

Summaries of Final Resolutions adopted by the Committee of Ministers in 2021

(with the exception of those concerning Friendly Settlements)

Last update: 19/01/2022

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(2021)208	ALB / Molla	29680/07	08/12/2016 08/12/2016	Functioning of justice and protection of property rights: Failure of domestic authorities to execute the final Supreme Court's judgment. (Articles 6 §1 and 1 of Protocol No. 1)	<u>Individual measures:</u> No just satisfaction awarded. The domestic judgment was implemented, in particular concerning the removal of power lines from the creditor's property. <u>General measures</u> required in response to the shortcomings found by the Court in the present judgment continues to be examined within the framework of the case <i>Brahimaj</i> .
CM/ResDH(2021)224	ALB / Themeli and 1 other case	63756/09+	15/01/2013 15/01/2013	Functioning of justice: Failure of the public administration to abide by final court decisions ordering the reinstatement of the applicants to public service or payment of salary arrears, and the lack of an effective remedy in this respect. (Articles 6 §1, 13 and 1 of Protocol No. 1)	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. Domestic decisions for payment of salary arrears were enforced. One of the applicants resigned. <u>General measures</u> required in response to the shortcomings found continue to be examined within the framework of the <i>Brahimaj</i> case and the <i>Memishaj and Luli and Others</i> groups.
CM/ResDH(2021)138	ARM / Ghulyan	35443/13	24/01/2021 24/01/2021	Functioning of justice: Lack of impartiality of the tribunal due to the connection between the opposition counsel and the presiding judge in a job reinstatement claim, created an appearance of partiality which was not remedied on appeal thus did not satisfy the objective impartiality test. (Article 6 §1)	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. In reopened proceedings the case was assigned to a different judge. <u>General measures:</u> In the framework of overall judicial reforms based on constitutional amendments of 2015, the 2018 Judicial Code was adopted, which enhanced the status of judges, determined candidature requirements and improved the selection and appointment procedure in

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					order to strengthen the judiciary's role and to ensure impartial and effective delivery of justice. The General Council of the Judges re-edited the Rules of Ethics in 2018 with more detailed descriptions of judges' behaviour incompatible with the office, with particular emphasis on the principle of impartiality. The 2019-2023 Strategy for Judicial and Legal Reforms and action plan were approved by government. In its recent case-law, the Court of Cassation referred to the present judgment and applied the objective impartiality test. The judgment was published, translated and disseminated.
CM/ResDH(2021)87	ARM / Hakobyan and Amirkhanyan	14156/07	17/01/2020 17/10/2019	Protection of property rights: <i>Unlawful expropriation due to non-compliance with "conditions provided for by law" as required by the Constitution, but only based on government decrees. (Article 1 Protocol No. 1)</i>	Individual measures: Just satisfaction for pecuniary damage (compensation according to market value and inflation rate) and non-pecuniary damage paid. General measures: See CM/ResDH(2015)191 in Minasyan and Semerjyan, in particular concerning the adoption of the 20069 Law on "Expropriation for the Needs of Society and the State". The judgment was published, translated and disseminated.
CM/ResDH(2021)302	ARM / Hambardzumyan	43478/11	05/03/2020 05/12/2019	Protection of private and family life / surveillance: <i>Unlawful secret surveillance by the police in criminal proceedings on the basis of a vague, not specific enough warrant, with insufficient judicial supervision. (Article 8)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. In February 2021, the applicant's request for reopening was rejected by the Court of Cassation concluding that the overall requirements of procedural fairness had been met. General measures: Isolated occurrence. As from 2010, practical conduct of operative and intelligence activities was improved with regard to procedure, organisation of work, documentation of results as well as supervision by the General Department of Criminal Police. In March 2020, the Board of the Prosecutor General's Office ensured prosecutorial oversight over the lawfulness of operative and intelligence activities. The Code of Criminal Procedure of 2021 comprises general regulations on and detailed

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					guarantees regarding operative search and secret investigative activities, which can only be carried out on the basis of a court decision. The judgment was published, translated and disseminated. It is also used in training activities of the Justice Academy, the Police Academy and the Centre for Legal Education.
CM/ResDH(2021)140	ARM / Khachaturyan	22662/10	19/03/2020 19/03/2020	Protection of property rights: <i>Unlawful expropriation of a flat due to lacking compliance with “conditions provided for by law”. (Article 1 of Protocol No.1)</i>	<u>Individual measures:</u> Just satisfaction for pecuniary (market value of the flat) and non-pecuniary damage paid. <u>General measures:</u> Concerning the regulatory framework of expropriations, see CM/ResDH(2015)191 in Minasyan and Semerjyan group. Yerevan Municipality and all regional administrative governors had no information on the existence of further similar domestic cases, in which expropriation occurred without prior identification of the property concerned in the respective government decree on the recognition of prevailing public interest. The judgment was published, translated and disseminated.
CM/ResDH(2021)420	ARM / Matevosyan and 3 other cases	61730/08+	10/10/2019 10/10/2019	Freedom of assembly / functioning of justice / right to liberty and security: <i>Disproportionate and unnecessary dispersal by the authorities of the wide-scale opposition protests against the outcome of the 2008 presidential elections, unlawful arrest and detention and lack of relevant and sufficient reasons for subsequent detention, prosecution and convictions of activists and opposition supporters and ungrounded dismissal of a civil servant following his participation in the protests. (Articles 5, 6 and 11)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. None of the applicants is detained, the convicted applicants have been acquitted, the dismissed civil servant did not request the reopening of domestic proceedings. <u>General measures</u> required in response to the shortcomings found by the Court in the present judgments continue to be examined within the framework of the <i>Mushegh Saghatelyan</i> group.
CM/ResDH(2021)141	ARM / Norik Poghosyan	63106/12	20/01/2021 20/10/2020	Right to liberty and security: <i>Inability under domestic law to obtain non-</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage was paid.

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				<i>pecuniary damage compensation for unlawful deprivation of liberty after acquittal. (Article 5 §5)</i>	General measures: Concerning the subsequent introduction of a right to non-pecuniary damage compensation for unlawful detention in the relevant legislation, see CM/ResDH(2016)184 in Khachatryan and Others group. The judgment was published, translated and disseminated.
CM/ResDH(2021)142	AUT / Aviso Zeta AG	5734/14	21/06/2018 21/06/2018	Functioning of justice: <i>Unfair civil proceedings due to the lack of impartiality of the Supreme Court as its composition had failed to meet the Convention standard under the objective test. (Article 6 §1)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage was paid. General measures: The violation stemmed from the specific circumstances of the case and the erroneous assessment of the biased judge. The present case, in which the Supreme Court Judge had refrained from declaring himself biased, is being discussed in training courses, seminars and network meetings for judges. The judgment was published, translated and disseminated.
CM/ResDH(2021)256	AUT / Lewit	4782/18	20/11/2019 20/11/2019	Protection of private and family life / protection of one's reputation: <i>Domestic courts' failure to conduct a comprehensive assessment of a defamation claim as a matter affecting the applicant's privacy rights, who as a Holocaust survivor, activist and former prisoner of the Mauthausen concentration camp, had lodged proceedings under the Media Act against an article published in 2016 in a right-wing periodical, requesting compensation for non-pecuniary damage and a revocation of the statements on Mauthausen survivors. (Article 8 procedural)</i>	Individual measures: Just satisfaction in respect of costs and expenses, pecuniary and non-pecuniary damage paid. In January 2021 the Attorney General's Office appealed to the Supreme Court with a plea of nullity for observance of the law. In June 2021, the Supreme Court found that the domestic courts had violated their statutory duty to reason their decision by denying the applicants legal standing. They should have evaluated the number of remaining survivors of the Mauthausen concentration camp in 2016, and whether, after all, the author could not have been identified and linked with the defamatory statements made in the impugned article. The applicable domestic legislation did not allow the reversal of the impugned domestic judgments, because legally binding decisions may not be interfered with to the detriment of the defendant, i.e. the publishing media company. The publication of the periodical concerned was discontinued in 2019. In November 2020, Mr. Abe Lewit died at 97. His death and the impact of his work were widely covered in the media.

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					<p><i>General measures: Isolated case.</i> The Supreme Court's judgment of June 2021 will generate more effective reasoning by the lower courts in similar situations. In domestic law, antisemitic statements and hate speech can constitute a number of criminal offences. The majority of the public prosecutor's offices created special units for extremist crimes and for incitement to hatred. In addition, all such criminal proceedings must be reported to the Federal Ministry of Justice which had published a comprehensive guide for courts and public prosecutor's offices and which regularly informs the public prosecutor's offices about relevant decisions on appeals.</p> <p>Furthermore, in 2021 a law on the fight against hatred on the internet was adopted as well as a National Strategy against Anti-Semitism. In the government programme 2020-2024, the evaluation and a possible revision of The National Socialism Prohibition Act 1947 is envisaged within the framework of the fight against antisemitism. The judgment was published, translated and disseminated. It is used in training activities for judges and candidate judges in order to increase sensitivity for cases with references to Austria's past. In the light of the specific circumstances of the case, awareness-raising measures were also taken by the government and civil society.</p>
<p>CM/ResDH(2021)342</p>	<p>AUT / Religionsgemeinschaft der Zeugen Jehovas and Others and 2 other cases</p>	<p>40825/98+</p>	<p>31/10/2008 31/07/2008</p>	<p><i>Freedom of religion / discrimination / functioning of justice: Unjustified interference without relevant and sufficient reasons due to the prolonged failure to grant legal personality to a religious group; discriminatory treatment due to inconsistent application of qualifying periods for eligibility to register as a religious society; excessive length of the second set of proceedings concerning the</i></p>	<p><i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid in all three cases. The impugned domestic proceedings in the first case came to an end in 2004. The first and third applicant communities were granted the status of a religious society through a Ministerial Regulation in 2009. Thus, they now also have the possibility to employ aliens for pastoral work in accordance with the Employment of Aliens Act. The impugned provisions of the Inheritance and Gift Tax Act 1955 were quashed by the Constitutional Court in 2009. The second applicant kept the</p>

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				<p><i>applicants' request for recognition as a religious society (Articles 9 and 14 in conjunction with Article 9)</i></p> <p><i>Other violations: Discriminatory treatment of religious communities due to their exclusion from the scope of application of the Employment of Aliens Act exemptions allowing employment of aliens in pastoral work, while these exemptions applied to recognised religious societies as well as due to the refusal to grant an exemption from inheritance and gift tax based on the grounds that the applicant community was not a recognised religious society. (Article 14 in conjunction with Article 9 or with Article 1 of Protocol No. 1)</i></p>	<p>status of "religious community" as the requirement to be eligible for the status of "religious society", including membership of at least 0,2% of the population, was not fulfilled.</p> <p><u>General measures:</u> As concerns the discriminatory treatment due to the inconsistent application of qualifying periods for eligibility to register as a religious society, the Constitutional Court quashed the relevant parts of the 1998 Religious Communities Act in 2010. In 2011, the Religious Communities Act was amended to make conditions and requirements for the legal recognition as a religious society more flexible and less discriminatory. As concerns the discriminatory refusal to grant an exemption from inheritance and gift tax to religious communities, the Constitutional Court, in a ruling of 2009, held that provisions granting benefits to religious societies are generally to be interpreted in accordance with the ECtHR's specific case-law. With regard to the prolonged failure to grant legal personality as a religious society, procedures under the amended Religious Communities Act should be completed within a reasonable time. Moreover, since 2014, the Federal Constitutional Act, in conjunction with the Administrative Courts Procedure Act, provides for the possibility of an acceleratory complaint. As concerns the issue of length of proceedings, see CM/ResDH(2015)222 in <i>Rambauske</i>. The judgments were used in advanced training activities for judges. They were published, translated and disseminated to all authorities and courts concerned.</p>
CM/ResDH(2021)204	AZE / Natig Jafarov	64581/16	07/02/2020 07/11/2020	<p>Right to liberty and security: Arrest and detention in the absence of any reasonable suspicion that the applicant had committed an offence, lack of a genuine review of the lawfulness of detention, initiation of criminal</p>	<p><u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. Criminal proceedings against the applicant terminated.</p> <p><u>General measures</u> required in response to the shortcomings found by the Court in the present judgment continues to be examined within the framework of the Mammadli group.</p>

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				proceedings with the purpose to punish him for his active political engagement and to prevent him from participating as a representative of the opposition in the referendum campaign as well as application of restriction of his rights for purposes other than those prescribed. (Article 5 §1c+4 and Article 18 taken in conjunction with Article 5)	
CM/ResDH(2021)426	AZE / Rashad Hasanov and Others	48653/13+	07/09/2018 07/06/2018	Right to freedom and security / unprescribed purpose of restrictions: <i>Arrest and detention of the applicants in the absence of any reasonable suspicion of an offence and initiation of criminal proceedings with the purpose to silence and punish them for their active social and political engagement, thus for purposes other than those prescribed by the ECHR. (Article 5 §1c and Article 18 in conjunction with Article 5)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. In 2021, the impugned criminal convictions were quashed by the Supreme Court, which also awarded compensation for unlawful arrest and detention. General measures required in response to the shortcomings found, in particular, in relation to the problem of misuse of the criminal law against government critics, civil society activists and human rights defenders, continue to be examined within the framework of the <i>Mammadli</i> group.
CM/ResDH(2021)257	BEL / A.A.	51705/18	26/09/2019 Friendly settlement	Protection against ill-treatment / expulsion: <i>Risk of ill-treatment of a rejected asylum-seeker in case of deportation to Pakistan. (Articles 3 procedural and 13)</i>	Individual measures: The applicant chose not to request the reopening of the asylum proceedings, but introduced a request for family reunification, which was granted. He now holds a residence permit as an EU citizen's family member, five years renewable. General measures: The ECHR decision was published on the Court of Cassation's website and disseminated to the competent authorities.
CM/ResDH(2021)56	BEL / B.V.	61030/08	02/08/2017 02/05/2017	Protection against ill-treatment: <i>Lack of serious and thorough investigations carried after the applicant had lodged a criminal</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. Reopening of the impugned investigation has become time-barred. Also, the Code of Criminal Procedure

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				<i>complaint alleging rape and indecent assault. (Article 3 procedural limb)</i>	<p>does not provide for civil parties in criminal proceedings to lodge request for reopening.</p> <p><u>General measures:</u> The Government's National Action Plans on combatting domestic and sexual violence, violence at the work-place and human trafficking (of 2001-2003, of 2004-2007, of 2010-2014 as well as of 2015-2019), intensified efforts to implement an appropriate and rapid responses by police and the judiciary. In particular sexual violence was defined as priority area for police action on a local level. The 2016-2019 National Comprehensive Security Framework addressing all actors (including the police, judiciary, public services and civil society) provides for improved training for police and the judiciary; improvements in the audiovisual hearing of victims by setting-up a network of specialized expertise, and the strengthening of a respective crime database. The CoE Istanbul Convention, which encourages the development of a "comprehensive, concerted and integrated policy" to combat sexual and domestic violence, was ratified in 2016. Finally, according to the National Action Plan fighting gender-based violence 2021-2025, the number of Sexual Violence Management Centres, first established in 2017, will be enlarged from three to ten by 2023, allowing victims to obtain all necessary assistance in hospital facilities 24 hours a day, including the possibility of filing a complaint. Sexual criminal law has been given priority consideration in the current reform of the penal code. Training on sexual violence investigations organised by the Institute for Judicial Training is now mandatory for all magistrates following a change in the Judicial Code in July 2020. The judgment was published and disseminated.</p>
CM/ResDH(2021)209	BEL / Bernadette Ngono	230257/19	03/09/2020 Friendly settlement	Protection against ill-treatment: <i>Risk of ill-treatment in case of expulsion to Cameroun in view of lacking access to</i>	<u>Individual measures:</u> Amount of just satisfaction paid as agreed in the friendly settlement. The applicant's stay on the territory for medical purposes was regularized for an

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				<i>necessary medical treatment and lack of an effective remedy. (Articles 3 conditional and 13)</i>	undetermined period. <u>General measures</u> : The judgment was published and disseminated.
CM/ResDH(2021)187	BEL / Moreels	43717/09	09/04/2014 09/01/2014	Right to liberty and security: <i>Prolonged detention in a prison psychiatric wing without appropriate mental health care addressing the applicant's disorders as well as lack of an effective remedy to complain about this detention and obtain redress. (Article 5 §§1+4)</i>	<u>Individual measures</u> : Just satisfaction in respect of non-pecuniary damage was paid. The applicant is no longer kept in custody. <u>General measures</u> required in response to the shortcomings found continue within the framework of the <i>W.D.</i> pilot judgment, the <i>L.B.</i> judgment.
CM/ResDH(2021)29	BGR / Anguelova and 1 other case	38361/97+	13/09/2002 13/06/2002	Right to life and protection against ill-treatment: <i>Suspicious death of the applicant's son in police custody, ill-treatment by law-enforcement agents and lack of timely medical assistance (Anguelova case); ill-treatment by law-enforcement agents during an eviction of the applicants from a property (Osman case) and lack of effective investigations into these events. (Articles 2, 3 and 13)</i> <i>Other violations: Unlawful detention of the applicant's son in the first case (Article 5 §1) and unlawful destruction of property during eviction in the Osman case. (Article 1 of Protocol No. 1)</i>	<u>Individual measures</u> : Just satisfaction for non-pecuniary damage paid. In the first case, the criminal investigation was resumed and then closed in 2004 on the ground that no criminal offence had been committed. The applicant did not lodge a judicial appeal. Subsequently, a higher prosecutor re-examined ex officio the file and confirmed that conclusion in 2008. The Chief Cassation Prosecutor's Office stated in 2020, that reopening of the investigation had become time-barred. In the second case, the competent prosecutors examined the files and found, in 2016, that the criminal proceedings had also become time-barred. <u>General measures</u> : As regards the violations of Articles 2, 3 and 13 established, measures to be adopted continue to be examined in the Velikova and S.Z./ Kolevi groups of cases. The violation of Article 5 §1 appears to be an isolated occurrence. Since 1996, a significant number of legislative amendments and practical changes have been made with the aim of ensuring proper recording of deprivations of liberty in police detention and enhancing the rights of the detainees. The currently in force Ministry of Internal Affairs Act of 2014 lays down in detail the police powers to arrest and place persons in police custody. The violation of Article

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					1 of Protocol No. 1 stems from isolated unlawful actions of law-enforcement agents. The judgments were published, translated and disseminated.
CM/ResDH(2021)228	BGR / Antonov	58364/10	28/08/2020 28/05/2020	Protection of property rights: <i>Unjustified interference due to tax authorities' delay in enforcing final domestic judgments and refunding sums unduly collected. (Article 1 of Protocol No. 1)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The taxes unduly collected, together with statutory interest for late payment, were refunded. General measures required in response to the shortcomings found by the Court in this case continues to be examined within the framework of the <i>Stoyanov</i> and <i>Tabakov</i> group.
CM/ResDH(2021)259	BGR / Bayrakov	63397/12	14/05/2020 14/05/2020	Right to appeal in criminal matters: <i>Impossibility for the applicant to appeal to against a judgment convicting him of an administrative offence of sport hooliganism in 2012 and imposing a sanction of thirteen-day detention in a police facility, a fine and a one-year ban on attending sporting events in Bulgaria and abroad. (Article 2 of Protocol No. 7)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. General measures: See CM/ResDH(2013)99 in <i>Stanchev</i> and CM/ResDH(2014)257 in <i>Zhelyazkov</i> . The Preservation of Public Order During Sporting Events Act 2004 was modified in 2018 to allow, within 24 hours, appeals to the regional court against district court judgments on the same grounds for cassation provided for by the Code of Criminal Procedure. The regional court's reasoned decision is final. . The judgment was published and disseminated.
CM/ResDH(2021)189	BGR / Chobanov and Koyrushki and 7 other cases	53942/16+	04/06/2020 04/06/2020	Protection against ill-treatment – conditions of detention: <i>Poor detention conditions and/or restrictive penitentiary regimes, lack of an effective remedy as well as absence, before January 2013, of a possibility to obtain in practice the reduction of a life sentence. (Articles 3 and 13)</i> Other violation: <i>Unjustified monitoring of correspondence in prison before February 2010. (Article 8)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage was paid. In 3 cases the detention conditions have been improved; in 4 cases detention has ended; applicants have at their disposal an effective preventive remedy. General measures required in response to the shortcomings found continues to be examined within the framework of the <i>Kehayov</i> , <i>Neshkov</i> , <i>Gavazov</i> , <i>Harakchiev</i> and <i>Toloumov</i> cases, in particular with regard to poor conditions of detention, overcrowding, lack of adequate health care and application of restrictive penitentiary regimes; need to ensure the proper functioning of the

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					domestic remedies (preventive and compensatory), as well as to guarantee that all persons serving life sentences have a real possibility to obtain reduction of their sentence. Concerning the monitoring of correspondence, see CM/ResDH(2014)258 in Petrov group.
CM/ResDH(2021)349	BGR / Dimcho Dimov	57123/08	10/03/2015 15/12/2014	Protection against ill-treatment and protection of private life: <i>Prolonged unjustified immobilisation of the applicant to a bed in a prison medical centre following his statement on self-harm, causing him severe physical and psychological suffering and lack of effective investigations; unjustified routine monitoring of the applicant's correspondence in prison. (Articles 3 – substantive and procedural limb –and 8)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant is currently serving two prison sentences and is to be released in October 2022. According to the public prosecutor's assessment of November 2021, criminal proceedings into the incident are time-barred. General measures: The 2009 Execution of Penalties and Detention Act and its amendments of 2017 provide for the use of restraining measures - physical force and auxiliary means (e.g. handcuffs) - only in case of absolute necessity in the specific circumstances of the case and after an express warning as well as on the basis of an order of the prison director or the commanding officer of the on-duty unit. Suicide prevention may justify restraint measures, according to judicial practice. Restraining prisoners to prevent self-harm is in practice a very isolated occurrence. As concerns monitoring of correspondence, see CM/ResDH(2014)258 in <i>Petrov</i> . Measures concerning the lack of effective investigation continue to be examined in the context of the <i>Velikova</i> group of cases. The judgment was published, translated and disseminated.
CM/ResDH(2021)145	BGR / Doktorov	15074/08	10/09/2018 05/04/2018	Protection of private and family life: <i>Disproportionate interference due to the inability for the applicant, despite relevant DNA test results, to contest the paternity of a child born during his marriage to the child's mother after his divorce due to time limits. (Article 8)</i>	Individual measures: No claim for just satisfaction submitted; no request for reopening filed in due time. General measures: An amendment to the Family Code was adopted by Parliament in December 2020 extending the possibility to challenge the legal presumption of paternity beyond the current statutory one-year time-limit of learning of the child's birth to a one-year period after learning of "new circumstances" (e.g. DNA-results) but

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					before the child concerned reached the age of majority and by taking into consideration the child's best interest. The judgment was published, translated and disseminated.
CM/ResDH(2021)280	BGR / Fileva	3503/06	03/07/2012 03/04/2012	Functioning of justice: <i>Lack of access to a court in the context of civil proceedings the applicant had initiated for damages for unlawful charges against the public prosecutor's office, due to the prosecuting authorities' discretionary power to resume closed criminal investigations without any procedural safeguards, such as limitation in time, reference to well-defined statutory criteria, or judicial review. (Article 6 §1)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. After the resumption of the criminal proceedings, the applicant was convicted on one of the counts for which she had been charged in the resumed proceedings. General measures: A legislative reform of 2013 made it impossible for prosecutors, other than the Chief Prosecutor, to resume closed investigations after one or two years (depending on the gravity of the offence); a Chief Prosecutor remained able to resume criminal proceedings after the one- or two-years' time-limit "in exceptional circumstances", and thus to influence scope and outcome of civil proceedings (until the expiry of statute of limitations for the alleged criminal offence), on the basis of legislation which does not provide for judicial review or a sufficiently clear definition of "exceptional circumstances". Outstanding questions related to the need to provide for additional safeguards for the exercise of the powers of the Chief Prosecutor to resume terminated criminal proceedings are entirely taken up in the context of the examination of the S.Z. case.
CM/ResDH(2021)227	BGR / Godevski and 1 other case	34957/12+	16/05/2016 16/02/2016	Protection against ill-treatment, protection of private and family life, functioning of justice: <i>Degrading treatment due to the psychological effects of the disproportionate manner of arrests and lack of effective remedy; arbitrary interference due to home searches without sufficient guarantees and lack of effective remedy; breach of the presumption of</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. Criminal investigations not indispensable due to availability of civil remedy to obtain compensation. Criminal proceedings against the applicants terminated and seized items restored. General measures required in response to the shortcomings found continue to be examined within the framework of the <i>Gutsanovi</i> group, <i>Peev</i> group and <i>Maksim Savov</i> case.

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				<i>innocence. (Articles 3 and 13; 8 and 13; 6 §2)</i>	
CM/ResDH(2021)354	BGR / I.P. and 1 other case	72936/14	19/04/2017 19/01/2017	Right to liberty and security: <i>Lack of a remedy which would have enabled the applicants to benefit from an examination of the lawfulness of their placement in a temporary reception centre for minors. (Article 5 §4)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. The applicants are already of age and therefore cannot be subjected to placement in a temporary reception centre for minors. <u>General measures</u> required in response to the shortcomings found continue to be examined within the framework of the <i>A. and Others</i> group.
CM/ResDH(2021)320	BGR / Iliev	63254/16	20/04/2021 20/04/2021	Protection against ill-treatment: <i>Lack of unrestricted access to sanitary facilities available to the applicant in prison between 1997 and 2016. (Article 3)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. The applicant has now unhindered access to sanitary facilities. <u>General measures</u> required in response to the shortcomings found continue to be examined within the framework of the <i>Kehayov</i> group of cases.
CM/ResDH(2021)351	BGR / Kamenova and 1 other case	61731/11+	16/05/2019 16/05/2019	Protection of property rights: <i>Excessive length of restitution proceedings concerning land collectivised during the communist period. (Article 1 of Protocol No. 1)</i>	<u>Individual measures:</u> Just satisfaction for pecuniary and non-pecuniary damage paid. The Court found that, after 2013, it was up to the first applicant to take the necessary steps to finalise the restitution proceedings. The second applicant received the compensation in lieu of restitution. <u>General measures</u> required in response to the shortcomings found continue to be examined within the framework of the <i>Lyubomir Popov</i> group.
CM/ResDH(2021)212	BGR / L.D. and P.K.	7949/11+	08/03/2017 08/12/2016	Protection of private and family life: <i>Breach on account of the statutory inability for putative biological fathers of children born outside of marriage, to challenge declarations of recognition of paternity made by other men and to have their own paternity established. (Article 8)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. In 2018, judiciary paternity proceedings were reopened with regard to the first applicant; they are still pending. In 2020, the second applicant's paternity was recognized; the decision was appealed against and proceedings are still pending. <u>General measures:</u> In 2020, legislative amendments to the Family Code were adopted to provide that any person who

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					claims to be the parent of a recognized child may contest the parental link established by recognition within one year after becoming aware of it. An action for the establishment of parentage must be joined to this appeal. In its decision, the competent court shall take into account the interest of the child. According to transitory provisions, the amendments will be applied retroactively to recognitions which occurred after 01/10/2009. The judgment was published and disseminated.
CM/ResDH(2021)353	BGR / Lolov and Others	6123/11	21/05/2019 21/02/2019	Functioning of justice: <i>Infringement of the presumption of innocence resulting from a press release of a Regional Directorate of the Ministry of Interior. (Article 6 §2 and Article 13 in conjunction with 6 §2))</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. Criminal proceedings are terminated. <u>General measures</u> required in response to the shortcomings found continue to be examined within the framework of the <i>Petrov and Ivanova</i> group and the <i>Maksim Savov</i> case.
CM/ResDH(2021)144	BGR / Microintelect OOD	34129/03	04/06/2014 04/03/2014	Protection of property rights: <i>Unjustified interference due to the forfeiture of alcohol belonging to the applicant company in administrative-penal proceedings brought by the tax authorities against its business partners and inability to take part in the review proceedings. (Article 1 of Protocol No. 1)</i>	<u>Individual measures:</u> Just satisfaction claims for pecuniary and non-pecuniary damages were rejected. <u>General measures:</u> In the context of a legislative reform initiated in 2018, the 1969 Administrative Offences and Punishments Act was amended. The amendments (entering into force in December 2021) will introduce an avenue of complaint enabling owners of forfeited goods to participate in the relevant administrative-penal proceedings and challenge interferences with their property rights. Moreover, reopening of administrative-penal proceedings following a ECtHR judgment finding a violation may be requested within a month the judgment became final. The judgment was published, translated and disseminated.
CM/ResDH(2021)422	BGR / Mihaylova and Malinova	36613/08	24/02/2015 24/02/2015	Right to life: <i>Failure to secure an independent and effective investigation into the lethal shooting of the applicants' relative. (Article 2 procedural limb)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. The prescription of the criminal proceedings was established by the Prosecutor's Office. <u>General measures</u> required in response to the shortcomings found by the Court in the present judgment

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					continue to be examined within the framework of the <i>Velikova</i> group.
CM/ResDH(2021)146	BGR / Nikolay Dimitrov and 5 other cases	72663/01	27/12/2007 27/09/2007	Right to life and protection against ill-treatment: <i>Lacking effective investigation into the into deaths or alleged ill-treatment inflicted by private individuals. (Articles 2 and 3 procedural limb)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage was paid. In two cases the criminal proceedings were reopened. In four cases, reopening of proceedings was time-barred or considered impossible and groundless. <u>General measures:</u> Concerning long periods of total inactivity at pre-trial stage, see CM/ResDH(2017)383 in the Angelova and Iliev group. Other causes for the ineffectiveness of the investigations established in the cases of this group continue to be examined in the context of the examination of the S.Z. group and/or the <i>Velikova</i> group of cases, which remain under CM supervision.
CM/ResDH(2021)282	BGR / Pendov	44229/11	12/10/2020 26/03/2020	Protection of property rights and freedom of expression: <i>Disproportionate interference due to the unnecessary seizure and retention of the applicant's computer server in the context of criminal proceedings against third parties resulting in limited functionality of his cultural website for a significant period of time. (Article 1 of Protocol No. 1 and Article 10)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. The applicant's claim for material damage was rejected due to lack of evidence. <u>General measures:</u> Domestic courts, in general, scrutinise the prosecutor's reasons to refuse to return objects held as evidence during criminal proceedings, examine the relevance of those objects to the establishment of the facts, and order the return of such objects, if they are not necessary for that purpose: See CM/ResDH(2014)138 in Karamitrov and Others. In the present judgment, the Court acknowledged that a tort action against the prosecution authorities for unjustified retention of physical evidence appears to have been an available and, in principle, an effective remedy. The judgment was published, translated and disseminated.
CM/ResDH(2021)352	BGR / Posevini	63638/14	19/04/2017 19/01/2017	Protection of private life and lack of a remedy: <i>Lack of an effective remedy in</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. The items seized were returned to the first

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>respect of the searches carried out in the applicants' house and in a photography studio in 2014. (Article 13 in conjunction with Article 8).</i>	applicant. <u>General measures</u> required in response to the shortcomings found continue to be examined within the framework of the <i>Peev and Iliya Stefanov</i> groups.
CM/ResDH(2021)348	BGR / Slavov and Others	58500/10	10/02/2016 10/11/2015	Protection against ill-treatment / protection of private life / presumption of innocence: <i>Degrading treatment due to the psychological effects of the disproportionate manner of the first applicant's arrest and lack of effective remedy in this respect, unlawful searches undertaken without sufficient guarantees against arbitrariness and lack of effective remedy in this respect as well as breaches of the presumption of innocence inter alia through expressions used by the Minister of the Interior in a media interview. (Articles 3, 6 §2 and 8 as well as Article 13 in conjunction with 3 and 8)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. The criminal proceedings against the first applicant were terminated in 2014. Objects seized from the applicants' home were returned. The seized firearms were handed over to the competent department at the Ministry of Interior. <u>General measures</u> concerning the psychological effects of the disproportionate manner of arrests and the lack of an effective remedy continue to be examined in the <i>Gutsanovi</i> group of cases. General measures concerning the unlawful searches and seizures and lack of effective remedies in this respect continue to be examined in the <i>Peev</i> group of cases. General measures concerning the presumption of innocence continue to be examined in the <i>Maksim Savov</i> case.
CM/ResDH(2021)104	BGR / Stankov	25820/07	17/06/2015 17/03/2015	Right to liberty and security: <i>Unlawful placement of the applicant, suffering from a mental disorder, in a social care home, lack of judicial remedy to challenge the lawfulness of the placement and lack of a right to compensation; impossibility for the applicant to request directly from the courts to revoke his partial guardianship, as well as inhuman and degrading living conditions in the social care home and lack of effective remedies in this respect. (Articles 5 §§1e+4+5, 6 §1 as well as 3 and 13)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. Following legislative reforms in 2017 the applicant had direct access to court to request restoration of his legal capacity and filed such a claim. He now lives, at his request, in a protected dwelling. <u>General measures</u> required in response to the shortcomings found in the present judgment continue to be examined within the framework of the <i>Stanev</i> case.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2021)350	BGR / Stefanov	26198/13	02/02/2020 02/02/2020	Functioning of justice: <i>Infringement of the presumption of innocence resulting from a public statement of the Minister of Interior. (Article 6 §2)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant died in 2018. The fairness of the criminal proceedings had not been put in question. General measures: Concerning the issue of presumption of innocence see CM/ResDH(2016)336 in <i>Toni Kostadinov</i> case. Additional measures continue to be examined in the <i>Maksim Savov</i> case.
CM/ResDH(2021)347	BGR / Uzunova and Seid	2866/13	06/09/2018 06/09/2018	Functioning of justice / Protection of property rights: <i>Prolonged failure of the national authorities to enforce a final domestic judgment in the applicants' favour ordering payment of compensation and the lack of effective remedy in this respect. (Article 6 §1, 1 of Protocol No. 1 and 13)</i>	Individual measures: Just satisfaction for pecuniary (legal interests) and non-pecuniary damage paid. All final domestic judgments were enforced. General measures required in response to the shortcomings found continue to be examined within the framework of the <i>Chorbov</i> case.
CM/ResDH(2021)346	BGR / Vanyo Todorov	31434/15	21/10/2020 21/07/2020	Right to life: <i>Breach of the State's obligation to set up a judicial system providing an appropriate response for the victim's close relatives in the event of death, resulting in the impossibility for a murder victim's brother to claim compensation in respect of non-pecuniary damage due to the domestic courts' refusal to authorise him to join as a civil party. (Article 2 procedural limb)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. All domestic judgments were enforced. In 2018, the Supreme Court of Cassation adopted an interpretative ruling according to which the applicant could have brought a civil claim under the Obligations and Contracts Act within five years. General measures: In 2018, the Supreme Court of Cassation issued an interpretative decision that, under the Obligations and Contracts Act, not only close relatives, but also any other person who had a lasting and profound emotional bond with the deceased and experienced long lasting suffering from his death, are entitled to compensation for non-pecuniary damage. However, during criminal proceedings, the right to join as a civil party can only be exercised by those persons specified in Supreme Cassation Court rulings of 1961 and 1969, namely the deceased person's descendants and ascendants to the second degree as well as their brothers and sisters. The

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					judgment was published, translated and interpreted.
CM/ResDH(2021)278	BGR / Zdravko Stanec (No. 2) and 2 other cases	18312/08	12/10/2016 12/07/2016	Freedom of expression: <i>Disproportionate interference due to the first applicant's criminal conviction, of defaming a judge and of the second and third applicants' convictions to an administrative fine and the payment of damages following the waiver of their criminal responsibility for defamation. (Article 10)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid (in the case of the third applicant the finding of a violation was sufficient to compensate non-pecuniary damage) and in respect of pecuniary damage (amounting to administrative fine, judicial fee, costs and expenses, lawyers' fees and damages of the opposing parties) paid as awarded to second and third applicant. In reopened criminal proceedings the conviction of the first applicant was quashed and the opposing party's claims for damages rejected. The second and third applicants' criminal liability was waived at the time of the facts and they received administrative punishment, which is not included in their criminal record. General measures required in response to the shortcomings found by the Court in these cases continues to be examined within the framework of the <i>Marinova and Others</i> case.
CM/ResDH(2021)279	BGR /Kasabova	22385/03	19/07/2011 19/04/2011	Freedom of expression: <i>Disproportionate interference due to the imposition of an excessive fine on a journalist as a criminal sanction for defamation of civil servants. (Article 10)</i>	Individual measures: Just satisfaction in respect of non-pecuniary and pecuniary (amount of fine) damages paid General measures required in response to the shortcomings found by the Court in this case continues to be examined within the framework of the <i>Bozhkov</i> case.
CM/ResDH(2021)143	BIH / Andelic and Zadro and 1 other case	19531/18	17/12/2020 Friendly settlement	Functioning of justice: <i>Non-enforcement or delayed enforcement of final domestic decisions. (Article 6 §1)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage was paid. Domestic decisions were implemented.
CM/ResDH(2021)303	BIH / Benzinska pumpa Šabanović Benz DOO	42563/17	25/09/2018 Friendly settlement	Functioning of justice: <i>Non-enforcement of a final court decision concerning the payment of a debt. (Article 6 §1)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid in accordance with the friendly settlement reached. The enforcement proceedings which were the subject of the friendly settlement were terminated and the payment was made in full within the

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					time frame set out in the friendly settlement agreement.
CM/ResDH(2021)210	BIH / Bradaric and 1 other case	84721/17+	03/12/2019 03/12/2019	Functioning of justice and protection of property rights: Excessive length of enforcement proceedings to execute final domestic court's judgments. (Articles 6 §1 and 1 of Protocol No. 1)	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. The impugned proceedings were brought to an end. <u>General measures</u> required in response to the shortcomings found by the Court in the present judgments continues to be examined within the framework of the Martinović group of cases.
CM/ResDH(2021)188	BIH / Durakovic and Krestalica and 5 other cases	61555/19+	11/02/2021 11/02/2021	Functioning of justice: Non-enforcement of domestic judgments ordering the Zenica-Doboj, the Central Bosnia, Una-Sana and Herzegovina-Neretva Cantons to pay work-related benefits due to public service employees. (Article 6 §1)	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage was paid. The domestic decisions were enforced. <u>General measures</u> required in response to the shortcomings found continues to be examined within the framework of the Kunić group of cases.
CM/ResDH(2021)304	BIH / MEFA-OIL d.o.o.	82799/17	31/01/2019 Friendly settlement	Functioning of justice: Non-enforcement of a final court decision concerning the payment of a debt. (Article 6 §1)	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid in accordance with the friendly settlement reached. The enforcement proceedings which were the subject of the friendly settlement were terminated and the payment was made in full within the time frame set out in the friendly settlement agreement.
CM/ResDH(2021)319	BIH / Nerkesa Zijadić	57625/19	08/04/2021 Friendly settlement	Right to liberty and security: Unlawful placement in a social care home without a decision of the competent civil court. (Article 5§1)	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid in accordance with the friendly settlement reached. The necessity of the applicant's mandatory confinement and treatment was examined by the competent court in non-contentious proceedings, which decided in June 2021 that the applicant's confinement was still necessary until her recovery, but no longer than six months from the date of the decision.
CM/ResDH(2021)344	BIH / Orlović and Others	16332/18	01/01/2020 01/10/2019	Protection of property rights: Non-enforcement of final decisions of the	<u>Individual measures:</u> Article 46 indication by the ECtHR: having regard to the particular circumstances of the case,

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>Commission for Real Property Claims for Displaced Persons and of the Ministry for Refugees and Displaced Persons of Republika Srpska ordering full repossession of a piece of land by internally displaced persons, including the removal of a church from that land. (Article 1 of Protocol No. 1).</i>	the Court considered that the respondent State had to take all necessary measures in order to secure full enforcement of the decisions of the CRPC and the decision of the Ministry for Refugees including, in particular, the removal of the church. No claim for non-pecuniary damage submitted. Pecuniary damage paid. The domestic decision was enforced and the church was removed in June 2021. <u>General measures:</u> Violation confined to the facts of the case. The judgment was published, translated and disseminated.
CM/ResDH(2021)345	BIH / Salihić and Others	6056/14	06/02/2018 06/02/2018	Right to liberty and security: <i>Unlawful placement in a social care home without a decision of the competent civil court. (Article 5§1)</i>	<u>Individual measures:</u> The applicant's placement was examined by a domestic civil court in 2015. He was subsequently released and died in 2016. The applicant's heirs failed to submit their claims for just satisfaction for non-pecuniary. <u>General measures</u> required in response to the shortcomings found continue to be examined within the framework of the <i>Hadzimejlic</i> group.
CM/ResDH(2021)343	BIH / Softic and Others and 1 other case	48063/20+	20/05/2021 20/05/2021	Functioning of justice and protection of property rights: <i>Non-enforcement of domestic judgments ordering the Federation of Bosnia and Herzegovina to pay work-related benefits due to public service employees. (Article 6 §1 and 1 of Protocol No. 1)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. All domestic judgments were enforced. <u>General measures</u> required in response to the shortcomings found continue to be examined within the framework of the <i>Kunić</i> group.
CM/ResDH(2021)213	CRO / Arps and 1 other case	23444/12+	25/01/2017 25/10/2017	Functioning of justice: <i>Unfair criminal proceedings due to the domestic court's failure to inform her or her lawyer of the appeal hearing and the breach of the principle of equality of arms and the lack of adversarial proceedings before the second</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. In reopened proceedings concerning the first applicant, the shortcoming identified were rectified. The second applicant did not request reopening of the impugned proceedings. <u>General measures</u> required in response to the shortcomings

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>instance court which failed to communicate to the applicant a submission made by the State Attorney's Office. (Article 6 §§1+3c)</i>	found continue to be examined within the framework of the Zahirović group of cases.
CM/ResDH(2021) 82	CRO / Basic and 1 other case	22251/13+	25/01/2017 25/10/2017	Protection of private and family life: <i>Interference due to the unlawful surveillance of the applicants, ordered by investigating judges in 2007 contrary to the relevant domestic law. (Article 8)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. The first applicant's request for reopening of the proceedings was rejected by the Supreme Court as the violation did not infringe the right to a fair trial. The second applicant did not avail himself of the opportunity. <u>General measures</u> required in response to the shortcomings found continue to be examined within the framework of the Dragojević group.
CM/ResDH(2021) 361	CRO / C.	80117/17	08/01/2021 08/10/2021	Protection of private and family life: <i>Disproportionate interference on account of a minor's flawed representation and failure to hear his views in custody proceedings. (Article 8)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. In 2020, the competent domestic court awarded custody of the applicant to the mother and scheduled visits between him and his father. The applicant had been represented by a special guardian. <u>General measures:</u> The 2015 Family Act provides a comprehensive framework for the protection of children: Special guardians <i>ad litem</i> are appointed by courts to represent the best interests of a child in legal proceedings. A Centre for special guardians <i>ad litem</i> was created and its role was further enhanced through the 2020 Act on the Centre for special guardians <i>ad litem</i> . Special guardians <i>ad litem</i> are highly qualified legal professionals (former family-law judges and mediators). Under the 2015 Family Act, the competent domestic courts are obliged to enable children to express their opinions, unless they refuse to make use of this opportunity. Guidelines by the Ministry of Social Policy and Youth for the exercise of children's rights in divorce and custody proceedings were made available to all judges participating in such proceedings. The judgment was published, translated and disseminated. See also

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					CM/ResDH(2018)120 in <i>S.L.</i> and CM/ResDH(2020)228 in <i>M. and M.</i>
CM/ResDH(2021)355	CRO / Coratian Golf Federation	66994/14	17/02/2021 17/12/2021	Freedom of association / functioning of justice: <i>Unjustified dissolution of the applicant association in 2009 owing to bankruptcy proceedings, despite an agreement in those proceedings to restructure, preserve and continue the association's activities as well as lack of objective impartiality of a judge of the Constitutional Court panel, which declared inadmissible the applicant association's constitutional complaint against the administrative authorities' decision to dissolve the association.. (Articles 11 and 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant association had been re-registered following the Court's judgment and regained its active status. All domestic proceedings regarding the applicant's striking off from the register of associations and its cessation of activities as well as the entry of changes into the register of associations were reopened and the impugned decisions annulled. General measures: The violation of Article 11 was a result of errors in the application of relevant domestic law and thus an isolated occurrence . As concerns the lack of objective impartiality, examples of consistent long-standing case-law of the Constitutional Court concerning the withdrawal of its judges in cases where objective circumstances raise doubt as to their impartiality, were submitted. The judgment was published, translated and disseminated, including all Constitutional Court judges and advisors.
CM/ResDH(2021)148	CRO / Erkapic	51198/08	25/07/2013 25/04/2013	Functioning of justice: <i>Unfair criminal proceedings due to the authorities' failure to provide the applicant with an opportunity to challenge the evidence given to the police and to oppose its use, resulting in his conviction on the basis of incriminatory pre-trial statements made by his co-accused, retracted before the trial court, without examination of their reliability and accuracy despite allegations of duress. (Article 6 §1)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. In reopened proceedings, the applicant could challenge the authenticity of the evidence given by his co-accused to the police and was subsequently acquitted of charges of drug-trafficking due to the lack of evidence. This decision was upheld by the Supreme Court and thus became final in 2020. The applicant's conviction was erased for the criminal records. General measures: In 2013, the Criminal Procedure Code was amended concerning the rules on questioning of the accused and co-accused at pre-trial stage, introducing the mandatory video and audio recording of the initial questioning by the State Attorney. As from April 2013, the

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					Constitutional Court and the Supreme Court highlighted the principles referred to in the present judgment and aligned their case-law accordingly. The judgment was published, translated and disseminated.
CM/ResDH(2021)307	CRO / Gogić	1605/14	08/01/2021 08/10/2020	Functioning of justice: Denial of access to a court resulting in the applicant's inability to obtain a final determination of a dispute concerning compensation due to a series of omissions and uncertainties in the domestic courts' responsibility. (Article 6 §1)	Individual measures: Just satisfaction in respect of pecuniary (amount of compensation awarded by Basketball Court of Arbitration before the applicant's claim became time-barred before civil courts and domestic legal costs) and non-pecuniary paid. General measures: Violation due to domestic courts' errors. In the light of consistent domestic case-law, judgments rendered by the Sports Arbitration Court of the Croatian Olympic Federation are directly enforceable acts whereas arbitration decisions rendered by bodies of particular sports federations are not directly enforceable. Moreover, the Supreme Court's longstanding case-law in this respect is also consistent. The judgment was published, translated and disseminated.
CM/ResDH(2021)357	CRO / Gregačević	58331/09	10/10/2012 10/07/2012	Functioning of justice: Unfair criminal proceedings on account of the fact that the applicant was deprived of adequate time and facilities for the preparation of his defence in respect of the evidence submitted by the police at the final hearing. (Article 6 §1)	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant's request for reopening of the impugned proceedings failed before all instances. In 2015, he filed a second application to the ECtHR, which is still pending. General measures: The Constitutional Court aligned its practice with the ECtHR's standards to ensure that defence rights be safeguarded at domestic level. Examples of decisions from 2019/2020 were submitted, highlighting that the right to adversarial proceedings requires that the parties have knowledge of and comment on all evidence adduced or observations filed. The judgment was published, translated and disseminated, in particular to the Supreme Court and other domestic courts.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2021)2	CRO / Greguric	45611/13	15/03/2018 15/03/2018	Functioning of justice: Denial of access to a court due to the domestic courts' unforeseeable inadmissibility decision in labour proceedings contrary to the Supreme Court's well-established case-law. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The shortcoming found in the initial proceedings was rectified in reopened proceedings. <i>General measures: Isolated occurrence.</i> The judgment was published, translated and disseminated to the relevant authorities.
CM/ResDH(2021)284	CRO / Jačimović) and 1 other case	22688/09	24/03/2014 31/10/2013	Functioning of justice: Unfair criminal proceedings due to the failure of administrative authorities and domestic courts to address properly the applicant's arguments (in Jačimović) or to ensure a fair assessment of the evidence included in the police reports which was not disclosed to the applicant due to confidentiality restrictions (in T.G.). (Article 6 §1)	<i>Individual measures:</i> No claim for just satisfaction in respect of non-pecuniary damage submitted. In the first case, in reopened proceedings all relevant facts were examined and a final decision rendered. The second applicant did not submit any request for reopening of proceedings. <i>General measures:</i> The Constitutional Court and the High Administrative Court aligned their case-law to ensure that procedural shortcomings in administrative proceedings are thoroughly examined and subsequently remedied. Examples of domestic jurisprudence from 2015 to 2020 were submitted. Other issues of unfairness in administrative proceedings due to procedural shortcomings concerning a litigant's exclusion from the process of commissioning and obtaining expert reports continue to be examined within the context of the Letinčić case.
CM/ResDH(2021)305	CRO / Karas and 1 other case	13679/15+	18/03/2021 18/03/2021	Right to liberty and security: Failure to review the lawfulness of detention on the merits due to the Constitutional Court's rejection of the applicants' constitutional complaints concerning their pre-trial detention due to the fact that new decisions concerning their detention had been issued. (Article 5 §4)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. Both applicants were released from pre-trial detention. <i>General measures:</i> See CM/ResDH(2018)200 in Krnjak, in particular with regard to the Constitutional Court's change of practice in cases where the constitutional complaint is filed against detention decisions which are no longer in effect. New case-law examples were submitted. The judgments were published, translated and disseminated.
CM/ResDH(2021)	CRO / Kunštek	47292/14	18/03/2021	Functioning of justice: Denial of access to	<i>Individual measures:</i> Just satisfaction in respect of non-

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
306			18/03/2021	<i>a court due to the Constitutional's Court dismissal of the applicant's appeals against the National Judicial Council's decision removing him from office as a judge, without examination on the merits. (Article 6 §1)</i>	pecuniary damage paid. The applicant did not avail himself of the opportunity to request reopening of the impugned proceedings within a period of 30 days, after the present judgment became final. General measures: Isolated occurrence due to human and clerical errors. The judgment was published, translated and disseminated.
CM/ResDH(2021)322	CRO / Mader	56185/07	21/09/2011 21/06/2011	Protection against ill-treatment and functioning of justice: <i>Inhuman treatment (inter alia by sleep and food deprivation) while in police custody in the absence of any official record); lack of investigations into the applicant's allegations; unfair criminal proceedings due to lack of legal assistance during police questioning. (Article 3 substantive and procedural limbs and Article 6 §1)</i>	Individual measures: The applicant did not submit any claim for pecuniary or non-pecuniary damages in connection with the violations found. Reopened proceedings were conducted, in which the applicant was found guilty of murder. The illegally obtained evidence was removed from the case file. The applicant's appeal was dismissed. The judgment is not yet final. The applicant's allegations of misconduct in public service became time-barred in June 2013 and the respective case file destroyed. Thus no reopening of investigations is possible. General measures: In 2011, an electronic custody records system was introduced for interrogations, allowing to keep track <i>inter alia</i> . of the time spent in a police station. In 2017, the Criminal Procedure Code was amended to prevent excessive use of force and to ensure independent oversight of investigations into allegations of police misconduct. These amendments also prohibit police officers from interrogating suspects through informal questioning. Suspects may exercise the right to a lawyer from the moment considered suspect. In addition, a suspect's interview must be recorded with an audio-visual device.
CM/ResDH(2021)360	CRO / Mile Novaković	73544/14	17/03/2021 17/12/2020	Protection of private and family life: <i>Disproportionate interference on account of the dismissal of the applicant, a teacher of Serbian ethnic origin, from a secondary</i>	Individual measures: Just satisfaction for non-pecuniary damage paid to the heirs (applicant died in 2019). The heirs requested the reopening of the impugned domestic proceedings, which are still pending.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>school in Eastern Slavonia, in 1999, for failing to use standard Croatian in his classes without relevant and sufficient reasons. (Article 8)</i>	General measures: Isolated event , as the violation occurred in a specific historic situation prior to the peaceful reintegration of the region. Examples of recent domestic case-law with regard to relevant and sufficient reasoning of dismissal decisions were submitted. The judgment was published, translated and disseminated, in particular to the Constitutional and Supreme Courts and their judges.
CM/ResDH(2021)308	CRO / Mirjana Maric and 2 other cases	9849/15+	30/10/2020 30/07/2020	Functioning of justice: <i>Excessive length of civil proceedings and lack of a remedy. (Articles 6 §1 and 13)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The impugned civil proceedings were brought to an end. General measures required in response to the shortcomings found continue to be examined within the framework of the case of <i>Kirinčić and others</i> .
CM/ResDH(2021)321	CRO / Pantalon	2953/14	19/02/2021 19/11/2020	No punishment without law: <i>Conviction, in 2010, for the minor offence of failing to declare a diving speargun when crossing the State border, an act which had not constituted an offence under domestic law. (Article 7)</i>	Individual measures: Just satisfaction in respect of pecuniary (amount of fine, legal costs and value of the confiscated spear) and non-pecuniary damage paid. General measures required in response to the shortcomings found continue to be examined within the framework of the <i>Žaja</i> group of cases.
CM/ResDH(2021)323	CRO / Puljić and 1 other case	46663/15+	08/10/2020 08/10/2020	Functioning of justice: <i>Unfair criminal or minor-offence proceedings due to the inability for the applicant to examine a key witness, whose statement was of decisive importance for his convictions. (Article 6 §§1+3d)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid as awarded. Both applicants failed to submit a request for reopening of the impugned proceedings within the prescribed time frame. General measures: As concerns the inability to examine witnesses in criminal proceedings, see CM/ResDH(2019)340 in the <i>Lucic</i> group, in particular with regard to the Criminal Procedure Code amendments of 2013. The Supreme and Constitutional Courts aligned their case-law to the ECtHR standards accordingly. As regards the shortcomings found in respect of minor-offence proceedings, the Constitutional Court also aligned its jurisprudence with the European Court's standards on the examination of witnesses

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					applicable in the minor-offence proceedings.
CM/ResDH(2021)359	CRO / S.M.	60561/14	25/06/2020 Grand Chamber	Prohibition of forced labour: Lack of an effective investigation into the applicant's allegations of human trafficking and/or forced prostitution. (Article 4 procedural limb)	<p>Individual measures: Just satisfaction for non-pecuniary damage put at the applicant's disposal at the Government Agent's Office as her location is unknown. The applicant did not avail herself of the opportunity to request reopening of the impugned proceedings, which ended before the ECtHR's judgment became final.</p> <p>General measures: To improve the efficiency of investigations and to introduce a remedy against their ineffectiveness as well as to strengthen the position of victims, the Criminal Procedure Act was amended in 2013 and 2017 to set up additional mechanisms for ensuring efficient cooperation between the police and state attorney's offices. In particular, the police can be ordered to collect information with regard to a criminal complaint, in particular, a criminal offence prosecuted <i>ex officio</i>, such as human trafficking and forced prostitution. Furthermore, the police may request the issuing of a warrant allowing the collection of information with regard to a specific IP address and/or specific communication device from telecommunications operators. The 2017 Amendments of the Criminal Procedure Act also introduced the system of individual assessment of victims of crime (particularly human trafficking and sex related crimes), which is conducted prior to interviewing the victim in order to assess their specific needs.</p> <p>Moreover, in 2014, the Constitutional Court introduced the possibility of judicial review of the effectiveness of criminal investigations. The judgment was published, translated and disseminated. Numerous awareness-raising activities on human trafficking were organised.</p>
CM/ResDH(2021)358	CRO / Sandra Janović and 2	38478/05+	14/09/2009 05/03/2009	Protection of private life: Failure of the domestic authorities to implement	<p>Individual measures: Just satisfaction for non-pecuniary damage paid. With regard to the first applicant, all</p>

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
	<p>other cases</p>			<p><i>domestic criminal-law mechanisms in respect of the applicant's allegations of physical violence by private individuals and thus to provide adequate protection against attacks on her physical integrity. (Article 8)</i></p> <p><i>Other violation: Excessive length of civil and enforcement proceedings. (Article 6 §1)</i></p>	<p>domestic proceedings came to an end; reopening would be time-barred. With regard to the second applicant, the defendant was found guilty in 2016 and sentenced to imprisonment. With regard to the third applicant, the complaint was rejected due to lack of evidence in 2020.</p> <p><u>General measures:</u> In 2013, the Code of Criminal Procedure was amended to introduce prosecutorial investigation. Victims now have the right to request and receive information from state attorneys on the progress of criminal cases at pre-trial stage, within 30 days. If unsatisfied, victims are entitled to complain to a superior state attorney. As regards police diligence and promptness, the State Attorney's Office is authorised to carry out investigations or order the police to carry out specific steps. The police are now under an obligation to report to the State Attorney's Office on the progress made within 30 days. The State Attorney's Office carries out continuous oversight over the police work. In 2015, the Police Act was amended to allow individuals to complain about breaches of their rights by the police to a senior official in the Ministry of the Interior. Victims may now complain to the President of the Court on excessive delays in proceedings. In 2015, a case-tracking system (CTS) was also set up within the State Attorney's Offices. In 2014, the Constitutional Court introduced the possibility of judicial review of the effectiveness of criminal investigations. Thus, the constitutional complaint had become an effective remedy for complaints regarding ineffective investigations under Articles 2 and 3 ECHR. Finally, domestic courts' case-law examples from 2015 to 2019 were submitted, quashing lower courts' decisions to declare inadmissible investigation requests lodged by prosecutors without relevant and sufficient reasons.</p> <p>Excessive length of civil and enforcement proceedings: See CM/ResDH(2018)408 in <i>Raguz</i> and CM/ResDH(2020)104 in</p>

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					<i>Kvartuc.</i> The judgments were published, translated and disseminated.
CM/ResDH(2021)362	CRO / Škrlj	32953/13	11/10/2019 11/07/2019	Functioning of justice: <i>Unfair trial on account of the lack of impartiality of the courts in misdemeanour proceedings. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The impugned proceedings were reopened. General measures: Change of domestic case-law after 2016. Examples of this recent case-law were submitted, several Constitutional Court's judgments dating between 2016 and 2020 and Supreme Court's judgments from 2015 and 2019. The judgment was published, translated and disseminated. It is used in training activities of the judicial academy.
CM/ResDH(2021)366	CRO / Trivkanović (No. 2)	54916/16	21/04/2021 21/01/2021	Functioning of justice: <i>Denial of access to a court due to the domestic courts' manifestly unreasonable refusal to reopen civil proceedings against the State seeking compensation for the death of the applicant's two sons, despite emergence of new evidence and the 2013 criminal conviction of a police commander for war crimes committed by police unit members under his command against the civilian population, including the disappearance of the applicant's sons. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant died before the judgment became final. According to the applicable 1991 Obligations Act, only claims for damages established by a final decision or a written agreement are transferred to the successor. Unrecognized claims for damages are non-transferable. The applicant's claim for damages had not been recognized by a final judgment or a written agreement and could therefore not pass onto the applicant's heirs, who thus refrained from requesting reopening of the impugned proceedings. They may however submit their own claims for damages for the same facts in proceedings instituted by themselves. General measures: After 2016, the Supreme Court changed its case-law in the context of the same historic war-related events, finding that war crimes had been committed by members of the armed forces, entailing disappearances and subsequent death declarations, that the State was liable for the victims' deaths and resultant damage on the grounds of an evident causal link between the disappearance and the (presumed) death of the victims. In such cases the burden of proof shifts to the State, which must prove that the victim had survived or died in different

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					circumstances. Case-law examples were submitted. The judgment was published, translated and disseminated. It is also used in awareness-raising activities of the Judicial Academy.
CM/ResDH(2021)149	CRO / Vijatović	50200/13	16/05/2016 16/02/2016 Merits 21/12/2017 21/09/2017 Just satisfaction	Protection of property rights: <i>Unlawful interference due to the authorities failure to determine a new time after the Constitutional Court's abrogation, in 1997, of the original 60-days time-limit provided for in the Sale to Occupier Act 1995, resulting in the domestic courts' rejection as time-barred of the applicant's request to purchase under preferred conditions the State-owned flat she occupied. (Article 1 of Protocol No. 1)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. In 2016, the Ministry of Defence concluded a sale contract with the applicant. <u>General measures:</u> Following the present judgment, the Ministry of Defence reviewed all similar cases, where purchase requests had been rejected due to the lacuna caused by the Constitutional Court's abrogation of the 60-days time-limit and which were still pending before domestic courts. In 2017, the State Attorney (as State representative in civil proceedings) held – on request of the Ministry of Defence – that sale contracts should be concluded with all tenants meeting the legal requirements irrespective of deadlines. All tenants, in particular those whose requests had been previously rejected, were informed by the Ministry of Defence about their right to purchase the military flats they occupy. 126 requests (out of 145 previously rejected) were renewed and 107 sale contracts were concluded. In 2 cases legal requirement had not been met and 17 cases are still pending for objective reasons. The judgment was published, translated and disseminated.
CM/ResDH(2021)202	CYP / Eugenia Michaelidou Developments Ltd and Michael Tymvios and 1 other case	16163/90+	31/10/2003 31/07/2003 Merits 22/04/2003 Friendly settlement	Protection of property rights: <i>Interference on account of the continuous denial of access to and consequent loss of control of property in the northern part of Cyprus. (Article 1 of Protocol No. 1)</i>	<u>Individual measures:</u> The terms of the friendly settlements providing for the payment of a sum of money in both cases, as well as for an exchange of properties in the first case and for the restitution of the property in the second case, were fulfilled. <u>General measures</u> required in response to the shortcomings found continue to be examined within the framework of the Cyprus against Turkey case.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2021)131	ESP / Aparicio Navarro-Reverter and García San Miguel y Orueta	39433/11	10/04/2017 10/01/2017	Functioning of justice: Denial of a fair hearing before administrative courts due to the failure to notify the applicant owners of an apartment of proceedings concerning the lawfulness of a construction permit, which resulted in a demolition order for several apartments, including theirs. (Article 6 §1)	Individual measures: Just satisfaction for non-pecuniary damage paid. The demolition was suspended as from 2009. Following the present judgment, in reopened proceedings, the impugned judgment of 2007 was quashed and the administrative-contentious appeal proceedings were reinstated to the moment when the applicants should have been correctly summoned. Finally, these reinstated proceedings were terminated in December 2020 following a modification, in November 2020, of the General Municipal Development Plan allowing the applicants to initiate the regularisation of their constructional subdivisions and the claimant neighbours' subsequent withdrawal from proceedings. General measures: Isolated case. The judgment was published, translated and disseminated.
CM/ResDH(2021)411	ESP / Camacho Camacho	32914/16	24/09/2019 24/09/2019	Functioning of justice: Lack of a public hearing before the court of appeal, which examined both factual and legal aspects of the cases concerned, resulting in the applicant's convictions after acquittal at first instance. (Article 6 §1)	Individual measures: Just satisfaction for non-pecuniary damage paid. In reopened proceedings, the Supreme Court quashed the impugned judgment of the court of appeal. General measures: See CM/ResDH(2017)69 in the <i>Igual Coll</i> group. Recent domestic case-law examples were also submitted.
CM/ResDH(2021)57	EST / Jeret	42110/17	09/06/2020 09/06/2020	Protection against ill-treatment: Disproportionate use of handcuffs on a prisoner during his stay in prison hospital. (Article 3)	Individual measures: Just satisfaction for non-pecuniary damage paid. General measures: The 2019 Minister of Justice's Regulation on "Prison Escort Guards' Function and Operating Procedure" stipulates that the use and justification of handcuffs for escorts to hospital has to be determined in the respective order to be issued by a prison officer. In case of an emergency escort, the prisoner's state of health has to be taken into account. Regularly, the Ministry of Justice carries out supervision and information activities on newly adopted prisons rules. The judgment was published, translated and disseminated.

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CM/ResDH(2021)58	EST / Libik and Others	173/15+	07/10/2019 28/05/2019	Protection of private and family life: <i>Unlawful interference due to the lack of sufficient reasoning of the preliminary investigation judges' and prosecutors' authorisations of different secret surveillance measures in criminal proceedings; despite the acceptance - by domestic courts - of the retroactive justifications of these measures. (Article 8)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant's request for reopening of the impugned proceedings was rejected by the Supreme Court on the grounds that the violation found did not affect the admissibility of evidence and was remedied by the award of compensation. According to the Criminal Procedure Code, the applicants may request destruction of the unlawfully recorded data. General measures: A 2013 amendment of the Code of Criminal Procedure clearly foresees that the use of information obtained by surveillance activities as evidence requires prior authorisation and their conduct in compliance with domestic law. The Supreme Court changed its case-law in 2017, when it underlined that judicial ex post control cannot eliminate the inadmissibility of evidence obtained without prior, sufficiently reasoned authorisations. Moreover, under the terms of the 2015 Compensation of Damage Caused in Offence Proceedings Act, compensation may also be requested for damages caused by unlawful surveillance activities. The judgment was published, translated and disseminated. Training and awareness-raising activities were organised for judges, prosecutors and advocates.
CM/ResDH(2021)364	FIN / Kotilainen and Others	62439/12	17/12/2020 17/09/2020	Right to life: <i>Lack of police compliance with their duty of diligence on account of their failure to preventively confiscate a gun from a student whose internet postings prior to committing school killings, while not containing specific threats, cast doubt on his fitness to safely possess a firearm. (Article 2 substantive positive obligation)</i>	Individual measures: Just satisfaction for pecuniary and non-pecuniary damage paid. General measures: The Firearms Act was amended in 2011, tightening the issuance of licences for short firearms. A licence authorising the acquisition and possession of a pistol and a revolver can only be issued to a person over the age of 20. A licence for such firearm can be issued to a natural person only if the person presents a certificate of his or her hobby issued by an authorised instructor of a firearms association and the person has been actively engaged in the hobby for at least two years. In addition, the

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					<p>amendment facilitated the firearms licensing authority obtention of information on the personal suitability of a licence applicant and holder from health care services and the Defence Forces. In 2015, the provisions on the storage of firearms were clarified and tightened and, in 2017, the licensing system was again strengthened. In 2019, the EU Directive on Control of the Acquisition and Possession of Weapons was implemented and the Firearms Act modified accordingly on the national level.</p> <p>In 2007, the police issued detailed instructions for standardising firearms licensing practices. Personnel in the police firearms licence administration receive annual training. In 2008, the Ministry of the Interior issued guidelines to police departments on the issuance and cancellation of firearm possession licences. The police department's firearms information system was redesigned in 2012. The judgment was published, translated and disseminated.</p>
CM/ResDH(2021)214	FIN / Saaristo and Others and 10 other cases	184/06	12/01/2011 12/10/2010	<p>Freedom of expression: <i>Unnecessary interference due to the applicants' convictions to fines in criminal proceedings, for dissemination of information violating personal privacy or for defamation, and to orders to pay damages. (Article 10)</i></p> <p><i>Other violation: Excessive length of criminal proceedings. (Article 6 §1)</i></p>	<p><u>Individual measures:</u> Just satisfaction in respect of pecuniary damage (amount of fines and domestic legal costs) paid. The reopening of the domestic proceedings is allowed by the national legislation.</p> <p><u>General measures</u> required in response to the shortcomings found continue to be examined within the framework of the <u>Eerikäinen</u> case. General measures addressing the issue of excessive length of criminal proceedings were examined in the Kangasluoma group of cases, closed by CM/ResDH(2012)75.</p>
CM/ResDH(2021)367	FRA / Barbotin	25338/16	19/02/2021 19/11/2021	<p>Protection against ill-treatment / conditions of detention / remedy: <i>Ineffective compensation remedy in view of the low award made in respect of inhuman conditions of detention and the fact that</i></p>	<p><u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. The expert fee was never recovered. The applicant is no longer detained.</p> <p><u>General measures:</u> Isolated case due to an erroneous appreciation by the authorities. The ECtHR considered the</p>

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				<i>the detainee was charged the expert's fees, resulting in a debt vis-à-vis the State. (Articles 3 and 13 taken together)</i>	compensation remedy in principle to be effective. Following a decision by the State Council in 2016, expert fees are to be born by the State if the adversary has been granted full legal assistance. See also additional measures to guarantee the right to respect for dignity in detention as described in the case <i>J.M.B., inter alia</i> , the possibility of an appeal to the Liberties and Custody Judge in cases concerning pre-trial detention and to the Sentence Enforcement Judge in cases of conviction. Preventive monitoring of conditions of detention was also reinforced following the judgment in the <i>J.M.B.</i> case. The judgment was published and disseminated to all authorities concerned.
CM/ResDH(2021)369	FRA / Ben Faiza	31446/12	08/05/2018 08/02/2018	Protection of private and family life: <i>Unlawful interference on account of surveillance measures taken against the applicant (real-time geolocation of his vehicle) in a criminal investigation into his involvement in drug-trafficking offences on the basis of a law which, at the relevant time prior to 2014, did indicate with sufficient clarity to what extent and how the authorities were entitled to use their discretionary power. (Article 8)</i>	Individual measures: The finding of a violation constitutes sufficient just satisfaction for non-pecuniary damage. The criminal proceedings against the applicant are still pending. According to the Code of Penal Procedure, pieces of evidence may not be withdrawn from the completed case file. However, the public prosecutor as well as the applicant's counsel may refer to the ECtHR judgment in the future oral hearing and request that the impugned piece of evidence not to be taken into consideration. General measures: The judgement was published and disseminated to all authorities concerned, including the Attorney General. In 2014, a law on geolocalisation entered into force which put such a measure, requiring a sufficiently reasoned authorisation by a magistrate, under judicial control. In 2019, the law was amended to extend the possibility of geolocalisation to a wider range of crimes.
CM/ResDH(2021)5	FRA / Ghedir and Others	20579/12	16/10/2015 16/07/2015 Merits 15/05/2018	Protection against ill-treatment: <i>Failure of authorities to provide a satisfactory and cogent explanation for the injuries sustained by the applicant (fractures,</i>	Individual measures: The ECHR awarded just satisfaction for non-pecuniary and pecuniary damage of 6.500000 Euros. The amount was paid, reduced by an amount of 490,442.41 Euros, which corresponds to the reimbursement of the

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
			15/02/2018 Just satisfaction	<i>haematoma, neurological, cognitive and behavioural disorders resulting in a partial disability rate of 95%), the symptoms of which appeared while he was under the control of police officers following an arrest of the General Security Service ("SUGE") of the French National Railway Company. (Article 3 substantive limb)</i>	<p>sums paid as a provision to the applicant by the Victims of Terrorism And Other Offences Guarantee Fund during the criminal proceedings before the internal courts, as mentioned in the both ECHR judgments, on the merits of 2015 and on just satisfaction of 2018.</p> <p><u>General measures:</u> Violation due to the specific and exceptional circumstances of the case. In 2016, the Code of Ethics of SUGE agents was adopted by decree. The use of body cameras was introduced on an experimental basis. In 2016, the Law Savary completed by an internal Note of 2017, introduced an administrative and regulatory supervision of the SUGE activities of SUGE agents by the National Railway Police Service, subject to the Ministry of the Interior. In 2011, the Human Rights Defender was mandated to investigate allegations of ethical misconduct by State security agents. He also plays a role in the training activities of SUGE agents, which comprises a module on intervention techniques in case of conflicts. The judgement was published and disseminated. It is also used in training activities of SUGE agents.</p>
CM/ResDH(2021)285	FRA / Halabi	66554/14	16/08/2019 16/05/2019	Protection of private and family life / respect for home: <i>Disproportionate interference with the right to respect for one's home on account of an official urban planning inspection visit of partially furnished residential premises, to inspect compliance of work undertaken with the permits issued and planning regulations, based on the terms of the Planning Code - without prior consent from the occupier or judicial authorisation. (Article 8)</i>	<p><u>Individual measures:</u> No claim for just satisfaction in respect of pecuniary or non-pecuniary damages submitted. The inspection had in fact proved justified as the courts had found the applicant guilty of several breaches. Furthermore, since an amended building permit regularising the work had been issued, the consequences of the interference in terms of the applicant's enjoyment of his home had been limited.</p> <p>Finally, with regard to the criminal fine imposed, the applicant may request the reopening of the proceedings and/or the modification of his criminal record.</p> <p><u>General measures:</u> In 2018, the provisions of the Urban Planning Code applicable to home visits were amended, in particular with regard to the following points criticised by</p>

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					<p>the Court:</p> <ul style="list-style-type: none"> - Clarification of the administrative control operations regime and the establishment of urban planning offences: home visits can take place between 06:00 and 21:00; in the presence of the occupant and with his consent (alignment with the regime of criminal searches); - Agreement of the occupier or authorization of the judge of freedoms and detention needed or presence of a judicial police officer; - Appeal of the order authorizing the home visit possible to the Court of Appeal's president. <p>The judgment was published and disseminated to all relevant authorities.</p>
CM/ResDH(2021)368	FRA / Nodet	47342/14	06/09/2019 06/06/2019	Right not to be tried or punished twice: <i>Imposition of a sanction by the Autorité des Marchés Financiers (Authority of Financial Markets) followed by a criminal conviction. (Article 4 of Protocol No. 7)</i>	<p><u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. The applicant did not request reopening of the impugned proceedings. The conviction was erased from the applicant's criminal records.</p> <p><u>General measures:</u> In 2015, the Constitutional Council declared the impugned provisions unconstitutional. In 2016, a law modified the system of sanctions for financial market abuse by increasing the amounts of penal fines. Finally, the law also set up a coordination mechanism for law enforcement authorities and the Authority of Financial Markets to prevent cumulative repressive actions. The judgment was published and disseminated to all authorities concerned.</p>
CM/ResDH(2021)324	FRA / Popov and 5 other cases	39472/07+	19/04/2012 19/01/2012	Protection against ill-treatment / right to liberty and security / protection of private and family life: <i>Administrative detention of foreign parents and their infant children for fifteen days pending expulsion; inability of these minor children to challenge lawfulness of this measure and, in view of</i>	<p><u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid as awarded; in two cases the amounts were deposited at the "Caisse des dépôts et consignations" due to the outstanding submission of supporting documents. All applicants have been released.</p> <p><u>General measures:</u> Progress has been made; the outstanding questions on the effective implementation of</p>

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<p><i>the children's young age, the duration and conditions of their detention amounted to ill-treatment. (Articles 3 and 5 §4 and 8)</i></p> <p><i>Other violations in four cases: Unlawful detention due to lacking examination by authorities of alternative measures to administrative detention of families pending expulsion. (Article 5 §1f)</i></p>	<p>the regulations, applicable since 2016, continue to be examined in the context of the new <i>M.D. and A.D</i> group. The judgements were published and disseminated to the authorities concerned, in particular, to the Ministries of Justice and the Interior as well as to the State Council.</p> <p>As concerns the administrative detention of families pending expulsion: In 2012, a circular by the Ministry of the Interior to the competent services stipulating priority to house arrests for families to be removed from the territory and limiting the possibility and conditions of their administrative detention. In 2016, a new law and its explanatory memorandum confirmed these provisions. Thus, detention is possible - as a last resort - only in three cases provided for exhaustively in the Code of Entry and Residence of Foreigners and the Right of Asylum: non-compliance with a previous house arrest; obstruction of removal order enforcement and if the best interests of the child so require. Figures show that the number of cases and average length of detention of families with minors has fallen sharply since 2014. The detention of families is only allowed in places with isolated and adapted rooms, intended for their reception. A guide was distributed to all prefectures.</p> <p>As concerns the review of detention: Review of detention is not directly available to children. However, the competent administrative judge, upon appeal by the parents or, where appropriate, the children's legal representatives, will examine such appeals in light of their situation and interests, applying the principles of the present judgments. Respective court decisions of 2012, 2013, 2014 and 2016 were submitted. Moreover, in 2013, the Council of State had ruled that detention requires compliance with the conditions of Article 5 §1 ECHR as interpreted by the Court, in particular, in the <i>Popov</i> judgment.</p> <p>As for the review period, see CM/ResDH(2017)153 in <i>A.M.</i>,</p>

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					in particular, concerning the possibility of challenging the detention order within 48 hours of its notification before the Judge of freedom and detention, who will examine the reasons for the decision, the need for the measure and the conditions of arrest. Finally, specific training on the review of detention decisions is provided to judges.
CM/ResDH(2021) 7	FRA / Sanofi Pasteur	25137/16	13/06/2020 13/02/2020	Functioning of justice: <i>Unfair civil proceedings due to the Court of Cassation's dismissal of the applicant's request for a referral of the case to the CJEU without providing any reasons. (Article 6 §1)</i>	Individual measures: The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. Domestic law does not provide for reopening of civil proceedings following a ECHR judgment. General measures: Between 2014 and 2019, the Court of Cassation's reformed its drafting rules of judgments and decisions, in particular their reasoning, including the reasoning of preliminary referral rulings. Recent Court of Cassation's case-law examples, underlining the new clarity of reasoning, were submitted. After 2019, the reasonings of dismissals of requests for preliminary referral rulings were further standardized. As concerns referrals to the CJEU on account of different interpretations in member States or of clarifications needed, the Court of Cassation used in its recent case-law newly enriched reasoning. The judgment was published and disseminated to the Court of Cassation magistrates.
CM/ResDH(2021) 366	FRA / SARL Le Club and Others	31386/09+	20/07/2017 20/07/2017	Functioning of justice: <i>Excessive length of administrative proceedings. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed. General measures: With regard to the reform of the administrative procedure, see CM/ResDH(2008)12 in <i>Raffi</i> . Furthermore, numerous additional structural reform measures were taken: In 2016 and in 2018, the Code of Administrative Justice was amended to improve the management of delays in the investigation of the case, in particular, with regard to questions related to urban planning. Laws adopted in 2016 and 2017 promoted the

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					possibilities of mediation in disputes by the administrative judge. A decree of 2018 explores further possibilities of mediation in disputes concerning the civil service. The inspection of administrative jurisdictions was reinforced and sanctions for excessive delays may be decided. The judgment was published and disseminated.
CM/ResDH(2021)309	GEO / Bregvadze	49284/09	17/01/2019 17/01/2019	Functioning of justice: <i>Unfair criminal proceedings proceedings and lack of a remedy. (Articles 6 §1 and 13)</i>	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 required in response to the shortcomings found continue to be examined within the framework of the <i>Kartvelishvili group of cases</i> .
CM/ResDH(2021)370	GEO / Jishkariani	18925/09	20/12/2018 20/09/2018	Freedom of expression: <i>Disproportionate interference due to the domestic courts' failure to protect the applicant's right to have her reputation safeguarded in defamation proceedings. (Article 8)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. General measures: Isolated incident. Violation due to an erroneous application of domestic law. Freedom of expression and opinion is enshrined in the 2005 Constitution and in the Law on Freedom of Speech and Expression. Recent Supreme Court case-law examples in protection of the claimant's honour, dignity, privacy, personal inviolability or business reputation from defamation were submitted. The judgment was published, translated and disseminated.
CM/ResDH(2021)288	GRC / Amaliio Iktrofiio Thileon	41302/13	18/06/2020 18/06/2020	Functioning of justice: <i>Non-compliance (between 2004 and 2013) with a Council of State judgment by the Archbishop of Athens, which annulled the acts by which the Archdiocese of Athens had subjected the applicant association's church to a special regime of administration and management against the provisions of the</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. General measures: Isolated occurrence due to the circumstances of the case. The judgment was published, translated and disseminated.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>relevant legislation. (Article 6 §1)</i>	
CM/ResDH(2021)374	GRC / Anastasakis	41959/08	06/03/2012 06/12/2011	Functioning of justice: Denial of access to a court in expropriation proceedings on account of the formalistic approach of the national courts regarding the admissibility grounds of a request for compensation for the loss arising from disruption of business due to expropriation. (Article 6 §1)	Individual measures: No claim submitted. The applicant's legal action for compensation of damages on the grounds of an ECHR violation was rejected on appeal as time-barred. General measures: The judgment was published, translated and disseminated. The Court of Cassation and the courts of appeal changed their case-law in expropriation proceedings along the findings of the present judgment, declaring admissible adversary parties' counter-applications referring to the same property, even if the counter-application does not necessarily refer to the same issues raised in the main application, as it was the case in <i>Anastasakis</i> .
CM/ResDH(2021)418	GRC / Evaggelou and 2 other cases	44078/07+	20/06/2011 13/01/2011	Functioning of justice: Denial of access to a tribunal due to the excessively formalistic rejection as inadmissible of the applicants' appeals in criminal proceedings before the Court of Cassation and an appeal court as well as excessive length of criminal proceedings and lack of an effective remedy in this regard. (Article 6 §§1 and 13)	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicants did not request reopening of the impugned criminal proceedings. Proceedings closed in regard to the first applicant. General measures required in response to the shortcomings found continue to be examined within the framework of the <i>Kallergis</i> case. Concerning length of proceedings and lack of a remedy, see CM/ResDH(2015)231 in the <i>Diamantides No. 2</i> and <i>Michelioudakis</i> groups of cases.
CM/ResDH(2021)376	GRC / I Avgi Publishing and Press Agency S.A. and Karis and 3 other cases	15909/06+	05/09/2008 05/06/2008	Freedom of expression: Disproportionate interference on account of civil courts' convictions of journalists for defamation or insult of the claimants in press articles and ordering the applicants to pay damages. (Article 10)	Individual measures: Just satisfaction for pecuniary (damages and domestic court costs) and/or non-pecuniary damage paid as awarded. General measures required in response to the violations established in these cases continue to be examined within the framework of the <i>Vasilakis</i> group.
CM/ResDH(2021)190	GRC / Makaratzis and 12 other cases	50385/99	20/12/2004 20/12/2004	Right to life and protection against ill-treatment: Use of potentially lethal force by the police in the absence of an	Individual measures: Just satisfaction in respect of non-pecuniary damage was paid. In some cases additional compensation was claimed by applicants and awarded by

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				<p>adequate legislative and administrative framework governing the use of firearms; ill-treatment by police and coastguards; absence of effective criminal and effective investigations including inadequate penalties and the failure to investigate whether racist motives on the part of the police may have played a role in some cases. (Articles 2 and 3 substantive and procedural limbs; Article 14 combined with Article 3).</p>	<p>domestic courts. The Government expressed public apologies to all victims of police ill-treatment in March 2021. Prescription has made it impossible to reopen criminal and disciplinary investigations.</p> <p><i>General measures:</i> In 2003, precise and strict rules for the use of firearms by police officer were introduced by law. In 2020 legislation enhanced the investigative and oversight competencies of the Greek Ombudsman in this domain and notably the impartiality of disciplinary investigations. Circulars issued in 2012 and 2014 by the Chief of Police underlined the importance for the police to investigate racist and other similar motives in all cases of ill-treatment while under the Criminal Code as amended in 2019 aggravated penalties were provided for racially motivated crimes. Also, a 2020 law amended the definition of torture in the Criminal Code aligning it with the Court's case-law while the 2019 Criminal Code proscribed commutation of custodial penalties in cases where the court is of the opinion that this would not dissuade a convict from reoffending. In 2020 the Prosecutor of the Court of Cassation issued circulars addressed to all Greek prosecutors providing them with directions for conducting criminal investigations into incidents of alleged ill-treatment or death caused by law enforcement agents in line with the Court's case-law. Finally, the Prime Minister expressed the State's determination to address the causes of the violations. See http://hudoc.exec.coe.int/ENG?i=CM/Inf/DH(2012)40E and http://hudoc.exec.coe.int/ENG?i=CM/Del/Dec(2021)1411/H46-15E</p> <p>Outstanding general measures required in response to the shortcomings found by the Court in these judgments in the context of a new group of cases named Sidiropoulos and Papakostas.</p>

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CM/ResDH(2021)287	GRC / Moudaki-Soilentaki	9743/12	26/03/2020 26/03/2020	Functioning of justice and lack of a remedy: <i>Non-compliance with a final judgment ordering a fresh decision on the applicant's request for or reinstatement to her post in Olympic Airways by the Minister of Transfers and Communication. (Articles 6 §1 and 13)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. Following the present judgment, the Minister of Transport reexamined the applicant's request for reinstatement and rejected it with a detailed reasoning. General measures: Concerning the prevention of delayed or non-enforcement of domestic courts' judgments by the Administration, see CM/ResDH(2017) in Anagnostou-Dedouli, in particular information on the setting up of "compliance committees" comprising three members at each administrative tribunal, at the State Council, the Court of Cassation as well as the Court of Audit to examine non-execution complaints and statistics illustrating a significant decrease of the number of the non-executed judgments between 2012 and 2014. The issue of lack of an effective remedy with regard to non-enforcement of domestic courts' judgments by the Administration, i.e. the effectiveness of the compliance mechanism enacted by law 3068/2002, is examined in the Beka-Koulocheri group (38878/03). The judgment was published, translated and disseminated.
CM/ResDH(2021)379	GRC / Panagis	72165/13	05/02/2020 05/11/2020	Functioning of justice: <i>Unfair criminal proceedings due to the lack of opportunity at any stage of the proceedings to examine the two prosecution witness statements decisive for the applicant's conviction. (Article 6 §§1+3d)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant is entitled to request the reopening of the impugned proceedings. General measures: In 2019, the Code of Criminal Procedure was amended to regulate the admission as evidence of pre-trial statements of absent witnesses under stricter conditions: a) specific reasoning behind the inability of witnesses to attend trial, b) residence abroad as grounds for non-attendance has been repealed, c) inability to locate the address of the witness has been introduced. The judgment was published, translated and disseminated. It is used in training activities for judges organised by the National School for Judges.

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CM/ResDH(2021)378	GRC / Papargyriou	55846/15	21/02/2020 21/11/2019	Functioning of justice: Excessive length of criminal proceedings due to the lack of a compensatory remedy under domestic law for the excessive length of criminal proceedings before the pre-trial divisions of the criminal courts. (Article 6 §1)	Individual measures: Just satisfaction for non-pecuniary damage paid. General measures: See CM/ResDH(2015)231 in <i>Michelioudakis</i> , in particular, concerning the 2014 law providing for a compensatory remedy for unjustifiably lengthy proceedings before the criminal courts, except for delays before the pre-trial divisions. In 2021, the above-mentioned law was amended to extend its application also to the pre-trial stage. The judgment was published, translated and disseminated.
CM/ResDH(2021)371	GRC / Paraponiaris	42132/06	06/04/2009 25/09/2008 Merits 22/01/2010 22/10/2009 Just satisfaction	Functioning of justice: Presumption of innocence on account of the imposition of a fine for smuggling by an Indictment Division despite discontinuation of proceedings as time-barred, as well as unfair trial as this pecuniary sanction was imposed through proceedings that were not adversarial and lacked publicity. (Article 6 §§1+2+3c)	Individual measures: As no observations were submitted by the applicant on, the Court rejected his claim of just satisfaction. The pecuniary sanction may be challenged before administrative courts; the applicant did not avail himself of this opportunity. General measures: Isolated incident. According to a Law which entered into force in 2020, all issues concerning smuggling offences will be first addressed during the administrative investigation stage, notably the identification of persons liable for the offence, tracing and confiscation of illegally imported goods, imposition of duties and other charges and sanctions. Criminal justice will only address the perpetrators' criminal responsibility and impose sanctions taking into account the sanctions already imposed by administrative authorities, so that the principle of proportionality and the presumption of innocence will be not infringed. The judgment was published, translated and disseminated.
CM/ResDH(2021)375	GRC / Piolopoulos and Others (No.2) and 1 other case	40758/09	07/12/2017 07/09/2017	Protection of property rights / functioning of justice / effective remedy: Authorities' failure to settle the status of the applicants' properties in terms of the urban development plan and/or lack of an	Individual measures: Just satisfaction for non-pecuniary damage paid in Public Accounts due to lacking information for payment to the applicant or his representative. The restoration of the applicant's property was completed; the expropriation order was lifted and the urban plan was

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				<i>effective remedy to complain about the blocking of their land by expropriations and of the excessive length of administrative proceedings. (Article 1 of the Protocol No. 1 alone or in conjunction with Article 13 and Article 6 §1 in the first case)</i>	modified accordingly. <u>General measures</u> required in response to the shortcomings found continue to be examined within the framework of the <i>Beka-Koulocheri</i> group. According to the 2020 Law on Modernization of Spatial and Urban Planning and following the well-established case-law of the Supreme Administrative Court, as from 2016, urban planning and relevant procedures have both been simplified and accelerated. In case of delays in the modification of the urban plan, caused by the municipality or the Head of the Region, the property owner may seek judicial review of the omission. Thus, owners of land which has been expropriated or charged with restrictions for urban planning purposes without payment of compensation, may oblige the administration to lift the relevant decision and subsequently modify the urban plan. The judgments were published, translated and disseminated.
CM/ResDH(2021) 286	GRC / Sine Tsaggarakis A.E.E.	17257/13	07/10/2019 23/05/2019	Functioning of justice: <i>Unfair trial due to the infringement of the principle of legal certainty on the ground of case-law divergence within the Supreme Administrative Court's sections, in the context of two applications for annulment lodged by the applicant company in 2007 and 2009 concerning a building permit and a cinema operating license. (Article 1 of Protocol No. 1)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. In 2020, in reopened proceedings, the Supreme Administrative Court accepted the applicant company's petition and annulled the license for the operation of the rival complex of cinema. <u>General measures:</u> In 2013, a committee on case-law and research was established within the Supreme Administrative Court with the task to register and process case-law of all sections and the Plenary, thereby ensuring its consistency. Furthermore, a committee for communication and international relations was established to update, in cooperation with the first committee, the Supreme Administrative Court's website and to provide regular case-law information. The judgment was published, translated and disseminated.
CM/ResDH(2021)	GRC / Singh	60041/13+	19/04/2017	Protection against ill-treatment /	<u>Individual measures:</u> Just satisfaction for non-pecuniary

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372	and Others and 6 other cases		19/01/2017	conditions of detention / remedy: <i>Poor conditions of detention and/or the lack of effective remedies in this respect. (Articles 3 and/or 13 in conjunction with 3)</i>	damage paid. The applicants were either released or transferred to detention facilities. General measures required in response to the shortcomings found continue to be examined within the framework of the Nisiotis group.
CM/ResDH(2021)380	GRC / Vamvakas and 2 other cases	36970/06	16/01/2009 16/10/2008	Functioning of justice: <i>Denial of access to a tribunal due to the excessively formalistic rejection as inadmissible of the applicants' appeals in criminal proceedings before criminal courts, including the Court of Cassation. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The first applicant did not request reopening of the impugned proceedings; the other two applicants were, as civil parties, not entitled to that request, which is restricted to the convicted person. General measures: Outstanding issues with respect to the excessively formalistic approach in criminal proceedings concerning other inadmissibility grounds continue to be examined by the Committee within the context of the new Kallergis group.
CM/ResDH(2021)377	GRC / Varfis and 1 other case	40409/08+	08/03/2012 19/07/2011 Merits 13/02/2015 13/11/2014 Just satisfaction	Protection of property rights / functioning of justice: <i>Disproportionate interference on account of the authorities' failure to compensate the applicants for the restrictions and limitations imposed on the use of their land for environmental protection or conservation of cultural heritage; excessive length of related proceedings. (Article 1 of Protocol No. 1)</i>	Individual measures: Just satisfaction for pecuniary (damages and domestic court costs) and/or non-pecuniary damage paid as awarded. General measures: See CM/ResDH(2014)233 in <i>Anonymous Touristiki Etairia Xenodocheia Kritis</i> . The Supreme Administrative Court continued to align its case-law with the present judgments. As concerns excessive length of proceedings, see CM/ResDH(2015)230 in the <i>Athnasiou/Manios</i> group.
CM/ResDH(2021)230	GRC / Vasilopoulos and 2 other cases	18106/12	28/05/2020 28/05/2020	Functioning of justice and protection of property rights: <i>Failure of the authorities to comply with the judgments rendered by the Court of Audit concerning the applicants' pension readjustment claims and lack of an effective domestic remedy. (Article 6 §1 and 1 of Protocol No. 1)</i>	Individual measures: Just satisfaction as awarded in respect of any damages suffered paid. General measures: In 2020, the Unified Code of Procedure for the Court of Auditors entered into force, providing that Administrative authorities must take all necessary measures to comply with the judgments of the Court of Auditors and refrain from any opposing action, which would constitute a breach of duty and result in personal

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					liability. The impugned provisions of a 1981 presidential decree, which had been used to justify the pension adjustment refusals, were thereby repealed. The judgment was published, translated and disseminated.
CM/ResDH(2021)229	GRC / Vathakos	20235/11	28/09/2018 28/06/2018	Functioning of justice: Denial of access to a court due to the applicant's statutory inability to challenge before administrative courts the aggravated disciplinary sanction imposed on him by the second instance disciplinary body, on the grounds that he was lacking locus standi. (Article 6 §1)	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. In reopened proceedings, the impugned decision was quashed. Subsequently, the applicant's appeal was examined on the merits and rejected as unfounded. General measures: The 2007 Civil Servants' Code, which entered into force after the facts of the case, provides that, in the event of the imposition of a fine equivalent to one to four months' salary, where an objection is lodged in favour of the administration, the time limit for the civil servant to also lodge an objection starts to run from the notification to him/her of a copy of the disciplinary decision and of the objection lodged. Without such objection, the time limit for the civil servant to appeal to the Administrative Court of Appeals shall begin to run from the date on which he/she is notified of a copy of the disciplinary decision together with a statement that no objection has been submitted in favour of the administration. The judgment was published, translated and disseminated.
CM/ResDH(2021)391	HUN / A.B. and 15 other cases	33292/09+	16/07/2019 16/04/2013	Right to liberty and security: Various irregularities in the applicants' detention on remand (inter alia, length of detention on remand and lacking equality of arms in proceedings for release from pre-trial detention). (Article 5 §§3+4)	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicants are no longer detained on remand. General measures required in response to the shortcomings found continue to be examined within the framework of the X.Y. group of cases.
CM/ResDH(2021)423	HUN / Bartos and 10 other cases	6240/18	17/01/2019 17/01/2019	Functioning of justice: Excessive length of judicial proceedings and the lack of an effective remedy in this respect. (Article 6	Individual measures: Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed. General measures required in response to the shortcomings

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				§1)	found by the Court in the present judgments continues to be examined within the framework of the <i>Gazsó</i> group.
CM/ResDH(2021)389	HUN / Csánics and 1 other case	12188/06+	29/04/2009 29/01/2009	Freedom of expression: <i>Unjustified interference on account of the domestic courts' refusal to allow the respondent in a libel case to prove the veracity of his statements because of the harsh and exaggerated manner in which they had been made. (Article 10)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. Reopening of civil proceedings was not yet possible at the material time of the present European Court's judgment. General measures: The violation at issue originated from the domestic civil courts' (including the Supreme Court's) failure to make an appropriate distinction between statements of fact and value judgments. In April 2014, the Constitutional Court delivered a decision giving guidance as to the distinction between the facts and value judgments/assessments relevant for the consideration of public issues of general interest. Relevant recent case-law examples by domestic courts were submitted. The judgment was published, translated and disseminated. It was used in training activities for judges.
CM/ResDH(2021)388	HUN / Fáber	40721/08	24/10/2012 24/07/2012	Freedom of expression: <i>Unjustified interference on account of the imposition of a fine for displaying a flag with controversial historical connotations in protest against an anti-racist demonstration as a regulatory offence of disobeying police instructions. (Article 10)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. General measures: Isolated occurrence resulting from the erroneous interpretation of existing legislation by domestic courts in the specific context of this case. Recent domestic case-law examples demonstrating the Constitutional Court's alignment with the ECtHR's jurisprudence and ECHR standards were submitted. See also CM/ResDH(2019)346 in <i>Vajnai</i> . The judgment was published, translated and disseminated.
CM/ResDH(2021)390	HUN / Ferenc Rózsa and István Rózsa	30789/05	28/07/2009 28/04/2009	Functioning of justice: <i>Denial of access to court due to the Court of Appeal and the Supreme Court's decisions resulting in the applicants' inability to seek compensation in court for the loss of value of their shares</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. Reopening of civil proceedings was not yet possible at the material time of the present European Court's judgment. General measures: As from January 2018, the new Code of

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				<i>in a company whose liquidation had been ordered unlawfully. (Article 6 §1)</i>	Civil Procedure allows for the reopening of cases in respect of which a violation was found by the European Court. The violation resulted from the erroneous interpretation of the existing legislation by the domestic courts, in particular of relevant provisions of the old Code of Civil Procedure and the 1991 Act on Bankruptcy Proceedings and Liquidation Proceedings. In 2017, a domestic court ruling implicitly confirmed the Convention-compliant interpretation of the existing legislation. The judgment was published, translated and disseminated.
CM/ResDH(2021)383	HUN / Hunguest Zrt	66209/10	30/11/2016 30/08/2016 Merits 16/04/2018 16/01/2018 Just satisfaction	Functioning of justice / protection of property rights: <i>Excessive length of judicial proceedings and the applicant company's inability to use the financial means deposited into an escrow account as a security until the end of these proceedings without yielding any interests. (Articles 6 §1 and 1 of Protocol No. 1)</i>	<u>Individual measures:</u> Just satisfaction for pecuniary (losses sustained) and non-pecuniary damage paid. Domestic proceedings closed. <u>General measures</u> required to respond to the shortcomings are being examined within the framework of the Gászó group of cases.
CM/ResDH(2021)387	HUN / Matúz	73571/10	21/01/2015 21/10/2014	Freedom of expression: <i>Unjustified interference on account of a journalist's dismissal from the State television company for publishing a book criticising his employer in breach of a confidentiality clause. (Article 10)</i>	<u>Individual measures:</u> Just satisfaction for pecuniary and non-pecuniary damage paid. Reopening of civil proceedings was not yet possible at the material time of the present European Court's judgment. <u>General measures:</u> Isolated issue. Change of domestic case-law; two recent case-law examples (from 2020 and 2021) in compliance with ECHR standards concerning the employee's freedom of expression in labour law context, were submitted. The judgment was published, translated and disseminated.
CM/ResDH(2021)116	HUN / Miracle Europe Kft	57774/13	12/04/2016 12/01/2016	Functioning of justice: <i>Denial of a fair trial on account of the applicant's case not having been heard by a "tribunal established by law" due to its discretionary</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. Reopening of civil proceedings following the finding of a violation by the ECtHR has been possible only since 2018, within six months from the service of the

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				<i>reassignment to another than the initially competent court by decision of the President of the National Judicial Office. (Article 6 §1)</i>	judgment. <i>General measures:</i> The impugned statutory provisions in the Act on the Organisation and Administration of Courts as well as in the Fundamental Law, which allowed for the reassignment of cases, were repealed in 2013. The judgment was published, translated and disseminated.
CM/ResDH(2021)381	HUN / Pákozdi	51269/07	25/03/2015 25/11/2014	Functioning of justice: <i>Unfair criminal proceedings due to the lack of a public hearing before the Supreme Court when revising the court of appeal's decision and endorsing the imposition of tax surcharges on the applicant. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. Reopening of the impugned proceedings was not possible as the legal dispute was not categorized under domestic law as of one of a criminal character. <i>General measures:</i> The 2017 Act on Administrative Proceedings contains new provisions the review procedure before the Kúria (former Supreme Court) in administrative cases, in particular, it may not change the lower instance's decisions on the merits but can only refer the case back to the lower court or to the administrative body. According to the Constitutional Court's well-established jurisprudence, lower courts will hold an oral hearing when, after the quashing of the decision by the Kúria, they conduct the proceedings anew. The judgment was published, translated and disseminated.
CM/ResDH(2021)385	HUN / R.R. and Others	19400/11	29/04/2013 04/12/2012	Right to life: <i>Authorities' failure to adequately protect the right to life of members of a witness protection scheme on account of their exclusion from it without any assessment of the level of threat to the applicants' lives. (Article 2)</i> <i>Article 46: Respondent State to secure adequate protection for the second to fifth applicants, including proper cover identities if necessary, until such time as the threat could be proven to have ceased.</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. In 2014, a comprehensive risk assessment for the family was carried out by the Ministry of the Interior. Since their exclusion from the witness protection programme, personal protection is being provided for the second applicant and her children by the local police authorities. These measures are in effect up to this date. <i>General measures:</i> In parallel with the entry into force of the 2018 Criminal Procedure Code, the rules in the Protection Act 2001 concerning exclusion grounds from the witness protection scheme were amended, notably to provide better safeguards to auxiliary persons, such as

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					family members of a collaborator of justice, before their exclusion from the scheme on account of a breach of the scheme's provisions by the collaborator. The explanatory memorandum of the Act made reference to the present judgment. The judgment was published, translated and disseminated.
CM/ResDH(2021)384	HUN / Scheszták	5769/11	21/02/2018 21/11/2017	Functioning of justice: <i>Unfair labour proceedings concerning an allegedly unlawful dismissal on account of the Supreme Court judging the case in disrespect of the principle of adversarial procedure. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. Under the Civil Code, the applicant could have brought an official liability action against the domestic court. However, he did not avail himself to that remedy. General measures: Isolated occurrence based on a procedural mistake. The judgment was published, translated and disseminated.
CM/ResDH(2021)83	HUN / Szkórits	58171/09	16/12/2014 16/09/2014	Protection of property rights: <i>Disproportionate interference due to a land registry error resulting in the applicant's inability to obtain possession or use of a plot of land allocated to him in 1999 in the process of land restitution after the socialist regime's end. (Article 1 of Protocol No.1)</i>	Individual measures: Just satisfaction awarded in equity for pecuniary and non-pecuniary damages combined paid. The applicant obtained possession in 2009. General measures: The violation resulted from the inaccuracy of the land register and the protraction of the mapping procedure. A National Cadastral Programme in order to create digital map collections, launched in 1996, was completed in 2007. The 2012 Act on Geodetic and Mapping Activities provides for constant maintenance and adjustment based on land surveying of the national cadastral maps. The 2020 Act on the Settlement of the Ownership of Land Plots Subject to the Right of Land Use of Cooperatives and on the Amendment of Certain Laws on Land Matters provides that individuals (or their successors), registered on 01/01/2021 as entitled to a plot of land that was later transferred to a collective farm and who have not yet received any land or compensation in return, shall be entitled to monetary compensation proportionate to the value of the title they own. The judgment was published, translated and disseminated.

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CM/ResDH(2021)386	HUN / Ungváry and Irodalom Kft	64520/10	03/03/2014 03/12/2013	Freedom of expression: <i>Disproportionate interference on account of the domestic courts' conviction of a historian and a publisher for defamation and award of considerable damages to the plaintiff - for stating that a Constitutional Court judge had collaborated with the state security services during the Communist era. (Article 10)</i>	Individual measures: Just satisfaction for pecuniary and non-pecuniary damage paid. Reopening of civil proceedings was not yet possible at the material time of the present European Court's judgment. General measures: In April 2014, the Constitutional Court delivered a decision giving guidance as to the distinction between the facts and value judgments/assessments relevant for the consideration of public issues of general interest. Relevant recent case-law examples by domestic courts were submitted. The judgment was published, translated and disseminated.
CM/ResDH(2021)191	IRL / Keany	72060/17	30/07/2020 30/04/2020	Functioning of justice: <i>Excessive length of judicial proceedings and the lack of an effective domestic remedy for the same. (Article 6 §1 and 13)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage was paid. Domestic proceedings ended in 2017. General measures required in response to the shortcomings found continue to be examined within the framework of the McFarlane group of cases.
CM/ResDH(2021)10	ISL / Sigurdur Einarsson and Others and 1 other case	39757/15+	04/09/2019 04/06/2019	Functioning of justice: <i>Unfair criminal proceedings relating to financial offences in the wake of the 2008 banking crisis, due to lack of objective impartiality of domestic judges (in the first case, the judge's son was a senior employee of the bank concerned and, in the second case, the judges had suffered financial losses as a result of the applicant's activities). (Article 6 §1)</i>	Individual measures: The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. The applicants in the first case did not request reopening; in the second case reopening of the impugned proceedings was granted. In 2020, a new a new Court on the Reopening of Judicial Proceedings was established by a law. It is required to take ECHR judgments into account when evaluating whether a case should be reopened. General measures: Violation due to the specific circumstances of the cases. A Code of Conduct for Judges of 2017 established a Board of Ethics to promote awareness of the code's principles. Also, the Judicial Administration, based upon the Act on the Judiciary entering into force in 2018, provides continuous education and training to judges and other employees of the judiciary. Furthermore, the Committee on Judges' Activities, an

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					independent body also based on the Act on the Judiciary, monitors the judges' secondary jobs and ownership shares in associations and companies. It may receive complaints on alleged judicial misconduct. If a complaint is sufficiently substantiated, the Committee will issue a reasoned opinion on the conformity of the judge's conduct to legal standards. Complaints pertaining to a judicial decision appealable to a higher court fall outside the scope of the Committee's remit. The judgments were published, translated and disseminated.
CM/ResDH(2021)396	ITA / Akinnibosun and 2 other cases	9056/14	16/10/2015 16/17/2015	Right to private and family life: <i>Authorities' failure to make appropriate and sufficient efforts to ensure respect for the applicants' right to live with their children before envisaging the severing of family ties. (Article 8)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. In two cases the adoption procedures had been completed in 2014. In the third case, the applicants and their child had been reunited. General measures required to ensure that deprivation of parental responsibilities and authorisation of adoption are applied only in very exceptional circumstances and after everything has been done to preserve and, if and when appropriate, to re-establish family ties, continue to be examined in the framework of the <i>Zhou</i> group of cases.
CM/ResDH(2021)399	ITA / Arnaboldi	43422/07	14/06/2019 14/03/2019	Functioning of justice and protection of property rights: <i>Failure of authorities to guarantee the payment of the compensation for land's expropriation, awarded to the land's owner by a final decision of a domestic court. (Article 6 §1 and 1 of Protocol No. 1)</i>	Individual measures: Just satisfaction for pecuniary and non-pecuniary damage paid. General measures: Isolated case. The Court did not call in question the legal framework and case-law on compensation for expropriation and enforcement of final judicial decisions, finding, rather, a question of application of the existing rules in the particular case at stake. The judgment was published, translated and disseminated.
CM/ResDH(2021)118	ITA / Cafagna	26073/13	12/01/2018 12/10/2017	Functioning of justice: <i>Unfair criminal proceedings due to the restriction of the applicant's defence rights resulting in his conviction, on the basis of a statement</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. In reopened proceedings, the applicant was acquitted. General measures: In 1999, the principle and requirements

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				<i>made by an individual who claimed to have been assaulted by him but who did not give evidence at the hearing. (Article 6 §§1+3d)</i>	of a fair trial as affirmed by the European Court had already been integrated in the Constitution. Respective awareness-raising and training activities were held for judges by the Magistrates' Academy. Moreover, the Court of Cassation aligned its case law to that of the European Court on the applicable principles and steps to be taken when a witness does not appear at a public hearing providing new clear guidance to lower courts. Recent case-law examples were submitted. The judgment was published, translated and disseminated.
CM/ResDH(2021)397	ITA / Condominio Porta Rufina and 6 other cases	14346/05	06/06/2019 06/06/2019	Protection of property rights: <i>Absence of sufficient safeguards and/or the excessively restrictive rules on compensation for emergency expropriations by local authorities</i> <i>Other violation: Insufficient amount of compensation awarded in the framework of a compensatory remedy available to victims of excessively long proceedings. (Article 6 §1)</i>	Individual measures: Just satisfaction for pecuniary and/or non-pecuniary damage paid as awarded. General measures: See CM/ResDH(2017)138) in the context of the <i>Belvedere Alberghiera S.R.L.</i> group of cases and CM/ResDH(2015)155) in the <i>Giuseppe Mostaccioulo (No. 1)</i> group of cases.
CM/ResDH(2021)311	ITA / De Luca	43870/04	24/12/2013 24/09/2013 Merits 17/11/2014 08/07/2014 Just satisfaction	Functioning of justice and protection of property rights: <i>Inability of the applicant to have a final judgment enforce against a municipal authority, which had become insolvent. (Article 6 §1 and 1 of Protocol No. 1)</i>	Individual measures: Just satisfaction in respect of pecuniary and non-pecuniary damage paid. General measures required to address the shortcomings found continue to be examined within the framework of the case of <i>Pennino</i> . The judgment was published, translated and disseminated.
CM/ResDH(2021)395	ITA / Facchinetti	34297/09	03/09/2020 03/09/2020	Functioning of justice: <i>Unfair proceedings due to the adoption and retroactive application of new legislation to on-going court proceedings concerning the calculation of the retirement pensions of</i>	Individual measures: The finding of a violation constitutes in itself sufficient just satisfaction for any non-pecuniary damage. General measures required to ensure that the law at issue in this case, which remains in force, is applied in

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>Italian nationals who had worked in Switzerland, which effectively decided the outcome of these proceedings in favour of the State. (Article 6)</i>	accordance with the requirements of the Convention concerning legislation with retroactive effect, are examined in the case of <i>Stefanetti and Others</i> ; general measures required to ensure that laws with retroactive effect are adopted in strict conformity with the requirements of the Convention is being examined in the framework of the <i>Agrati and Others</i> .
CM/ResDH(2021)394	ITA / Grieco	59753/09	03/09/2020 03/09/2020	Functioning of justice: <i>Unfair proceedings due to the adoption and retroactive application of new legislation to on-going court proceedings concerning the calculation of the retirement pensions of Italian nationals who had worked in Switzerland, which effectively decided the outcome of these proceedings in favour of the State. (Article 6)</i>	Individual measures: The finding of a violation constitutes in itself sufficient just satisfaction for any non-pecuniary damage. General measures required to ensure that the law at issue in this case, which remains in force, is applied in accordance with the requirements of the Convention concerning legislation with retroactive effect, are examined in the case of <i>Stefanetti and Others</i> ; general measures required to ensure that laws with retroactive effect are adopted in strict conformity with the requirements of the Convention is being examined in the framework of the case <i>Agrati and Others</i> .
CM/ResDH(2021)75	ITA / Huzuneanu	36043/08	01/12/2016 01/09/2016	Functioning of justice: <i>Unfair criminal proceedings due to the applicant's inability to obtain the reopening of proceedings against him resulting in his conviction in absentia, of which he had "no effective knowledge", despite the fact that his absence from the proceedings was not attributable to him. (Article 6)</i>	Individual measures: No claim submitted. In December 2016, the applicant's request for reopening of the impugned proceedings was granted and the applicant was released. General measures: In 2009, in a different set of proceedings, the Constitutional Court had declared the relevant provision of the Code of Criminal Procedure unconstitutional insofar as it did not allow the accused - who did not have effective knowledge of the proceedings - to obtain a reopening of the time limit in order to appeal against the decision issued in absentia, when the same appeal had previously been lodged by the lawyer. The provision was modified in 2014 providing that in the event of a conviction in absentia, the time limit for appealing the

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					judgment is reopened, at the accused's request, unless the accused has had effective knowledge of the proceedings or judgment and voluntarily waived the right to appear in the proceedings or to challenge the judgment. In this regard, the burden of proof lies with the judicial authorities. The judgment was published, translated and disseminated.
CM/ResDH(2021)424	ITA / Khaifia and Others	16483/12	15/12/2016 Grand Chamber	Right to liberty and security / lack of an effective remedy with regard to conditions of detention: <i>Lack of a legal basis, non-provision of information and lack of judicial review in respect of the administrative detention of migrants in initial reception centres, and the absence of an effective remedy concerning living conditions in such centres. (Article 5 §§1+2+4, Article 13 in conjunction with Article 3)</i>	<p><u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. The applicants were no longer suffering any consequence of the violations at the time the judgment became final.</p> <p><u>General measures:</u> The current legal framework regulating the administrative detention of migrants in reception centres provides a clear and accessible legal basis and requires the authorities to provide information to the persons concerned about their rights and the grounds for their detention. It provides for an automatic judicial review of the lawfulness of any decision to detain.</p> <p>Examples of judicial decisions were submitted indicating with sufficient certainty that the combination of preventive and compensatory civil law remedies under the Code of Civil Procedure and the Civil Code may allow migrants in administrative detention to file complaints related to their living conditions and obtain adequate redress in case these conditions amount to ill-treatment. The National Guarantor for the rights of persons deprived of personal liberty has access to the centres to monitor compliance with regulations.</p> <p>The CM expressed its strong expectation that the authorities continue to consider the concerns raised by civil society in this case and guarantee that the new legal framework is rigorously and consistently applied in full compliance with ECHR requirements. It also underlined the importance of a continuing dialogue with the relevant civil society actors and with the National Guarantor for the</p>

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					rights of persons deprived of personal liberty.
CM/ResDH(2021)119	ITA / Lorefice	63446/13	29/09/2017 29/06/2017	Functioning of justice: <i>Unfair criminal proceedings on the ground that the applicant's initial acquittal was overturned on appeal without further hearing of the prosecution witnesses. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. In reopened proceedings, the applicant's conviction was reconfirmed following the applicant's lawyer's examination and cross-examination of five witnesses requested by him and the Prosecutor. General measures: The issue raised by this judgment had already been solved in 2016/17 by the consolidated jurisprudence of the Court of Cassation which affirmed the necessity for the Appeal Court to rehear the witnesses in appeal proceedings initiated by the public prosecutor against a first instance judgment of acquittal. Moreover in 2017, the relevant provision of the Criminal Procedure Code was amended stipulating that in case of a prosecution's appeal against an acquittal for reasons relating to the evaluation of oral testimony, the judge must conduct a direct and fresh assessment of the evidence. The judgment was published, translated and disseminated.
CM/ResDH(2021)30	ITA / M.C. and Others	5376/11	03/12/2013 03/09/2013	Functioning of justice and protection of property rights / discrimination: <i>Systemic problem due to the impossibility for persons accidentally contaminated following blood transfusions or by the administration of blood derivatives to obtain an annual adjustment based on the inflation rate of the supplementary component (the "IIS") of the compensation allowance they benefit from, following a legislative intervention of 2010, which cancelled retrospectively and in a discriminatory manner such adjustment possibility. (Article 6 §1 and/or Article 1 of Protocol No. 1 taken alone or in</i>	Individual measures: Just satisfaction for non-pecuniary damage paid as agreed in a friendly settlement. Previously, the applicant parties had received compensation for the pecuniary damage following the violations found at domestic level. General measures: As from 2012, the authorities guaranteed that the IIS is henceforth submitted to an annual adjustment. Furthermore, the authorities at central and regional level paid on the basis of budgetary allocations, to the persons accidentally contaminated (or their heirs), the arrears corresponding to the adjustment of the IIS from the date the compensation allowance was granted. In particular, the arrears to be paid by the central and regional authorities were cleared before the end of 2014 and 2018 respectively.

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				<i>conjunction with Article 14)</i>	
CM/ResDH(2021)192	ITA / Maddalena Perego and Also Romanet and 36 other cases	15800/89	30/11/1994	Functioning of justice: Excessive length of administrative proceedings. (Article 6 §1 and 13)	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage was paid. Domestic proceedings closed. <u>General measures</u> required to guarantee non-repetition of the violations found continues to be examined within the framework of the case of Abenavoli.
CM/ResDH(2021)398	ITA / Matteo	24888/03	26/03/2020 26/03/2020	Functioning of justice: Excessive length of civil proceedings, for which the applicant had not received sufficient compensation at domestic level. (Article 6 §1)	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. <u>General measures:</u> See CM/ResDH(2015)155) in the context of the <i>Giuseppe Mostacciolo (No. 1)</i> group of cases.
CM/ResDH(2021)400	ITA / Mottola and Others and 1 other case	29932/07+	04/05/2014 04/02/2014 Merits 06/09/2018 06/09/2018 Just satisfaction	Functioning of justice and protection of property rights: Unforeseeable change in the interpretation of relevant rules of procedure which deprived the applicants from having access to a court to obtain recognition of a public employment relationship and of the pension entitlements deriving from it. (Article 6 §1)	<u>Individual measures:</u> Just satisfaction for pecuniary and non-pecuniary damage paid and awarded on a flat-rate basis,. Some of the applicants requested the reopening of the impugned proceedings but were unsuccessful due to the lack of a provision allowing the reopening of civil proceedings following judgments of the Court. <u>General measures:</u> In 2019, the Court of Cassation provided guidance, with a view to protecting the parties in court proceedings against detrimental effects of jurisprudence reversals of procedural rules. The CM noted with great interest the information about the ongoing legislative reforms aimed <i>inter alia</i> at introducing in the legal system the possibility to seek reopening of civil proceedings, while safeguarding the rights acquired by bona fide third parties. The judgments were published, translated and disseminated.
CM/ResDH(2021)25	LIT / Bakanova	11167/12	31/08/2016 31/05/2016	Right to life: Lack of effective investigations into the death of the applicant's husband, in 2007, on board of a ship off the coast of Brazil. (Article 2	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. In April 2017 domestic proceedings were reopened. In April 2019 the prosecutor decided to discontinue the investigation. The applicant's appeal

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>procedural limb)</i>	<p>against this decision was granted. Finally, in June 2020, the prosecutor concluded that the Brazilian law enforcement institutions would not execute the Lithuanian request for legal assistance, that after 13 years a guilty person has not yet been established and that the proceedings have become time-barred.</p> <p><i>General measures: Isolated case.</i> Examples of domestic case-law on the State's positive duty to conduct a thorough and effective investigation into suspicious deaths and the obligation to compensate damages in the event of the inefficient investigation were transmitted. The Supreme Court emphasised that in the cases concerning the accidents at work domestic courts should assess the evidence on the basis of a comprehensive and impartial examination of all the circumstances of the case. The Prosecutor General's Office regularly organises specific training related to the procedural requirements of effective investigations into deaths. The judgment was published, translated and disseminated.</p>
CM/ResDH(2021)14	LIT / Baltic Master Ltd	55092/16	16/04/2019 16/04/2019	<i>Functioning of justice: Unfair administrative proceedings due to the lack of adequate reasoning for a refusal of the domestic courts in 2016 to refer a question to the CJEU for a preliminary ruling. (Article 6 §1)</i>	<p><i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicant company's request for reopening of the impugned proceedings was granted and the Supreme Administrative Court referred two preliminary questions to the European Court of Justice.</p> <p><i>General measures:</i> In general, domestic courts are respectful of their obligations to give appropriate reasons for their decisions. Recent case-law examples for Supreme Administrative Court's reasoned decisions on requests for referral of the case to the CJEU were submitted. The judgment was published, translated and disseminated.</p>
CM/ResDH(2021)289	LIT / Kaminskienė	48314/18	12/01/2021 12/01/2021	<i>Functioning of justice: Objectively justified doubts concerning the impartiality of two judges in a Supreme Court selection panel</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. In March 2021 the selection panel of the Supreme Court renewed the time-limit to submit the

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				<i>with regard to the applicant's two appeals on points of law in civil proceedings, due to their personal ties and earlier involvement in other proceedings between the parties. (Article 6 §1)</i>	applicant's appeal on points of law and accepted it for further examination. General measures: In 2021, the Rules on the Composition of the Supreme Court's Selection Panels on administrative, civil and criminal cases deciding on the admissibility of appeals on points of law and requests to reopen cases of administrative violation were amended. Information on the specific selection panel's composition is now published on the Supreme Court's website. Upon this information, parties concerned can raise the issue of the lack of impartiality of judges and request their removal at the domestic level. The judgment was published, translated and disseminated.
CM/ResDH(2021)12	LIT / Kryzevicius	67816/14	13/09/2019 13/12/2018	Protection of private and family life: <i>Unnecessary interference in a democratic society on the ground of the domestic courts' refusal to grant the applicant the spousal privilege exempting him from testifying in criminal proceedings which involved his wife as a "special witness" (not a suspect or accused) and imposition of a fine. (Article 8)</i>	Individual measures: Just satisfaction for non-pecuniary and pecuniary (amount of fine) damages paid. The investigations were discontinued. The fine was not recorded in any database. General measures: In 2020, the to the Code of Criminal Procedure was amended to grant all persons the possibility to refuse to testify against spouses or family members, irrespective of their status in the criminal proceedings concerned. The judgment was published, translated and disseminated.
CM/ResDH(2021)235	LIT / Leonienė	61264/17	10/11/2020 10/11/2020	Right to liberty and security: <i>Unnecessary detention following an unjustified absence from a court hearing in criminal proceedings without assessment of the applicant's health. (Article 5 §1)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The applicant did not avail herself of the opportunity to reopen domestic proceedings in view of the finding of a violation of the ECHR. The applicant was released on bail in May 2017. General measures: Violation constitutes an isolated occurrence due to the specific circumstances of the case. The judgment was published, translated and disseminated.
CM/ResDH(2021)	LIT / Rinau	10926/09	14/05/2020	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
13			14/01/2020	<i>Authorities' failure to fulfil their positive obligations concerning the court-ordered return to her father of a daughter, unlawfully retained by her mother, in the context of proceedings in application of the Hague Convention on the Civil Aspects of International Child Abduction as well as the Brussels II Regulation of the EU; excessive length of these proceedings. (Article 8)</i>	<p>damage paid. The father was reunited with his daughter in 2008. The Court awarded EUR 92,230 for costs and expenses having regard to the particular complexity of the case, which had required a number of lawyers, specialising in private international law, EU law and Lithuanian civil and criminal law, who had represented the first applicant before the Lithuanian civil courts and the CJEU, or who had subsequently defended him in the criminal courts.</p> <p><u>General measures:</u> Violation due to the exceptional circumstances of the case. Recent case-law examples of domestic courts in international child abduction cases were submitted, underlining in their considerations the importance of best interest of the child. In 2018 and 2019, all return applications in international child abduction cases were decided in less than six months. Furthermore, the Supreme Court and the Children Rights Protection and Adoption Service under the Ministry of Social Security and Labour adopted guidance for such cases in Circulars and a Recommendation of 2017 as to exclude procedural vagaries. The judgment was published, translated and disseminated to all relevant authorities.</p>
CM/ResDH(2021)234	LIT / T.K.	14000/12	03/12/2018 12/06/2018	Protection against ill-treatment and functioning of justice: <i>Unfair trial, on the grounds of the applicant's inability to examine key witnesses, in particular his partner, in criminal proceedings against him, due to the removal of the applicant's glasses for several months, which also amounted to degrading treatment. (Articles 3 and 6 §§1+3c)</i>	<p><u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. In 2019, the Supreme Court decided to reopen the impugned proceedings. In March 2021, the Court of Appeal, re-assessing the evidence submitted, dismissed the applicant's appeal. The applicant's glasses had been returned in April 2012.</p> <p><u>General measures:</u> Violation constitutes an isolated incident, due to the specific circumstances of the case. Information on the procedural safeguards and defence rights under domestic law, in particular the Code of Criminal Procedure, as well as examples of their application in Supreme Court's case-law was submitted. The judgment was published, translated and disseminated.</p>

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CM/ResDH(2021)11	LIT / Zemaitis and 1 other case	74305/17	15/10/2019 15/10/2019	Protection against ill-treatment: <i>Ill-treatment at the hands of police upon arrest, in the first case, and by using electroshock weaponry in the second case as well as lacking effective investigations in both cases. (Article 3 substantive and procedural limbs)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. In the first case, the Supreme Court concluded that there were no sufficient grounds to reopen, six years after the facts, the impugned proceedings against the alleged acquitted perpetrators. In the second case, the competent regional court found that, in light of the detailed explanations of the police officer when re-questioned and of the evidence available, the use of the teaser had been lawful, adequate and proportionate. General measures: See CM/ResDH(2018)291 in Gedrimas and Yusiv. In addition, the legislation on the use of electroshock weaponry was amended in 2017 and 2018. Relevant training was introduced, and the Guidelines were updated in 2020. Since 2017, 11 investigations into alleged misuse of electroshock weaponry were introduced, 5 of which ended with sanctions. The judgments were published, translated and disseminated.
CM/ResDH(2021)233	LVA / Emars	22412/08	18/02/2015 18/11/2014	Right to life: <i>Lack of adequate or independent criminal investigations into the death of the applicant's daughter in 2004, resulting in the failure to secure relevant evidence. (Article 2 procedural limb)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. Due to the lapse of time, the identified shortcomings in the criminal investigations can no longer be rectified; two police officers were submitted to disciplinary/conditional criminal penalties for the procedural errors committed. General measures: To strengthen the independence of criminal investigations, in 2011, the State Police in cooperation with the relevant NGOs prepared and published information on the complaint mechanism concerning the State Police officials' actions or omissions. In 2012, the Internal Security Office of the State Police was transferred to the supervision of the Ministry of the Interior. In 2015, a law reorganised the Internal Security Bureau, which assumed the authority to investigate all offences allegedly committed by the officials of the institutions subordinated to the Ministry of the Interior,

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					<p>prison officials, as well as the Municipal Police. The Bureau is also responsible for the collection of evidence, the examination of the necessity and proportionality of use of force.</p> <p>To strengthen prosecutorial supervision the Section on Supervision of the Pre-trial Investigations of the Criminal Law Department of the Prosecutor General Office performed the audit of criminal proceedings within the responsibility of the Internal Security Office of the State Police. In 2016, a prosecutorial Information System was set up. The judgment was published, translated and disseminated.</p>
CM/ResDH(2021)155	LVA / Veiss	15152/12	28/04/2014 28/01/2014	<p>Functioning of justice: <i>Excessive length of civil and administrative proceedings concerning the applicant's paternity claims and resulting contact rights with the child. (Article 6 §1)</i></p>	<p><u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. The applicant's civil case was examined de novo in 2013/14 on the ground of new information. Finally, domestic proceedings were closed on 20/04/2021.</p> <p><u>General measures:</u> In 2009, a reform to improve judicial efficiency was initiated. The territorial reform of the judiciary was completed in 2018. In 2013, amendments to the Law on Judicial Power in conjunction with the relevant provisions of the Civil Procedure Law introduced acceleratory remedies and provided for a stricter supervision of compliance with procedural time limits by the court presidents and the Judicial Council. In the period 2017-2018 the authorities adopted a wide range of 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 courts to balance the caseload and ensure faster examination of cases, the territorial reform of courts and the increase in the number of judges. Mediation as an alternative out-of-court dispute resolution was promoted. As a result of the overall reform measures, recent statistical</p>

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					data show an acceleration of adjudication of cases and a decrease in the duration of court proceedings as acknowledged by the CoE European Commission for the Efficiency of Justice (CEPEJ) and the relevant European Union bodies. Training and awareness raising activities for the judiciary were organized. The judgment was published, translated and disseminated.
CM/ResDH(2021)91	MDA / Anusca and 2 other cases	24034/07+	18/08/2010 18/05/2010	Right to life: Lack of effective investigations into the applicants' sons' deaths during their military service mainly on account of insufficient involvement of the next of the kin in the investigation. (Article 2)	Individual measures: Just satisfaction for non-pecuniary damage paid. The reopening of proceedings in the Anusca case was not necessary as the original investigation had ultimately and eventually achieved its end. Investigations in the Iorga and Vasîlca cases were not reopened, given that their original deficiencies cannot not be remedied at this stage any longer. General measures: The judgments were published and disseminated to the relevant authorities. The National Institute of Justice organized training sessions for judges and prosecutors, including on issues pertaining to procedural violations of Article 2.
CM/ResDH(2021)237	MDA / Arzamazova	38639/14	04/11/2020 04/08/2020	Protection of property rights: Abusive expropriation, in 2013, of a building purchased from the local authorities in 2004, and lack of any compensation for the renovation works undertaken. (Article 1 of Protocol No. 1)	Individual measures: Just satisfaction in respect of pecuniary (renovation costs) and non-pecuniary damage paid. The applicant did not seek reopening of the impugned proceedings. General measures: Violation stems from the erroneous interpretation and application of domestic law by the court of appeal and the Supreme Court. The judgment was published, translated and disseminated. It is also used in training activities of the National Institute of Justice.
CM/ResDH(2021)401	MDA / Badan and 6 other cases	56405/12	29/06/2021 29/06/2021	Functioning of justice and protection of property rights / remedy: Failure to enforce final domestic judgments rendered in favour of the applicants and lack of an	Individual measures: Just satisfaction for pecuniary and non-pecuniary damage paid as awarded. Domestic judgments were executed. General measures required in response to the shortcomings

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				<i>effective remedy in this respect. (Articles 6 §1, 1 of Protocol No. 1 and 13)</i>	found continues to be examine within the framework of the group of cases <i>Olaru</i> .
CM/ResDH(2021)76	MDA / Bimer S.A.	15084/03	10/10/2007 10/07/2007	Protection of property rights: <i>Unlawful interference by a Customs Department order closing the applicant company duty-free business located inside the Leuşeni customs zone and withdrawing its existing licence, based on a 2002 amendment to the Customs Code, but in violation of the Law on Foreign Investments. (Article 1 of Protocol No. 1)</i>	Individual measures: Just satisfaction for pecuniary damage paid, calculated on the basis of costs of immovable property, loss of profit for a period of ten years, bank interest and inflation rate and awarded in equity. General measures: In 2004, the Law on Investments in Entrepreneurial Activity replaced the Law on Foreign Investments of 1992, which had stipulated, that new legislative acts changing the conditions of activity of an existing enterprise with foreign capital shall not be applied for a period of ten years to such enterprises. The 2004 law provides that investment activity can be forcibly interrupted only if such a measure is taken for public benefit with the condition of prior and equivalent compensation for damages and is not discriminatory or if such a measure is due to the contractual conditions established within the public-private partnership. The amount of compensation must be equivalent to the actual amount of damage at the time of occurrence. The judgment was published, translated and disseminated. It is used in training activities for judges.
CM/ResDH(2021)291	MDA / Bostan	52507/09	08/03/2021 08/12/2020	Protection of private and family life: <i>Unlawful interference due to the search by the police of the applicant's home in the framework of contravention proceedings against a third person, without a judicial warrant or permission, contrary to domestic law. (Article 6 §1)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. General measures: Isolated case due to particular circumstances. In 2009, a new Code of Minor Offences provided additional guarantees for the conduct of searches in minor offence cases, requiring a State agent's reasoned statement on the minor offence and a court's prior authorisation. In case of a flagrant minor offence, a search may exceptionally be conducted without a court's prior authorisation, on specific conditions. The Code of Criminal Procedure provides that on-site investigation of a domicile

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					shall be carried out with the permission of the owner, title-holder or adult family member. The judgment was published, translated and disseminated. It is also used in training activities organised by the National Institute of Justice on Article 8 issues.
CM/ResDH(2021)31	MDA / Braga	76957/01	05/03/2018 17/10/2017	Protection from ill-treatment / right to liberty and security / right to individual petition: <i>Unlawful arrest, conviction and sentencing to imprisonment on the basis of decisions ordered by the authorities of the self-proclaimed "Moldavian Republic of Transdnistria" ("MRT") in the period 1999 – 2000, his transfer, in 2001, to prison hospital under the control of the Moldovan authorities and his transfer back to "MRT" prison, where he was held in inhuman conditions of detention until his release in January 2002; disruption of the contact with his lawyer. (Articles 3, 5 §1 and 34)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant was released in 2002. General measures: The 2004 Code of Execution of and the 2006 Rules of the execution of the criminal sentences contain specific provisions for the detention and prohibit the transfer of prisoners to unconstitutional entities. The Code of Criminal Procedure of 2003 provides that criminal justice is carried out in the name of the law. The setting up of unlawful courts is forbidden. Sentences and judgements of unlawful courts have no legal power and thus cannot be enforced. Detention and transfer of a detainee on the basis of an illegally constituted court's judgment is thus automatically excluded. The National Administration of Penitentiaries' Handbook for prison staff contains a section on the necessity to control the lawfulness of detention and on the non-admission of individuals without legal basis for their detention. The violation of Article 34 resulted from the applicant's transfer to a prison in the "MRT" outside the effective control of the Moldovan constitutional authorities. The judgment was published, translated and disseminated to the relevant authorities (Supreme Court of Justice, National Administration of Penitentiaries, Superior Council of Magistracy, National Institute of Justice).
CM/ResDH(2021)193	MDA / Breabin and 7 other cases	12544/08+	07/07/2009 07/04/2009	Protection against ill-treatment: <i>Inhuman treatment or torture in police custody, including with a view to extracting confessions, lack of effective investigations in this respect. (Article 3 substantive and</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage was paid. Impossibility to identify those responsible or to collect evidence that could confirm the applicants' allegations, despite all reasonable investigatory steps taken and measures adopted to remedy the

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>procedural limb)</i>	shortcomings identified; reopening of domestic proceedings prevented on procedural grounds. <u>General measures</u> required in response to the shortcomings found continue to be examined within the framework of the Levința group of cases.
CM/ResDH(2021)290	MDA / Ciobanu	44896/11	03/12/2019 03/12/2019	Functioning of justice: <i>Unfair criminal proceedings due to the Court of Appeal's failure to hear witnesses when reversing the first instance acquittal and convicting and sentencing the applicant. (Article 6 §1)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. The applicant did not request reopening of the impugned proceedings. <u>General measures:</u> See CM/ResDH(2018)295 in Dan and Lazu, in particular the 2012 amendment to the Criminal Procedure Code introducing the obligation to hear, before pronouncing a conviction, the defendant as well as witnesses requested by parties in appeal proceedings against the acquittal sentence. The judgment was published, translated and disseminated.
CM/ResDH(2021)156	MDA / Ciorap (No.4)	14092/06	08/10/2014 08/07/2014	Protection against ill-treatment: <i>Ill-treatment on account of a medical operation performed in prison hospital without medical necessity on the applicant against his will and the inadequate amount of compensation subsequently awarded by the Supreme Court. (Article 3 substantive limb)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. <u>General measures:</u> See also CM/ResDH(2017)369 in G.B. and R.B, in particular: In 2012, the Supreme Court of Justice adopted an explanatory ruling encouraging domestic courts to award compensation for violations of Articles 3, 5 and 8 in amounts proportional to those awarded by the European Court in similar cases. Examples of domestic case-law in respect of compensation for non-pecuniary damage in cases related to medical negligence were submitted. Furthermore, new preventive and compensatory remedies for allegations of ill-treatment in detention were introduced in 2019. During the period 2016-2019, the National Institute of Justice organised training sessions for judges and prosecutors on issues concerning ill-treatment as well as on standards and principles of awarding compensation in line with the European Court's case-law.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					In 2017, a commentary of the Court's judgments against Moldova was published. The judgment was published, translated and disseminated.
CM/ResDH(2021)62	MDA / Edata-Trans S.R.L.	55887/07	17/03/2020 17/03/2020	Protection of property rights: <i>Disproportionate interference due to on account of the authorities' refusal in 2006 to accept the deduction of the expenses and VAT it had paid to another company on the basis of a false invoice.(Article 1 of Protocol No. 1)</i>	Individual measures: Just satisfaction for pecuniary (income tax and penalties paid to the State budget) and non-pecuniary damage paid. The applicant company did not request reopening of the proceedings. General measures: Violation of incidental nature stemming from the national courts' failure to apply relevant legal provisions. The judgment was published, translated and disseminated. Training and awareness-raising activities were organised for civil servants and judges.
CM/ResDH(2021)157	MDA / Ghirea	15778/05	26/09/2012 26/06/2012	Functioning of justice: <i>Breach of the principles of legal certainty and of equality of arms due to the Supreme Court's acceptance of the prosecutor's appeal against the applicant's acquittal, which had been filed out of time. (Article 6 §1)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. In reopened proceedings the applicant was acquitted of all charges as previously decided by the first instance court. General measures: In 2012, the Supreme Court of Justice adopted an Explanatory Decision on "issues concerning the prosecutor's attendance in criminal proceedings", providing i.a. that if the trial prosecutor is not in a position to lodge an appeal within the time-limit, s/he should be replaced; a suspension of the legal time-limits on account of the trial prosecutor's leave would be in violation of the principles of legal certainty and of equality of arms. During the period 2016-2019, the National Institute of Justice organised training sessions for judged and prosecutors on issues concerning Article 6 ECHR. In 2017, a commentary of the Court's judgments against Moldova was published. The judgment was published, translated and disseminated.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2021)90	MDA / Năvoloacă	25236/02	16/03/2009 16/12/2008	Functioning of justice: <i>Unfair criminal proceedings on account of the quashing of the applicant's acquittal and his conviction by the Supreme Court of Justice acting as a third-instance court without a direct assessment of the evidence given by the applicant in person and by the witnesses and its failure to order a re-hearing. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. In reopened proceedings, a re-trial was ordered. In 2014, in appellate proceedings, the applicant was convicted to a prison term, which he is currently serving. General measures: Violation due to an erroneous application of domestic legislation. In 2009, a change of judicial practice was introduced on the basis of a Plenary Supreme Court explanatory judgment providing that the Supreme Court of Justice cannot pronounce a conviction - following an acquittal by the first and second instance - without hearing the accused or assessing the evidence directly. Examples of jurisprudence were provided. Professional training for civil servants and judges were organised by the National Institute of Justice. The judgment was published, translated and disseminated.
CM/ResDH(2021)120	MDA / P.T.	1122/12	26/08/2020 26/05/2020	Protection of private and family life: <i>Disproportionate and unjustified interference on account of the disclosure of the applicant's HIV positive status in a certificate exempting him from military service issued in 2011. (Article 8)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. A new exemption certificate without illness reference code was issued. General measures: In 2012, on request of the Ombudsman, the Constitutional Court declared unconstitutional the 2005 Government decision requiring the specific illness reference code of the Medical Standards to be indicated in the exemption certificate. In 2013, the Government replaced its decision accordingly. The judgment was published, translated and disseminated. During the period 2016-2019, more than 240 judges and prosecutors attended training activities of the National Institute of Justice on Article 8 issues.
CM/ResDH(2021)26	MDA / Petreenco	20928/05	04/10/2010 30/03/2010	Protection of private and family life: <i>Disproportionate interference due to the domestic courts' failure to protect the applicant's reputation when assessing a</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. In 2011, the applicant's revision request was granted, the impugned judgment quashed and the applicant's action on defending his honour, dignity and

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<p><i>newspaper article published in 2002 suggesting the applicant's collaboration with the Soviet secret services. (Article 8)</i></p>	<p>professional reputation was partially admitted. The Supreme Court ordered the newspaper to publish a retraction</p> <p><i>General measures:</i> On the basis of the 1994 Constitution, the 2003 Civil Code guarantees everyone's right to respect of his or her honour, dignity and professional reputation as well as his/her right to request the courts to order the retraction of untrue damaging statements and to order compensation.</p> <p>The 2011 Law on freedom of expression guarantees the right of media to disseminate information in the general public's interest, admitting an acceptable degree of exaggeration or provocation, but prohibiting the distortion of the facts. Everyone has the right to respect of his or her honour, dignity and professional reputation against the spreading of false factual information or value judgments without sufficient factual basis and may request rectification or retraction of the information concerned, as well as compensation for pecuniary and non-pecuniary damage.</p> <p>The judgment was translated, published and disseminated to all relevant authorities. It was used in training activities for judges.</p>
<p>CM/ResDH(2021)263</p>	<p>MDA / Promo Lex and Others</p>	<p>42757/09</p>	<p>24/05/2015 24/02/2015</p>	<p>Freedom of assembly and association: <i>Failure of the police to protect the demonstrators against a violent attack during a manifestation in 2009 and absence of any remedy in this regard. (Articles 11 as well as 11 in conjunction with 13)</i></p>	<p><i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. In 2011, the four attackers were found guilty of aggravated hooliganism and sentenced to four years' imprisonment, being released on probation for a period of two years. The appellate court also admitted the civil action lodged by the third applicant.</p> <p><i>General measures:</i> In 2012, the Law on Police provided for the right to challenge police officers' actions, including failures to protect peaceful demonstrators, before administrative or judicial authorities. Decisions taken by the authorities supervising police activities may be appealed</p>

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					<p>against before administrative court. Numbers and statistics on recent successful police interventions to protect demonstrators were submitted.</p> <p>In addition, the National Public Order and Security Strategy for 2017-2020 set up a modern, integrated and compatible public order and security system, including the "carabineers" as a law-enforcement structure with military status. In 2018, the Law on the General Inspectorate of Carabineers and a Government Decision determined this entity's organization, functioning and main duties, in particular the protection of public order and security on the occasion of assemblies, cultural and religious gatherings as well as other public events.</p> <p>The main operational mission of the police is to maintain public order and the carabineers' mission is to restore it: Thus, the General Inspectorate of Police monitors the assembly and calls on participants to respect regulations and instructions, whereas the General Inspectorate of Carabineers assists the police in restoring the peaceful character of a demonstration. Both these law-enforcement agencies carry out their own mission as a priority, but must also grant each other mutual operational support in an integrated and effective manner. The judgment was published and disseminated.</p>
CM/ResDH(2021)17	MKD / AVTO ATOM DOO KOCHANI	21954/16	28/05/2020 28/05/2020	<p>Protection of property rights: <i>Disproportionate interference due to the deprivation of the applicant company of the right to deduct value-added tax it had paid on received goods, owing to circumstances beyond its control, namely its' suppliers' failure to meet its tax obligations. (Article 1 of Protocol No. 1)</i></p>	<p>Individual measures: Just satisfaction for pecuniary damage (amount of the tax payment order) paid. the applicant company requested reopening of the impugned administrative proceedings.</p> <p>General measures: See CM/ResDH(2019)193 in EUROMAK METALL DOO. In 2014, amendments on the Value Added Tax Act introduced a mechanism "reverse charge" shifting the responsibility for the VAT transaction report from the supplier to the recipient of a good or service. In the invoice issued to the recipient the supplier must indicate "transfer</p>

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					tax liability."The recipient is then required to calculate and report the VAT. This mechanism is applicable, inter alia, for goods and services such as waste, industrial and non-industrial waste materials, waste material that can be recycled, and partially processed waste dealt by the applicant company. The Interdepartmental Commission for the execution of ECHR judgments adopted the recommendations to encourage the Higher Administrative Court, the Administrative Court, the Ministry of Finance and the Public Revenue Office to make decisions in accordance with the present findings as well as to encourage the Academy for Judges and Public Prosecutors to organise trainings on the topics of tax procedure and tax laws. The judgment was published, translated and disseminated.
CM/ResDH(2021)27	MKD / Demerdzieva and Others	19315/06	10/09/2010 10/06/2010	Functioning of justice: Denial of access to a court due to Supreme court's erroneous dismissal as out of time of the applicants' appeal on points of law. (Article 6 §1)	Individual measures: Just satisfaction for non-pecuniary damage paid. In reopened proceedings the Supreme Court accepted the applicants' appeal on points of law, examined it on the merits and dismissed the appeal on points of law as unfounded. General measures: See CM/ResDH(2017)113 in Fetaovski. No similar cases pending. The judgment was published, translated and disseminated.
CM/ResDH(2021)160	MKD / Gelevski	28032/12	08/01/2021 08/10/2020	Freedom of expression: Disproportionate interference due to the applicant's conviction for defamation for criticising a journalist in an opinion piece in a daily newspaper on a subject of public interest. (Article 10)	Individual measures: Just satisfaction in respect of pecuniary (amount of the fine) and non-pecuniary damage paid. The impugned criminal conviction was erased from the register on 22 April 2021. General measures: See CM/ResDH(2019)190 in Makraduli. The judgment was published, translated and disseminated.
CM/ResDH(2021)123	MKD / J.M. and A.T.	79783/13	22/10/2020 22/10/2020	Protection of private and family life: Disproportionate and unjustified interference on account of the disclosure	Individual measures: The finding of violation constituted sufficient just satisfaction for the non-pecuniary damage sustained. The list of data was returned to the hospitals.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>by a public hospital to the police of the applicants' medical data relating to their treatment for drug addiction. (Article 8)</i>	General measures: In 2013, a new Code of Criminal Procedure entered into force providing for the public prosecutors' supervision of police access to personal data. In 2020, a Personal Data Protection Act implemented the respective EU regulations. Laws and other legal acts which (currently) regulate the collection, processing, storage, use and submission of personal data will be aligned to the provisions of this Act within 18 months. The Personal Data Protection Agency adopted Rules on the processing of data and on data protection impact assessments. Currently a Law on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties is under preparation. The Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (CETS No.223) was signed in 2019. The judgment was published, translated and disseminated.
CM/ResDH(2021)402	MKD / L.R.	38067/15	23/05/2020 23/01/2020	Protection against ill-treatment: <i>Failure to secure the dignity and well-being of a child with a mental disability on account of his inappropriate placement in an institute which could not cater for his needs. Lack of effective investigation. (Article 3 substantive and procedural limb and Article 34)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. In September 2018, the applicant was placed in an appropriate home. As concerns criminal proceedings, the prosecution re-interviewed the experts, having established the 2014 medical report on the applicant's disabilities, and finally dismissed the respective criminal complaint lodged by the Helsinki Committee for Human Rights in September 2021. General measures: In 2018, the Government adopted the National Deinstitutionalisation Strategy 2018-2027 aimed at supporting inclusion of persons with disabilities as equal and active citizens of their communities and the society at large. In 2019, a new Social Protection Act was adopted establishing the possibility of supported living in a special residential community as a non-family care mechanism. In

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					2019, the Ombudsman found that the implementation of this mechanism was in full compliance with the existing legislation. In its 2020 Report on North Macedonia, the EU Commission noted that the deinstitutionalisation process was under way and the conditions for children settled into community-based care homes were generally satisfactory. It envisages the possibility of supported living in a special residential community as a non-family care mechanism which is designed, <i>inter alia</i> , for people with disabilities. As concerns prevention of similar procedural violations in the future and in the light of the specific circumstances of the present case, the judgment was published, translated and communicated to the authorities concerned.
CM/ResDH(2021)403	MKD / Neteskan and 2 other cases	23152/05+	27/08/2010 27/05/2010	Functioning of justice: <i>Unfair criminal proceedings due to the infringement of the principle of equality of arms by summoning only the public prosecutor but not the applicants to attend court sessions and excessive length of proceedings. (Article 6 §1 twice)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. In reopened proceedings, the charges against the first applicant were dismissed. The second applicant did not avail himself of the possibility to request reopening of proceedings. In the third case, the Supreme Court dismissed the appeal in reopened rectified proceedings. General measures: With regard to the principle of equality of arms, the Supreme Court and the courts of appeal changed their practice in 2015 and 2019 respectively, enabling both the defendant and his legal counsel and the public prosecutor to be present at court sessions. Relevant examples were submitted. In 2012, the authorities set up a task force within the Ministry of Justice to examine the possibility of amending the current Criminal Procedure Code to confirm the practice of the domestic courts. The judgments were published, translated and disseminated. They are used in training activities of the Academy for Training of Judges and Prosecutors. As concerns the issue of excessive length of proceedings, see CM/ResDH(2016)35 in <i>Atanasović</i> group.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2021)206	MLT / Grech and Others and 4 other cases	69287/14	15/04/2019 15/01/2019	Protection of property rights: <i>Disproportionate interference due to a requisition order which had been found by the domestic courts to be in violation of the applicants' property rights due to insufficient compensation and lack of a remedy due to the ineffectiveness of constitutional redress in practice. (Articles 1 of Protocol No. 1 and 13 in conjunction with Article 1 off Protocol No. 1)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary and pecuniary damage paid. The properties in question had been returned to their owners or agreements between the owners and the tenants were reached. <u>General measures</u> required in response to the shortcomings found by the Court in the present judgments continues to be examined within the framework of the Apap Bologna/Ghigo and Amato Gauci groups of cases.
CM/ResDH(2021)158	MON / Drašković	40597/17	09/09/2020 09/06/2020	Protection of private and family life: <i>Failure by authorities to observe the positive obligation to balance competing interests of individuals and to provide a mechanism to review the proportionality of restrictions, which resulted in the domestic courts' failure to recognize any legal interest on behalf of the applicant and - thus - their refusal to examine her request to exhume her spouse's remains and to transfer them to a new resting place in the light of the lacking consent of another family member. (Article 8)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. The applicant was entitled to request the reopening of the impugned proceedings; however, she agreed to settle the matter out-of-court. <u>General measures:</u> Isolated case. In February 2021, the Supreme Court sent a circular letter to the presidents of all domestic courts stating the obligation to apply the standards of the present judgment in similar cases. The judgment was translated, published and disseminated to the relevant authorities.
CM/ResDH(2021)77	MON / Madžarović and Others	54819/17+	07/09/2020 05/05/2020	Functioning of justice: <i>Disproportionate hindrance of access to a court and deprivation of an effective domestic remedy in commercial proceedings due to the rejection of the applicants' (a Slovenian national and two companies founded by him in Montenegro) appeal, following the withdrawal by a newly appointed executive director, who had never been the involved third company's lawful representative.</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. The applicants did not avail themselves of the possibility to request reopening of the impugned proceedings. <u>General measures:</u> The European Court noted that in a subsequent similar case the same domestic courts stayed the proceedings until it was established, who the company's legal representative was in reality. The judgment was published, translated and disseminated. It is used in awareness-raising training for judges.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				(Article 6 §1)	
CM/ResDH(2021)122	MON / Mercur System A.D. and Others	5862/11+	26/11/2020 26/11/2020	Functioning of justice: Excessive length of civil proceedings. (Article 6 §1)	<u>Individual measures:</u> No claim for non-pecuniary damage submitted. Domestic proceedings closed. <u>General measures:</u> See CM/ResDH(2017)38 in the Stakić group of cases, in particular concerning the introduction of effective remedies in respect of excessive length of proceedings. Different training and awareness-raising activities were organised for judges and lawyers. The judgment was published, translated and disseminated.
CM/ResDH(2021)43	NOR / Jansen	2822/16	06/10/2018 06/09/2018	Protection of private and family life: Disproportionate interference due to the authorities' decision to deprive the applicant of contact with her child, who was in foster care, without giving sufficient weight for the duty to facilitate family reunification and the risk that the child could completely lose contact with her mother and be alienated for her Roma identity. (Article 8)	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. The applicant has not made use of the domestic avenues available. The Child Welfare Services tried to contact her repeatedly to no avail. <u>General measures</u> in response to the shortcomings found by the Court in the present judgments continue to be examined in the Strand Lobben group.
CM/ResDH(2021)92	NOR / K.O. and V.M.	64808/16	15/04/2020 19/11/2019	Protection of private and family life: Disproportionate interference due to the authorities' decisions to only allow the applicants contact with their child four or six times a year whilst in foster care, failing to consider properly the possibility of family reunification in light of the child's best interest. (Article 8)	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. The child was returned to the applicants in 2018. <u>General measures</u> required in response to the shortcomings found continue to be examined within the framework of the Strand Lobben group of cases.
CM/ResDH(2021)93	POL / Apanasewicz	6854/07	03/08/2011 03/05/2011	Functioning of justice and protection of private and family life: Excessive length of civil and administrative enforcement proceedings and, thus, failure of	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. The demolition of the illegally built plant was executed in 2020. <u>General measures</u> required to respond to the shortcomings

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>authorities to provide adequate protection against the negative consequences of a production plant's functioning, despite the existence of decisions ordering termination of its activities and demolition. (Articles 6 and 8)</i>	established related to the excessive length of civil and administrative enforcement proceedings continue to be examined in the context of the Beller and Majewski groups of cases. As concerns the violation of Article 8, the judgment was translated and published.
CM/ResDH(2021)406	POL / Guz	965/12	15/01/2021 15/10/2020	Freedom of expression: <i>Disproportionate unnecessary interference on account of a disciplinary penalty imposed on a judge for critical remarks made in his reply to the assessment report prepared in the context of his promotion procedure. (Article 10)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. The disciplinary penalty was removed from the applicant's personal file after five years. No motion for resumption of the impugned disciplinary proceedings was submitted to the Supreme Court by any of the authorised body/persons. <u>General measures:</u> Isolated case due to its specific circumstances. The judgment was published, translated and disseminated. It is used in training activities of the Academy for Training of Judges and Prosecutors.
CM/ResDH(2021)404	POL / Janulis and 3 other cases	31792/15	16/01/2020 16/01/2020	Functioning of justice: <i>Excessive length of criminal proceedings and the lack of effective domestic remedy. (Article 6 §1 and 13)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed. <u>General measures</u> required in response to the shortcomings found continue to be examined within the framework of the <i>Bak</i> group of cases.
CM/ResDH(2021)312	POL / Pugžlys	446/10	14/09/2016 14/06/2016	Protection against ill-treatment: <i>Imposition of the "dangerous detainee" regime during detention for a period of eight years and nine months and holding of the applicant in a cage during hearing which being additionally handcuffed and shackled. (Article 3)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. The regime had been lifted in February 2014. The applicant was released from the Suwałki Remand Center. <u>General measures:</u> See CM/ResDH(2016)128 in Horych group of cases. In the context of the present case, the violation found resulted from erroneous practice and not improper legislation. The judgment was published, translated and disseminated to all authorities and courts concerned.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2021)63	POL / Rasinski	42969/18	28/05/2020 28/05/2020	Protection against ill-treatment/ Conditions of detention: <i>Structural problem of inadequate detention conditions, particularly due to overcrowding, aggravated by factors such as the lack of outdoor exercise, lack of privacy, insalubrious conditions and too low an amount of compensation awarded by domestic court. (Article 3)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant was released in 2016. General measures: See CM/ResDH(2016)254 in Orchowski. The penitentiary population dropped significantly in the recent years. The judgment was published, translated and disseminated as well as used in training activities conducted by representatives of the Ministry of Justice.
CM/ResDH(2021)84	POL / Rechul	69143/12	09/07/2020 09/07/2020	Functioning of justice: <i>Denial of access to a court due to domestic courts' refusal to grant the applicant exoneration from court's fees in an action against the State Treasury seeking compensation for damage caused by conditions of detention. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. There is no legal basis for resuming the civil proceedings in the applicant's case. General measures: Violation due to erroneous application of domestic law. The judgment was published, translated and disseminated.
CM/ResDH(2021)85	POL / Walczak	45564/15	09/07/2020 09/07/2020	Protection of private and family life: <i>Unnecessary interference due to the authorities' refusal of family visits by the applicant's wife during detention. (Article 8)</i>	Individual measures: The applicant did not submit any claim for just satisfaction within the time-limit provided. Family visits were authorised as from October 2015. The applicant was released from pre-trial detention in February 2016. General measures: Violation due to erroneous application of domestic law in the specific circumstances of the case . The judgment was published, translated and disseminated.
CM/ResDH(2021)162	PRT / Da Cerveira Pinto Nadais de Vasconcelos	36335/13	19/03/2019 19/03/2019	Functioning of justice: <i>Unfair administrative proceedings due to the infringement of the adversarial principle before the Supreme Administrative Court, which decided the case on the basis of arguments which had not been discussed with the applicant. (Article 6 §1)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The applicant did not request reopening of the impugned domestic proceedings. General measures: With regard to the non-notification of certain arguments to all parties, the authorities underlined the importance of the adversarial principle as enshrined in Article 3 of the Civil Procedure Code and the related case-law, which leaves a certain margin to the trial judge. The judgment was translated, published and disseminated to

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					the relevant authorities.
CM/ResDH(2021)161	PRT / Liga Portuguesa de Futebol Profissional	4687/11	17/10/2016 17/05/2016	Functioning of justice: <i>Unfair civil proceedings initially brought against the applicant association before the Lisbon industrial tribunal, then before the Supreme Court and the Constitutional Court - due to the fact that the case was decided on the basis of arguments which had not been discussed with the parties; on account of the lack of impartiality of the bench of the Constitutional Court and the excessive length of proceedings. (Article 6 §1 three times)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. The applicant did not request reopening of the impugned domestic proceedings. <u>General measures:</u> The issue of excessive length of proceedings is examined in the Vicente Cardoso group (30130/10). The issue of lacking impartiality due to the presence of a former Supreme Court judge on the bench of the Constitutional Court constituted an isolated occurrence . With regard to the non-notification of certain arguments to all parties, the authorities underlined the importance of the adversarial principle as enshrined in Article 3 of the Civil Procedure Code and the related case-law, which leaves a certain margin to the trial judge. The judgment was translated, published and disseminated to the relevant authorities. The Centre for Judicial Studies organised relevant training activities.
CM/ResDH(2021)164	PRT / Lopes de Sousa Fernandes	56080/13	19/12/2017 19/12/2017	Right to life: <i>Lack of an adequate and timely investigation into allegations of medical negligence resulting in a patient's death following an operation, due to the unreasonable length of disciplinary, criminal and civil sets of proceedings launched and the lacking thoroughness of examinations into the matter. (Article 2 procedural limb)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. The applicant did not request reopening of the investigations. <u>General measures:</u> The issue of excessive length of proceedings is examined in the Vicente Cardoso group (30130/10). See also CM/ResDH(2016)149 in Oliveira Modesto group. With regard to investigations, the public prosecutors' compliance with the speed requirement is subject to regular inspections and a lack of diligence may result in disciplinary consequences. In addition, under the Code of Criminal Procedure, any party may request the acceleration of delayed proceedings. Regarding disciplinary proceedings initiated by the General Inspectorate of Health, statistics show a decrease in the average processing time by half between 2015-2018 (from 309 days to 159 days). The judgment was translated, published and

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					disseminated to the relevant authorities.
CM/ResDH(2021)94	PRT / Marques de Almeida and Gomes Abrunhosa Marques de Almeida and 1 other case	63595/13+	13/12/2016 13/12/2016	Functioning of justice and effective remedy: Excessive length of civil proceedings. (Articles 6 §1 and 13)	Individual measures: Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed. General measures in relation to the excessive length of civil proceedings continue to be examined within the framework of the Vicente Cardoso group of cases. Concerning the absence of an effective remedy to obtain redress for the excessive length of court proceedings, see CM/ResDH(2016)98.
CM/ResDH(2021)240	PRT / Pais Pires de Lima	70465/12	12/05/2019 12/02/2019	Freedom of expression: Disproportionate and unnecessary interference due to the amount of compensation awarded in a civil judgment ordering a lawyer to pay damages to a judge whose personal and professional honour and reputation he had attacked. (Article 10)	Individual measures: The finding of a violation constituted sufficient just satisfaction for the non-pecuniary damage. The applicant did not request reopening of the impugned proceedings. General measures: The judgment was published, translated and disseminated, in particular to the Supreme Council of Magistrates and the Centre for Judicial Studies highlighting the finding of a disproportionate amount of compensation awarded by domestic courts.
CM/ResDH(2021)124	PRT / Pereira da Silva	77050/11	12/09/2016 22/03/2016	Functioning of justice: Unfair proceedings due to the lack of objective impartiality of the Supreme Administrative Court' plenary formation, as four of its seven judges had already examined the applicant's case earlier as part of the Administrative Proceedings Division of the same court. (Article 6 §1)	Individual measures: The finding of a violation constituted sufficient just satisfaction for any non-pecuniary damage sustained. The applicant's request for reopening of proceedings is currently still pending. General measures: The judgment was published, translated and disseminated, in particular to the Supreme Administrative Court's President. The composition and powers of the Plenary Assembly of the Supreme Administrative Court was regulated in 2019 in the Statute of the Administrative and Tax Tribunals: A judgment on an appeal for the harmonization of case-law before the Plenary Assembly of the Supreme Administrative Court

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					with regard to decisions by its administrative section and the tax section will have no effect on the respective concrete cases. The appeal only aims to standardize future case-law. Moreover, such an appeal may only be lodged by the public prosecutor.
CM/ResDH(2021)329	PRT / Tato Marinho dos Santos Costa Alves dos Santos and Figueiredo	9023/13+	21/09/2016 21/06/2016	Functioning of justice: <i>Unfairness of disciplinary proceedings against judges on account of the insufficient supervision of the Supreme Judiciary Council by the Supreme Court of Justice. (Article 6 §1)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid as awarded. None of the applicants requested the reopening of the impugned proceedings. <u>General measures:</u> In 2019, the Statute of Judges was amended to broaden the scope of the Supreme Court's review of either the facts or the law, in accordance with the requirements of the Court's judgment. The judgments were published, translated and disseminated to all authorities concerned. They are used in training activities for judges and magistrates.
CM/ResDH(2021)163	PRT / Terebus	5238/10	10/07/2014 10/04/2014	Functioning of justice: <i>Excessive length of proceedings and inability to obtain enforcement of the final judgment delivered in his favour. (Article 6 §1)</i>	<u>Individual measures:</u> No claim for just satisfaction submitted. Due to the dissolution of the adversary company, the enforcement proceedings came to an end. The applicant did neither request reopening of the impugned domestic proceedings and nor did he launch any civil tort action against the State. <u>General measures:</u> The judgment was translated, published and disseminated to the relevant authorities.
CM/ResDH(2021)45	ROM / Chis	3360/03	21/02/2011 14/09/2010	Functioning of justice / protection of property rights: <i>Non-implementation or delayed implementation of final domestic court decisions delivered against the State or legal persons under the responsibility of the State. (Articles 6 §1 and 1 of Protocol No. 1)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. Domestic decisions implemented. <u>General measures</u> in response to the shortcomings found by the Court in the present judgments continue to be examined in the Sacaleanu group.
CM/ResDH(2021)	ROM / Cirstea	10626/11	23/07/2019	Right to liberty and security: <i>Failure of</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
96			23/07/2019	<i>domestic courts to give relevant and sufficient reasons justifying the pre-trial detention of a suspect in a criminal case of high public interest. (Article 5 §3)</i>	damage paid. <u>General measures</u> : See CM/ResDH(2014)13 in Calmanovici.
CM/ResDH(2021)332	ROM / Cojoaca and 5 other cases	19548/04+	26/02/2014 26/11/2013	Protection against ill-treatment / conditions of detention: <i>Overcrowding and poor material conditions in prisons. (Article 3)</i>	<u>Individual measures</u> : Just satisfaction for non-pecuniary damage paid. The applicants have ceased serving their prison sentence. <u>General measures</u> required to guarantee non-repetition of the violations found continue to be examined within the framework of the <i>Bragadireanu</i> group.
CM/ResDH(2021)33	ROM / Craciun and 4 other cases	5512/02+	26/01/2009 30/09/2008	Functioning of justice: <i>Excessive length of criminal proceedings. (Article 6 §1)</i>	<u>Individual measures</u> : Just satisfaction for non-pecuniary damage paid. All domestic proceedings closed. <u>General measures</u> required in response to the shortcomings found continue to be examined within the framework of the Vlad and Others group of cases.
CM/ResDH(2021)46	ROM / Dumbrava	25234/03	17/05/2009 17/02/2009	Protection of property rights: <i>Disproportionate burden due to the deprivation of the applicant of possession as his mother's heir without any compensation. (Article 1 of Protocol No. 1)</i>	<u>Individual measures</u> : Just satisfaction for non-pecuniary damage paid. Following consultation with the applicant, an alternative to the original domestic decision (court order to conclude a sale contract) was implemented. <u>General measures</u> in response to the shortcomings found by the Court in the present judgments continue to be examined in the Sacaleanu group.
CM/ResDH(2021)293	ROM / Ferrari	1714/10	28/07/2015 27/04/2015	Protection of private and family life: <i>Authorities' failure to facilitate the expeditious and efficient conduct of child return proceedings under the 1980 Hague Convention on the Civil Aspects of International Child Abduction carried out between 2008 and 2009, failure to give sufficient reasons for the reversal of the return order upon extraordinary appeal,</i>	<u>Individual measures</u> : Just satisfaction in respect of non-pecuniary damage paid. The proceedings under the 1980 Hague Convention were concluded and custody and visiting right questions related to the child settled in separate court proceedings. The applicant did not avail himself of the possibility to request the reopening of the return proceedings. <u>General measures</u> : Concerning measures required to ensure the adequate implementation of the 1980 Hague

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>excessive length of proceedings and protraction of enforcement proceedings. (Article 8)</i>	Convention by the domestic courts, see CM/ResDH(2018)334 in Monory. Information on domestic court practice regarding interpretation and application of the 1980 Hague Convention and statistical data evidencing the acceleration of proceedings were provided.
CM/ResDH(2021)47	ROM / Gavrileanu and 1 other case	18037/02+	09/07/2007 22/02/2007 Merits 05/08/2009 05/05/2009 Just satisfaction	Functioning of justice / protection of property rights: <i>Non-implementation by the administration of judicial decisions ordering restitution of property nationalised during the communist period. (Articles 6 §1 and 1 of Protocol No. 1)</i>	<u>Individual measures:</u> In the first case, the applicant died without a next-of-kin coming forward to claim payment of the sum awarded. In the second case, just satisfaction awarded for pecuniary (loss of profit) and non-pecuniary damage paid. <u>General measures</u> in relation to the efficient functioning of the mechanism of reparation for properties nationalised during the communist period, continue to be examined within the framework of the group Străin and Others and Maria Atanasiu and Others.
CM/ResDH(2021)106	ROM / Gheorghe Cobzaru and 2 other cases	6978/08+	25/09/2013 25/06/2013	Right to life and protection against ill-treatment: <i>Unjustified use of firearms by police during interventions or the lack of appropriate planning to prevent excessive use of force during an operation involving special intervention units, and the lack of effective criminal investigations and proceedings into these incidents, which had occurred between 2000 and 2008. (Articles 2 and 3 substantive and procedural limb)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. In 2017, in the light of information submitted by the authorities, the CM had concluded that no further individual measures are possible. <u>General measures</u> required to prevent unjustified use of potentially lethal force during law enforcement interventions and operations and to guarantee effective criminal investigations and proceedings into such incidents continues to be examined within the framework of the Soare and Others group of cases.
CM/ResDH(2021)78	ROM / Ghincea	36676/06	09/04/2018 09/01/2018	Functioning of justice: <i>Unfair criminal proceedings due to the applicant's conviction on appeal without his or the witnesses' hearing following a previous acquittal by lower courts in direct administration of evidence. (Article 6 §1)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. In reopened proceedings, the court of appeal upheld the applicant's previous acquittal. <u>General measures:</u> Violation due to the failure of the appellate or appeal court to hear in personam the applicant and /or proceed to direct administration of other evidence

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					before convicting him. See CM/ResDH(2011)29 in Constantinescu and CM/ResDH(2018)301 in Flueraș.
CM/ResDH(2021)408	ROM / Pfenning Distributie S.R.L.	75882/13	06/10/2020 06/10/2020	No punishment without law: Failure by the domestic courts to retrospectively apply the more lenient criminal law during proceedings against the applicant company. (Article 7)	Individual measures: The finding of a violation constitutes in itself sufficient just satisfaction for any non-pecuniary damage. The applicant company did not request reopening of the impugned proceedings. General measures: Violation due to an erroneous interpretation and application of domestic law. Isolated incident. The judgment was published, translated and disseminated to all courts concerned. Recent examples of ECHR-aligned domestic case-law were submitted.
CM/ResDH(2021)331	ROM / Ursei and 8 other cases	49362/08+	14/03/2017 14/03/2017	Protection against ill-treatment / conditions of detention: Overcrowding and poor material conditions in remand detention centres and in prisons or of deficiencies in the provision of health care in prisons. (Article 3)	Individual measures: Just satisfaction for non-pecuniary damage paid as awarded. The applicants have been released from detention on remand or ceased serving their prison sentence. General measures required to guarantee non-repetition of the violations found continue to be examined within the framework of the <i>Bragadireanu</i> group.
CM/ResDH(2021)333	RUS / Alyev and 11 other cases	35242/07+	10/04/2018 10/04/2018	Protection against ill-treatment / conditions of detention: Poor conditions of detention in the detention facilities under the authority of the Ministry of Justice, lack of adequate medical care and lack of an effective domestic remedy in both respects. (Articles 3 and 13) Other violations concern: unlawful and excessive length of detention, lack of an effective judicial review of complaints about remand detention; unfairness and excessive length of criminal proceedings and lack of an effective remedy in this respect; breach of the right to confidential	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicants have been released. General measures required in response to the shortcomings found in relation to poor conditions of detention and lack of a remedy continue to be examined within the framework of the <i>Kalashnikov</i> group. General measures required in response to the other violations found in some of these cases are or were examined by the Committee in the cases or groups of <i>Klyakhin, Kamaliyevy, Dedovskiy and Others</i> .

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>communication between the applicant and his lawyer and lack of legal assistance during appeal proceedings); unlawful restrictions on family visits; monitoring of the Court's correspondence with the applicant; interference with the right to individual petition.</i>	
CM/ResDH(2021)35	RUS / Belyayev and 4 other cases	40610/07+	11/10/2016 11/10/2016	Functioning of justice / protection of property rights and lack of a remedy: Failure to duly comply with final domestic judgments awarding monetary compensation against the State authorities. (Articles 6 §1, 1 of Protocol No. 1 and 13) <i>Other violations: Delayed enforcement of a final domestic judgment awarding social housing. (Article 6 §1)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. The domestic judicial decisions were enforced or the award was converted into compensation. <u>General measures:</u> See CM/ResDH(2016)268 in Timofeyev group. Concerning the delayed enforcement of awards of social housing, see CM/ResDH(2019)329 in Kuksa group.
CM/ResDH(2021)336	RUS / Borisenko and Others and 14 other cases	18682/09+	24/11/2016 24/11/2016	Protection against ill-treatment / right to liberty and security / functioning of justice: <i>Various irregularities regarding detention on remand, the excessive length and the poor conditions of detention on remand, the excessive length of criminal proceedings, and the poor conditions of detention at a police station. (Articles 3, 5 and 6 §1)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid as awarded. The applicants are no longer held in detention on remand or at a police station, and the impugned criminal proceedings have been terminated. <u>General measures</u> required in response to the shortcomings found continue to be examined within the framework of the groups of cases <i>Klyakhin, Kalashnikov, and Fedotov</i> . With regard to the issue of excessive length of criminal proceedings, see CM/ResDH(2017)168 in <i>Smirnova</i> group.
CM/ResDH(2021)36	RUS / Bulava and 8 other cases	62812/12+	25/07/2017 25/07/2017	Protection against ill-treatment / conditions of detention / lack of a remedy: Poor material conditions in the detention facilities under the authority of the Ministry of Justice, the lack of	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. All applicants were released. <u>General measures</u> required in response to the shortcomings found by the Court in the present judgments continue to be examined within the framework of the Kalashnikov group.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>adequate medical care and the lack of an effective domestic remedy in both respects. (Articles 3 and 13)</i>	
CM/ResDH(2021)334	RUS / Furman and 16 other cases	5945/04+	05/07/2007 05/04/2007	Functioning of justice and protection of property rights: <i>Failure or serious delay in enforcing the domestic judicial decisions imposing obligations on the State unitary enterprises and municipal unitary enterprises and lack of an effective remedy. (Article 6 §1, Article 1 of Protocol No. 1 and 13)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid as awarded. Domestic judicial decisions were enforced, or the debts arising out of those decisions were converted into just satisfaction awards in respect of pecuniary damage. <u>General measures</u> required in response to the shortcomings found continue to be examined within the framework of the Gizzatova group.
CM/ResDH(2021)203	RUS / Gubiyev and 2 other cases	29309/03+	08/03/2012 19/07/2011	Protection of property rights: <i>Unlawful interference due to the destruction of the applicant's property and the subsequent refusal by domestic courts to compensate his damages, occurred during a special operation of Russian servicemen in Chechnya. (Article 1 of Protocol No.1)</i>	<u>Individual measures:</u> Just satisfaction in respect of pecuniary and non-pecuniary damage was paid. <u>General measures</u> required in response to the shortcomings found continue to be examined within the framework of the Khashiyev and Akayeva group.
CM/ResDH(2021)34	RUS / Natalya Gerasimova and 11 other cases	24077/02+	21/10/2005 21/07/2005	Functioning of justice / protection of property rights and lack of a remedy: <i>Delays in the enforcement of the domestic judicial decisions imposing on the State or municipal authorities obligations in kind in the applicants' favour and lack of a remedy. (Articles 6 §1, 1 of Protocol No. 1 and 13)</i> <i>Other violations: Excessive length of proceedings and lack of access to a court. (Article 6 §1)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. Certain domestic judicial decisions were enforced, two applicants lost interest, three decisions were quashed, one debt was converted into pecuniary damage and in one case the expenses of work carried out by the applicant were later recovered. <u>General measures:</u> In 2017, the 2010 Compensation Act (adopted in response to the Burdov No. 2 pilot judgment) was amended to extend the right to compensation for lack of speedy enforcement of domestic judicial decisions to State obligations in kind. According to the 2015 Civil Code, acceleratory punitive damages may also be awarded against public and municipal bodies. In 2017, the CM welcomed the setting up of both compensatory and

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					<p>acceleratory domestic remedies which appeared prima facie to be effective. The judgments were published, translated and disseminated.</p> <p>Concerning the other violations: See CM/ResDH(2017)83 in Ryabykyh and CM/ResDH(2017)168 in Kormacheva.</p>
CM/ResDH(2021)168	RUS / Radchikov and 4 other cases	65582/01+	12/11/2007 24/05/2007	<p>Functioning of justice: <i>Infringement of the principle of legal certainty in criminal proceedings due to the quashing of final judicial decisions by means of supervisory review, which did not serve to correct a fundamental judicial error or a miscarriage of justice but was used for obtaining a rehearing and a fresh determination of the case. (Article 6 §1)</i></p>	<p><u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. Domestic proceedings concerning the first applicant were discontinued in 2001 on the occasion of his death. Domestic proceedings in the four remaining cases were reopened, the supervisory review decisions quashed and earlier acquittals left in force or reinstated.</p> <p><u>General measures:</u> In 2010, the 2002 Code of Criminal Procedure was amended, in particular with regard to the supervisory review. The reform entered into force in 2013. As a result, the scope for supervisory review and the judicial instances empowered to carry it out were restricted. Furthermore, the amendments provide that a supervisory review detrimental to the defendant's position is only possible if the alleged breaches of criminal law and of criminal procedure were sufficiently important to distort the essence and meaning of a judicial decision as an act of administration of justice. The judgments were published, translated and disseminated.</p>
CM/ResDH(2021)129	SER / Hajnal and 5 other cases	36937/06+	19/09/2012 19/06/2012	<p>Right to life / protection against ill-treatment / right to liberty and security / functioning of justice: <i>Ill-treatment in police custody (Hajnal and Lakatoš and Others); lack of effective investigations in this respect (Habimi and Others, Hajnal, Lakatoš and Others and Krsmanović); lack of effective investigations into the deaths of the applicants' sons who died in an</i></p>	<p><u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. The criminal investigations were terminated either because the respective Public Prosecutor Offices established that the statute of limitations had expired or because it had not been possible to collect evidence that could confirm the respective applicants' allegations. Criminal proceedings into the death of the applicant's son in <i>Mučibabić</i> were brought to an end. Those of the applicants having suffered unfair trials were acquitted in</p>

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>accident involving the State Intelligence Service (Mučibabić) or while in police custody when the applicant's son reportedly fell from a window (Petrović); use of applicant's confession following his ill-treatment as evidence during criminal proceedings conducted against him and breach of the right to presumption of innocence (Hajnal); excessive length of pre-trial detention (Lakatoš and Others). (Articles 2 procedural limb and 3 substantive and procedural limb as well as Articles 5 §3 and 6 §§1+2)</i>	reopened criminal proceedings. In <i>Lakatoš and Others</i> , the applicant's pre-trial detention was terminated. <u>General measures</u> : As concerns the right to presumption of innocence, see CM/ResDH(2007)95 in <i>Matijašević</i> ; as concerns the right to liberty, see CM/ResDH(2018)52 in the <i>Vrenčev</i> group. Further general measures required in relation to the issue of ill-treatment or death caused by State agents and lack of effective investigations as well as to the issue of use in criminal proceedings of confessions obtained through ill-treatment continue to be examined within the framework of the Stanimirović group of cases.
CM/ResDH(2021)79	SER / Mičo Mićović and 17 other cases	17144/18+	03/09/2020 Friendly settlement	Functioning of justice : Failure to enforce final court decisions rendered in their favour against socially-owned or State-owned companies. (Article 6 §1)	<u>Individual measures</u> : Just satisfaction for non-pecuniary damage stipulated in the friendly settlements concluded with the applicants paid. <u>Special undertakings</u> : The sums awarded to the applicants in respective domestic decisions have been fully paid.
CM/ResDH(2021)20	SER / Milovanovic	56065/10	08/01/2020 08/10/2019	Functioning of justice / protection of private and family life : Excessive length of proceedings before the Constitutional Court; authorities' failure to fulfil positive obligations due to the non-enforcement of custody decisions in respect of the applicant's two children. (Articles 6 §1 and 8)	<u>Individual measures</u> : Just satisfaction for non-pecuniary damage paid. The applicant's children reached majority in 2014. <u>General measures</u> : in 2011, the Law on the Constitutional Court was amended to ensure a more effective conduct of proceedings, in particular by organising sessions in large and small chambers composed of eight and three judges, respectively, instead of 15. In 2013, new Rules of Procedure were adopted, including the creation of the judge-rapporteur function, the adoption and revision of periodical work-plans, the strengthening of IT support and the increase of administrative staff. In 2018, an extensive survey aimed at singling out cases pending longer than three years to ensure that they are rapidly completed. Measures aimed at increasing efficiency of enforcement of

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					<p>decisions in family-related matters include: In 2015, a Law on Enforcement and Security interests was adopted widening the competences of private bailiffs. Custody enforcement decisions ordering the removal or surrender of a child may be delivered to any person with whom the child is staying. Furthermore, the 2015 Law prescribes expert assistance when the child is surrendered by the custodial authority (social care centre as the main institution for social and family protection) in the presence and with the supervision of the court. It also defines the involved authorities' obligation to co-operate and to coordinate. In 2016, the "Guidelines for the conduct of social care centres in the context of civil court proceedings concerning the rights and interests of the child" were published in partnership with the Ministry of Justice, the Ministry of Labour, Employment, Veterans and Social Affairs and UNICEF.</p> <p>Moreover, in 2014, amendments to the Civil Procedure Act, introduced the possibility of electronic delivery of court document and the Judicial Information System was strengthened in 2017 facilitating case file transfers.</p> <p>The judgment was published, translated and disseminated.</p>
CM/ResDH(2021)171	SER / Tatarević and 1 other case	16370/19	18/02/2021 Friendly settlement	Functioning of justice: Failure to enforce final domestic decisions. (Article 6 §1)	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage was paid as agreed. Domestic decisions were implemented.
CM/ResDH(2021)21	SUI / A.A.	32218/17	05/02/2020 05/11/2019	Protection against ill-treatment: Risk of ill-treatment of an asylum-seeker in the case of his deportation to Afghanistan; lack of a rigorous and thorough examination of the circumstances of the case by the Federal Administrative Court. (Article 3 conditional)	<u>Individual measures:</u> The finding of a violation constitutes sufficient just satisfaction for non-pecuniary damage. The applicant's deportation remains suspended. He can request the reopening of the domestic proceedings before the Federal Administrative Court, asking for the judgment on his expulsion to be quashed. <u>General measures:</u> Isolated occurrence. The judgment was

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					published and disseminated to all relevant authorities.
CM/ResDH(2021)412	SUI / Bornet	24412/16	22/12/2020 22/12/2020	Functioning of justice: Excessive length of criminal proceedings combined with civil claim for damages. (Article 6 §1)	Individual measures: Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed. General measures: Isolated occurrence. The judgment was published, translated and disseminated to all relevant courts.
CM/ResDH(2021)53	SUI / I.L.	72939/16	15/04/2020 03/12/2019	Right to liberty and security: Imposition of a preventive detention measure ordered, without explicit legal basis or consistent case-law in application of provisions from the Code of Criminal Procedure governing pre-trial detention by analogy, pending a belated court ruling on an extension request of the initial institutional therapeutic measure. (Article 5 §1)	Individual measures: Just satisfaction for non-pecuniary damage paid. In 2019, I.L. was released on licence with a two-year probationary period. General measures: The legislative void was filled: In March 2021, an amendment of the Code of Criminal Procedure entered into force, creating the necessary legal basis in the area of detention on public safety grounds in cases involving separate subsequent judicial decisions. The judgment was published and disseminated to all authorities concerned.
CM/ResDH(2021)28	SUI / I.M.	23887/16	09/07/2019 09/04/2019	Protection of private and family life / expulsion: Failure of authorities to demonstrate convincingly that the expulsion order issued against the convicted applicant from Kosovo (who had over the years become an invalid dependent on his children) had been proportionate to the legitimate aims sought to be achieved, i.e. to prevent public disorder; overly superficial examination of the proportionality of the measure. (Article 8)	Individual measures: The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. The applicant currently resides in Switzerland. In 2020, the State Secretariat for Migration issued a decision on his provisional admission, stating that his expulsion has become impossible on medical grounds. General measures: The judgment was published and disseminated to all relevant authorities, including the Federal Court, the Federal Administrative Court, the State Secretariat for Migration and the migration office of the canton concerned.
CM/ResDH(2021)413	SUI / Jecker	35449/14	06/01/2021 06/10/2020	Freedom of expression: Unjustified interference on account of an order for a journalist to disclose in criminal	Individual measures: No award made. The applicant did not avail herself of the possibility to ask for the reopening of the impugned proceedings.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>proceedings the identity of a drug dealer after publishing a report on him, without any balancing of the specific interests. (Article 10)</i>	General measures: The judgment was published, translated and disseminated to all relevant courts and authorities.
CM/ResDH(2021) 218	SVK / Lakatošová and Lakatoš	655/16	11/03/2019 11/12/2018	Discrimination and right to life: <i>Authorities' failure to investigate powerful indicators of racism in relation to a shooting spree in 2012 by an off-duty police officer at the home of a Roma family, which led to two serious injuries and three deaths. (Article 14 in conjunction with Article 2)</i>	Individual measures: The perpetrator had received a reduced sentence of 9 years' imprisonment due to diminished lucidity. Domestic law allows for reopening of criminal proceedings when the rights of the accused were found to be violated. However, the General Prosecution Office assessed that if the racist motive of crime were confirmed, the legal classification of the offender's conduct would not be substantially changed and the perpetrator would be punished within the same penalty rate due to his diminished lucidity. General measures: Detailed information on the measures to ensure that possible racist motives are thoroughly investigated and prosecuted will be examined and assessed in the framework of the case R.R. and R.D.
CM/ResDH(2021) 267	SVK / Schram	8555/17	23/10/2018 23/10/2018	Right to liberty and security: <i>Lack of speedy review of the lawfulness of the applicant's detention and lack of redress provided by the Constitutional Court. (Article 5 §4)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The applicant is no longer detained on remand. General measures: required in response to the shortcomings found continue to be examined within the framework of the Besina group of cases.
CM/ResDH(2021) 294	SVN / Benedik	62357/14	24/07/2018 24/04/2018	Protection of private and family life: <i>Arbitrary interference by the police on the basis of a law lacking clarity and sufficient safeguards, to obtain and use, without a court order, subscriber information associated with the applicant's dynamic Internet Protocol (IP) address, following the reception of information on exchange</i>	Individual measures: The finding of a violation constituted sufficient just satisfaction for any non-pecuniary damage. In 2020, the Supreme Court granted the applicant's request for protection of legality, annulled the final judgement, and returned the case to the district court for retrial. In 2021, the indictment was withdrawn and the criminal procedure terminated. General measures: The violation at hand resulted partly

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>of files with child pornography through a certain peer-to-peer file sharing website. (Article 8)</i>	from the deficient legislative provisions and partly from inadequate case-law of domestic courts. Pursuant to the 2019 amendments of the Code of Criminal Procedure, access to and transfer of communication traffic data require a court order and are supervised by courts. All data, gathered by the police, are submitted to the state prosecutor. Internal supervision within the police and administrative supervision by the Ministry of Internal affairs is also regulated. Moreover, a circular letter by the State Prosecutor's Office was addressed to the prosecutors and the police on the Court's findings. In July 2018, a binding instruction was issued to the police to obtain a prior court order when requesting subscriber data related to a specific IP address. In October 2018, domestic case-law changed highlighting that a court order was necessary for obtaining of subscriber information associated with the dynamic IP address referring to the Court's judgment. The judgment was published, translated and disseminated.
CM/ResDH(2021) 245	SVN / Frančiška Štefančič	58349/09	24/01/2018 24/10/2017 Merits 09/01/2019 09/10/2018 Just satisfaction	Right to life: <i>Failure to conduct effective investigations into the death of the applicant's son in the course of an intervention intended to take him to a psychiatric hospital in June 2008. (Article 2 procedural limb)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. In 2018, the Special department of the Specialized State Prosecutor's Office opened a fresh preliminary criminal investigation to ascertain the circumstances of the case. Due to statute of limitation, the criminal prosecution became time-barred in June 2018. General measures: A Mental Health Act (entry into force 2009) regulates roles, cooperation and mutual assistance between medical staff and police in case of involuntary admission for medical treatment in emergency cases. Moreover, in 2009, the Minister of Health adopted specific Rules on the cooperation between medical staff and rescue services and police in case of involuntary admission for medical treatment in emergency cases. Prior to the use of coercive measures, the police shall warn the person

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					concerned in accordance with the regulations of the 2013 Police Tasks and Powers Act, which guarantees the respect of human personality and dignity as well as of human rights during police tasks, including providing assistance to the medical staff. Following the amendments to the State Prosecutors Act 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. See also CM/ResDH(2020)92 in Matko. The judgment was published, translated and disseminated.
CM/ResDH(2021)175	SVN / Gros	45315/18	07/10/2020 07/07/2020	Functioning of justice: <i>Lack of access to a court due to the rejection <i>ratione temporis</i> by the Constitutional Court of the applicant's request for constitutional review of municipal ordinances, by which part of his land had been classified as public road. (Article 6 §1)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage was paid. Under the Code of Obligations, it is open to the applicant to raise a claim in respect of pecuniary damage within three years following the relevant facts. <u>General measures:</u> Isolated occurrence, as the violation results from the Constitutional Court's erroneous application of domestic legislation. The judgment was translated, published and disseminated to the courts and authorities concerned.
CM/ResDH(2021)219	SVN / Rola	12096/14+	04/09/2019 04/06/2019	Protection of property rights: <i>Unlawful interference due to the revocation with permanent effect of the applicant's licence to act as a liquidator in insolvency proceedings following his 2011 conviction for violent behaviour committed in 2003</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. On request of the applicant, the Ministry of Justice issued a new licence and added a reference to the ECtHR judgment with regard to the revocation of the previous licence in the register. The applicant filed a claim for pecuniary damage, the outcome

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>and 2004, on the basis of legislation (the Financial Operations Act) applied retroactively. (Article 1 Protocol No. 1)</i>	of which is not decisive in the light of the ECtHR's award of just satisfaction for the violation. <u>General measures:</u> The "legal consequence" of a licence revocation following a criminal conviction is limited to cases of a custodial sentence and is explicitly excluded in the case of a suspended sentence. At domestic level, there is no similar case of retroactive application of the Financial Operations Act related to criminal conviction. The judgment was published, translated and disseminated to judges and legal professionals.
CM/ResDH(2021)174	SVN / X.	40245/10	28/09/2012 28/06/2012	Protection of private and family life: <i>Authorities' failure to display the required diligence in the proceedings concerning the withdrawal of the applicant's parental rights, which led to the complete alienation of his children placed meanwhile in foster care. (Article 8)</i>	<u>Individual measures:</u> No claim for just satisfaction submitted. The applicant's children reached majority in 2018 and 2020. The domestic proceedings were closed in October 2012, when the decision to withdraw the applicant's parental rights became final. <u>General measures:</u> The 2019 Family Code provided for a speedy settlement of family matters before the courts and ensured a more effective implementation of the principle of the best interest of the child. Furthermore, the 2019 Non-Contentious Civil Proceedings Act provided that the majority of cases determining parental relations shall be decided in non-contentious proceedings and fixed procedural time-limits. Following the impugned facts of the present case, a series of legislative, capacity-building, awareness-raising and other measures were taken to address the issue of the excessive length of civil proceedings, including those concerning parental rights. With regard to the introduction of an effective remedy: see CM/ResDH(2016)354 in the Lukenda group of cases. According to data provided by the Supreme Court for the period 2017 – 2019, the average duration of first instance proceedings concerning issues on parental and children's rights was 8.6 months. The judgment was translated, published and disseminated and used in training activities

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					provided by the Judicial Training Centre.
CM/ResDH(2021)80	SWE / Lindstrand Partners Advokatbyrå AB	18700/09	29/05/2017 20/12/2016	Lack of an effective remedy in the context of protection of private and family life: Denial of locus standi in proceedings concerning the Tax Agency's authorisation to search the applicant's (a law-firm) premises in the course of audits of two other companies. (Article 13 in conjunction with 8)	Individual measures: No claim submitted for pecuniary or non-pecuniary damage. General measures: The judgement was published, translated and distributed to the administrative domestic courts directly involved, in particular the Administrative Court of Appeal and the Administrative Supreme Court. According to the administrative courts' case-law following a Supreme Administrative Court's ruling of 2007, natural and legal persons who have their homes or business premises searched as part of coercive measures taken in the course of a company audit have, in principle, legal standing when appealing the judgment authorising the search. In some cases, though, the courts did not examine the merits for a lack of "sufficient interest" of the complainant in having an enforced judgment assessed retrospectively. In May 2020, the Supreme Administrative Court reiterated that it is practically not possible to have the effects of an already enforced decision to secure evidence set aside or mitigated by appealing to the administrative court of appeal. The possibility of such appeal thus constitutes no effective remedy. The Supreme Court underlined on the other hand, that the compensatory remedy allowing claims for damages via the Chancellor of Justice or an action for damages against the State in a general court constitutes an effective way to redress a ECHR violation.
CM/ResDH(2021)66	SWE / X.	36417/16	09/04/2018 09/01/2018	Protection against ill-treatment/expulsion: Risk of ill-treatment in case of the applicant's deportation, ordered by the Migration Agency and confirmed by the Migration Court, to Morocco, on the ground that he constituted a national security threat. (Article 3 conditional)	Individual measures: The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. The expulsion order has been stayed. In 2018, the Migration Court of Appeal determined that there were lasting impediments against its enforcement. Nevertheless, in December 2019, the Security Service confirmed that there were no grounds for reviewing the expulsion order and the

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					<p>applicant still had the duty to report to the police five times a week. In 2020, the applicant left Sweden with unknown destination. A re-entry ban is registered in the Schengen Information System.</p> <p><u>General measures:</u> Isolated incident. In principle, the domestic legal system is equipped with the necessary safeguards to ensure the respect of the relevant obligations under the Convention in this kind of cases. The judgment was published, translated and disseminated to all authorities concerned, in particular the Migration Agency and the Migration Court of Appeal.</p>
CM/ResDH(2021)419	TUR / Abdolkhani and Kariminia and 9 other cases	30471/08+	01/03/2010 22/09/2009	<p>Right to liberty and security / deportation and extradition; protection against ill-treatment / conditions of detention:</p> <ul style="list-style-type: none"> * absence of clear legal provisions establishing the procedure for ordering and extending detention with a view to deportation and extradition and setting time-limits for such detention; * failure to promptly communicate the reasons for the applicants' detention, lack of speedy judicial review and lack of compensation; * degrading conditions of detention and lacking remedy; * failure to conduct an adequate examination of the applicants' claim that they would face a real risk of treatment contrary to Article 3 if removed to their country and the lack of a legal procedure providing safeguards against unlawful deportation. (Articles 5 §§1+2+4+5 and 13; 3 and 13) <p><i>Other violation: Excessive length of</i></p>	<p><u>Individual measures:</u> Just satisfaction for pecuniary and non-pecuniary damage paid. The applicants were released in 2010/2011. Some of them were granted a renewable residence permit, some of them had left voluntarily to other countries or their whereabouts are unknown.</p> <p><u>General measures:</u> The 2014 Foreigners and International Protection Act remedied the lacuna in legislation regarding the detention of foreign nationals in the context of immigration controls providing a legal basis for such detention. It also set out a legal mechanism for reviewing its lawfulness. The relevant Constitutional Court's and administrative courts' decisions allowed parties to receive compensation for their unlawful detention from the administrative courts.</p> <p>The 2014 Foreigners and International Protection Act sets forth clear procedures for the removal of foreign nationals, as well as judicial review of removal orders with automatic suspensive effect. Furthermore, the 2016 Law on International Judicial Cooperation in Criminal Matters provides detailed provisions on extradition proceedings and detention pending extradition.</p> <p>The 2014 "Regulation on the establishment, management, operation, outsourcing and inspection of reception and</p>

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>criminal proceedings against the applicant and that lack of an effective remedy. (Article 6 §1 and 13)</i>	accommodation centres and removal centres” provide detailed rules and procedures for the establishment and operation of these premises. The issue of the implementation of the above-mentioned law will continue to be examined in the <i>G.B. and Others</i> case. Concerning excessive length of proceedings and the lack of effective remedy, see CM/ResDH(2014)298 in the <i>Ormanci</i> group of cases.
CM/ResDH(2021)338	TUR / Adiyaman and 2 other cases	24211/08+	09/01/2018 09/01/2018	Freedom of expression: <i>Unjustified and disproportionate interference due to disciplinary sanctions imposed on prisoners for having expressed peaceful opinions. (Article 10)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. <u>General measures</u> required in response to the violations found continue to be examined in a broader manner within the framework of the <i>Öner and Türk</i> (51962/12), <i>Altuğ Taner Akcam</i> (27520/07), <i>Nedim Şener</i> (38270/11) and <i>Artun and Guvener</i> (75510/01) groups.
CM/ResDH(2021)221	TUR / Akbal	43190/05	16/01/2018 16/01/2018	Functioning of justice: <i>Breach of the adversarial principle in labour proceedings, due to the administrative court’s failure to communicate to the applicant one of the case-file documents, classified as secret, which was however essential for the court’s refusal of the applicant’s claim. (Article 6 §1)</i>	<u>Individual measures:</u> No claims submitted. The applicant did not avail himself of the opportunity to reopen the impugned proceedings. <u>General measures:</u> The provision preventing parties or their representatives from examining classified documents was in principle abolished in the Administrative Procedure Code in 1994. Furthermore, in 2020, the Civil Procedure Code regulation on access to classified was extended to administrative proceedings. Moreover, according to an explicit provision of the Attorneys’ Act, the parties to the case, third party interveners or legal representatives will be able to examine the case files. The Council of State, the Supreme Administrative Court and the Constitutional Court developed its case-law accordingly. The judgment was published, translated and disseminated.
CM/ResDH(2021)180	TUR / Akvardar	48171/10	24/02/2020 29/10/2019	Protection of property rights: <i>Disproportionate interference due to the</i>	<u>Individual measures:</u> The applicant submitted no claim for just satisfaction and no request of reopening of the

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>applicant's inability to obtain the compensation due for expropriation of land which had belonged to his deceased relatives for reasons not attributable to him or de cuius, on account of the authorities failure to inform the applicant of a formal expropriation procedure and of the appointment of a trustee to represent their interest. (Article 1 of Protocol No. 1)</i>	domestic proceedings. <u>General measures:</u> The impugned expropriation proceedings had been carried out under the former 1956 Expropriation Law, which did not provide sufficient legal protection for prospective owners of an immovable which was to be expropriated. In the subsequent 1983 Expropriation Law, the relevant provision on notifications and announcements concerning expropriations was amended in 2001. Furthermore, the 2011 amendments of the Law on Notifications clarified the procedural requirements for due notifications and announcements concerning disputes over ownership of an immovable. Finally, the Constitutional Court changed its case-law concerning notification requirements in expropriation proceedings, underlining that the notification by announcement without notifying identified foreign and domestic addresses or without carrying out sufficient research infringes the principles of legal security and certainty. The judgment was translated, published and disseminated.
CM/ResDH(2021)135	TUR / Akyol and Others	24227/09+	26/05/2020 26/05/2020	Freedom of expression: <i>Unjustified interference on account of disciplinary punishments (eleven days of solitary confinement) imposed, under the Regulations on the administration of penitentiary institutions and the execution of sentences and the Law on the Execution of Penalties and Security Measures, on prisoners convicted for membership in an illegal organisation, for using the honorific "sayın" (esteemed) when referring to the imprisoned leader of the PKK Öcalan in their letters addressed to domestic authorities. (Article 10)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid, when awarded. All the disciplinary penalties imposed on the applicants (executed) were removed from their records. <u>General measures:</u> See CM/ResDH(2019)330 in Bayar and Gurbuz group, in particular with regard to the recent change in case-law of the Court of Cassation according to which, the use of the expression of "esteemed" for criminals does not fall under the Criminal Code any longer. Furthermore, in 2013, the Constitutional Court annulled the relevant provision of the Law on the Execution of Penalties and Security Measures as falling short of the principle of legal certainty of crimes and punishment. The judgment was published, translated and disseminated.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2021)86	TUR / Alaloğlu and Others	42019/06	04/02/2020 04/02/2020	Protection of property rights: <i>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)</i>	Individual measures: Just satisfaction for pecuniary damage paid as agreed. General measures: See CM/ResDH(2001)70 in Aka. The judgment was published, translated and disseminated.
CM/ResDH(2021)81	TUR / Alp	8469/12+	07/07/2020 07/07/2020	Functioning of justice and protection of property rights: <i>Unfair administrative compensation proceedings due to the inability to increase at subsequent stages the amount the initial claim made before courts in respect of pecuniary damages. (Articles 6 §1 and 1 of Protocol No. 1)</i>	Individual measures: Just satisfaction for pecuniary damage (damage resulting loss in value and insufficient statutory interest rate in comparison to inflation rate). General measures: In 2013, a legislative amendment was made to allow for the initially requested amount to be increased during the subsequent proceedings by introducing a mechanism of adjustment in the Administrative Procedure Act. The Supreme Administrative Court's and the Court of Cassation's case-law changed accordingly. See CM/ResDH(2019)104 in Orku. See also CM/ResDH(2001)71 in Akkus group. The judgments were published, translated and disseminated.
CM/ResDH(2021)247	TUR / Ant	37873/08	12/01/2021 12/01/2021	Protection of property rights: <i>Disproportionate interference due to on account of the considerable loss in value of the compensation for bodily harm as a result of high inflation during excessively lengthy proceedings and inadequacy of default interest rates. (Article 1 of Protocol No. 1)</i>	Individual measures: The Court delivered a strike-out decision on the grounds that the applicant's compensation claim should be lodged with the Compensation Commission. No other claim submitted. General measures: See CM/ResDH(2019)104 in Okcu. In 2013, a legislative amendment allowed for the initially requested amount to be increased during the subsequent proceedings by introducing an adjustment mechanism to the Administrative Procedure Act. The Supreme Administrative Court's and the Court of Cassation's case-law henceforth allows for adequate redress. See also CM/ResDH(2001)71 in Akkus group. The judgment was published, translated and disseminated to all relevant domestic courts.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2021)415	TUR / Azizoğlu and Azizoğlu A.Ş.	54525/07	08/12/2020 08/12/2020	Functioning of justice and protection of property rights: Authorities' failure to take the necessary steps to execute two judgments in the applicants' favour on their request for restitution of confiscated fuel oil. (Article 6 §1 and 1 of Protocol No. 1)	Individual measures: The Court held that the applicants had an opportunity to seek compensation before the Compensation Commission, which decided on the respective request in August 2021. General measures: The 2005 Code of Criminal Procedure and the 2007 Law on the Prevention of Smuggling introduced additional safeguards in respect of seizure, preservation, liquidation and compensation procedures. Detailed guidance is given in the "Regulation of Criminal Goods", dated March 2016. If a trustee does not comply with the obligation to protect and preserve the seized goods, such an act shall be punishable. Recent Constitutional Court case-law examples were submitted. The judgment was published, translated and disseminated to all relevant courts.
CM/ResDH(2021)222	TUR / Babajanov	49867/08	10/08/2016 10/05/2016	Right to liberty and security: Deportation and prior unlawful detention with a view to the applicant's deportation to Iran and lack of information of the reasons for the continued detention. (Articles 3, 5§§ 1+2)	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The applicant had been deported to Iran on 12/09/2008. Following his illegal return to Turkey, the applicant had submitted a new request for refugee status under the mandate of the UNHCR, which was still pending at the time of the judgment. With regard to the alleged threat of deportation after September 2008, the Court found that the applicant cannot be considered to be a victim and that this part of his complaint was incompatible <i>ratione personae</i> with ECHR-provisions. General measures required in response to the shortcomings found continue to be examined within the framework of the <i>Abdolkhani and Karimnia</i> .
CM/ResDH(2021)68	TUR / Capin	44690/09	15/01/2020 15/10/2019	Protection of private and family life: Dismissal of a daughter's request for paternity establishment as out of the statutory limitation period without allowing her to plead the existence of	Individual measures: Just satisfaction for non-pecuniary damage paid. The impugned proceedings were reopened in 2015. General measures: See CM/ResDH(2017)17 in Turnali. In 2011, the Constitutional Court repealed the impugned

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>particular circumstances capable of justifying her delay despite a respective amendment of the Civil Code. (Article 8)</i>	provision of the Civil Code, finding that time-limits disproportionately restricted the child's right to have its paternal parentage established. Accordingly, there is no time-limit for the institution of paternity proceedings by a child against the putative father.
CM/ResDH(2021)269	TUR / Çataltepe	51292/07	09/09/2019 19/02/2019	Protection of property rights: <i>Disproportionate interference due to the annulment of the applicant's title deed without compensation and lack of redress provided by the Court of Cassation due to its interpretation of relevant domestic provisions. (Article 1 of Protocol No. 1)</i>	Individual measures: Just satisfaction awarded in respect of pecuniary (market value of the property concerned plus effects of inflation) and non-pecuniary damage paid. General measures: The issue of failure of providing adequate reasoning in judicial decisions is mainly examined under the Deryan (41721/04) group of cases. In 2011, the Code of Civil Procedure was amended to provide that parties have the right to be heard before courts, the decisions of which must be reasoned. The Code of Civil Procedure also obliges the Court of Cassation and the appellate courts to deliver their decisions with adequate reasoning during the examination of the appeals. Examples or relevant recent case-law was submitted. As concerns the Court of Cassation's conclusion of the applicant's bad faith despite the fact of the authorities' errors, which had resulted in the title deed's annulment, recent examples of the Court of Cassation's case-law were submitted, striking a fair balance of interests between the State Treasury's and the individuals' interests. The judgment was published, translated and disseminated. It is used in training activities of the Justice Academy for judges and candidate judges.
CM/ResDH(2021)246	TUR / Dürrü MazharÇevik and Münire Asuman Çevik Dağdelen	2705/05	14/07/2015 14/04/2015 Merits 29/01/2020 29/10/2019 Strike out	Protection of property rights: <i>Disproportionate interference due to the cancellation, without compensation, of applicant's land title deeds by a domestic court decision on the grounds that the land plot concerned could not be subject to</i>	Individual measures: The Court delivered a strike-out decision on the grounds that the applicant's compensation claim should be lodged with the Compensation Commission. Costs and expenses were paid as awarded. General measures: See CM/ResDH(2012)105 in N.A. Furthermore, the Court of Cassation's case-law now

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>private ownership. (Article 1 of Protocol No. 1)</i>	requires the payment of compensation in similar cases. The judgment was published, translated and disseminated.
CM/ResDH(2021)273	TUR / Fatma Akaltun Fırat	34010/06	20/01/2014 10/09/2013	Freedom of assembly and association / right to liberty and security: <i>Unlawful deprivation of the applicant's liberty held for one hour in a police room in a hospital, where she worked following her distribution of leaflets on behalf of the hospital union. (Articles 11 and 5 §1)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The applicant did not request reopening of the impugned investigation. General measures: The violation of Article 11 stems from an isolated incident occurring in 2006. With regard to the applicant's temporary arrest, see CM/ResDH (2016)301 in Küçük (33362/04). The judgment was published, translated and disseminated.
CM/ResDH(2021)300	TUR / Hüseyin Paşalı and Others	26029/11	03/03/2020 Friendly settlement	Right to life / domestic violence: <i>Killing of the applicants' relative and alleged failure of the domestic authorities to provide adequate safeguards to protect her life. (Article 2)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid in accordance with the friendly settlement reached. General measures concerning violations of the right to life on account of the failure of the authorities in their obligation to take necessary measures to protect women from domestic violence continues to be examined within the framework of the Opuz group of cases.
CM/ResDH(2021)196	TUR / İncin	3534/06	09/01/2018 28/05/2018	Right to life: <i>Failure to conduct and effective investigation and trial with regard to the death of the applicant's close relative due to excessive delays in the criminal proceedings. (Article 2 procedural limb)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage was paid. Reopening of proceedings time-barred. General measures required in response to the ineffectiveness of investigations into the death of relatives continue to be examined within the framework of the Batı and Others group.
CM/ResDH(2021)272	TUR / İpek and Others	17019/02+	03/05/2009 03/02/2009	Right to liberty and security: <i>Unlawful arrest and detention of minors on suspicion of being members of an illegal terrorist organisation without sufficient evidence, for three days and nine hours before being</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The applicants were released at the first hearing before the State Security Court in 2001. They have not lodged any compensation claim in respect of pecuniary damage.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>brought before a judge, lack of speedy judicial control of remand custody, lack of compensation for unlawful detention. (Article 5 §§1c+3+4+5)</i>	General measures: Required measures concerning the issue of detention without reasonable suspicion is currently examined in the Kavala case (28749/18). Concerning the issue of excessive length of detention of a minor, see CM/ResDH(2010)115 in Selcuk. Concerning the speedy review of detention by a court, see CM/ResDH (2008)29 in Özçelik (56497/00) and CM/ResDH (2009)29 in Saraçoğlu (4489/02). As concerns the issue of compensation for unlawful detention, see CM/ResDH (2016)332 in Demirel. The judgment was published, translated and disseminated to the relevant domestic courts, the Constitutional Court and Court of Cassation as well as the Institute of Human Rights and Equality and Ombudsman Institution
CM/ResDH(2021)270	TUR / Ipseftel and 2 other cases	18638/05+	26/08/2015 26/05/2015 Merits 19/06/2019 19/03/2019 Just satisfaction	Protection of property rights: <i>Disproportionate interference due to the applicants' inability to recover inherited or acquired property declared cultural heritage, which had been registered - without payment of compensation - in the name of the State Treasury. (Article 1 of Protocol No. 1)</i> Other violation: <i>Excessive length of proceedings. (Article 6 §1)</i>	Individual measures: In the first case, just satisfaction for pecuniary (market value of the property concerned plus inflation rate) and non-pecuniary damage was paid to a fiduciary account due to the lacking information on bank details. In the second and third case, the Court found that the amount of compensation for pecuniary and non-pecuniary damage should be decided by the – competent as from March 2019 - Compensation Commission and decided to strike out the relevant part of the applications. None of the applicants requested reopening of the impugned domestic proceedings. General measures: Concerning the issue of the registration of the applicants' properties in the name of Treasury without compensation payment, see CM/ResDH(2012)105 in N.A. In the present judgments the owners were deprived of their property by retroactive application of new regulations on cultural and natural heritage protection, without compensation payment. Amendments, in 2004, of the Cultural and Natural Heritage Protection Act initially restricted the possibility of acquisition through possession of protected natural and

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					<p>cultural sites, excluding immovables registered as protected natural and cultural heritage by the regional councils and immovables located in the first and second degree archaeological sites. The subsequent 2007 amendment broadened again the possibilities of acquiring through possession immovables of “the second group” cultural assets and the third degree archaeological site. In 2007/08, the Court of Cassation changed its case-law relying on the European Court’s jurisprudence and holding that the State bore responsibility for any irregularities in the land registers and could thus be held liable for damages stemming from incorrect entries. If a title deed had been declared void because the land was part of the public forest estate, the individual concerned was entitled to claim compensation under Article 1007 of the Civil Code. In particular, in February 2007, the General Assembly of Civil Chambers of the Court of Cassation decided that the possessor acquired ownership of the property when conditions are met, even if the request was made later. Therefore, restrictions of the Cultural and Natural Protection Act would not be applied retroactively. Examples of Court of Cassation decisions concerning compensation to be paid following deprivation of property, which had been declared “archeological site” and registered in the name of the Treasury were also submitted. In 2019/20, the Constitutional Court adapted its case-law ruling that the protection of the individual right to property required the payment of compensation in the case of an annulment of the title deed in pursuance of a legitimate general interest. The judgments were published, translated and disseminated.</p>
CM/ResDH(2021)297	TUR / Kalay and 1 other case	32881/11+	06/02/208 Friendly settlement	<i>Right to life: Death of the applicants’ children and ineffectiveness of the investigations and judicial proceedings</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid in accordance with the friendly settlement reached.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>conducted in the aftermath of the incidents. (Article 2)</i>	<i>General measures</i> concerning violations of the right to life relating to accidents, including the obligation to carry out effective investigations to determine the full extent to which the public servants and authorities were liable for the accidents, continue to be examined within the framework of the Kalender group of cases (4314/02).
CM/ResDH(2021)197	TUR / Kasa and 20 other cases	45902/99+	20/08/2008 20/05/2008	Right to life and protection against ill-treatment: <i>Deaths or injuries as result of unjustified and excessive force used by members of the security forces during military and police operations and subsequent ineffective the investigations. (Articles 2 and 3)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage was paid. Any further investigation is precluded because of prescription. <i>General measures</i> required in response to the shortcomings found continue to be examined within the framework of the Erdoğan and Others group of cases.
CM/ResDH(2021)108	TUR / Kervanci and 4 other cases	76960/11+	08/12/2020 08/12/2020	Freedom of expression and freedom of assembly: <i>Unlawful interference due to the applicants' conviction and sentencing for membership of an illegal organisation under the Criminal Code, as the relevant provision (Article 220 §§ 6 and 7) had not been "foreseeable" in its application and thus had a chilling effect on the exercise of the rights to freedom of expression and assembly. (Articles 10 and 11)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary and pecuniary damages (to redress the applicants' unjustified punishment to pay judicial fine) paid. As a result of legislative amendments, the applicants' convictions were quashed. There is no criminal record on account of the impugned article. <i>General measures</i> required in response to the shortcomings found in the present judgments continue to be examined within the framework of the Isikirik group of cases (41226/09).
CM/ResDH(2021)132	TUR / Keshmiri No.2 and 19 other cases	22426/10+	17/04/2012 17/01/2012	Right to liberty and security: <i>Unlawful detention with a view to the applicants' deportation, lack of information of the reasons for their continued detention, absence of a remedy to obtain judicial review of their detention and lack of effective remedy to obtain compensation. (Article 5 §§ 1, 2, 4, 5)</i> <i>Other violation in certain cases: Ill-</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. All applicants were released. <i>General measures</i> required in response to the shortcomings found continue to be examined within the framework of the Abdolkhani and Karimnia (No. 46605/07) group.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>treatment on account of the detention conditions and lack of a remedy. (Article 3 and Article 13 in conjunction with 3)</i>	
CM/ResDH(2021)134	TUR / Kışlakçı and Others	40164/05	27/02/2018 Merits 24/03/2020 Revision	Protection of property rights / functioning of justice: <i>Disproportionate interference on account of the administrative courts' failure, in the context of the construction of an airport next to the applicants' properties, to establish the facts of the applicants' actions for damages and to provide adequate reasoning for their decisions; denial of a fair trial and excessive length of proceedings. (Article 1 of Protocol No. 1 and Article 6 §1)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. The applicants did not request the reopening of the impugned proceedings. <u>General measures:</u> See CM/ResDH(2018)394 in Gereksar and Others. The judgment was published, translated and disseminated.
CM/ResDH(2021)299	TUR / Kocaman	77043/12	24/11/2020 24/11/2020	Functioning of justice: <i>Denial of access to a court on account of the fact the applicant had been prevented from having his civil claims determined by consumer courts as a consequence of a judicial error, for more than ten years. (Article 6 §1)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. Finally, domestic proceedings were terminated in September 2020. <u>General measures:</u> Violation of an isolated character resulting from the domestic court's error. In 2020, the Code of Civil Procedure was amended to provide that "within one month from the notification of the final decision, all parties may request an additional decision on matters that have not been decided upon despite the fact that they were brought forward in the proceedings or need to be adjudicated ex officio. The decision rendered as a result may be appealed." The judgment was published, translated and disseminated.
CM/ResDH(2021)198	TUR / Konuk and Others and 8 other cases	26638/07+	09/02/2021 09/02/2021	Freedom of assembly and association: <i>Disproportionate interference due to the prosecution of participants and/or the use of excessive force to disperse peaceful demonstrations. (Article 11)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage was paid. The applicants did not avail themselves of the opportunity to request reopening of proceedings. <u>General measures</u> required in response to the shortcomings

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>Other violations: Failure to ensure effective investigations into allegations concerning the unlawful use of force by law enforcement officers; Failure to provide concrete and sufficient reasoning and to consider alternative measures for the applicants' pre-trial detention. (Articles 3 and 5 §1)</i>	found continues to be examined within the framework of the freedom of assembly group (Oya Ataman (74552/01)) of cases.
CM/ResDH(2021)315	TUR / Leventoğlu Abdülkadiroğlu and 2 other cases	7971/07+	28/08/2013 28/05/2013	Protection against discrimination and protection of private and family life: <i>Impossibility for married women to bear only their maiden name. (Article 14 in conjunction with Article 8)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid as awarded. The applicants' surnames were changed following the respective judgments. <u>General measures</u> required in response to the shortcomings found continue to be examined within the framework of the <i>Unal Tekeli</i> group of cases.
CM/ResDH(2021)136	TUR / Mehmet Zeki Çelebi	27582/07	22/06/2020 28/01/2020	Functioning of justice: <i>Unfair proceedings due to the lack of legal assistance while in police custody in 1999 as a result of the statutory ban applicable to persons accused of offences falling within the jurisdiction of the State Security Courts and subsequent use of the statements made as evidence in criminal proceedings. (Article 6 §3(c) in conjunction with 6 §1)</i>	<u>Individual measures:</u> The finding of a violation constituted sufficient just satisfaction for any non-pecuniary damage sustained. The impugned proceedings were reopened in November 2020. The reopened proceedings are still pending. <u>General measures:</u> See CM/ResDH(2018)219 in Salduz group, in particular concerning the abolition of the state security courts and right to legal assistance from a lawyer in the 2005 Code of Criminal Procedure.
CM/ResDH(2021)207	TUR / Mergen and Others and 4 other cases	44062/09+	31/08/2016 31/05/2016	Right to liberty and security: <i>Arrest and pre-trial detention of the applicants in the absence of evidence to support a reasonable suspicion that they committed an offence and lack of a hearing in examining the prolongation of detention on remand. (Article 5 §§1+4)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. All applicants have been released due to decisions of non-prosecution or acquittal. Criminal proceedings are pending in two cases on the basis of evidence submitted at a later stage. <u>General measures</u> required in response to the shortcomings found by the Court in the present judgments continues to be examined within the framework of the Nedim Sener

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					group of cases.
CM/ResDH(2021)99	TUR / Mustafa and Armağan Akin	4694/03	06/07/2010 06/04/2010	Protection of private and family life: Failure of domestic courts to take into account, in custody proceedings, a divorced father's and his children's best family interest as well as to seek the opinions of those children as well as of any psychological expert. (Article 8)	Individual measures: Just satisfaction for non-pecuniary damage paid. The children concerned reached majority. General measures: See CM/ResDH(2008)61 in Hansen, in particular with regard to the 2003 Law on the Establishment of Family Courts with judges specialised in family law and assigned psychologists and social workers. Examples of recent case-law were submitted underlining that custody arrangements take into account that siblings should be together during their personal relationship periods. The judgment was published, translated and disseminated. It is used in training activities of the Justice Academy on family law and custody cases.
CM/ResDH(2021)339	TUR / Nebi Doğan	56440/07	18/06/2019 18/06/2019	Protection of property rights: Disproportionate interference due to the domestic courts' determination of an amount of compensation following the expropriation of the applicant's plot that was less than that which was determined in the related expert report without providing any reason. (Article 1 of Protocol No. 1)	Individual measures: Just satisfaction for pecuniary and non-pecuniary damage paid. General measures required in response to the shortcomings found continue to be examined within the framework of the <i>Kutlu and Others</i> case.
CM/ResDH(2021)431	TUR / Oyal and 9 other cases	4864/05+	23/06/2010 23/03/2010	Right to life / functioning of justice / protection of private life / 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	Individual measures: Just satisfaction for non-pecuniary damage paid. Regrettably, in some of the cases criminal proceedings at stake became time-barred. In some of the cases, the applicants had not availed themselves of the opportunity to request reopening of the impugned administrative / compensation proceedings. General measures: Important measures were taken to

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>hospitals; failure to conduct compensation proceedings with exceptional diligence and lack of an effective remedy to challenge the length of proceedings. (Article 2 substantive and/or procedural limb, Articles 6 and 8, Article 13)</i>	improve the quality and capacity of health care services in state-run hospitals, in particular, to ensure admission to emergency services of any patient in a critical medical condition without pre-payment, to enhance coordination between hospitals during transfers of patients and, in addition, to prevent contamination of diseases by blood transmission. Further administrative and legislative reforms concerned the recourse to experts in judicial proceedings, related capacity-building activities at the Forensic Medicine Institute, the creation of the Department of Expertise within the Ministry of Justice and the adoption of a Law on Expertise. Outstanding issues related to the shortcomings found concerning the administrative authorisation requirement to bring charges against civil servants in cases concerning Articles 2 and 3 violations continue to be examined under the <i>Bati and Others</i> group of cases. Outstanding questions related to the lack of reasoning in judicial decisions continue to be examined under the <i>Deryan</i> group of cases. Concerning violations on account of the excessive length of proceedings and the lack of effective remedy see CM/ResDH(2014)298 in <i>Ormanci</i> group. The judgments were published, translated and disseminated.
CM/ResDH(2021)67	TUR / Özgüc	3094/09	04/02/2020 04/02/2020	Right to liberty and security: <i>Domestic court's failure to provide the applicant with the public prosecutor's written opinion, which it relied on during the review proceedings regarding the applicant's continued detention; thus lack of adversarial examination of the applicant's objection to her detention and lack of respect for the principle of equality of arms. (Article 5 §4)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant was released in 2016. General measures: See CM/ResDH(2016)332 in Demirel (Altinuk). Amendments of the Code of Criminal Procedure in 2013 allow to challenge the lawfulness of detention on remand in an adversarial procedure. According to the new provisions, courts shall decide on an extension of detention on remand after hearing a detainee or his/her legal representative and in their presence.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2021)268	TUR / Özmurat İnşaat Elektrik Nakliyat Temizlik San. ve Tic. Ltd. Şti.	48657/06	09/04/2018 28/11/2017	Functioning of justice: Domestic courts' refusal, without any specific reasons, the applicant's request for a hearing in proceedings concerning his objection to an administrative fine. (Article 6)	Individual measures: No claim submitted. In reopened proceedings, an oral hearing was held: Following the assessment of the evidence, the fine imposed in the impugned proceedings of 2006 was annulled in January 2021. General measures: Case of an isolated nature; erroneous interpretation and application of domestic law. The issue of failure of providing adequate reasoning in judicial decisions is mainly examined under the Deryan (41721/04) group of cases. Examples of hearings granted in proceedings concerning objections to various administrative fines were submitted. The judgment was published, translated and disseminated. It is used in training activities for judges and candidate judges.
CM/ResDH(2021)109	TUR / Polat and 25 other cases	64138/11	07/05/2019 07/05/2019	Freedom of expression: Unjustified interference due to the criminal proceedings initiated against the applicants under various articles of the Criminal Code of Anti-Terrorism Law (Article 10 - in some of the cases also Article 5)	Individual measures: Just satisfaction for non-pecuniary damage paid. In reopened domestic proceedings, the applicants had been acquitted; some of them have not requested reopening of proceedings; in some cases the charges were dropped or proceedings had become time-barred. None of them is still detained on account of those proceedings. General measures required in response to the shortcomings found by the Court in the present judgments continue to be examined within the framework of the Öner and Türk (51962/12), Altuğ Taner Akcam (27520/07), Nedim Şener (38270/11) and Artun and Guvener (75510/01) groups of cases.
CM/ResDH(2021)133	TUR / Sarp Kuray and 3 other cases	23280/09+	24/10/2012 24/07/2012	Functioning of justice: Unfair criminal proceedings due to the impossibility for the applicants to examine the witnesses against them as well as excessive length of those proceedings and/or lack of legal	Individual measures: Just satisfaction for non-pecuniary damage paid. In all cases (except İshak Sağlam who did not request a retrial as no punishment had been imposed on him) the requests of retrial were accepted. General measures required in response to the shortcomings

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>assistance in certain cases. (Article 6 §§1+3d and/or 3c)</i>	found continue to be examined within the framework of the Orhan Çağan (26437/04) group of cases.
CM/ResDH(2021)316	TUR / Servet Gunguz and Others and 18 other cases	4611/05+	11/04/2011 11/01/2011	Right to life: <i>Failure of the authorities to take the necessary measures that could be reasonably expected to prevent the suicide of the applicants' close relatives, who at the time of the incidents were performing their military service, and the failure of the authorities to conduct effective investigations in some of these cases. (Article 2 substantive and procedural limbs)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. Impugned investigations into the circumstances/proceedings, regrettably, became time-barred and can thus not be reopened. General measures: A reform of the legislative and regulatory framework as to the medical examinations was undertaken, including psychological examinations in the conscription process and the medical/military follow-up proceedings during the military service. An electronic database system and the List of Illnesses and Disorders were updated. Psychological Consultancy services in the military units were established. Military Courts were abolished. Compulsory legal assistance to the military personnel was introduced. Time-limits for compensation claims are in line with ECtHR's case-law. Outstanding measures, as regards the lack of communication between military units in transferring conscripts' files, the lack of swift reaction in cases where the conscripts' medical condition required transfer to a health institution, and the failure to postpone the execution of imprisonment sentence on psychiatric grounds, continue to be examined within the framework of the cases of <i>Guzelaydin, Durdu, Aktepe and Kahriman, Abdulhadi Yildirim and Yabansu and Others</i> .
CM/ResDH(2021)179	TUR / Sonbahar Erdem and 3 other cases	38872/11+	15/01/2019 15/01/2019	Functioning of justice: <i>Denial of access to court due to the dismissal of the applicants' appeals on points of law on grounds that the level of fine was below the statutory minimum for appeal. (Article 6)</i> Other violations:	Individual measures: Just satisfaction in respect of non-pecuniary damage was paid. None of the applicants requested reopening of the impugned proceedings. General measures: See CM/ResDH(2019)330 in Bayar and Gürbüz.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>Freedom of expression: Interference due to convictions under the anti-terror (Article 10 examined under the Öner and Türk group of cases (51962/12); Unfair trial due to the lack of adequate reasoning in domestic court decisions (Article 6 §1 examined under the Asan case (28582/02).</i>	
CM/ResDH(2021)176	TUR / Süzer and Eksen Holding A.Ş and 3 other cases	6334/05+	23/01/2013 23/10/2012 Merits 09/04/2013 Strike out due to friendly settlement	Functioning of justice and protection of property rights: <i>Denial of access to a court due to the failure to comply with judgments intended to remedy illegal transfer by authorities of private bank to State-owned entity, resulting in an unlawful interference with the applicants' property rights on account of the takeover of the applicants' bank had been set aside by the domestic courts. (Article 6 §1 and 1 of Protocol No. 1)</i>	<u>Individual measures:</u> In two cases the applicants withdrew their claims for just satisfaction as they had reached a friendly settlement with the Government. In one case just satisfaction was paid as awarded by the Court. In one case the case was struck out due to the fact that an application for compensation has to be lodged with the Compensation Commission and thus the dispute had come to an end. <u>General measures</u> required in response to the shortcomings found continue to be examined within the framework of the Liman-İs Sendikası (No. 1) group of cases.
CM/ResDH(2021)271	TUR / T.Ç. and H.Ç.	34805/06	26/10/2011 26/07/2011	Protection of private and family life and functioning of justice: <i>Interference due to various procedural irregularities during domestic proceedings challenging paternal affiliation and excessive length of these proceedings. (Articles 8 and 6 §1)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. In reopened proceedings, the DNA test was repeated. In 2018, the annulment decision of the dismissal of the applicants' filiation claims became final and thus the contested paternal affiliation between the applicant and her father was re-established. <u>General measures:</u> Isolated incident due to the domestic courts' misapplication of domestic legislation. Under the current under the current the Civil Code of 2002, the parents of a deceased father cannot bring an action to deny a paternal relationship, which had been established while the deceased was alive. Concerning the domestic courts' failure to provide sufficient reasoning when dismissing the applicant's objections to the manner in which the DNA

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					tests were conducted, general measures will be examined within the framework of the Deryan (41721/04) group of cases. Concerning excessive length of civil proceedings, see CM/ResDH (2014) 298 in the Ormancı group of cases. The judgment was published, translated and disseminated.
CM/ResDH(2021) 295	TUR / Taştan	63748/00	04/06/2008 04/03/2004	Protection against ill-treatment and effective remedy: <i>Degrading treatment on account of the applicant's duty to perform military service at the age of 71 without consideration of his specific conditions and without an effective remedy. (Articles 3 and 3 in conjunction with 13)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. In April 2000, the applicant was discharged from the military. General measures: Violation of an isolated character . In 2019, the Law on Military Service regulating that no one shall be excluded from recruitment except under specified circumstances, was repealed by the Law on Conscription, under the terms of which, persons obliged to perform their military service at an advanced age for any reason may be exempted on account of their possible age-related health problems. In general, the eligibility for military service is established by medical examinations of those conscripts whose age information in the civil registry records is considered to be inaccurate at the time of their enlistment. Furthermore, as from 2002, the MERNIS (the Central Civil Registration System) system ensured that all population records are kept electronically. The competent health authorities identified as "beyond the age to perform military service" 50 conscripts in 2015, 71 conscripts in 2016, 48 conscripts in 2017, 42 conscripts in 2018, 33 conscripts in 2019, 22 conscripts in 2020 and 18 conscripts in 2021. Further rules with regard to the medical examinations of conscripts, procedure of reports and the authorities' and institutions' responsibilities are examined in the <i>Servet Gündüz and Others</i> group. In 2012, the European Court considered the individual application to the Constitutional Court, introduced in 2008, as an effective remedy. The judgment was published, translated and disseminated.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2021)178	TUR / Timurlenk	37758/08	22/06/2020 28/01/2020	Protection of property rights: <i>Disproportionate interference due to the difference between the statutory interest rates applied to the compensation amount awarded by domestic courts and the actual inflation rates. (Article 1 of Protocol No.1)</i>	<u>Individual measures:</u> Just satisfaction in respect of pecuniary damage was paid. <u>General measures:</u> See CM/ResDH(2001/70) in Aka group of cases. The judgment was translated, published and disseminated.
CM/ResDH(2021)298	TUR / Ünal and Bozbağ	15490/07	24/11/2020 24/11/2020	Protection of property rights: <i>Disproportionate interference on account of the applicants' loss of property without compensation due to erroneous entries in the land register. (Article 1 of Protocol No. 1)</i>	<u>Individual measures:</u> As concerns pecuniary damage, the Court struck the applicants' claims of compensation out of its list as falling in the Compensation Commission's competence. In 2021, the claims were decided and the applicants appealed against the Commission's decision before the Ankara Regional Administrative Court considering amount of compensation inadequate. The case is still pending before that court. <u>General measures:</u> See CM/ResDH(2018)397 in Yildirim.
CM/ResDH(2021)177	TUR / Ünel	35686/02	27/08/2008 27/05/2008	Functioning of justice: <i>Unfair criminal proceedings due to the failure of the trial court to examine the evidence (video and voice recordings accusing the applicant of bribe) and to hear witnesses requested by the applicant. (Article 6 §§1+3d)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage was paid. The applicant's first request for reopening of the impugned proceedings in 2008 was rejected as incompatible <i>ratione temporis</i> . Following the 2012 amendment of the Code of Criminal Procedure, the applicant's second request for reopening was granted in 2018. In the course of the reopened proceedings, all relevant evidence were examined, produced and discussed during the hearings in presence of the applicant. Finally, the trial court upheld its first judgment and sentenced the applicant to a term of imprisonment in 2019. <u>General measures:</u> The 2005 Code of Criminal Proceedings provided additional safeguards on assessment of evidence, including witness statements. Issues related to admissibility of evidence, in a broader context, continue to be examined under the case of Ayetullah Ay (29084/07).
CM/ResDH(2021)	TUR / Yasar	46412/99+	24/04/2006	Protection against ill-treatment /	<u>Individual measures:</u> Just satisfaction for non-pecuniary

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
100	and 2 other cases		24/01/2006	functioning of justice: <i>Ineffectiveness of investigations and criminal prosecutions in relation to ill-treatment allegedly inflicted by the security forces between 1994 and 2010. (Article 3 and 13)</i> <i>Other violations: Excessive length of criminal proceedings and of pre-trial detention. (Articles 5 and 6)</i>	damage paid. Reopening of investigations was not possible as they had become time-barred. General measures required in response to the shortcomings found and the ineffectiveness of investigations in respect of allegations of excessive use of force while dispersing peaceful demonstrations continues to be examined within the framework of the Batı and Others group. For General measures in regard to Articles 5 and 6, see CM/ResDH(2014)289 within the framework of the Ormanci and Others group and CM/ResDH(2016)332 in the Demirel group of cases.
CM/ResDH(2021)102	TUR / Yayla	3914/10	24/03/2020 24/03/2020	Protection of private life: <i>Failure of domestic courts to protect the applicant's reputation due to the dismissal of his claims for damages against a newspaper and a journalist following the publication of articles presenting him i.a. as a 'traitor' and showing his photograph. (Article 8)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant did not avail himself of the opportunity to request the reopening of proceedings. General measures: See CM/ResDH(2019)215 in Tarman.
CM/ResDH(2021)249	TUR / Yükseller Ltd. Şti.	27530/09	19/01/2021 19/01/2021	Protection of property rights: <i>Disproportionate interference due to the applicant's de facto expropriation without adequate compensation and domestic courts' failure to provide sufficient reasoning in their decisions to refuse compensation for a part of the applicant's expropriated plot of land, despite divergent calculations submitted in expert reports. (Article 1 of Protocol No.1)</i>	Individual measures: The Court delivered a strike-out decision on the grounds that the applicant's compensation claim should be lodged with the Compensation Commission. General measures: See CM/ResDH(2018)394 in Gereksar. . The judgment was published, translated and disseminated.
CM/ResDH(2021)414	TUR / Çevikel	23121/15	13/11/2017 23/05/2017	Functioning of justice: <i>Excessive length of proceedings before the Compensation Commission established under Law no. 5233 for damages sustained from acts of</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed. General measures: Isolated case. See measures indicated in CM/ResDH(2014)298 in the Ormanci group. The judgment

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>terrorism or counter-terrorism measures. (Article 6 §1)</i>	was published, translated and disseminated.
CM/ResDH(2021)296	TUR Mengirkaon and 5 other cases	5825/09+	23/06/2020 23/06/2020	Functioning of justice and freedom of expression: <i>Denial of access to court, due to the dismissal of the applicants' appeal on points of law having on the ground that the amount of fines was below a statutory minimum and disproportionate interference due to the applicants' convictions under various articles of the Criminal Code or Anti-Terrorism Law for having expressed opinions, which cannot qualify as incitement of hatred or violence. (Articles 6 §1 and 10)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. the applicants may request reopening of the impugned criminal proceedings within one year of the finalisation of the judgment and erasure of their criminal records. General measures: Concerning denial of access to a court, see CM/ResDH(2019)330 in the Bayar and Gurbuz and Yalçinkaya groups. The issue regarding the interference with freedom of expression is being examined in the Öner and Türk (51962/12) group of cases. The judgments were published, translated and disseminated.
CM/ResDH(2021)70	UK / Hammerton	6287/10	12/09/2016 17/03/2016	Functioning of justice: <i>Unfair civil contempt of court proceedings due to the lack of legal representation which resulted in the applicant's imprisonment for six weeks and subsequent domestic courts' failure to grant compensation even though they had found a violation of his rights. (Article 6 §1 in conjunction with Articles 6 §3 and 13)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The finding of contempt of court had been set aside by the Court of Appeal and the applicant's sentence had already been fully served. General measures: Violation due to a procedural error that does require legislative change. In respect of the Article 13 violation, an amendment to the Human Rights Act to allow an award of damages to compensate individuals, who, in breach of Article 6 of the Convention, did not have legal representation in contempt of court proceedings, finally entered into force in 2020. The judgment was published and disseminated.
CM/ResDH(2021)50	UK / Mc Shane and 2 other cases	43290/98+	28/08/2002 28/05/2002	Right to life / right to individual petition: <i>Lack of effective investigation into the applicant's next-of-kin's death resulting from actions of security forces during a riot and interference with the right to petition due to the threat of disciplinary</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. Inquest proceedings and related litigation have concluded; the coroner had, where applicable, referred the cases to the Director of Public Prosecutions (Northern Ireland) for a decision on prosecution; and it was open to the applicants to bring a judicial review should the

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>proceedings against an applicant's lawyer for purported disclosure of information. (Article 2 procedural limb and 34)</i>	DPP(NI) decide that no further prosecution should be brought. <u>General measures:</u> With regard to Article 34, assurances given by the authorities to prevent further interferences. <u>General measures</u> required in response to the shortcomings in investigations found by the Court in the present judgments continues to be examined within the framework of the McKerr group.
CM/ResDH(2021)71	UK / Sac	31428/18	05/12/2019 Friendly settlement	Protection against ill-treatment: <i>Complaint concerning the refusal of an asylum request submitted by a Bangladeshi national on the assertion of facing a real risk of serious and irreversible harm upon return. (Article 3 conditional)</i>	<u>Individual measures:</u> The applicant submitted further evidence in February 2020. He was granted asylum in June 2020. An ex gratia payment for costs and expenses was made.
CM/ResDH(2021)255	UK / Unuane	80343/17	24/02/2021 24/11/2021	Protection of private and family life: <i>Disproportionate interference due to the applicant's deportation after conviction for falsifying immigration documents, without the tribunal's carrying out a balancing exercise to determine the best interests of applicant's minor children or assessment made whether an expulsion measure was necessary and proportionate. (Article 8)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid to the applicant's representative. The applicant passed away in February 2021. <u>General measures:</u> Violation due to the specific circumstances of the case, in particular the fact that the seriousness of the offence committed by the applicant did not outweigh the best interests of the children so as to justify his expulsion. A recent Supreme Court case-law example was submitted. The judgment was published and disseminated.
CM/ResDH(2021)200	UKR / Albul and Others and 20 other cases	18899/19+	18/06/2020 18/06/2020	Functioning of justice: <i>Excessive length of criminal/civil proceedings as well as the lack of effective remedy in this respect. (Article 6 §1 and 13)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage was paid. Domestic proceedings terminated; internal judgment debts paid to the applicant. <u>General measures</u> required in response to the shortcomings found continue to be examined in the framework of the Merit and Svetlana Naumenko groups of cases. Issues related to the non-enforcement or delayed enforcement of domestic judicial decisions, mostly

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					delivered against the State and State-owned or controlled entities, and to the lack of an effective remedy in this respect, raised by the Balandina and Andreyko case, are being examined in the context the Zhovner /Yuriy Nikolayevich Ivanov group.
CM/ResDH(2021)205	UKR / Andrusenko and Others and 17 other cases	41073/02+	10/11/2006 10/08/2006	Functioning of justice: <i>Non-enforcement or delayed enforcement of domestic judicial decisions, mostly delivered against entities owned or controlled by the State. (Article 6 §1)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. <u>General measures</u> 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(2021)275	UKR / Basenko and 1 other case	24213/08	26/02/2016 26/11/2015	Protection against ill-treatment and effective remedy: <i>Ill-treatment of the applicants by State agents (a public transport employee and two volunteer citizen guards) and lack of effective investigations due to procedural shortcomings. (Article 3 substantive and procedural limb and Article 13)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. In the first case, the perpetrator was convicted in 2007; the applicant did not request reopening of the impugned proceedings following the judgment. In the second case, both perpetrators having died, criminal proceedings were terminated in 2009. This decision was quashed in 2014. Finally, proceedings were terminated in 2021 due to lack of evidence and passage of time. <u>General measures:</u> Isolated occurrences due to the authorities' malpractice. Information on the current legal framework for the work of the volunteer citizen guards and their right to use of force was submitted. Their activities are organised, directed and controlled by the relevant bodies of the National Police, and units of the State Border Service. information on the current legal framework of the work and using compulsion by the ticket inspectors. Their powers are limited to the control of the fare paid and imposition of administrative fines in case of disrespect of the Municipal Transport Rules. Ticket inspectors attend various training courses aimed at forming polite and effective reaction in conflict situations. As concerns the

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					procedural aspect, the National Academy of the Public Prosecutor's Office conducted training sessions on the "Pre-trial Investigations according to Council of Europe Standards" within the project "Further Support for Criminal Justice reform in Ukraine" in May 2016. In 2017, effective investigation guidelines for prosecutors were circulated. The judgments were published, translated and disseminated. They are also used in further training seminars, i.a. by the National Academy of Public Prosecutor's Office.
CM/ResDH(2021)252	UKR / Batktivska Turbota Foundation	5876/15	09/01/2019 09/10/2018 Merits 03/12/2020 03/09/2020 Just satisfaction	Protection of property rights: <i>Serious doubts as to the lawfulness of the annulment of the applicant foundation's title to a property in court proceedings instituted by the prosecutor and disproportionate interference due the lack of compensation for the deprived bona fide owner. (Article 1 of Protocol No. 1)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. In 2019, the Supreme Court issued a decision by which the earlier decisions in the case were quashed and the prosecutor's claims were rejected in full, and, accordingly, the applicant's ownership to the disputed property was maintained. In the light of this domestic review, the applicant's claims for pecuniary and non-pecuniary damage were withdrawn. <u>General measures</u> required in response to the shortcomings found continue to be examined within the framework of the <i>Maksymenko</i> and <i>Gerasymenko</i> group of cases.
CM/ResDH(2021)277	UKR / BUSHBM- PLYUS, TOV	20880/07	06/06/2019 06/06/2019	Functioning of justice and protection of property rights: <i>Infringement of the principle of legal certainty on account of the re-determination by courts of matters which have already been decided upon in commercial proceedings and resulting in the invalidation of the applicant company's recognized property title. (Articles 6 §1 and 1 of Protocol No. 1)</i>	<u>Individual measures:</u> Just satisfaction in respect of pecuniary (value of bedroom block No. 3 concerned and of repair work undertaken) and non-pecuniary damage paid. <u>General measures:</u> The judiciary underwent an in-depth reform in 2017. in order to prevent the re-examination of identical cases and mutually exclusive judicial decisions, under the provisions of the Codes of Civil, Commercial and Administrative Procedure, the courts shall refuse to open proceedings or close cases if: there is a judicial decision between the same parties on the same subject and on the same grounds; there is a judicial decision to close proceedings between the same parties, on the same

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					<p>subject and on the same grounds; there is a court order, which entered into force under the same requirements. Issues concerning the privatisation of State and communal property and property belonging to the Autonomous Republic of Crimea are regulated by the 2018 Law on "Privatisation of the State and Communal Property".</p> <p>In February 2021, an overview of the judicial practice of the Commercial Court of Cassation within the Supreme Court in the field of privatisation of State property, was published. Relevant case-law examples were submitted.</p> <p>See also CM/ResDH(2019)360 in Yushchenko and Others (73990/01). The judgment was published, translated and disseminated. Awareness-raising activities for judges were organised.</p>
CM/ResDH(2021)223	UKR / Cosmos Maritime Trading and Shipping Agency	53427/09	27/09/2019 27/06/2019	Functioning of justice: <i>Unfair civil proceedings due to the lack of an impartial tribunal, caused by the omission of a test of "objective impartiality" by the domestic court, housed in a debtor's former building while conducting bankruptcy proceedings initiated by the applicant against a State-owned company; excessive length of proceedings. (Article 6 §1)</i>	<p><u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. In March 2020, the applicant company's request for review of the impugned domestic court's proceedings was rejected as unsubstantiated as it concerned only certain specific decisions but wished to maintain other decisions which were in the applicant's favour. Domestic proceedings closed.</p> <p><u>General measures:</u> Information on regulations concerning the impartiality of judges and the procedure for their recusal was presented as well as examples of judicial practice and statistics. The issue of excessive length of civil proceedings is examined in the context of the Svetlana Naumenko group. The judgment was published, translated and disseminated.</p>
CM/ResDH(2021)49	UKR / Fuklev and 14 other cases	71186/01+	30/11/2005 07/06/2005	Functioning of justice / lack of remedy: <i>Non-enforcement or delayed enforcement of domestic judicial decisions, mostly delivered against entities owned or controlled by the State, and to the lack of</i>	<p><u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. All domestic judicial decisions at issue were enforced.</p> <p><u>General measures</u> required in response to the shortcomings found by the Court in these judgments continues to be</p>

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>an effective remedy. (Articles 6 §1 and 13)</i>	examined within the framework of the Yuriy Nikolayevich Ivanov / Zhovner and Burmych and Others group.
CM/ResDH(2021)301	UKR / Glinov	13693/05	19/02/2010 19/11/2009	Protection of private and family life / respect for correspondence: <i>Unlawful interference due to the monitoring of the applicant's correspondence with The Court while in detention. (Article 8)</i>	<u>Individual measures:</u> The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. The applicant was released from prison. <u>General measures</u> required in response to the shortcomings found by the Court in the present case continues to be examined within the framework of the <i>Sergey Volosyuk</i> group.
CM/ResDH(2021)425	UKR / Gorodovych	71050/11	19/01/2017 19/01/2017	Protection against ill-treatment: <i>Lack of effective investigations into the applicant's complaint of inadequate medical treatment. (Article 3 procedural limb)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. Pre-trial investigations were initiated resulting, in July 2020, in the conclusion of lacking elements for a criminal offence. <u>General measures</u> required in response to the shortcomings found by the Court in the present judgment continues to be examined within the framework of the <i>Arskaya</i> group.
CM/ResDH(2021)111	UKR / Grigoryev and 11 other cases	32569/08+	07/03/2019 07/03/2019	Right to liberty and security: <i>Excessive length of pre-trial detention and absence of the speedy review (Article 5). Other violations: Articles 6 §§1+2 and 8</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. The applicants are no longer held in detention on remand and that all required individual measures have also been taken in respect of the other violations found. <u>General measures</u> required in response to the main shortcomings found by the Court in the present judgments continue to be examined within the framework of the Ignatov group of cases. The other shortcomings are being examined by the Committee in the context of the supervision of the Merit group of cases, the Lutsenko (no. 2) group of cases, the Panteleyencko group of cases, the Krasnyuk case and the Shalimov group of cases.
CM/ResDH(2021)416	UKR / Ivashchenko	41303/11	10/09/2020 10/09/2020	Protection against ill-treatment and right to liberty and security: <i>Unjustified</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. In 2012, the Court of Appeal quashed the

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>confinement in a metal cage in the courtroom during criminal proceedings against him and the excessive length of the applicant's detention. (Articles 3 and 5 §3)</i>	judgment of the lower court and convicted the applicant to a suspended sentence with a one-year probation period. The applicant was released. <u>General measures</u> required in response to the shortcomings found, in particular, concerning the confinement in a metal cage during the criminal hearings and to unlawful and lengthy detention on remand continues to be examined within the framework respectively of the <i>Lutsenko (No.2)</i> and <i>Ignatov</i> groups of cases. The judgment was published, translated and disseminated.
CM/ResDH(2021)185	UKR / Kornev and Karpenko	17444/04	21/01/2011 21/10/2010	Functioning of justice: <i>Unfair administrative responsibility proceedings due to the lack of adequate time and facilities for the preparation of the second applicant's defence in an administrative offence case for contempt of court. (Article 6 §1 in conjunction with 6 §3b)</i> <i>Unfair criminal proceedings on account of absence of opportunity for the first applicant and his lawyer to question the key witness who was under the witness protection programme. (Article 6 §1)</i> <i>Other violation: Failure to bring the first applicant promptly before the court to decide on the lawfulness of his detention. (Article 5 §3)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage was paid. In the first applicant's case, the impugned proceedings were reopened and closed for lack of evidence. As to the second applicant, the sanction of administrative arrest of 15 days for contempt of court was replaced by a fine. Upon appeal, the case was closed due to the expiry of the time-limit. <u>General measures:</u> With regard to the issue of custodial sanctions for contempt of court, the Code on Administrative Offences - following regular amendments - currently provides that a custodial sanction is only possible for repeat offences of contempt of court (second time within a year); a first occurrence is only punishable by fine. Moreover, there are several alternative non-custodial sanctions available. Furthermore, the Code sets forth a general rule that administrative arrest can only be imposed in exceptional cases. Statistics show that the use of custodial sanctions is in fact exceptional. As concerns adequate time and facilities for the preparation of the defence in an administrative offence case, the Code on Administrative Offences contains procedural guarantees, in particular the right to familiarise oneself with case-files and to be legally represented. In 2016 (updated in 2018), the Council of Judges adopted

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					<p>specific Recommendations on the administrative responsibility for contempt of court. In 2014, the National School of Judges developed Methodological Recommendations on the Consideration of Contempt of Court Cases under the code on Administrative Offences. A relevant domestic case-law example was submitted. The judgment was translated, published and disseminated. Concerning the possibility to confront witnesses in criminal proceedings see CM/ResDH(2020)15 in Zhoglo group.</p> <p><u>General measures</u> required in response to the shortcomings as to the safeguards in administrative offence proceedings continue to be examined within the framework of the Mikhaylova case; those related to the review of the lawfulness of detention within the framework of the Ignatov group of cases.</p>
CM/ResDH(2021)340	UKR / Kosmata	10558/11+	15/01/2015 15/01/2015	<p>Right to life: <i>Ineffective investigation into the death of the applicants' next of kin in an industrial accident, inter alia due to unjustified delays in the criminal investigation and the limited scope of the special inquiry. (Article 2 procedural limb)</i></p>	<p><u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. In February 2016, the managing director of the company involved was found guilty of a breach of safety regulations applicable during dangerous operations. In May 2016, appellate court amended the first instance court's sentence and sanctioned the managing director to pay pecuniary and non-pecuniary damage to one of the applicants.</p> <p><u>General measures:</u> The 2012 Code of Criminal Procedure provided for reduced delays for the launching of criminal proceedings and the start of criminal investigations before the completion of a special inquiry. Rules for an information exchange between the investigative bodies and the inquiry commissions are also provided for. The 2014 Ombudsperson's report underlined the effectiveness of the new system of registration of offences. In 2019, the Cabinet of Ministers adopted an amended procedure for special inquiries into industrial accidents. If the accident was lethal, the inquiry commission shall be</p>

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					established by the State Labour Service, and not by the employer. Deadlines for the inquiry have been shortened. The victims' next of kin are to be informed of its conclusions, which are subject to appeal. Statistics show the average duration of such inquiries to be 76 days. Furthermore, the State Labour Service implemented various preventive measures, which led to a decrease in industrial incidents. The judgment was published, translated and disseminated. Capacity-building activities were organised for labour inspectors.
CM/ResDH(2021)251	UKR / Lovyginy	22323/08	23/09/2016 23/06/2016	<i>Right to life: Death of the applicants' son, a police officer, accidentally shot dead by a colleague during a police training exercise in 2000 as well as lack of effective investigations into the incident and dismissal of the applicants' claim for compensation. (Article 2 substance and procedural limb)</i>	<p><i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The applicants did not avail themselves of the opportunity to apply for review of the impugned compensation proceedings. A lawsuit for compensation of non-pecuniary damage on behalf of the daughter of the applicants' son and another appeal by the applicants to the Supreme Court in 2020 were dismissed. As the events took place in 2000, reopening of investigations became time-barred, shortcomings of the investigations can no longer be rectified. The possibility of carrying out an effective investigation at this stage is closely linked to the general measures.</p> <p><i>General measures:</i> As concerns the substantive limb of the violation found, in particular with regard to the organisation and safety planning of police training exercises, the 2015 Law on the National Police provided a legal basis for such activities, for the police officers' status and police service procedures. The 1998 Ministry of the Interior regulation on the conduct of special operations was replaced in 2017 with a view to further improving police officers' professional skills and to ensure expeditious and high-quality performance of their tasks. Annual police training exercises should be organised. Rights and responsibilities of observers and safeguards for participants</p>

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					<p>in training exercises were defined; the implementation of operational, preventive and coercive police measures with regard to searches for persons escaping custody or convoy or armed persons' arrest and detention are monitored by inspection units. As concerns police training shootings, the Ministry of the Interior adopted appropriate Instructions on safety measures in 2016 and 2019.</p> <p>As concerns the procedural limb, measures to improve the effectiveness of investigations are being examined in the <i>Khaylo</i> and <i>Kaverzin</i> groups of cases.</p> <p>The judgment was published, translated and disseminated.</p>
CM/ResDH(2021)253	UKR / Mironenko and Martenko	4785/02	10/03/2010 10/12/2009	<p>Right to liberty and security and functioning of justice: <i>Unlawful and excessive length of pre-trial detention on suspicion of the applicants' involvement in a kidnapping; unfair criminal proceedings due to lacking impartiality of judges involved in earlier stages of the proceedings and following the expression of an opinion on the applicants' guilt. (Articles 5 and 6 §1).</i></p>	<p><u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. The applicants are no longer in pre-trial detention. In 2012, the impugned judgment was quashed by the Supreme Court; the subsequent retrial was discontinued as time-barred. In 2014, the first applicant was fully reinstated in his military status and in his pension rights by the Higher Administrative Court's decision.</p> <p><u>General measures</u> required in response to the shortcomings found in relation to the lawfulness and the length of pre-trial detention continues to be examined within the framework of the <i>Ignatov</i> group; general measures required in response to the issue of lack of impartiality of the domestic courts continues to be examined within the <i>Rudnichenko</i> case.</p>
CM/ResDH(2021)317	UKR / Myrsky and 4 other cases	7877/03+	20/08/2010 20/05/2010	<p>Freedom of expression: <i>Failure of domestic courts to give relevant and sufficient reasons for findings that certain critical statements made by the applicants were defamatory. (Article 10)</i></p> <p>Other violation: <i>Unfair proceedings due to the lack of objective impartiality of the trial judge. (Article 6 §1)</i></p>	<p><u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid as awarded. In one case the finding of a violation constituted sufficient just satisfaction. None of the applicants filed request for the reopening of the impugned civil proceedings.</p> <p><u>General measures:</u> Change of domestic court practice, which was aligned to the criteria developed by the European Court in its case-law and to the guidelines of</p>

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					<p>Supreme Court Resolution no. 1 of 2009 concerning the protection of honour and dignity. Examples of recent Supreme Court judgments were submitted. The judgments were published, translated and disseminated. Trainings and seminars for judges concerning defamation lawsuits were held in 2020-2021, inter alia in the framework of the Council of Europe Project "Legal Education in the Field of Freedom of Expression" with regard to the coordination between judges and journalists, With regard to the unfair proceedings due to the judge's lack of objective impartiality, see CM/ResDH(2019)12 in <i>Gazeta Ukraina-Tsentr</i>.</p>
<p>CM/ResDH(2021)137</p>	<p>UKR / Panteleyenko and 1 other case</p>	<p>11901/02+</p>	<p>12/02/2007 29/06/2006</p>	<p><i>Protection of private and family life / functioning of justice:</i> <i>Disproportionate interference due to irregularities in the conduct of search and seizure in the first applicant's home and notary office and disclosure of confidential medical information in defamation proceedings, lack of a domestic remedy to challenge the search and disclosure of information; breach of presumption of innocence and, in the second case, denial of access to court to obtain redress in relation to the alleged unlawfulness of a search. (Articles 8 and 13 as well as 6 §§1+2)</i></p>	<p><i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid in both cases (as well as pecuniary damage resulting from the unlawful search of the applicant's office, as established in 2000 by the Novozavodsky Court, in the first case). The applicants did not request reopening of the impugned proceedings.</p> <p><i>General measures:</i> As concerns the violations of Article 8, training activities and seminars on ECHR requirements when conducting inspections/ searches/ covert investigation actions were organised for law enforcement authorities and for the regional prosecutor's offices. The Prosecutor General's Office also sent written guidance on ECHR requirements when conducting searches to the regional offices. In 2017 and 2018, the Code of Criminal Procedure was amended to enhance the rights of participants in criminal proceedings and of other persons during pre-trial investigations, in particular with regard to the procedure and practical conduct of searches. In 2018, an Interdepartmental Commission was created, responsible for the implementation of those legislative changes. The impugned disclosure of the confidential psychiatric information was the result of a misapplication of relevant</p>

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					<p>legal provisions by domestic courts. The judgment was published, translated and disseminated and is used in relevant training activities for judges.</p> <p>Equally, concerning the breach of the presumption of innocence due to the domestic court's wording of its decision to terminate proceedings on "non-exonerating grounds" which casted doubts on the applicant's innocence, training activities were organised by the National School of Judges. The judgment was sent by the Supreme Court to the State Court Administration for further dissemination among appellate and first instance courts.</p> <p>As concerns the possibility to challenge the lawfulness of a search order, a draft law amending the Code of Criminal Procedure and aiming at strengthening the rights of persons and legal entities in pre-trial investigations was withdrawn in August 2019. Under the current CCP, evidence obtained as a result of an unlawful search becomes inadmissible. In a decision of 2019, the Supreme Court elaborated the possibility to challenge the lawfulness of a search / investigative action before administrative jurisdictions. Detailed examples of recent relevant case-law of administrative courts were submitted. A CCP amendment of 2015 grants compensation for damages caused in criminal proceedings by "unlawful actions of investigation agencies and pre-trial authorities, prosecutors and courts", including searches.</p>
CM/ResDH(2021)184	UKR / Plakhteyev and Plakhteyeva	20347/03	12/06/2009 12/03/2009	Protection of property rights and functioning of justice: Denial of access to a court to claim damages for a wrongful fine and the unjustified seizure, lengthy holding and deterioration of the applicants' lorry and its load of wheat, due to the domestic courts' failure to determine the applicants'	<p><u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage was paid. The applicants' convictions had been quashed in 2001 and their property returned. They did not request reopening of the impugned proceedings.</p> <p><u>General measures:</u> Isolated occurrence. As concerns the failure to consider the applicants' claims against the Tax</p>

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<p><i>claim against the Tax Office. (Article 6 §1 and 1 of Protocol No. 1)</i></p>	<p>Office, the 2004 Code of Civil Procedure provided for a possibility of defendant substitution. In 2009 the Supreme Court clarified related procedural details. Recent examples of domestic case-law authorising the replacement of initial defendants were submitted. As concerns the arbitrary retention of the applicants' property, the 2012 Code of Criminal Procedure and the 2003 amendment to the Code on Administrative Offences regulate the actions of tax police and the timely return of the seized property. Moreover, the 2003 Civil Code provides for a State obligation to compensate any damage resulting from unlawful decisions, actions or failure to act of the State and municipal authorities or their officials.</p> <p>In 2020, amendments to the Tax Code granted a right to compensation for damage caused by the tax authorities. In particular, the value of the lost, damaged or destroyed property as well as additional expenses resulting from unlawful decisions, actions or failure to act of the tax authorities must be compensated.</p> <p>Also, the 2012 "Law on procedures for compensation of damage caused by unlawful actions of law-enforcement authorities" was amended in 2020. According to a 2020 Supreme Court decision, the complainant taxpayer was awarded pecuniary and non-pecuniary damages caused by the tax authorities. The judgment was translated, published and disseminated.</p>
<p>CM/ResDH(2021)254</p>	<p>UKR / Ponomaryov and 3 other cases</p>	<p>3236/03</p>	<p>29/09/2008 03/04/2008</p>	<p>Functioning of justice and protection of property rights: <i>Breach of the legal certainty principle resulting from the unjustified extension of the time-limits for appeal without valid reasons. (Article 6 §/1 and 1 of protocol No. 1)</i></p>	<p><u>Individual measures:</u> Just satisfaction in respect of non-pecuniary (and pecuniary damages, if awarded) paid. The applicants were informed of the possibility to request reopening of the impugned proceedings, however, they did not avail themselves of this opportunity. The first applicant died.</p> <p><u>General measures:</u> With regard to the issue of extraordinary appeals lodged by persons other than parties</p>

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					to the initial disputes, see Final Resolution CM/ResDH(2018)41 in <i>Diya 97</i> group, in particular concerning the legislative amendments to the Code of Commercial Procedure: The Law on the judicial system and status of judges 2010 ended the Higher Commercial Court's competence as court of cassation. The Law on the right to a fair trial 2015 clarified the Supreme Court's powers regarding revision of commercial court decisions. Under the Law on the Judicial system and the status of judges 2016, the Higher Commercial Court ceased to exist. The judgment was published, translated and disseminated.
CM/ResDH(2021)23	UKR / Siryk	6428/07	30/06/2011 31/03/2011	Freedom of expression: <i>Disproportionate interference due to defamation proceedings brought against the applicant following a letter she addressed to the tax authorities in which she accused officials of the Tax Service Academy of irregularities and in which she was ordered to retract her letter and pay the Academy's President compensation. (Article 10)</i>	<u>Individual measures:</u> No claim for just satisfaction submitted. The applicant did not avail herself of the possibility to request revision of the impugned judgment. <u>General measures:</u> Isolated incident resulting from poor administrative practice. The Information Act as amended in 2011 clearly sets forth that value judgments are not subject to retraction and prove of truthfulness. Moreover, in the 2014 amendment of the Civil Code the presumption of untruthfulness of negative information was deleted. Recent examples of the Supreme Court's case- on the distinction between factual statements and value judgments were transmitted. The Supreme Court has also published an overview of the European Court's case-law concerning freedom of expression. The judgment was published, translated and disseminated. Capacity-building activities for judges were also conducted.
CM/ResDH(2021)182	UKR / Svit Rozvag, TOV and Others	13290/11+	27/09/2019 27/06/2019	Protection of property rights: <i>Disproportionate interference due to the suspension – on the basis of the 2009 Prohibition Law - of the applicants' gambling licences and on account of the manner in which the licences were</i>	<u>Individual measures:</u> Just satisfaction in respect of pecuniary damage (awarded following global assessment of profit loss) was paid. The finding of violations constitutes sufficient just satisfaction for any non-pecuniary damage sustained. The first and third applicant did not request reopening of the impugned proceedings. The second

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>revoked, in particular with regard to the quality of the decision-making process which led to it, the lack of any compensatory measures, even in respect of the direct costs imposed by the State itself, and the lack of a meaningful transition period. (Article 1 of Protocol No. 1)</i>	applicant's request for reopening was partly granted. General measures: In 2020, the 2009 Prohibition Law was repealed and substituted by the Law on State Regulation of Activities relating to Gambling, which specified the legal, social and organisational conditions for gambling operations, introduced comprehensive regulations for the gambling market and established an exhaustive list of permitted activities. It also foresees the creation of a governmental regulatory and monitoring body, the Commission for the Regulation of Gambling and Lotteries. Furthermore, the law determines licence application and revocation procedures, contains an exhaustive list of grounds for licence refusals or revocations as well as legal safeguards for gambling operators; respective decisions may be appealed before courts. The judgment was translated, published and disseminated.
CM/ResDH(2021)429	UKR / Titarenko and 7 other cases	31720/02+	20/12/2012 20/09/2012	Protection against ill-treatment / right to liberty and security / functioning of justice / right to individual petition: <i>Poor conditions of detention and lack of effective remedies thereof; unfair or excessively lengthy criminal proceedings; denial of family visits in pre-trial detention; shortcomings in the pre-trial detention and hindrance of individual applications to the Court. (Articles 3, 5, 6, 13 and 34)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicants are no longer in detention. The applicants concerned have not applied for reopening of the criminal proceedings. General measures required in response to the shortcomings found continue to be examined within the framework of the <i>Sukachov, Nevmerzhitsky, Yakovenko and Melnik, Merit, Yaremenko (No. 2), Balitskyy, Shalimov, Ignatov and Naydyon</i> groups.
CM/ResDH(2021)183	UKR / Ukraine-Tyumen and 1 other case	22603/02+	22/02/2008 22/11/2007 Merits 20/05/2010 Just satisfaction	Protection of property rights and functioning of justice: <i>Arbitrary deprivation of "bona fide"-owners of their possessions (in the Ukraine-Tyumen case – part of the company's initial capital; in the Svitlana Ilchenko case - a garage) without compensation. (Article 1 of Protocol No. 1)</i>	Individual measures: Just satisfaction in respect of pecuniary damage in the first case as well as of non-pecuniary and pecuniary damage in the second case was paid. General measures: As concerns compensation for expropriation, the 2012 "Law on Transfer, Expropriation or Seizure under Martial Law or State of Emergency" as well

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>Other violation in the first case: Lack of a fair trial due to the quashing of a final judgment reaffirming the applicant company's property title to a building in Kyiv by way of supervisory review, which was not directly accessible to parties, nor subject to any time-limit, nor justified by substantial and compelling circumstances as well as incompatible with principle of legal certainty. (Article 6 §1)</i>	as the 2009 "Law on the Expropriation of Private Land Plots and other Immovable Property for Social Needs" provided for sufficient legal safeguards to ensure complete compensation for expropriation at market value. Moreover, compensation for unlawful actions of state officers and courts is also granted by the 2012 "Law on compensation of damage caused by unlawful actions of law-enforcement officers/bodies, prosecutor's offices and courts", covering also unlawful confiscation of property. Case-law examples of domestic courts' decisions were submitted demonstrating the correct application of these compensation mechanisms and the availability of a proper remedy. Concerning the abolition of the supervisory review in June 2001, see Interim Resolution CM/ResDH(2004)14 in Sovtranssavto Holding as well as CM/ResDH(2011)313 in Agrotekhservis . The judgment was translated, published and disseminated.
CM/ResDH(2021)24	UKR / Vilenchik	21267/14	03/01/2018 03/10/2017	Protection of private and family life: <i>Failure of authorities to comply with the requirement of promptness of proceedings under the Hague Convention on the Civil Aspects of International Child Abduction ("the Hague Convention") relating to the return of the applicant's child. (Article 8)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. Domestic Proceedings closed (the violation found having concerned only the length of proceedings). General measures required in response to the shortcomings found continue to be examined within the framework of the M.R. and D.R. group.
CM/ResDH(2021)48	UKR / Voskoboynikov and 5 other cases	33015/06+	05/10/2017 05/10/2017	Protection of private life and correspondence / protection of property rights / lack of a remedy: <i>Various irregularities related to searches and seizure, to interception of correspondence and to searches in lawyers' premises, as well as the absence of effective remedies; (Articles 8, 1 of Protocol No. 1 and 13)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The interceptions and the searches ended.; seized property was returned. New remedies were not used in one case. In another case, the return of the documents seized became materially impossible. General measures: The 2012 Criminal Procedure Code provides safeguards with regard to the searches of premises and seizure of documents and other property,

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					<p>ranging from the new definition of home (covering also non-residential premises) to the requirement of prior judicial authorisations for searches as well as the obligation to reject ill-founded requests of prosecutors or investigators. Searches without prior judicial authorisation are only allowed in cases of emergency and/or pursuit of a fleeing criminal. A breach of these rules leads to the inadmissibility of the evidence collected. Additional safeguards, introduced in 2017, include audio and video recording of searches, as well as the presence of lawyers and lay witnesses. Criminal responsibility is set forth for unlawful entries and searches. The CPC establishes the procedure for the retention of physical evidence. In 2012 the Cabinet of Ministers approved a Resolution governing various aspects of storage of evidence during criminal proceedings. In 2018 the National Police created working groups tasked with the inspection of conditions of storage.</p> <p>Complaints regarding searches are to be raised before the court during preliminary hearings. A failure to return a temporarily seized item can be challenged during the pre-trial investigation. A decision of an investigative judge ordering seizure of property is subject to appeal. Furthermore, a request may be lodged with an investigative judge seeking to quash the seizure or with the Main Investigatory Department of the National Police on breaches of the criminal procedure legislation by an investigator. A complaint of a violation of human rights in criminal proceedings may be filed during the trial. Should a violation be established, the evidence obtained will be inadmissible. The 1994 Law on Compensation of Damage caused by Unlawful Actions of Bodies of Inquiry, Pre-trial Investigation, Prosecutors and Courts provides for the compensation for unlawful (as confirmed by a court decision) search and seizure. <i>General measures</i> required in</p>

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					response to the shortcomings found by the Court in the present judgments continue to be examined in the Sacaleanu group.
CM/ResDH(2021)40	UKR / Yakuba and 1 other case	1452/09+	12/05/2019 12/02/2019	Functioning of justice: Denial of a fair trial on account of the applicants' convictions on the basis of statements of witnesses whom the applicant was not able to confront and question; lack of access to the case file to substantiate the application to the European Court. (Articles 6 §§1 and 3 (d)) as well as 34)	Individual measures: Just satisfaction for non-pecuniary damage paid. Both applicants did not avail themselves of the possibility to request the review of the impugned proceedings. General measures: Concerning the denial of a fair hearing, see CM/ResDH(2020)15 in Zhoglo. General measures required to guarantee effective access to the case files needed to substantiate an application before the European Court continue to be examined in the context of the Naydyon group. The judgments were published, translated and disseminated.
CM/ResDH(2021)276	UKR / Zhuk and 1 other case	45783/05	11/04/2011 21/10.2020	Functioning of justice: Unfair criminal proceedings due to the infringement of the principle of equality of arms on the ground of the applicants' inability to participate in the preliminary hearings on the admissibility of the cassation appeal, contrary to the prosecutor. (Article 6 §1)	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. In reopened proceedings in the first case, the High Specialised Court upheld in 2011 the court of appeal's ruling of 2004. The second case was remitted for fresh consideration in April 2019. In September 2019, the Criminal Cassation Court within the Supreme Court upheld the applicant's complaints in part, who was released from punishment due to the expiration of the statute of limitations for criminal prosecution. General measures: In 2006, an amendment of the Code of Criminal Procedure no longer allowed the prosecutor to participate in the preliminary hearing before a court of cassation. Furthermore, the 2010 Law on the "Judicial System and the Status of Judges" removed the impugned provision altogether. It is no longer possible for either the public prosecutor or the accused to participate in the preliminary hearing on the admissibility of the cassation appeal. The judgments were published, translated and disseminated.