and awareness-raising measures were organised for prison and medical staff. The judgment was published, translated and disseminated.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2020)101	**SER / Golic and Others and 9 other cases**	**60162/16+**	**03/10/2019** 03/10/2019	***Access to and efficient functioning of justice and protection of property:*** *Non-enforcement of final court decisions concerning debts of socially-owned companies. (Articles 6 §1)*	*Individual measures*: Just satisfaction awarded for non-pecuniary damage was paid. *General measures*: Legislative measures were taken to ensure swift enforcement of domestic decisions rendered against municipal authorities and judicial remedies offering sufficient and adequate redress for excessive delays in enforcement of domestic judgments were developed. The issue of adequacy of compensation in respect of non-pecuniary damage awarded by the domestic courts for delayed enforcement of domestic decisions rendered against socially-owned companies remains under examination within the framework of the Kačapor case.
CM/ResDH(2020)285	**SER / Kladničanin and 2 other cases**	**137/10+**	**05/03/2020** 05/03/2020	***Access to and effective functioning of justice and protection of property:*** *Non-enforcement of domestic judgments rendered against socially owned companies. (Articles 6 §1 and 1 of Protocol No. 1)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. All domestic decisions are fully enforced. *General measures* required in response to the shortcomings found continue to be examined within the framework of the Kačapor group.
CM/ResDH(2020)77	**SER / Milosavljevic**	**18353/12**	**27/06/2019** 27/06/2019	***Access to and efficient functioning of justice:*** *Excessive length of administrative proceedings. (Article 6 §1)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. The impugned proceedings came to an end in 2010. *General measures*: See CM/ResDH(2018)69 in Pejčić. The judgment was published, translated and disseminated.
CM/ResDH(2020)78	**SER / Mitrovic**	**52142/12**	**21/06/2017** 21/03/2017	***Protection of rights in detention****: Unlawful detention on the basis of a decision by a foreign court, which had not been recognised by the competent authorities according to the appropriate procedure for the recognition of foreign decisions in criminal matters of the 1977 Criminal Procedure Code. (Article 5 §1)*	*Individual measures*: No claim for non-pecuniary damage submitted. The applicant was pardoned in 2012. He died in 2014. The applicant's heirs requested the reopening of the civil proceedings for pecuniary and non-pecuniary compensation for unlawful detention. The domestic court found the claim for pecuniary damage time-barred and the claim for non-pecuniary damage not transferrable to heirs. *General measures*: In 2015, in a similar case, the Ombudsman, with reference to the present judgment, issued

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					recommendations for the Administration for the Execution of Criminal Sanctions to release the complainant and to inform him of his right provided in domestic legislation to claim compensation for unlawful imprisonment. No other individual is currently detained based on the decisions issued by courts of any unrecognized self-proclaimed entities established during the wars in the former Yugoslavia. The judgment was published, translated and disseminated.
CM/ResDH(2020)38	**SER / Momcilovic and Others and 1 other case**	**16254/08+**	**05/12/2017** 05/12/2017	***Access to and efficient functioning of justice:*** *Denial of access to court due to the non-enforcement of final court judgments in civil matters. (Article 6 §1)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid as awarded. Enforcement proceedings closed. Only one applicant did not submit the required motion to continue proceedings. *General measures*: See CM/ResDH(2016)152 in ZIT Company subgroup of cases. Measures ensuring an adequate redress for excessive length of domestic proceedings will be examined in the Jevremović group.
CM/ResDH(2020)114	**SER / Purić and R.B.**	**27929/10**	**15/10/2019** 15/10/2019	***Protection of rights in detention:*** *Abstract and formalistic assessment of the need to continue the applicants' pre-trial detention, relying solely on the severity of the potential sentence and the nature of the alleged crime. (Article 5 §3)*	*Individual measures:* Just satisfaction for non-pecuniary damage paid. Both applicants are no longer in pre-trial detention. *General measures*: See CM/ResDH(20018)52 in the context of the Vrenčev group. The judgment was published, translated and disseminated.
CM/ResDH(2020)286	**SER / Živanović and Others and 3 other cases**	**29171/16+**	**19/09/2019** 19/09/2019	***Access to and effective functioning of justice:*** *Excessive length of different types of judicial proceedings. (Article 6 §1)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed. *General measures* required in response to the shortcomings found continue to be examined within the framework of the Jevremović group of cases.
CM/ResDH(2020)171	**SUI / GRA Stiftung gegen Rassismus und Antisemitismus**	**18597/13**	**09/04/2018** 09/01/2018	***Freedom of expression:*** *Disproportionate interference due to the domestic courts' order that the applicant organisation remove from its website a text which*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. The applicant organisation seized the Federal Court with a request for revision of the impugned decision. The Federal Court rejected this request in July 2019 on the

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				categorized a local politician's statements supporting the prohibition of the building of new minarets as "verbal racism". (Article 10)	ground that the prerequisites for revision, which is an extra-ordinary remedy and should be used only when no ordinary remedy is available, have not been fulfilled. Subsequently, the applicant organisation initiated civil proceedings before the competent district court for the suspension of the prohibition in question. In April 2020 the impugned domestic judgments of 2011 and 2012 were quashed with regard to the interdiction to publish the article concerned and the sanction imposed. *General measures*: The judgement was published, translated and disseminated to all authorities directly concerned.
CM/ResDH(2020)91	**SUI / Mutu and Pechstein**	**40575/10+**	**04/02/2019** 02/10/2018	***Access to and efficient functioning of justice:*** *Unfair trial due to the failure to hold a public hearing in compulsory arbitration proceedings before the Court of Arbitration for Sport in Lausanne. (Article 6 §1)*	*Individual measures*: Just satisfaction awarded for non-pecuniary damage was paid. No request for revision of the impugned proceedings was submitted. *General measures*: New procedural rules allowing public hearings in disciplinary and/or ethics matters before the Court of Arbitration for Sport at the athlete's request were adopted in 2019. The judgment was published and disseminated.
CM/ResDH(2020)83	**SUI / Rivera Vazquez and Calleja Delsordo**	**65048/13**	**22/04/2019** 22/01/2019	***Access to and efficient functioning of justice:*** *Unfair trial due to the infringement of the adversarial principle in proceedings before the Federal Court, which had deprived the applicants of legal representation after raising of its own motion the question of the validity of their choice of lawyer without allowing for adversarial debate. (Article 6 §1)*	*Individual measures*: Just satisfaction for pecuniary damage (sum the applicants were forced to pay to the other party following the Federal Court's decision to deprive the applicants of a lawyer) paid. No request for revision of the impugned judgment was submitted. *General measures*: The judgment was published, translated and disseminated.
CM/ResDH(2020)40	**SVK / Bitto and Others and 10 other cases**	**30255/09+**	**28/04/2014** 28/01/2014 Merits	***Protection of property:*** *Disproportionate interference due to unjust limitations on the use of property by landlords, in*	*Individual measures*: Just satisfaction for pecuniary (amount resulting from the imposition of the rent control scheme) and non-pecuniary damage paid. The applicants have the

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
			07/10/2015 07/07/2015 Just satisfaction	*particular through the rent control scheme. (Article 1 of Protocol No. 1)* *Under Article 46 the ECtHR had found, that the issue had arisen out of legislation and practice and noted the measures taken with a view to gradually improving the situation of landlords. It concluded that a specific and clearly regulated compensatory remedy in order to provide genuine effective relief for the breach found should be introduced.*	legal possibility to terminate tenancy, to gradually increase the rent and to receive the market rent as of 2017 (see below). *General measures*: According to legislation enacted in 2011, flat owners are no longer subject to loss resulting from regulated rent, since they are now entitled to receive the market price as from 2017. Municipalities started carrying out payments to such owners if they had not been able to provide substitute flats and they plan to construct new flats to provide tenants with social housing. Concerning the compensatory remedy, the authorities' efforts did not ultimately result in the adoption of such a mechanism for the losses encountered by the flat owners before the elimination of rent control, as they assessed in 2019 that applications in respect of practically all potentially affected flat owners were lodged with and decided by the ECtHR. Nevertheless, the Government is undertaking to conclude a friendly settlement or to present a unilateral declaration, in conformity with the ECtHR's criteria, should a further application be brought. The judgment was translated, published and disseminated among courts and relevant bodies.
CM/ResDH(2020)26	**SVK / Klacanova**	**8394/13**	**27/11/2018** 27/11/2018	***Access to and efficient functioning of justice:*** *Denial of access to a court due to the Regional Court's failure to provide any reasons at all for not allowing the applicant's claim for costs in respect two out of five acts of legal assistance in administrative court proceedings. (Article 6 §1)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. The applicant' s heirs did not request the reopening of the impugned proceedings. *General measures*: Erroneous application of law. Thus, the judgement was published, translated and disseminated.
CM/ResDH(2020)82	**SVN / A.V.**	**878/13**	**09/07/2019** 09/04/2019	***Protection of family life:*** *Disproportionate interference and failure of authorities to protect the applicant's right to contact*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. The children reached majority in 2014. *General measures*: A new Family Code entered into force in

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				with his three children due to the domestic courts' refusal to order family therapy in the light of the children's negative attitude despite a respective expert opinion and due to the inadequate work and inaction of the social welfare authorities. (Article 8)	2019 amending the competences of social work centres and of the courts with the aim to improving the position of children in family relations and ensuring a more effective implementation of the principle of the best interest of the child. Family matters before the courts should be resolved quickly and lengthy proceedings entailing irreparable negative effects on children and parents avoided. The advisory role of the social work centres in proceedings concerning the protection of family life, including the best interest of the child, guardianship, adoption and contact rights was strengthened. According to amendments to the Social Security Act in 2018, social work centres now also provide for various care services, including the service "a help to a family at home", which relates to professional counselling and assistance in arranging relationships among the family members and in caring for children as well as a training of a family to fulfil its role in a daily life. The Judicial Training Centre organised training sessions and awareness-raising activities for judges and social workers. The judgment was published, translated and disseminated.
CM/ResDH(2020)136	**SVN / Koprivnikar**	**67503/13**	**24/04/2017** 24/01/2017	***No punishment without law**: Failure of domestic courts to ensure observance of the principle of legality as the overall penalty imposed on the applicant was in violation of both the principle that only the law can prescribe a penalty and the principle of retrospectiveness of the more lenient criminal law.*	*Individual measures*: The finding of a violation constituted sufficient just satisfaction in respect of any non-pecuniary damage. In March 2015 the applicant had been convicted of another murder, sentenced to thirty years imprisonment, while a new overall sentence of thirty years was imposed. New sentence was based on the 2011 Criminal Code which amended the deficient legal provision of the 2008 Criminal Code. In June 2018 the Supreme Court did not grant reopening of the impugned proceedings for the protection of legality, expressly referring to the Grand Chamber's judgment in the case of Moreira Ferreira (No. 2) (19867/12), highlighting the principle of subsidiarity and the fact that its decision was deprived of any arbitrariness in regard to the context of the applicable national legal framework and

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					ensuing possibility for obtaining a different outcome in the given case. *General measures*: The impugned provision of the 2008 Criminal Code was amended in the 2011 Criminal Code. The Supreme Court stated in a decision of March 2017 that an overall sentence should be imposed on the basis of the criminal law in force at the time the offences were committed or the more lenient applicable law. No other individual was affected by the application of the deficient provision of the 2008 Criminal Code and sentenced to an overall prison sentence of more than twenty years. The judgment was published, translated and disseminated.
CM/ResDH(2020)115	**SVN / Krajnc**	**38775/14**	**31/01/2018** 31/10/2017	***Protection of property**: Disproportionate interference due to the reduction of his waiting period allowance (benefit for waiting for appropriate job) granted under the 1992 Pension and Disability Insurance Act following the benefit reassessment under legislative amendments introduced in 1999. (Article 1 Protocol No 1)*	*Individual measures:* Just satisfaction for pecuniary (difference in benefit amount under the 1992 Act and the 1999 Act) and non-pecuniary damage paid. The applicant fulfilled the conditions for retirement benefit in 2013. *General measures*: Amendments to the Pension and Disability Insurance Act entering into force in 2020 provided that beneficiaries in a situation similar to the applicant's shall be entitled to file a request for annulment of the final decision and for the payment of the amount granted under prior disability insurance rights from the first day of the month following the change. Prior to the above amendment, domestic courts changed their case-law taking into account the ECtHR's findings in the present judgment when examining similar cases. The judgment was published, translated and disseminated to the Ministry of Labour, Family, Social Affairs and Equal Opportunities, the Ministry of Justice and all domestic courts.
CM/ResDH(2020)102	**SVN / Mandic and Jovic**	**5774/10**	**20/01/2012** 20/10/2011	***Protection against ill-treatment and lack of effective remedy:** Poor conditions of detention in Ljublijana Prison, in particular due to overcrowding, and lack of adequate*	*Individual measures*: Just satisfaction awarded for non-pecuniary damage was paid. The applicants were released before judgment delivery. *General measures*: See CM/ResDH(2018)101 in which the

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				medical care and lack of an effective remedy to challenge them. (Articles 3 and 13)	Committee closed its supervision to the issues related to poor conditions of detention, the lack of a preventive remedy in cases of poor conditions of detention for remand and convicted prisoners as well as the lack of a compensatory remedy for released prisoners. As concerns the issue of effective compensatory remedies for convicted and remand prisoners: they now have a possibility to claim compensation in respect of non-pecuniary damage sustained before the courts. In 2018, the government adopted criteria for the settlements of such claims and settlement proposals were made by the State Attorney's Office in all pending cases before the domestic courts. Given the important increase of court decisions in relation to compensation claims for inadequate living conditions of remand and sentenced prisoners, including by concluding court settlements, the remedies introduced can be considered effective and applied. The judgments were published, translated and disseminated.
CM/ResDH(2020)92	**SVN / Matko and 1 other case**	**43393/98+**	**02/02/2007** 02/11/2006	***Protection against ill-treatment**: Ill-treatment at the hand of police and lack of effective investigations into the allegations. (Article 3 substantive and procedural limb)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. The possibility of reopening investigations was examined: in the first case investigations into the alleged act of violence of 1995 remained time-barred; in the second case, in which police officers were prosecuted and acquitted, prosecution is not possible anymore. In the second case, the applicant instituted civil proceedings and was awarded compensation. *General measures*: The 2008 Criminal Code defined ill-treatment, including at the hands of police, as a separate criminal offence. The Police Tasks and Powers Act of 2013 obliges police officers to respect the persons' integrity, dignity and human rights as well as to adhere to the principles of equal treatment, legality and proportionality, when performing police tasks. Regular education and training sessions as well as awareness-raising activities were

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					organised for police staff. Instructions and manuals for all police units relating to the use of coercive measures were issued in 2015, 2017 and 2019. As concerns the procedural limb, following amendments to the State Prosecutors Act were adopted in 2007 and 2011 a "Department for the Investigation and Prosecution of Officials with Special Authorisation" was set up within the prosecution service, operating under the principle of professional and operational autonomy and with exclusive territorial and material jurisdiction to deal with alleged criminal offences committed by officials of the police, military police and intelligence services; thus ensuring a system of independent, impartial, timely, transparent, thorough and effective investigations. The judgment was published, translated and disseminated.
CM/ResDH(2020)81	**SVN / Prebil**	**29278/16**	**19/06/2019** 19/03/2019	***Access to and efficient functioning of justice:*** *Unfair trial due to the applicant's inability to participate in proceedings concerning a motion to deprive him of his membership in a company's supervisory board, in disregard of the adversarial principle and the principle of equality of arms. (Article 6 §1)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. The Non-Litigious Civil Procedure Act does not provide for a possibility of reopening of proceedings following a ECHR violation. The applicant has not raised a claim for damages before domestic courts or availed himself of other avenues available in legislation. *General measures*: Violation due to inadequate application of legislation and constitutes thus an isolated occurrence. The judgment was published, translated and disseminated.
CM/ResDH(2020)349	**TUR / Ağaoğlu and Biyan**	**27310/95+**	**06/03/2006** 06/12/2005	***Access to and effective functioning of justice:*** *Unfair criminal proceedings on the ground of lacking independence and impartiality of the state security court on account of the presence of a military judge on its bench. (Article 6 §1)* *Other violation: Protection of private life: Unlawful interference due to lacking written rules on telephone interception. (Article 8) Protection against ill-treatment:*	*Individual measures*: Just satisfaction in respect of non-pecuniary damage paid. As the first applicant absconded, the Assize Court decided in 2014 the sentence not to be executed on the grounds that the time limit had expired. His criminal records were deleted. In reopened proceedings, the second applicant was again sentenced to imprisonment. The initiation of investigations into his allegations of ill-treatment during police custody became time barred. *General measures*: Concerning the impartiality and independence of state security courts, see ResDH(99)555 in

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				Ill-treatment during police custody. (Article 3)	Çıraklar group and CM/ResDH(2013)256 in Gencel. Concerning telephone interception, see CM/ResDH(2017)13 in Cevat Soysal. The issues concerning ill-reatment during police custory remain being examined under the Batı and Others (33097/96) group of cases. The judgments were published, translated and disseminated.
CM/ResDH(2020)85	**TUR / Alici and Omak and 2 other cases**	**57653/00+**	**26/04/2010** 26/01/2010	***Protection of rights in detention:*** *Length of police custody without judicial review and absence of judicial remedy to challenge the lawfulness of detention. (Article 5 §3+4+5)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. *General measures*: See CM/ResDH(2002)110 in Sakık and others group; CM/ResDH(2008)29 in Ayaz and Others group and Resolution CM/ResDH(2019)51 in Aksoy group.
CM/ResDH(2020)342	**TUR / Ayangil and Others**	**33294/03**	**06/03/2012** 06/12/2011 Merits **24/12/2013** 24/09/2013 Just satisfaction	***Protection of property:*** *Unjustified interference on account of de facto expropriation of the applicants' property by administrative authorities under the Law on Expropriation to build a primary school without formally expropriating it and without awarding them compensation. (Article 1 of Protocol No.1)*	*Individual measures*: Just satisfaction in respect of non-pecuniary and pecuniary damage paid. *General measures* required in response to the shortcomings found continue to be examined within the framework of the Hakan Arı group of cases.
CM/ResDH(2020)288	**TUR / Bilginoğlu**	**45102/04**	**03/12/2019** 03/12/2019	***Protection of property:*** *Disproportionate interference due to the administration's delay in paying additional compensation for expropriation with regard to the difference between the default interest rate and the average inflation rate. (Article 1 of Protocol No. 1)*	*Individual measures*: Just satisfaction for pecuniary damage paid as awarded. *General measures*: See CM/ResDH(2001/70) in the Aka group of cases. The impugned facts took place before these measures had been implemented. The judgment was published, translated and disseminated.
CM/ResDH(2020)348	**TUR / Can**	**2437/08**	**25/09/2018** 25/09/2018	***Protection of private life and family / discrimination on the ground of sex:*** *Discriminatory treatment on the ground of the dismissal of a woman from her post as security officer on the ground that she did*	*Individual measures*: Just satisfaction in respect of non-pecuniary and pecuniary damage (loss of earnings) awarded on an equitable basis paid. The applicant did not request reopening of domestic proceedings and did not seek to be re-employed as a security officer.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				not fulfil the requirements of "being a man" and "having completed military service". (Article 14 in conjunction with 8)	*General measures*: See CM/ResDH(2017)147 in Emel Boyraz. The judgment was published, translated and disseminated.
CM/ResDH(2020)350	**TUR / Dağdelen and others**	**1767/03+**	**25/02/2009** 25/11/2008	***Protection against ill-treatment / access to and effective functioning of justice:*** *Ill-treatment during police custody and time-barring of the proceedings against the police officers concerned – unfair criminal proceedings due to the applicants' convictions on the basis of confessions extracted from them under duress while in police custody in the absence of a lawyer. (Article 3 substantive and procedural limb / Article 6 §§1+3))*	*Individual measures*: Just satisfaction in respect of non-pecuniary damage paid. The applicants failed to request for reopening of the proceedings which they might have obtained an acquittal decision which could have led to the complete deletion of the criminal records. The criminal proceedings initiated with respect to the torture allegations raised by the applicants were dropped in 2004. *General measures* concerning the question of torture and ill-treatment by the police and security forces in the course of arrests, during police custody and interrogation are being examined within the context of the Batı and Others (33097/96) group of cases in a broader perspective to eradicate this phenomenon. Furthermore, the issue of ineffective investigations into allegations of ill-treatment is also examined under the Batı group of cases. For improved procedural safeguards in police custody, including a zero-tolerance policy aimed at the total eradication of torture, see also Interim Resolution CM/ResDH (2008)69) in Aksoy. As concerns the interrogation without access t a lawyer, see CM/ResDH (2018)219 in Salduz. The judgment was published, translated and disseminated. It is used in training activities for judges and public prosecutors.
CM/ResDH(2020)5	**TUR / Dirama**	**20797/07**	**13/11/2018** 13/11/2018	***Access to and efficient functioning of justice:*** *Denial of a fair hearing on account of the applicant's inability to comment on the expert opinion on which the domestic court based its decision and, on appeal stage, the Court of Cassation's dismissal of the applicant's specific complaint about the failure of timely notification of this*	*Individual measures*: The finding of a violation constitutes sufficient just satisfaction for non-pecuniary damage. The applicant did not request the reopening of the impugned civil proceedings. *General measures*: Isolated malpractice as the Code of Civil Procedure requires expert reports to be communicated to the parties. In later cases, the Court of Cassation had quashed the first instance court's judgments on account of

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				hearing. (Article 6 §1)	non-compliance with the two weeks period provided for raising observations and objections against the expert report. The judgement was published, translated and disseminated.
CM/ResDH(2020)48	**TUR / Duzel and 20 other cases**	**64375/12+**	**25/09/2018** 25/09/2018	***Freedom of expression:*** *Unjustified and disproportionate interferences on account of criminal proceedings initiated under various articles of the Criminal Code and Anti-Terrorism Law for having expressed opinions although these did not incite hatred or violence. (Article 10)*	*Individual measures*: Just satisfaction for pecuniary (unjustified judicial fine) and non-pecuniary damage paid. Reopening of the impugned proceedings was possible on request and re-tried applicants were finally acquitted. *General measures* required in response to the shortcomings found continue to be examined within the framework of the Öner and Türk (51962/12) and Altuğ Taner Akcam (27520/07) groups of cases.
CM/ResDH(2020)119	**TUR / Egitim ve Bilim Emekcileri Sendikasi**	**20641/05**	**25/12/2012** 25/09/2012	***Freedom of association and freedom of expression:*** *Disproportionate interferences due to the initiation of dissolution proceedings of a trade union for supporting right to education in a mother tongue other than the national language, which forced the trade union to change its statute. (Articles 10 and 11)*	*Individual measures:* Just satisfaction for non-pecuniary damage paid. In 2011, the applicant union's statute included again the purpose of educating all members of the community in their mother tongue under the union's aims. *General measures*: Violation resulted from the Court of Cassation's misinterpretation that the trade union's call for education in a mother tongue other than the national language was in breach of the Constitution, its principle of a unitary State and the respect of the existing legal system despite the fact that the trade unions' statute did not contain any incitement to use violence in order to fulfil the aims pursued. Several training and awareness raising activities were organised in order to align the practice of national courts with the principles set out in the ECHR and ECtHR's case-law. The judgment was published, translated and circulated to the relevant institutions.
CM/ResDH(2020)172	**TUR / Ellis**	**1065/06**	**04/04/2017** 04/04/2017	***Access to and efficient functioning of justice and protection of property:*** *Domestic courts' refusal to transmit a copy of a favourable judgment necessary for*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. *General measures*: See CM/ResDH(2018)185 in Ülger group.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				enforcement proceedings due to the lacking payment of outstanding court fees. (Article 6 §1 and 1 of Protocol No. 1)	
CM/ResDH(2020)353	**TUR / Emen**	**25585/02**	**26/04/2010** 26/01/2010	***Access to and efficient functioning of justice*** *Unfair hearing on account of the applicant's conviction on the basis of witness statements taken and evidence gathered in the absence of the applicant and in the course of other criminal proceedings. (Article 6 §§1+3d)*	*Individual measures*: Just satisfaction in respect of non-pecuniary damage paid. In reopened proceedings in the applicant's presence, the domestic court sentenced the applicant to a life term imprisonment in 2016; the ruling was upheld by the Court of Cassation in 2017. *General measures* required in response to the shortcomings found by the Court in this case continues to be examined within the framework of the Orhan Çaçan (26437/04) case, that the admissibility of evidence in an overall context is examined under the case of Ömer Güner (28338/07).
CM/ResDH(2020)289	**TUR / Filiz Uyan**	**7496/03**	**08/04/2009** 08/01/2009	***Protection against ill-treatment:*** *Ill-treatment due to the refusal to remove handcuffs from prisoner brought in for gynaecological examination and presence of male guards in the consultation room. (Article 3 substantive limb)*	*Individual measures*: No claim for just satisfaction submitted. *General measures*: See CM/ResDH(2008) in Y.F. The Code of Criminal Procedure of 2005 provides that the physical examination of or the taking of body samples from, an accused or a suspect shall require the decision of a judge or a court following a request lodged by a public prosecutor or a victim or a decision taken by a judge or a court. It also provides that any person who orders a gynaecological examination to be conducted or who performs such an examination on an individual without due authorisation will be liable to imprisonment for a term of 3 months to one year. Furthermore, the Regulations on Arrests, Detentions and Interrogations were amended in 2004 providing that medical examination of detainees shall only be carried out by a forensic doctor and that security forces shall only be present on the premises if the forensic doctor so requests for security reasons. The judgment was published, translated and disseminated.
CM/ResDH(2020)	**TUR /**	**58764/09**	**15/10/2019**	***Protection of rights in detention****: Lack of a*	*Individual measures*: Just satisfaction for non-pecuniary

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
291	**Garipoğlu**		15/10/2019	*hearing to examine the prolongation of detention on remand. (Article 5 §4)*	damage paid. The applicant was released pending trial in 2010. *General measures*: See CM/ResDH(2017)91 in Karaosmanoğlu and Özden; CM/ResDH(2018)158 in Ayboga and Others, CM/ResDH(2018)393 in Kochan and CM/ResDH(2019) in Erbek.
CM/ResDH(2020)352	**TUR / Gültekin and Others and 7 other cases**	**52941/99+**	**31/08/2005** 31/05/2005	***Protection against ill-treatment / access to and effective functioning of justice:*** *Torture at the hands of law enforcement officers, ineffectiveness of investigations and lack of a remedy in relation to torture and ill-treatment allegedly inflicted by law enforcement officers between 1991 and 1997; unfair criminal proceedings due to the lack of an independent and impartial tribunal on account of the presence of a military judge on the bench of State Security Courts and excessive length of proceedings. (Article 3 substantive and procedural limb, Articles 13 as well as 6 §1)*	*Individual measures*: Just satisfaction in respect of non-pecuniary damage paid. The applicants did not request reopening of the proceedings in which they might have obtained an acquittal decision which could have led to the complete deletion of the criminal records. With regard to the reopening of investigations into the allegations of acts of torture raised by the applicant, the prosecution office underlined in 2019 that they had become time-barred between 2001 and 2007. *General measures*: The substantive violations in these cases stemming from torture and other forms of ill-treatment by law enforcement officials have mainly been supervised by the Committee of Ministers under the *Aksoy* group (see Final Resolution CM/ResDH(2019)51). For measures in relation to the presence of a military judge on the bench of State Security Courts, see DH(99)555 in the *Çıraklar* case and CM/ResDH(2013)256 in the *Gençel* group. For measures in relation to excessive length of proceedings, see CM/ResDH(2014)298 in the *Ormancı and Others* group. The judgments were published, translated and disseminated.
CM/ResDH(2020)351	**TUR / Hülya Ebru Demirel**	**30733/08**	**03/12/2018** 19/06/2018	***Access to and efficient functioning of justice / discrimination on the ground of sex:*** *Unfair proceedings on account of the lack of adequate reasoning in the Supreme Administrative Court's decisions with regard to the applicant's submissions for rectifications in the light of conflicting*	*Individual measures*: Just satisfaction in respect of non-pecuniary and pecuniary damage (loss of earnings) awarded on an equitable basis paid. The applicant did not request reopening of domestic proceedings and did not seek to be re-employed as a security officer. *General measures*: See CM/ResDH(2017)147 in Emel Boyraz. As concerns the issue of lacking adequate reasoning In

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				decisions in similar cases heard in the same court and on account of the dismissal of the applicant from her post as security officer on the ground that she did not fulfil the requirements of "being a man" and "having completed military service" (Article 14 in conjunction with Article 8 and Article 6 §1)	domestic court decisions, it continues to be examined in the Deryan group of cases (41721/04). The judgment was published, translated and disseminated.
CM/ResDH(2020)235	**TUR / İlhan Fırat**	**40851/08**	27/08/2013 Decision	***Protection against ill-treatment**: Lack of due diligence and sufficient promptness to carry out effective investigations of allegations of ill-treatment at the hands of State agents. (Article 3)*	*Individual measures:* Just satisfaction paid as agreed in the friendly settlement. In 2013, domestic courts convicted the perpetrator to a 10-months prison term. This decision became final in 2015. *General measures*: The government's undertaking with regards to carrying out effective investigations into allegations of ill-treatment continues to be examined within the framework of the Bati and Others (33097/96) group of cases.
CM/ResDH(2020)341	**TUR / Kahyaoglu and Others and 2 other cases**	**37203/05+**	**31/08/2016** 31/05/2016	***Protection of property:** Unjustified interference on account of de facto expropriation of the applicants' property by administrative authorities under the Law on Expropriation which allowed launching construction projects before the formal expropriation proceedings became final and on account of the legal interest rate applied by domestic courts instead of the maximum interest rate applicable to formal expropriations. (Article 1 of Protocol No.1)*	*Individual measures*: Just satisfaction in respect of non-pecuniary and pecuniary damage paid. *General measures* required in response to the shortcomings found continue to be examined within the framework of the Sarıca and Dilaver and Hakan Arı groups of cases.
CM/ResDH(2020)292	**TUR / Kamoy Radyo Televizyon**	**19965/06**	**09/09/2019** 16/04/2019	***Protection of property:** Unjustified interference due to the domestic courts' rejection of the applicant newspaper*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. The applicant did not request reopening of the civil proceedings within the time-limit set by the law.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
	Yayıncılık ve Organizasyon A.Ş.			*company's trademark protection claim by applying retroactively a piece of legislation, which had no public interest justification and was subsequently annulled by the Constitutional Court. (Article 1 of Protocol No. 1)*	General measures: The impugned piece of legislation, the Patent Institute Act, was found unconstitutional and declared void by the Constitutional Court in 2008. The Code of Industrial Property of 2016, as amended in 2017, also protects newspaper names. In 2018, the Constitutional Court found that the retroactive application of the impugned Patent Institute Act constituted a violation of the applicant's right to a fair trial. The judgment was published, translated and disseminated.
CM/ResDH(2020)194	**TUR / Kanal and 9 other cases**	**55303/12+**	**15/04/2019** 15/01/2019	***Right to life, protection of private life and lack of an effective remedy:*** *Failure of authorities to protect the lives of the applicants or their next-of-kin on account of medical negligence or medical errors committed by health care providers employed mainly by state-run hospitals, failure to protect right to physical integrity on account of general and insufficiently substantiated nature of the medical expert's report, failure of the judicial system to provide a remedy to challenge the length of proceedings. (Articles 2 substantive and/or procedural limb, and/or Articles 8 and/or 13)*	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicants also received compensation on account of pecuniary and/or non-pecuniary damages awarded by civil and administrative courts. General measures required in response to the shortcomings found continue to be examined within the framework of the Oyal group of cases (4864/05).
CM/ResDH(2020)87	**TUR / Kar**	**25257/05**	**29/06/2011** 29/03/2011 Merits **21/02/2018** 21/11/2017 Just satisfaction **26/016/2019** 26/03/2019 Revision	***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)*	Individual measures: Just satisfaction awarded for pecuniary damage was paid. General measures: See CM/ResDH(2012)106 in Turgut and Others group, in particular concerning the change of Court of Cassation's case-law holding that the State bore responsibility for any irregularities in the land registers and that the State was accountable for any damage stemming from entries that were incorrect or had no basis. The judgment was translated, published and disseminated.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2020)354	**TUR / Karaçay and 6 other cases**	**6615/03+**	**27/06/2007** 27/03/2007	***Freedom of association:*** *Disproportionate interference due to the disciplinary warning sanction imposed on the applicants, public servants, for participating in a protest meeting organised by his trade union; absence of any effective remedy based on the relevant provisions of the Constitution and Law 657due to the inability to submit such sanctions to judicial control. (Articles 11 and 13)*	Individual measures: Just satisfaction in respect of non-pecuniary damage paid, if awarded. In some cases, the finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. Following the 2006 Law on am amnesty for certain disciplinary sanctions imposed on officials, the disciplinary warning sanction imposed on the first applicant was cancelled and removed from the personal file. Other applicants could not benefit from the amnesty brought by the afore-mentioned law on account of the timeframe adopted as regards applicability of this legislation. Some of the applicants did not avail themselves of requesting the administration to remove the sanctions imposed. General measures: The prohibition for civil servants to join a trade union was abolished by constitutional amendment in 2010. Parallel amendments were made in Law on Public Servants in 2011. It is now possible to appeal before administrative courts against disciplinary sanctions. Domestic administrative courts and the Council of State have aligned their jurisprudence with the requirements of ECHR regarding the annulment of administrative sanctions for public servants' trade union activities. Examples of the Constitutional Court's case-law on trade union rights were also submitted. The judgments were published, translated and disseminated. It is also used in training activities of the Justice Academy for judges and prosecutors.
CM/ResDH(2020)345	**TUR / Kavak**	**30669/11**	**07/05/2019** 07/05/2019	***Protection of private life****: Failure of authorities to protect the applicant's reputation due to the dismissal of his claims for damages against the newspaper and journalists following the publication of newspaper articles presenting him as terrorist bomber with name and photograph, despite his subsequent*	Individual measures: No claim for just satisfaction in respect of non-pecuniary damage submitted. The applicants did not avail themselves of the opportunity to request reopening. General measures: See CM/ResDH (2019)215 in Tarman group. The judgments were published, translated and disseminated and used in training courses of the Justice Academy.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				acquittal. (Article 8)	
CM/ResDH(2020)175	**TUR / Leyla Can**	**43140/08**	**04/11/2019** 18/06/2019	***Protection of private and family life:*** *Unjustified interference on account of the refusal of the applicant's request, as a single adoptive mother, to have her own forename registered in the personal documents of her adopted daughter in the place of name of the child's biological mother. (Article 8)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. All personal documents relating to the applicant's adoptive child were amended in 2018 according to the applicant's request. *General measures*: See CM/ResDH(2016)331 in Gözüm case. Furthermore, the Civil Registration Services Law was amended in 2017 to stipulate that children and/or adults adopted by a single parent before November 2017 can submit an application to the civil registration offices within five years following the introduction of this article in order to replace the birth parents' names/surnames with those of the adoptive parents in the civil register.
CM/ResDH(2020)14	**TUR / Mikail Turzun**	**42507/06**	**27/02/2019** 27/11/2018	***Access to and efficient functioning of justice****: Denial of a fair trial on account of the applicant's inability to claim the entire compensation amount determined by the expert (amount that was considerably higher than the amount he had originally claimed) in administrative proceedings. (Article 6 §1)*	*Individual measures:* Just satisfaction for non-pecuniary damage paid. The applicant was entitled to make a request for reopening of the domestic proceedings within one-year time-limit as of the ECtHR judgment became final. *General measures*: See CM/ResDH(2016)115 in Erten. The judgement was published, translated and disseminated.
CM/ResDH(2020)137	**TUR / Musa Tarhan**	**12055/17**	**18/03/2019** 23/10/2018	***Protection of property****: Disproportionate interference due to the domestic courts' order for the applicant to pay the cost of the expropriating administrative authority's legal representation in expropriation proceedings. (Article 1 of Protocol No. 1)*	*Individual measures*: Just satisfaction in respect of pecuniary damage (legal fees the applicant was ordered to pay) paid. *General measures*: In 2019 the Court of Cassation changed its case-law on reimbursement of administration's legal fees in expropriation proceedings with reference to the present judgment. Thus, the owners of the immovable properties should not any longer be held liable for legal fees of administration in the expropriation proceedings. The judgment was published, translated and disseminated.
CM/ResDH(2020)	**TUR / Muslum**	**30307/03**	**02/05/2010**	***Freedom of assembly and association:***	*Individual measures*: Just satisfaction with regard to non-

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
152	**Ciftci**		02/02/2010	*Disproportionate interference due to the transfer of the applicants (civil servants) to other provinces as a sanction in disciplinary proceedings for having taken part in activities organised by their trade union. (Article 11)*	pecuniary damage paid. The applicants did not request reopening of the proceedings. *General measures*: Violation stemmed from the misapplication of law by domestic courts. Examples of other domestic courts' decisions annulling transfers of civil servants to other provinces with reference to Article 11 ECHR were submitted. The judgments were published, translated and disseminated. They were used in training courses for judges and prosecutors.
CM/ResDH(2020)339	**TUR / Mustafa Avci and 2 other cases**	**39322/12+**	13/11/2017 23/05/2017	***Protection of rights in detention:*** *Lack of a speedy review of the lawfulness of the applicants' detention on account of their inability to access the investigation file and the non-communication of the public prosecutor's opinion as well as lack of an enforceable right to compensation for unlawful detention. (Article 5 §§4+5)*	*Individual measures*: The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. The applicants were released. One applicant passed away. General measures: In 2014, the impugned provision in the Prevention of Terrorism Act concerning the restriction to one's case-files was repealed. During the state of emergency following the coup of 2016 until 2018, the public prosecutor could also deliver such decision on his/her own motion without a judge decision whereas the Criminal Procedure Code stipulates that only a judge can restrict access to the case-file. As concerns the non-communication of the opinion of the Public Prosecutor, see CM/ResDH(2016)332 in Demirel. The judgments were published, translated and disseminated.
CM/ResDH(2020)344	**TUR / Ocak**	**33675/04**	**19/04/2010** 19/01/2010 Merits 09/09/2019 19/03/2019 Just satisfaction	***Protection of property:*** *Lack of compensation following the transfer of the ownership of applicant's land to the State Treasury. (Article 1 of Protocol No. 1)*	*Individual measures:* Just satisfaction in respect of non-pecuniary and pecuniary damage paid. *General measures*: See CM/ResDH(2012)106 in Turgut and Others. The judgment was published, translated and disseminated.
CM/ResDH(2020)290	**TUR / Özbek and Others**	**35570/02**	**06/01/2010** 06/10/2009	***Freedom of association:*** *Unnecessary interference due to the refusal of the first*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. Following the judgment, the applicants

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				instance courts and the Court of Cassation to grant the applicants time to amend the Constitution of their public-benefit foundation both to reflect their true aims and to comply with the legal requirements for registration. (Article 11)	established an association, still active today, instead of a foundation. *General measures*: The Civil Code was amended in 2002, clarifying that the courts should grant time to foundations by the courts to complete or amend their constitutions before the decision on registration is made. Examples of the Court of Cassation's adapted case-law were submitted. More generally, the General Directorate of Foundations (GDF) is the governmental institution competent to manage and audit foundations with religious purposes. According to the Civil Code, court decisions on new foundations' registration may be appealed within one month from the date of notification, by the applicant or the GDF, if the latter does not recognise the recognise the foundation's purpose as legitimate. The judgment was published, translated and disseminated.
CM/ResDH(2020)340	**TUR / Özdemir**	**59659/00**	**06/05/2003** 06/02/2003	***Access to and effective functioning of justice:*** *Unfair criminal proceedings due to lack of independence and impartiality of national security court. (Article 6 §1)*	*Individual measures*: The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. The applicant did not request reopening of the impugned proceedings. *General measures* considered to be sufficient by the CM and closed, see see CM/ResDH(2013)256 in Gencel group and ResDH(99)555 Çıraklar group. The judgments were published, translated and disseminated.
CM/ResDH(2020)346	**TUR / Özgür Keskin**	**12305/09**	**17/01/2018** 17/10/2018	***Access to and effective functioning of justice:*** *Infringement of the principle of equality of arms and adversarial proceedings on account of the non-communication of the appeal and the appellant's observations to the defendant applicant in accelerated labour proceedings resulting in the fact that the applicant was made to bear a situation of*	*Individual measures*: Just satisfaction in respect of non-pecuniary damage paid. In reopened proceedings before the labour court, the Court of Cassation, holding that the applicant had been informed of the appeal petition during the hearing of March 2019, subsequently dismissed the applicant's requests on points of law and finally dismissed the case. *General measures:* The Constitutional Court and the Court of Cassation changed their case-law in 2014, followed by the

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				procedural uncertainty. (Article 6 §1)	labour courts, so that submissions of both parties at the appeal stage are now communicated to the other party. The judgment was published, translated and disseminated.
CM/ResDH(2020)347	**TUR / Seyithan Demir**	**25381/02**	**28/10/2009** 28/07/2009	***Access to and effective functioning of justice:*** *Unfair criminal proceedings on account of the proceedings before the first-instance state security court having taken place in the applicant's absence. (Article 6 §§1+3c)*	*Individual measures*: Just satisfaction in respect of non-pecuniary damage paid. The applicant was released in 2003 and did not request a retrial. *General measures*: See CM/ResDH(2011)305 in Unsal. The constitutional provisions concerning state security courts were abolished in 2004. In 2005, the current Code of Criminal Procedure entered into force. The judgment was published, translated and disseminated.
CM/ResDH(2020)118	**TUR / Sukran Aydin and Others and 1 other case**	**49197/06+**	**27/05/2013** 22/01/2013	***Freedom of expression:*** *Unlawful interference on account of the applicants' conviction for having spoken Kurdish during election campaigns in 2002, 2004 and 2007 as candidates either in parliamentary or municipal elections. (Article 10)*	*Individual measures:* Just satisfaction for non-pecuniary damage paid. In reopened proceedings following the amendment of the impugned legal provisions, the applicants were acquitted, and their criminal records erased. *General measures*: The impugned provision in the Law on the Basic Provisions on Elections and Voter Registers was amended in 2014 allowing "all kind of propaganda [during election campaigns] … also in languages and dialects other than Turkish". As concerns the second case, the impugned provisions of the Law on Political Parties were declared unconstitutional by the Constitutional Court in 2012. The Court of Cassation consequently adapted its case-law in 2013. The judgments were published, translated and disseminated to all domestic courts.
CM/ResDH(2020)174	**TUR / Talu and 9 other cases**	**63465/12+**	**27/11/2018** 27/11/2018	***Freedom of expression / access to and efficient functioning of justice:*** *Unjustified and disproportionate interference due to convictions in civil defamation proceedings as well as excessive length of proceedings. (Articles 10 and 6 §1)*	*Individual measures*: Just satisfaction for pecuniary (amount of fines) and non-pecuniary damage paid to the applicants as awarded. *General measures* required in response to the shortcomings found by the Court in these judgments continues to be examined within the framework of the Pakdemirli (35839/97), Dilipak and Karakaya (7942/05 and 24838/05)

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					and Saygili and Others (19353/03) cases. Concerning length of proceedings, see CM/ResDH(2014)298 in Ormanci and Others group.
CM/ResDH(2020)116	**TUR / Tarak and Depe**	**70472/12**	**09/07/2019** 09/04/2019	***Protection of rights in detention**: Arbitrary and arrest and police detention of an unaccompanied minor (and later of his mother) for questioning in the context of a burglary in the neighbourhood. (Article 5 §1)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. The applicants were released after questioning. *General measures*: The Juvenile Protection Law of 2005 regulates law enforcement obligations with regard to juveniles. The initiation of proceedings concerning their need of protection and/or crime must be notified to their parent or guardian/carer, to the bar and to the Social Services and Child Protection Agency. The juvenile may be accompanied by a next-of-kin during his presence at law enforcement. Training activities for law enforcement officers were organised. The juvenile unit of law enforcement shall secure the juveniles' safety through appropriate measures and deliver them to the Social Services and Child Protection Agency as soon as possible. Judges and public prosecutors assigned to juvenile courts and social workers and probation officers at probation and assistance centre directorates are also trained on subjects such as juvenile law, social service, child development and psychology. Judicial Interview Rooms were established in 2017 by the Victim Rights Department of the Ministry of Justice in order to take statements and declarations of children. Furthermore, a protocol was signed between the Police department and the Ministry of Family, Labour and Social Services in order to make instantaneous notification of the information concerning children where a procedure is initiated against children in need of protection. In 2018 and 2019, staff working in the juvenile units of the law enforcement received special training on judicial procedures in respect of children. The General Police Department issued circulars on "Protection of Children and Practices of Children Police" and "Child Care Unit" in 2004

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					and 2009, respectively. The individual application to the Constitutional Court introduced in 2012 was found to be an effective remedy. The judgment was translated, published and widely disseminated.
CM/ResDH(2020)206	**TUR / Tarkan Yavaş and 2 other cases**	**58210/08+**	**18/12/2012** 18/09/2012	***Protection against ill-treatment /access to and efficient functioning of justice:*** *Ineffectiveness of investigations, criminal prosecutions and disciplinary proceedings in relation to killing, torture and ill-treatment and the excessive use of force by the police and security forces (hereafter "state agents") in 1998.*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. The CM expressed regret that no further individual measures, e.g. reopening of investigations, was possible at this stage. *General measures*: Concerning the substantive aspects of ill-treatment see CM/ResDH(2019)51) in Aksoy group. Concerning length of criminal proceedings see CM/ResDH(2014)298) in *Ormancı and Others* group. General measures required in response to the shortcomings found regarding the ineffectiveness of investigations in respect of allegations of excessive use of force while dispersing peaceful demonstrations continues to be examined within the *Batı* group concerning the ineffectiveness of investigations group.
CM/ResDH(2020)207	**TUR / Taskin and Others and 3 other cases**	**46117/99+**	**30/03/2005** 10/11/2004	***Access to and effective functioning of justice / Protection of private life:*** *Failure to protect the applicants from private activities producing a dangerous effects to which they may be exposed and to comply with administrative court decisions annulling various permits required for the operation of a gold mine (Taşkın and Others, Lemke, Öçkan and Others cases) or failure to revoke the construction permit of a building (Kumbaracıbaşı case). (Articles 6 in all cases and 8 in first group of cases)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. *General measures* required in response to the shortcomings found continue to be examined within the framework of the Genç and Demirgan, Okyay and Others, Bursa Barosu Başkanlığı and Others cases.
CM/ResDH(2020)117	**TUR / Urat**	**53561/09**	**06/05/2019** 27/11/2018	***Access to and efficient functioning of justice****: Infringement of the presumption of*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. The reopened disciplinary proceedings are still

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				innocence in proceedings before administrative courts when they upheld a teacher' s dismissal following discontinued criminal proceedings by in wording which amounted to an unequivocal declaration of the applicant's criminal liability. (Article 6 §2)	pending. *General measures*: See CM/ResDH(2019)217 in the Erkol group, in particular regarding the change of case-law of the Court of Cassation. The judgment was published and disseminated.
CM/ResDH(2020)343	**TUR / Zeki Kaya**	**22388/07**	12/05/2019	***Protection of property:*** *Disproportionate interference due to the considerable loss in value and insufficient statutory interest rate of the compensation awarded after excessive length of proceedings. (Article 1 of Protocol No. 1 and of Article 6 §1)* *Other violation: lack of effective remedy (Article 13) in view of the absence of a possibility in domestic judicial system to request for re-evaluation of the initial amount of compensation at the subsequent stages of proceedings).*	*Individual measures:* Just satisfaction in respect of non-pecuniary and pecuniary damage paid. All proceedings closed. *General measures:* In 2013 a legislative amendment allowed for the increase of the initially requested amount during the subsequent proceedings by introducing an adjustment mechanism in the Administrative Procedure Act. The Supreme Administrative Court's and the Court of Cassation's case-law became aligned with European Court standards. See CM/ResDH(2019)104 in Okcu group and CM/ResDH(2001)71 in Akkus group. The judgment was published, translated and disseminated.
CM/ResDH(2020)123	**UK / Beghal**	**4755/16**	**28/05/2019** 28/02/2019	***Protection of private life:*** *Arbitrary interference due to the use of counter-terrorism legislation by border control officers (Schedule 7 Powers) to stop and question the applicant at an airport without suspicion or access to a lawyer following a visit to her husband in custody in France in relation to terrorist offences, which resulted in her being charged with failing to comply with her duty under the counter-terrorism legislation, a charge to which she pleaded guilty and was conditionally discharged. (Article 8)*	*Individual measures:* The finding of a violation constituted sufficient just satisfaction in respect of non-pecuniary damage. The conditional discharge has now been removed from the applicant's criminal record and no longer shows up on background checks on the Police National Computer. *General measures*: Several changes were made to Schedule 7 Powers, in particular concerning the examination and detention regime, and additional safeguards were provided. The Anti-Social Behavior, Crime and Policing Act 2014 reduced the maximum period of detention from nine hours to six hours; introduced a review of the need for continued detention by a review officer; ensured the access to legal

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					advice for all individuals examined for more than one hour; introduced a statutory requirement for training and accreditation of examining and reviewing officers, etc.. Moreover, the Counter Terrorism and Border Security Act 2019 clarified inter alia that answers given in response to questioning under Schedule 7 powers cannot be used in subsequent criminal trials. The Schedule 7 Codes of Practice 2014 and 2015 contain further clarification on how the powers are to be exercised. A new draft of the Schedule 7 Code of Practice, which was subject to public consultation in 2020 and will be submitted to Parliament, reflects changes made by the Counter-Terrorism and Border Security Act 2019. The judgment was published and disseminated.
CM/ResDH(2020)124	**UK / V.M. No. 2**	**62824/16**	**25/07/2019** 25/04/2019	***Protection of rights in detention:*** *Unlawful detention pending deportation due to deficiencies in the detention reviews required by domestic law and the lack of sufficient redress. (Article 5 §1f).*	*Individual measures*: Just satisfaction in respect of non-pecuniary damage paid. *General measures*: Violations found in this specific case arose from the deficiencies in the detention reviews by the authorities that did not make appropriate arrangements for the applicant's release during that period. See also CM/ResDH(2017)252 in J.N. and V.M., in particular the ECtHR's finding that the immigration detention system and domestic remedies available to a detained person are in principle ECHR compatible. Comprehensive guidance on detention is provided in the instructions and guidance for immigration staff. The judgment was published and reported upon in general and legal media.
CM/ResDH(2020)89	**UKR / Abramova**	**41988/08**	**18/12/2018** 18/12/2018	***Access to and efficient functioning of justice:*** *Denial of access to a court due to the courts' failure to examine the applicant's defamation claim against the prosecutor's office. (Article 6 §1)*	*Individual measures*: Just satisfaction awarded for non-pecuniary damage was paid. The applicant did not avail herself of the possibility to request review of the impugned proceedings. *General measures*: A new procedure to contest the actions of the public prosecutors, established by the Supreme

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					Court's Resolution on the protection of an individual's or legal entity's dignity, honour and the business reputation, which clarifies the question of jurisdiction, including in the cases concerning rectification of information contained in courts' decisions, pre-trial investigation authorities' decisions, conclusions of forensic examinations etc. The judgment was published, translated and disseminated.
CM/ResDH(2020)299	**UKR / Agrokompleks**	**23465/03**	**06/03/2012** 06/10/2011 Merits **09/12/2013** 25/07/2013 Just satisfaction	***Access to and effective functioning of justice:*** *Unfair insolvency proceedings against an oil refinery in which the State was a major shareholder due to the lack of independence and impartiality of the domestic court; excessive length of the proceedings; quashing of a final judicial decision under newly-discovered circumstances in breach of the principle of legal certainty; and, as a result, the interference with the applicant company's rights to peaceful enjoyment of its possessions. (Article 6 §1 (three times) and 1 of Protocol No. 1)*	*Individual measures*: Just satisfaction awarded as aggregated sum covering all heads of damage was paid under conditions accepted by the applicant company. The applicant company did not avail itself of the possibility to apply for reopening of the impugned proceedings. *General measures*: Progress has been achieved to resolve the issues related to review of final judicial decisions in breach of the principles of legal certainty and res judicata, in particular through the legislative measures introduced in 2010-2017, case-law developments and dissemination measures by the higher courts, the Higher Council of Justice and the National School of Judges. Legislative, institutional and practical measures undertaken in the context of a comprehensive reform of the system of judicial discipline and careers of judges to enhance internal judicial independence, were examined within the Oleksandr Volkov group. Outstanding general measures to enhance the rule of law, the independence and impartiality of the judiciary as well as the access to efficient justice as well as an administration of justice without unreasonable delays, continue to be examined in the context of the Oleksandr Volkov and Merit / Svetlana Naumenko groups of cases.
CM/ResDH(2020)196	**UKR / Akymenko and 14 other cases**	**32567/11+**	**04/07/2019** 04/07/2019	***Protection of rights in detention:*** *Unlawfulness of detention, excessive length of detention on remand as well as lack of judicial review and of an*	*Individual measures:* Just satisfaction for non-pecuniary damage paid. The applicants were no longer in detention on remand by the time of the ECHR's judgments (they had either been released or convicted).

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				enforceable right to compensation. (Article 5 §§1+3+4+5)	General measures with regard to the outstanding questions related to the application of detention on remand under the 2012 Code of Criminal Procedure is being supervised in the context of the Ignatov group of cases.
CM/ResDH(2020)293	**UKR / Aleksandrov**	**56483/09**	**09/01/2020** 09/01/2020	***Cooperation with the European Court:*** *Refusal by the authorities to provide the applicant with an effective access to the documents from his criminal file needed to substantiate his applications before the ECtHR. (Article 34)*	*Individual measures*: The finding of a violation constitutes in itself sufficient just satisfaction for the non-pecuniary damage. Domestic proceedings are closed. *General measures* required in response to the shortcomings found continue to be examined within the framework of the Naydyon group of cases.
CM/ResDH(2020)46	**UKR / Andrianova and Others and 6 other cases**	**10319/04+**	**12/12/2013** 12/12/2013	***Access to and efficient functioning of justice:*** *Unfair proceedings due to non-enforcement or delayed enforcement of domestic judicial decisions, mostly delivered against entities owned or controlled by the State, and to the lack of an effective remedy in this respect. (Article 6 §1)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. Domestic judgment enforced in all cases. *General measures* required in response to the shortcomings found continue to be examined within the framework of the Yuriy Nikolayevich Ivanov / Zhovner and Burmych and Others group of cases.
CM/ResDH(2020)295	**UKR / Azyukovska and 11 other cases**	**47921/08+**	**17/12/2019** 17/12/2019	***Access to and effective functioning of justice:*** *Excessive length of criminal/civil proceedings as well as the lack of effective remedy in this respect. (Articles 6 §1 and 13)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid or transferred to a special deposit of the Ministry of Justice due to lacking bank details. Domestic proceedings closed. *General measures* required in response to the shortcomings found by the Court in the present judgments continues to be examined in the framework of the Merit and Svetlana Naumenko groups of cases
CM/ResDH(2020)121	**UKR / Bila and Others and 6 other cases**	**36245/12+**	**20/12/2018** 20/12/2018	***Access to and efficient functioning of justice****: Unfair proceedings due to the domestic authorities' failure to duly notify the applicants of court proceedings against them. (Article 6 §1)*	*Individual measures:* Just satisfaction for non-pecuniary damage paid. Domestic proceedings were reopened where requested by the applicants, who were duly notified about the new hearings. *General measures* required in response to the shortcomings

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					found continue to be examined within the framework of the Gurepka v. Ukraine (No. 2) group.
CM/ResDH(2020)176	**UKR / Bochan**	**7577/02**	**03/08/2007** 03/05/2007	***Access to and efficient functioning of justice**: Denial of a fair hearing by an independent and impartial tribunal in civil proceedings on account of the repeated reassignment by the Supreme Court of the applicant's case to courts of different territorial jurisdiction, without giving any procedural decision or an opportunity to comment on the reassignment, and on account of the domestic courts' failure to give adequate reasons for their decisions. (Article 6 § 1)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. The applicant's request for reopening of the impugned proceedings was dismissed by the Supreme Court in 2008. In 2015 the ECHR in the case Bochan (No.2) found a new violation on account of the unfairness of these review proceedings. Following this second judgment, the applicant's heir (the applicant herself died) lodged a new request for review, resulting in the domestic courts' re-examination of the case in a Convention-compliant manner in 2016-2018. *General measures*: According to the Code of Civil Procedure of 2005, the Supreme Court had no longer the power to order the reassignment of cases from one court to another. Furthermore, it provided for an exhaustive list of objective grounds for the reassignment of cases. The Code also provided for the obligation of a court/judge to give reasons in every decision taken. Further amendments in 2017 made the relevant provisions even more detailed. The judgement was published, translated and disseminated. It was included in manuals of the National School of Judges.
CM/ResDH(2020)90	**UKR / East/West Alliance Limited**	**19336/04**	**02/06/2014** 23/01/2014	***Protection of property and lack of a remedy:** Unlawful interference due to arbitrary acts of tax authorities against the applicant company resulting in the company's loss of ownership over fourteen aircraft and non-enforcement of final judicial decisions ordering the return of the aeroplanes. (Articles 1 of Protocol No. 1 and 13)*	*Individual measures*: Just satisfaction awarded for pecuniary and non-pecuniary damage was paid. *General measures*: A new Tax Code was adopted in 2011 introducing effective domestic remedies against arbitrary decisions. Other outstanding questions related to enhancing the rule of law and access to justice continue to be supervised in the framework of the three main groups of cases: Oleksandr Volkov, Merit / Svetlana Naumenko and Zhovner / Burmych.
CM/ResDH(2020)355	**UKR / Garnaga**	**20390/07**	**16/08/2013** 16/05/2013	***Protection of private and family life:** Disproportionate interference on account*	*Individual measures*: The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				of the authorities' and courts' denial of the applicant's request to change her patronymic name from her biological father's to her stepfather's without proper and sufficient reasoning. (Article 8)	Following the judgment of the European Court, the Supreme Court quashed the previous decisions in the applicant's case and remitted the case for a new examination. In 2014, the first-instance court ordered the Civil Status Registration Office to register the applicant's new patronymic name. *General measures*: In 2020, amendments to the Civil Code and to the Family Code were adopted by Parliament to secure the right to choose and change one's patronymic name and to provide a fair balance between the competing interests of the individual and of the society as a whole. Examples of the judicial practice allowing the change of the patronymic name in line with the European Court's present conclusion were submitted. The judgment was published, translated and disseminated.
CM/ResDH(2020)210	**UKR / Gavula and 17 other cases**	**52652/07**	**16/05/2013** 07/10/2013	***Protection against ill-treatment / protection of rights in detention / functioning of justice / co-operation with ECtHR:*** *Poor and overcrowded conditions of detention and transportation, lack of medical care in detention and lack of effective remedies thereof; irregularities of the detention on remand; excessive length of proceedings or of pre-trial detention and failure to comply with an interim measure indicated by the Court under Rule 39. (Articles 3 and 13; 5 §3+4 and 6 §1)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. The applicants are no longer in detention, criminal proceedings closed. *General measures* required in response to the shortcomings found by the Court in the present judgments continues to be examined within the framework of the Nevmerzhitsky, Ignatov, Merit and Salakhov and Islyamova groups of cases.
CM/ResDH(2020)298	**UKR / Gorovenky and Bugara**	**36146/05+**	**12/04/2012** 12/01/2012	***Right to life:*** *Failure to protect the applicants' relatives' lives resulting in their deliberate killings by an off-duty police officer using his police gun*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. In 2000, the police officer who had shot the applicants' relatives was identified, convicted and sentenced to life imprisonment. No reopening necessary. *General measures*: Violation stems from breach of domestic regulations concerning the issuing of police guns and the failure to conduct an adequate personality assessment of a

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					police officer. Following the present judgment, the Ministry of Internal Affairs in 2012 carried out an accurate inventory of the existing stock of firearms in police stations. A comprehensive police reform was initiated in 2015, which included legislative and structural changes and strengthened safeguards against police violence. The Law on National Police of 2015, replacing the 1990 Law on Militia, provided a clear regulatory framework for the use of firearms. Moreover, several Ministry of Interior regulations were adopted, including a 2016 regulation on safety measures related to the use of firearms. A new regulation on issuing, storage and use of firearms was adopted in October 2018. Concerning the personality assessment of police officers, a Cabinet of Ministers Resolution of 2000 envisaged mandatory preliminary and periodic psychiatric examinations. Finally, an Order of the Ministry of Interior of 2015 provided for the relevant procedure and regular medical check-ups. Recent statistical data do not indicate improper use of firearms by police officers. The system of police training was assessed and enhanced in 2018 with OSCE support and relevant recommendations as well as training material were prepared with the support of the EU Advisory Mission to Ukraine. The judgment was published, translated and disseminated.
CM/ResDH(2020)195	**UKR / Gorshkov**	**67531/01**	**08/02/2006** 08/11/2005	***Protection of rights in detention:*** *Inability of the applicant to challenge the lawfulness of his continued detention for compulsory medical treatment in the course of criminal proceedings, as only doctors or the psychiatric institution concerned could initiate such appeals, which were conducted by courts only in case of doubts as to the persistence of the patient's mental illness. (Article 5 §4)*	*Individual measures:* The applicant was discharged from hospital in 2001. He submitted no claim for just satisfaction. *General measures*: In 2017, amendments to the "Laws on Psychiatric Care" introduced important changes to the procedures of termination of detention for compulsory medical treatment in the course of criminal proceedings. Relevant provisions of the Criminal Code and Criminal Procedure Code were also amended. The justification of the person's compulsory treatment in cases of involuntary hospitalization in criminal proceedings undergoes judicial

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					review at least every six months. Supervision of compliance with the law in the provision of psychiatric care is carried out by the prosecutor. Furthermore, the patient or his defence counsel or representative may appeal the decision concerning continued compulsory treatment and may request alternative psychiatric examination. According to the amended Code of Criminal Procedure, participation in court hearings of persons in respect of whom the issue of compulsory treatment is being decided is required. Such a participation is also provided for by the 2017 "Rules of Compulsory Measures of a Medical Nature in a Special Institution for Psychiatric Care", of the Ministry of Health. Statistical data and information on administrative practice were provided. The judgment was published, translated and disseminated.
CM/ResDH(2020)138	**UKR / Grafov**	**4809/10**	**18/12/2018** 18/12/2018	***Protection of property:*** *Disproportionate interference due to the lack of compensation for the annulment of the applicant's bona fide property rights to a shed due to the State's error. (Article 1 of Protocol No. 1)*	*Individual measures*: Just satisfaction in respect of pecuniary and non-pecuniary damage (aggregate sum awarded in equity) paid. *General measures* required in response to the shortcomings found continue to be examined within the framework of the Maksymenko and Gearsymenko group.
CM/ResDH(2020)88	**UKR / Grimkovskaya**	**38182/03**	**21/10/2011** 21/07/2011	***Protection of private and family life:*** *Disproportionate interference due to the level of noise, vibration and air and soil pollution caused by a motorway re-routed next to the applicant's house on the basis of a decision taken by the authorities without environmental feasibility study or sufficient efforts to mitigate the motorway's harmful effects and without any meaningful opportunity to contribute to the related decision-making processes. (Article 8)*	*Individual measures*: Just satisfaction awarded for non-pecuniary damage was paid. In 2012, in reopened proceedings, the applicant was awarded further compensation for non-pecuniary damage. The motorway was operated only until 2002. *General measures*: Issues of ecological policy, protection of life and health of the population from the negative influence caused by pollution of the environment are set out in the Law "On the Protection of the Environment" of 1991. In 2017, a Law on Environmental Impact Assessment entered into force. The obligation to carry out environmental impact assessment is assigned to the Department of Environmental

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					and Natural Resources of the Regional State Administrations. The public concerned is involved at an early stage to participate in discussions of the planned activities, the choice of alternative location for the planned activities and of impact reduction measures. The Ministry of Ecology and Natural Resources operates a hotline on the practical functioning of the environmental impact assessment. In 1999 Ukraine ratified the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matter entered into force. The Supreme Court adapted its case-law when examining decisions of lower courts. The judgment was published, translated and disseminated to all domestic courts. A series of environmental impact assessment trainings were held for representatives of Ecology Departments of the Region State Administrations in order to enable them to apply the new environmental standards.
CM/ResDH(2020)139	**UKR / Kryvenkyy**	**43768/07**	**16/05/2017** 16/02/2017	***Protection of property:*** *Disproportionate interference due to the deprivation of a "bona fide" owner of a land-plot without any compensation or another type of appropriate reparation. (Article 1 of Protocol No. 1)*	*Individual measures*: Just satisfaction in respect of pecuniary (compensation for the value of the property) and non-pecuniary damage paid. *General measures* required in response to the shortcomings found in relation to the arbitrary deprivation of "bona fide" owners of their possessions either without any or with inadequate compensation continue to be examined within the framework of the Ukraine-Tyumen group.
CM/ResDH(2020)30	**UKR / Lizanets and 1 other case**	**6725/03+**	**31/08/2007** 31/05/2007	***Access to and efficient functioning of justice:*** *Infringement of the principle of legal certainty on account of the quashing of final domestic judgments in civil matters in extraordinary review proceedings on the basis of "newly-discovered circumstances". (Article 6 §1)* *Other violations concern the non-execution*	*Individual measures*: Just satisfaction in respect of pecuniary (compensation due under the quashed judgment) and non-pecuniary damage paid. *General measures*: The binding character of a final judicial decision was enshrined in the Constitution in 2016 in the context of a major judicial reform. The issue of judicial revision due to newly-discovered circumstances was regulated in the Civil Procedure Code of 2017 providing for

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				or lengthy partial non-execution of final judgments in the applicants' favour. (Article 6 §1 (and Article 1 of Protocol No. 1 in one case))	clear grounds and limitation periods for related requests. Recent Supreme Court case-law and practice concerning revision requests on the basis of newly-discovered circumstances show coherence with ECtHR's case-law. The judgements were published, translated and disseminated. General measures with regard to the non-execution of final judgments are examined in the framework of the Yuriy Nikolayevich Ivanov/Zhovner group of cases; with regard to excessive length of court proceedings in the framework of the Svetlana Naumenko/Merit groups.
CM/ResDH(2020)296	**UKR / Muta and 5 other cases**	**37246/06+**	**31/10/2012** 31/07/2012	***Protection against ill-treatment:*** *Failure of authorities to conduct effective investigations into allegations of ill-treatment suffered at the hands of private individuals. (Article 3 procedural limb)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. Out of the present six cases, three were time-barred and one applicant had died. In one case it was impossible to identify the perpetrator. In one case, the reopened criminal investigations were again closed due to absence of corpus delicti. *General measures* taken and required in these cases (in particular implementation of the new Code of Criminal Procedure and impact of police reform in improving the effectiveness of criminal investigations) will continue to be followed in the context of the Khaylo v. Ukraine group of cases.
CM/ResDH(2020)236	**UKR / Okhrimenko**	**53896/07**	**15/01/2010** 15/10/2010	***Protection against ill-treatment:*** *Inhuman and degrading treatment due to handcuffing during in-patient treatment of a detainee on remand in a disproportionate manner not justified by security reasons. (Article 3)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. The applicant was discharged from hospital and returned to the remand centre. Previously, in 2008, the interim measure under Rule 39 of the Rules of Court to "ensure that the applicant was transferred to a hospital or other medical institution where he could receive treatment" had been lifted. *General measures*: In order to ensure that handcuffing of pre-trial detainees or prisoners (both generally and whilst in hospitals or other medical institutions) is only used exceptionally and when fully justified by security reasons,

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					the Internal Rules governing both Pre-trial Detention Centres and Prisons as well as the Law on Pre-trial Detention were amended in 2018/2019 and the related practice of prison officers improved. Detention and prison officers are entitled to use force and special equipment, including handcuffs, truncheons, etc., with a view to putting an end to physical resistance, violence, outrage and opposition to the lawful directions of the authorities of the detention facility, only when other means of achieving a legitimate objective prove ineffective. It is prohibited to handcuff prisoners/convicts to any items, e.g. furniture, etc. The judgment was published, translated and disseminated. It is also used in training activities for penitentiary staff and police.
CM/ResDH(2020)209	**UKR / Ovechkina and Others and 1 other case**	**21357/08**	**08/06/2017** 08/06/2017	***Access to and effective functioning of justice:*** *Excessive length of civil (Svetlana Naumenko group) and criminal (Merit group) proceedings and the lack of effective remedies in this respect. (Articles 6 § 1 and 13)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed. *General measures* required in response to the shortcomings found by the Court in the present judgments continues to be examined in the framework of the Merit and Svetlana Naumenko groups of cases.
CM/ResDH(2020)43	**UKR / Polimerkontey ner, TOV**	**23620/05**	**24/02/2017** 24/11/2016	***Protection of property rights:*** *Arbitrary and disproportionate interference on account of the repeated application of a wrong tariff classification code to the applicant company's imported goods by the customs office in disregard of numerous final judicial adjudications by the courts on the company's claims in this regard in identical circumstances. (Article 1 of Protocol No. 1)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. Following the judgment until today the State Fiscal authorities did not take any further decisions on applicable custom codes to the goods imported by the applicant company. *General measures:* See CM/ResDH(2019)321 in Intersplav.
CM/ResDH(2020)42	**UKR / Safonova and Others**	**19156/07+**	**20/12/2018** 20/12/2018	***Access to and efficient functioning of justice:*** *Denial of a fair trial due to excessive length of criminal/civil*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed. In one case, the applicant's restriction by an undertaking in criminal

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				proceedings as well as the lack of effective remedy in this respect. (Articles 6 §1 and 13)	proceedings not to abscond was lifted. *General measures*: required in response to the shortcomings found by the Court in the present judgments continues to be examined in the framework of the Merit and Svetlana Naumenko groups of cases.
CM/ResDH(2020)294	**UKR / Shagin**	**20437/05+**	**10/03/2010** 10/12/2009	***Access to and effective functioning of justice and protection of rights in detention:*** *Unfair criminal proceedings due to a lack of a public hearing and infringement of the presumption of innocence. (Article 6 §§1+2)* *Other violations in the second case: Unlawful detention, excessive length of detention on remand, inability to obtain compensation for unlawful detention and excessive length of criminal proceedings. (Articles 5 §§1+3+5 and 6 §1)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. The requests, therefore, were not reviewed on the merits because the applicant failed to comply with the formal requirements for reopening of the impugned proceedings after the Court's judgment. According to the information provided by the Supreme Court, the applicant and his representatives have not renewed their request for reopening of the impugned proceedings. The applicant was released in 2016 on the basis of a 2016 amendment of the Enforcement of Sentences and Convicts' Rights Act. The second applicant was released in 2013 partly acquitted of the charges against him, partly absolved from serving his sentence as the charges became time barred. His request to review the impugned domestic judgment was dismissed by the Supreme Court. *General measures*: The principle of presumption of innocence is enshrined in the Constitution and was introduced in the Code of Criminal Procedure in 2012. The Law on the Public Prosecutor's Office of 2015 prohibits public statements of prosecutors violating the presumption of innocence. According to the General Prosecutor's Order of 2015 information on the results of the pre-trial investigation shall be made public only with the permission of the investigator or prosecutor, provided that this does not adversely affect the rights of the parties in criminal proceedings. The lack of a public hearing constituted an isolated occurrence based on an erroneous decision by a judge. Issues related to detention on remand and excessive length of criminal proceedings, raised by the Krivolapov case,

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					are being examined by the Committee in the context of the supervision of the Ignatov and Merit groups of cases respectively. The judgments were published, translated and disseminated.
CM/ResDH(2020)41	**UKR / Shulgin**	**29912/05**	**08/03/2012** 08/12/2011	***Protection of rights in detention:*** *Rejection by domestic courts of the applicant's claim to compensation for unlawful detention on the ground that his conviction had been quashed as unlawful only in part, but not in its entirety, due to an insufficient specification of the relevant domestic law. (Article 5 §5)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. The applicant did not apply for reopening of the impugned proceedings. *General measures*: Violation due to erroneous interpretation and application of domestic law. Thus, the judgment was translated, published and disseminated among courts. Examples of correct judicial practice were submitted.
CM/ResDH(2020)297	**UKR / Trosin and 2 other cases**	**39758/05+**	**23/05/2012** 23/02/2012	***Protection of private and family life / discrimination / cooperation with ECtHR:*** *Disproportionate interference due to restrictions of family visits in prison as regards their frequency and length, the number of persons admitted per visit, and the manner they are conducted; discrimination due to differing visiting rights for female and male prisoners; unlawful monitoring of the applicant's correspondence with the ECtHR. (Articles 8, 14 in conjunction with 8 and 34)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid. Restrictions to visiting rights were eliminated in 2014. *General measures*: Following a 2014 amendment of the Penitentiary Code, life prisoners may have one short visit per month and one long visit once in two months with close relatives (spouses, parents, children, adoptive parents, adoptive parents, brothers and sisters, grandfather, grandmother, grandchildren). Long-term dates may be granted to a spouse who lived in the same family but was not married, provided that they have joint juvenile children. Currently, short-term visits duration can be up to four hours and long-term - up to three days. Female and male prisoners have the same visiting rights. General measures in respect of monitoring of the applicant's correspondence with the Court are being examined by the CM in the Sergey Volosyuk group of cases. The judgments were published, translated and disseminated.
CM/ResDH(2020)122	**UKR / Vira Dovzhenko**	**26646/07**	**15/04/2019** 15/01/2019	***Protection of property rights****: Unlawful and disproportionate interference to the*	*Individual measures:* Just satisfaction for pecuniary and non-pecuniary damage paid. The applicant did not file a request

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				subsequent letting of a plot of agricultural land to which the applicant had been assigned a title by the local council without her consent and the lack of compensation. (Article 1 of Protocol No. 1)	to the Supreme Court for review of the impugned proceedings. *General measures*: Violation linked to the specific circumstances of the case. According to the existing legal framework, the lease of a plot of land requires the consent of the owner. The procedure for the registration of both property title and lease of land plots was amended providing for additional safeguards against leasing land plots without the owner's consent. Domestic legislation also provides remedies to protect land-owners' rights and to obtain compensation in case of interference. Examples of relevant domestic courts' case-law was submitted. The judgment was published, translated and disseminated.
CM/ResDH(2020)120	**UKR / Yakushev and 1 other case**	**15978/09+**	**04/12/2018** 04/12/2018	***Protection of private and family life:*** *Disproportionate interference due to the arbitrary dismissal by the domestic courts of the applicants' claims regarding their paternity. (violations of Article 8)*	*Individual measures*: Just satisfaction for non-pecuniary damage paid in both cases. The first applicant did not file a request for review to the Supreme Court. The applicant in the second case lodged a request for review. The Supreme Court quashed the decisions of appeal and cassation courts, upheld the first instance court's judgement confirming the applicant's paternity and ordered the child's birth certificate to be amended. *General measures*: Violations due to procedural failures. Change of practice by domestic courts, including the Supreme Court: As regards contestation of paternity, domestic courts are obliged to ensure the DNA testing, the establishment of all significant facts and to assess the best interests of the child. As concerns the establishment of paternity, domestic courts increasingly allow such claims in the interest pf the child. Previously, in 2006 the Supreme Court had adopted guidelines "on the application of the Family Code with regard to paternity, maternity and recovery of the alimony payments" underlining the necessity to obtain DNA tests results and to establish all facts important for the case. The judgments were published,

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					translated and disseminated.
CM/ResDH(2020)15	**UKR / Zhoglo and 5 other cases**	**17988/02+**	**24/07/2008** 24/04/2008	***Access to and efficient functioning of justice**: Denial of a fair trial on account of the applicants' convictions on the basis of statements of witnesses whom the applicants were not able to confront. (Article 6 §§1 and 3d)* *Other violations: Infringement of the principle of equality of arms due to the applicant's inability to participate in the hearing before the Supreme Court; denial of a fair trial resulting in a conviction on account of self-incriminating statements obtained at pre-trial stage in the absence of a lawyer. (Article 6 §§1 and 3c)*	*Individual measures:* In three cases, the finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. Just satisfaction for non-pecuniary damage paid in two cases. One applicant did not submit any claim. Domestic law provides for the possibility to request review of the impugned proceedings. Three applicants did not avail themselves of this opportunity. *General measures*: The judgements were published, translated and disseminated. The issues pertaining to the right to defence and the privilege against self-incrimination, and principle of equality of arms continue to be examined within the framework of the Balitskiy group (12793/03) and Zhuk group (45783/05) respectively.