



Summary of Final Resolutions adopted by the Committee of Ministers in 2022

(with the exception of those concerning Friendly Settlements without commitment)

Last update: 02/02/2023 – English only

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Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2022)359	ALB / Muca	57456/11	22/08/2018 22/05/2018	Functioning of justice: <i>Unfair criminal proceedings leading to convictions held in the absence of the accused without his knowledge and without him ever having waived his right to appear in court. (Article 6 §1)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The applicant did not request reopening of proceedings. General measures: See CM/ResDH(2017)417 in the <i>Caka</i> group, in particular with regard to the 2017 amendments to the Code of Criminal Procedure, which introduced a possibility for fresh determination of the merits of the charges by a court.
CM/ResDH(2022)2	ARM / Artashes Antonyan	24313/10	22/01/2021 22/10/2020	Protection of property rights: <i>Unlawful interference due to the administrative fine imposed for breaching customs regulations without domestic courts' comprehensive assessment of all the circumstances necessary for the determination of the case, which made the application of the regulation insufficiently foreseeable. (Article 1 of Protocol No. 1)</i>	Individual measures: Just satisfaction for pecuniary and non-pecuniary damage paid. General measures: In 2011, the impugned provision of the Code of Administrative Offences was amended limiting the discretion of administration and courts by providing that an administrative penalty may be imposed within two months of "the date on which the offence has been discovered by means of inspection". Furthermore, the Judicial Code was amended in 2010 to improve the fairness and effectiveness of administrative proceedings by establishing an Administrative Court of Appeal. Recent case-law examples of the administrative courts concerning the two-month prescription period of the Code of Administrative Offences were submitted. The judgment was published, translated and disseminated to the relevant authorities.

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CM/ResDH(2022)182	ARM / Dareskizb Ltd	61737/08	08/07/2021 08/10/2021	Freedom of expression and functioning of justice: <i>Unjustified interference on account of the publication ban on the applicant company's newspaper as a consequence of the state of emergency declared in the context of massive protests following presidential elections in 2008, which failed to meet the requirements of Article 15, as well as denial of access to a court in order to contest the presidential decree declaring the state of emergency. (Articles 10 and 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. On 23/02/2022, the Court of Cassation granted reopening of domestic proceedings, which are currently pending before the Administrative Court. General measures: In 2015, the Constitution was amended to transform the governmental system from a semi-presidential to a parliamentary republic. Thus, the power to declare the state of emergency lays with the government under the parliamentary control. Article 120 of the Constitution, which details the procedure to be followed, also provides that the National Assembly may lift the state or cancel the implementation of certain measures. The Law on the state of emergency rules of 2012 was amended in 2020, circumscribing the legal powers which may be exercised the Government. The Government decree declaring a state of emergency is subject to judicial review both before the Constitutional Court for its constitutionality and before the Administrative Court for its compatibility with higher normative legal acts. The practice of the Administrative Court during the state of emergency due to the Covid-19 pandemic was to accept its jurisdiction in case of contestation. The judgment was published, translated and disseminated.
CM/ResDH(2022)362	ARM / Dareskizb Ltd	64004/11	18/05/2021 18/05/2021	Freedom of expression: <i>Unjustified and disproportionate interference on account of holding that the applicant company had civil liability for articles published about alleged illegal activities involving public officials and ordering them to publish retractions and to pay compensation without relevant and sufficient reasons. (Article 10)</i>	Individual measures: Just satisfaction in respect of pecuniary (amount of compensation paid) and non-pecuniary damage paid. General measures: In 2011, the Constitutional Court, while referring to the legality of the interference with the right to the freedom of expression, stated that the courts should be guided, <i>inter alia</i> , by the standards of the Court's case-law, stressing the importance of a distinction between statement of facts and value judgments. Examples of domestic judicial practice for the period between 2013-2021 were submitted. The judgment was translated, published and disseminated.

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CM/ResDH(2022)360	ARM / Dngikyan	66328/12	15/06/2017 15/06/2017	Functioning of justice and protection of property: <i>Non-enforcement of a final domestic judgment adopted in favour of the applicant. (Articles 6 §1 and 1 of Protocol No. 1)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The applicant's property title was registered. General measures required in response to the shortcomings found continue to be examined within the framework of the Avakemyan group.
CM/ResDH(2022)22	ARM / Fidanyan	62904/12	11/01/2018 11/01/2018	Functioning of justice / protection of property rights: <i>Non-enforcement of a final domestic judgment in favor of the applicant in employment proceedings. (Articles 6 §1 and 1 of Protocol No. 1)</i>	Individual measures: Just satisfaction for pecuniary and non-pecuniary damage paid to the applicant. Domestic proceedings closed. General measures required in response to the shortcomings found continue to be examined within the framework of the Avakemyan group of cases.
CM/ResDH(2022)3	ARM / Hovhannisyan	18419/13	19/10/2018 19/07/2018	Protection against ill-treatment: <i>Failure to conduct effective investigations into allegations of degrading treatment in the workplace, reported by a civil servant working for the Ministry of Environmental Protection. (Article 3 procedural limb)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. In 2019, the Court of Cassation quashed the refusal to institute criminal proceedings. In reopened proceedings, a comprehensive investigation was conducted at the end of which the applicant withdrew her complaint. General measures: In 2018, a new Civil Service Act made more foreseeable the disciplinary rules, procedures and possible penalties following mandatory internal investigations. Furthermore, reformed criminal procedure legislation strictly defined the functions of the Investigative Committee and the Special Investigative Service (conducting preliminary investigation into allegations of crimes committed by members/officials of legislative, executive and judicial bodies as well as in special state services), both independent state bodies authorized to conduct investigation of, <i>inter alia</i> , torture and ill-treatment cases. In 2020, the General Prosecutor's Office adopted a Recommendation with a view to enhance the effectiveness of investigations into allegations of ill-treatment. Furthermore, as from 2017, the Court of Cassation developed its case-law on judicial oversight of pre-trial proceedings, in

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					particular, in case of refusal to institute criminal proceedings. The judgment was published, translated and disseminated to the authorities concerned. It is used in the curricula of the Justice Academy related to prohibition of torture and ill-treatment.
CM/ResDH(2022)79	ARM / Matevosyan	52316/09	14/12/2017 14/09/2017	Protection against ill-treatment: <i>Ineffective investigation into an allegation of ill-treatment in the armed forces. (Article 3 procedural limb)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The criminal case was reopened, a thorough and effective investigation was conducted and all shortcomings identified by the Court were eliminated. Criminal proceedings were completed. General measures required in response to the shortcomings found continue to be examined within the framework of the <i>Zalyan and Others</i> case.
CM/ResDH(2022)287	ARM / Osmanyanyan and Amiraghyanyan	71306/11	11/01/2019 11/10/2018	Protection of property rights: <i>Disproportionate interference on account of the expropriation of land for mining without addressing the issue of whether the compensation would cover the applicants' loss of means of subsistence or whether it was sufficient for them to acquire equivalent land. (Article 1 of Protocol No. 1)</i>	Individual measures: Just satisfaction in respect of pecuniary and non-pecuniary damage was awarded on an equitable basis and paid. See CM/ResDH(2019)288 regarding the other seven cases in this group. General measures: Changes in domestic court practice by interpreting the relevant constitutional provisions in a manner to allow the award of prior equivalent compensation for expropriation, including for associated damages. The evaluation specifically requires the determination of the composition of the property. The types of equivalent compensation can be different - cash, other equivalent property, etc. Examples of recent domestic court decisions were submitted, by which the market value of the real estate and other losses had been compensated. These updates relating to judicial practice are essential to substantiate that no further general measures are necessary. Additionally, in 2019, the National Assembly set up a working party to address the subject and the 2020-2022 Human Rights Action Plan encouraged the preparation of amendments to the Law on Expropriation of Property for Public and State Needs in

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					accordance with international standards. The judgments were translated, published and widely disseminated. They are also used in training activities of the Justice Academy.
CM/ResDH(2022)361	ARM / Papyan	53166/10	21/12/2021 21/12/2021	Functioning of justice: <i>Unfair criminal proceedings on account of the applicant's conviction for a corruption-related offence, confirmed by evidence obtained through entrapment by the National Security Service, despite his plea of incitement or entrapment, without this issue being adequately addressed by the domestic courts in merits. (Article 6 §1)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The applicant did not apply for the reopening of the case to the Court of Cassation. General practice: Isolated occurrence. According to research of domestic court practice, there are no similar pending cases before the Court of Cassation and no open investigations into bribery on incitement, by the National Security Service, of public servants. The judgment was translated, published and widely disseminated.
CM/ResDH(2022)363	ARM / Papyan	53166/10	21/12/2021 21/12/2021	Functioning of justice: <i>Unfair criminal proceedings on account of the applicant's conviction for a corruption-related offence, confirmed by evidence obtained through entrapment by the National Security Service, despite his plea of incitement or entrapment, without this issue being adequately addressed by the domestic courts in merits. (Article 6 §1)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The applicant did not apply for the reopening of the case to the Court of Cassation. General practice: Isolated occurrence. According to research of domestic court practice, there are no similar pending cases before the Court of Cassation and no open investigations into bribery on incitement, by the National Security Service, of public servants. The judgment was translated, published and widely disseminated.
CM/ResDH(2022)1	ARM / Saghatelyan	31155/13	08/10/2020 08/10/2020	Functioning of justice: <i>Excessive length of criminal proceedings. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed. General measures: The 2018 Judicial Code established criteria for assessing the reasonableness of the length of proceedings in line with the European Court's case-law. See also CM/ResDH(2019)290 in <i>Aganikyan</i> . Moreover, in 2019, the Court of Cassation delivered a judgment on the different criteria of the "reasonable time" requirement. The 2021 Code of Criminal Procedure prescribes maximum time limits for prosecution depending on the gravity of a crime, these limits may be extended for a maximum of two months in exceptional

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					circumstances. The Chairman of the Investigative Committee and the Prosecutor General adopted related instructions and reporting schedules. In August 2020, the Supreme Judicial Council adopted a decision on the performance of judges and their subjection to disciplinary liability for breaches of the reasonable time requirement. The judgment was published, translated and disseminated to the relevant authorities. It was also included in the curricula of the Justice Academy.
CM/ResDH(2022) 288	ARM / Vavan Ltd	50939/10	23/09/2021 23/09/2021	Protection of property rights: <i>Disproportionate interference on account of the unilateral termination of a lease agreement by the mayor concerning a plot of municipal land and the destruction of the commercial property owned by the applicant company situated on it; lack of compensation for financial losses. (Article 1 of Protocol No. 1)</i>	Individual measures: Just satisfaction in respect of pecuniary damage paid. General measures: In the light of the Court's findings nothing suggests that the violation found is linked to the legislation or widespread practice but constitutes an isolated occurrence. Recent examples of judicial practice, including of the Court of Cassation, relating to the Civil Code provisions regulating the termination of lease contracts. The judgment was translated, published and widely disseminated.
CM/ResDH(2022) 364	AUT / Kilches I and Kilches II	79457/17+	19/09/2019 19/09/2019	Functioning of justice: <i>Excessive length of civil proceedings. (Article 6 §1)</i>	Individual measures: Just satisfaction in respect of pecuniary and non-pecuniary damage paid. Domestic proceedings closed in the first case; pending on appeal in the second case. General measures: See CM/ResDH(2009)118 in <i>Schreder</i> . the volume of pending civil cases progressively decreased between 2010 and 2016 (CEPEJ Studies No. 263). By the end of 2019, the number of pending civil cases was even lower than in 2016 and by the end of 2021 it has reached its lowest level since 2010. Judgments of the ECtHR are discussed on a regular basis in the advanced training courses for judges on fundamental rights, as well as at the meetings of the network of the human rights coordinators in the Federal Ministries and the regional governments. The judgments were translated, published and widely disseminated.

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CM/ResDH(2022)183	AUT / Mainstreet-Automaten GmbH and Others	72662/14	20/09/2018 20/09/2018	Functioning of justice: Excessive length of civil proceedings and proceedings before the Administrative Court and lack of a remedy. (Articles 6 §1 and 13)	Individual measures: Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed. General measures: See CM/ResDH(2015)222 in <i>Rabauske</i> and CM/ResDH(2009)118 in <i>Schreder</i> . General measures concerning protracted civil proceedings are examined within the context of the <i>Kilches</i> group (79457/17). Recent data confirm positive developments concerning the reduction of length of proceedings, in particular the EU-Justice Scoreboard. The number of professional judges increased between 2010 and 2018 by 7%. In 2018, Clearance Rates remained high and Disposition Time remained steady in civil, commercial and administrative cases. In 2016, the Ministry of Justice launched a strategic initiative to accelerate workflows within courts, which will be completed in 2024. An acceleratory remedy was introduced in 2014 in the framework of a broad reform of the judiciary. The judgments were published, translated and disseminated. There are regular training courses for judges and candidate judges on the issue of length of proceedings.
CM/ResDH(2022)37	AUT / Mladoschovitz	38663/06	15/10/2010 15/07/2010	Functioning of justice: Unfair enforcement proceedings with regard to alleged arrears with maintenance payments due to the infringement of the equality of arms principle, as the claimants had neither knowledge of the debtor's appeal against the decision setting the amount of the deposit, nor an opportunity to submit their arguments, yet had to bear the costs of the appeal proceedings on the postponement of the enforcement. (Article 6 §1)	Individual measures: Just satisfaction for non-pecuniary damage paid. There was no legal basis for a reopening of the proceedings at stake. General measures: In 2014, the Enforcement Act was amended stipulating that the parties of enforcement proceedings have to be heard before a decision on requests concerning the closure, the limitation or the postponement of enforcement proceedings (which are not tabled by the petitioning creditor) can be taken. Furthermore, the amended Enforcement Act refers to the Code of Civil Procedure and stipulates that appeals against decisions on requests concerning the closure, the limitation or the postponement of enforcement proceedings are "double-sided", which means that – in view of the principle " <i>audiatur et altera pars</i> " (hearing both sides) – the opponent to the appeal obtains the opportunity to give his/her view to the

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					appeal. The judgment was published, translated and disseminated.
CM/ResDH(2022)147	AUT / Polat	12886/16	20/10/2021 20/07/2021	Protection of private and family life / freedom of religion: <i>Disproportionate interference on account of the postmortem examination of the applicant's baby carried out against her will and against her religious convictions as well as the authorities' failure to disclose information to the applicant about her son's post-mortem examination. (Article 8 and 9)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. In the present civil case, the law does not provide for a reopening of domestic proceedings. General measures: In December 2021, the Federal Ministry of Social Affairs and Health Offices informed the Provincial Governments in a circular letter of the needs to balance "competing rights and interests" as well as to exercise due care and caution and a "particularly high degree of diligence and prudence" when informing relatives in the course of a post-mortem examination. More specifically, in Vorarlberg, the medical directors of the organisational units concerned were requested to take the findings from the judgement into account in future decisions in connection with post-mortem examinations. The issues will also be addressed in the team meetings of the medical staff in Vorarlberg. Furthermore, it is planned to draw up an organisational instruction in the hospitals of Vorarlberg. The judgment was published, translated and disseminated. It is used in training activities for judges and candidate judges. Additional training focussing on individual cases will also be provided to physicians in the framework of their medical training.
CM/ResDH(2022)365	AUT / Schrader	15437/19	12/10/2021 12/10/2021	Protection of private and family life: <i>Non-compliance with implicit procedural requirements on account of excessive length of judicial proceedings concerning the applicant's visiting rights with regard to his children. (Article 8)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The applicant has had regular contact with his son, based on an agreement of 2016 endorsed by a court. The applicant had only irregular contact with his second child between 2013 and 2015; his request for contact rights of 2017 was rejected in a court decision of August 2018. General measures: See CM/ResDH(2011)41 in <i>Kaplan</i> and CM/ResDH(2014)135 in <i>Kopf and Liberda</i> . According to statistical data collected by the Federal Ministry of Justice, the average duration of proceedings concerning care and visiting

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					rights has fluctuated between 4.7 and 5.4 months over the past five years. The median was between 2.9 and 3.4 months during the past five years, with a median of 3.3 months in 2021. The judgment was translated, published and widely disseminated. A relevant Note of the Constitutional Service was circulated to all relevant domestic bodies, including the High Courts. It is also used in training activities for judges.
CM/ResDH(2022)38	AUT / Stojakovic and 1 other case	30003/02+	09/02/2007 09/11/2006	Functioning of justice: <i>Unfair proceedings due to the lack of an oral hearing before the Appeals Commissions at the Ministry for Public Service and Sports and the Federal Chancellery, respectively, in disciplinary proceedings concerning civil servants' transfers to posts with lower grades. (Article 6 §1)</i>	Individual measures: The Court, failing to discern a causal link to the violation found, dismissed the applicants' claim for just satisfaction for pecuniary damage. There was no legal basis for a reopening of the proceedings at stake. General measures: In 2014, the Administrative Jurisdiction Amendment Act established new Administrative Courts to hear appeals against decisions taken by administrative authorities replacing, <i>inter alia</i> the Appeals Commissions. According to the Administrative Courts Procedure Act, these Administrative Courts may refrain from an oral hearing only "if the files show that further clarification of the matter cannot be expected by an oral hearing and if its rejection is neither contrary to Article 6 §1 of the ECHR nor to Article 47 of the EU Chart of Fundamental Rights. See also, CM/ResDH(2017)199 in <i>Koottummel</i> . The judgments were published, translated and disseminated.
CM/ResDH(2022)257	AZE / Alakbarov and Others and 16 other cases	55503/15+	10/06/2021 10/06/2021	Right to liberty and security: <i>Various irregularities concerning detention on remand and its excessive length. (Article 5)</i> Other violation: <i>Interference with property rights due to the attachment of the applicant's bank shares prior to him being formally charged with criminal offenses of which the bank shares were considered proceeds. (Article 1 of Protocol No. 1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid as awarded. The applicants are no longer held in detention on remand. The issue of unlawful attachment of assets was resolved. General measures: Following a relevant Constitutional Court decision in 2011, the Code of Criminal Procedure was amended in 2014 ensuring that the whole period of detention on remand is covered by a court's decision. Moreover, in 2013, the law on the rights and freedoms of individuals kept in detention facilities regulated all aspects of pre-trial detention, including

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					contacts of detained persons with their lawyers and families, complaint procedures and other remedies. In 2012, the impugned provision on special confiscations in the Criminal Code was amended. Further general measures required in response to other shortcomings found by the Court in some of these cases continue to be examined within the framework of the groups of cases <i>Farhad Aliyev</i> (37138/06), <i>Gafgaz Mammadov</i> (60259/11), and <i>Mahmudov and Agazade</i> (35877/04).
CM/ResDH(2022)347	AZE / Aslan Ismayilov	18498/15	12/07/2020 12/03/2020	Functioning of justice: <i>Unfair disciplinary proceedings resulting in the disbarment of practising lawyer following complaint lodged against him by a judge due to the courts' failure to give reasons in respect of defence arguments that were decisive for the outcome of the case. (Article 6 §1)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. The proceedings were reopened and the impugned judgment quashed. In April 2022, the applicant's membership in the bar association was restored. <u>General measures</u> required in response to the shortcomings found continue to be examined within the framework of the <i>Namazov</i> group.
CM/ResDH(2022)346	AZE / Azizov and Novruzlu	65583/13	18/05/2021 18/02/2021	Right to liberty and security/ retriCTION for unauthorized purposes: <i>Domestic courts' failure to provide "relevant" and "sufficient" reasons justifying extension of political activists' pre-trial detention, imposed with ulterior and predominant purpose of punishing and silencing them for their active involvement in anti-government demonstrations. (Articles 5 §3 and 18 in conjunction with 5 §3)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. The applicant's criminal convictions were quashed by a judgment of the Plenum of the Supreme Court of Azerbaijan dated 30 September 2022, which also discontinued the criminal charges against them. <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>Mammadli</i> group of cases.
CM/ResDH(2022)122	AZE / Gudret Agayev	48710/13	05/11/2020 Friendly settlement	Functioning of justice and protection of property rights: <i>Alleged unlawful demolition of his shoemaking kiosk and alleged unlawful expropriation of the land underneath it. (Article 6 §1 and 1 Of Protocol No. 1)</i>	<u>Individual measures:</u> The Sumgayit Municipality, in February 2022, gratuitously transferred the relevant plot of land owned by the Municipality to the applicant. In March 2022, the applicant's right of ownership over the land in question was registered by the Ministry of Economy of the Republic of

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					Azerbaijan and the applicant was provided with the certificate of ownership from the State Register of Real Estate. <i>General measures:</i> None.
CM/ResDH(2022)370	BEL / Bamouhammad	47687/13	17/02/2016 17/11/2015	Protection against ill-treatment: Modalities of the applicant's detention amounting to ill-treatment and lack of a related remedy, which resulted in the decline of his mental health (Ganser syndrome or "prison psychosis") due to continuous transfers between prisons, repeated special measures, delays in providing him with therapy and refusals to consider any alternative to custody. (Article 3 in conjunction with Article 13) <i>Under Article 46 ECHR, the Court recommended that Belgium should introduce a remedy under Belgian law for prisoners to complain about transfers and special measures such as those imposed on the applicant.</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The applicant's conditional release in April 2015 was revoked in March 2016, after which date he was detained in conditions that accommodated his individual needs. He died of cancer in 2019. <i>General measures:</i> Violation due to the specific circumstances of the isolated case. Detailed information on existing regulations on special security measures, on the individual special security regime and on the use of direct coercion were submitted. As concerns the availability of a remedy against transfer or "special measures regime" decisions, the right to file an individual complaint to a supervisory appeals commission, set up at every penitentiary establishment, was introduced in October 2020. Furthermore, the independence of the Central Council of Penitentiary Supervision (under Federal Parliament's responsibility) was reinforced. Examples of the Commission's remedial decisions were submitted. The judgment was translated, published and widely disseminated.
CM/ResDH(2022)107	BEL / De Veirman and Amnad	42165/13	11/05/2021 11/05/2021	Functioning of justice: Unfair criminal proceedings considered as a whole due to the applicants' lacking access to a lawyer during the interrogation and hearing in the preliminary stage of the proceedings. (Article 6 §§1 and 3c)	<i>Individual measures:</i> The finding of a violation constitutes sufficient just satisfaction for non-pecuniary damage. The applicants did not avail themselves of the opportunity to request the reopening of the impugned proceedings. <i>General measures:</i> See CM/ResDH(2020)17 in <i>Beuze</i> . The legislative reform "Salduz" led to the adoption of laws in 2011 and 2016 granting full access rights to legal assistance as from arrest and during interrogations by police and investigating judges at pre-trial stage. The judgment was published and disseminated.

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CM/ResDH(2022)106	BEL / Ho	50672/15	09/04/2020 09/04/2020	Functioning of justice: Excessive length of criminal proceedings. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed. <i>General measures</i> required in response to the shortcomings found continue to be examined within the framework of the Abboud (No. 29119/13) group of cases.
CM/ResDH(2022)368	BEL / Karrar	61344/16	31/11/2021 31/08/2021	Functioning of justice: Unfair criminal proceedings due to the objectively justified doubts as to the president of the Assize Court's objective impartiality, which called into question the impartiality of the Assize Court itself in determining the criminal charge against the applicant. (Article 6 §1)	<i>Individual measures:</i> The finding of a violation constitutes sufficient just satisfaction for the non-pecuniary damage. The applicant's request for reopening of the impugned proceedings was rejected in October 2022, holding that there was no reason to consider that the lack of objective impartiality attributed to the President of the Assize Court had vitiated with a serious doubt as to its reliability the jury's declaration of the applicant's guilt, in the light of the concrete elements in the comprehensive court file. <i>General measures:</i> Violation due to the specific circumstances of the isolated case. The judgment was translated, published and widely disseminated.
CM/ResDH(2022)369	BEL / Kaya	59856/18	12/09/2018 Friendly settlement with undertakings	Right to life: Alleged failure to protect the applicant's husband's life and use of lethal force by police. (Article 2)	<i>Individual measures:</i> Amount of just satisfaction paid as agreed. <i>General measures:</i> The Government undertook to begin a reflection on an appropriate structural response to the issues raised during police response to people in crisis, which may take different forms (training, directives, etc.) to be adapted to the work of police officers in the first and second lines of duty.
CM/ResDH(2022)24	BEL / Lachiri	3413/09	18/12/2018 18/09/2018	Freedom of religion: Unjustified interference following exclusion from a courtroom for refusing to remove one's hijab (violation of Article 9).	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid to the applicant. <i>General measures:</i> The judgment was published and disseminated to all domestic courts, in particular to the Court of Cassation and the Constitutional Court as well as to the Colleges of Prosecutors General, the High Council of Justice, and the Judicial Training Institute. In January 2021, the Judicial Training Institute was invited to integrate the present judgment into the initial and continuing training of judges in matters of

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					deontology and ethics, as the exclusion from the courtroom of a person, carrying a religious symbol, must be limited to cases of disturbance only. The Judicial Code was amended in June 2020 and in January 2021 to recall the authorisation, during hearings before domestic courts, to wear religious symbols or head coverings for medical reasons.
CM/ResDH(2022)185	BEL / Sylla and Nollomont and 1 other case	37768/13+	16/08/2017 16/05/2017	Protection against ill-treatment: <i>Poor conditions of detention in penitentiary institutions. (Article 3)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicants are no longer detained. <i>General measures</i> required in response to the shortcomings found continue to be examined within the framework of the case of <i>Vasilescu</i> .
CM/ResDH(2022)380	BGR / Dimo Dimov and Others	30044/10	07/10/2020 07/07/2020	Right to liberty and security: <i>Lack of promptness in transferring an application for release to a court in a different territorial jurisdiction for the purpose of joint examination, and unjustified two-month ban on submitting a further application for release; lack of compensation for the violation of the applicants' rights under Article 5 §4 as a new domestic remedy providing for specific compensation for such breaches was not applicable retroactively. (Article 5 §§4+5)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> In 2012, domestic legislation provided for a specific remedy to request compensation for a detention in breach of Article 5 §4. Examples of domestic case-law, in particular concerning the courts' reasoning when deciding on temporary bans of requests for release from pre-trial detention, were submitted. The judgment was translated, published and widely disseminated.
CM/ResDH(2022)187	BGR / Handzhiyski	10783/14	06/07/2021 06/04/2021	Freedom of expression: <i>Unnecessary interference due to the applicant's unjustified conviction to a fine in administrative-penal proceedings for placing a Santa Claus hat and a red sack on communist leader's statue as a symbolic act, in the context of nation-wide political protests. (Article 10)</i>	<i>Individual measures:</i> Just satisfaction for pecuniary (reimbursement of the fine imposed) and non-pecuniary damage paid. <i>General measures</i> concerning criminal proceedings related to symbolic acts which visually alter a monument by spray-painting it, for the purpose of exercising freedom of expression, continue to be examined in the case of <i>Genov and Sarbinska</i> .

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CM/ResDH(2022)374	BGR / Krushev	8389/10	25/01/2018 25/01/2018	Functioning of justice: Denial of access to a court on account of the impossibility of obtaining a judicial review of administrative penal sanctions due to domestic legislation in force at the material time. (Article 6 §1)	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The applicant had not requested reopening of the proceedings or submitted any other claims. Furthermore, administrative-penal case files are kept and usually destroyed 5 years after the execution of the penalty. General measures: In 2012, the impugned provision of the Spatial Development Act, which had given rise to the violation, was revoked. In 2021, the Administrative-Penal Offences and Sanctions Act was amended, introducing a possibility to request reopening of administrative-penal proceedings following a judgment of the European Court. The judgment was translated, published and widely disseminated.
CM/ResDH(2022)377	BGR / Kyazim	39356/17	16/11/2021 16/11/2021	Protection of private and family life: Disproportionate interference due to the domestic courts' refusal – on the grounds of public interest – to grant the applicant's request to take his mother's family name, which he had used since childhood, wishing to avoid the inconvenience resulting from the difference between the reality of this established identity and the identity recognised by the Bulgarian civil status. (Article 8)	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. In April 2022, the applicant filed a new request for a change of his family name, which was granted. General measures: The violation stemmed from the excessively strict and formalistic application of domestic law by the specific courts which had examined the applicant's request. The judgment was translated, published and widely disseminated.
CM/ResDH(2022)45	BGR / Nedelcheva and Others and 2 other cases	5516/05+	28/08/2013 28/05/2013	Protection of property rights: Unjustified delays in complying with judgments and administrative decisions recognising the applicants' rights to restitution of agricultural land collectivised during the communist era or to compensation thereof. (Article 1 of Protocol No.1)	Individual measures: Just satisfaction for damages assessed on an equitable basis paid. Domestic decisions on restitution and in lieu compensation enforced. General measures required in response to the shortcomings found continue to be examined within the framework of the Lyubomir Popov and the Sivova and Koleva groups of cases.
CM/ResDH(2022)373	BGR / Petkov and Others	77568/01+	11/09/2009 11/06/2009	Electoral rights and lack of remedy: Refusal of the electoral authorities to comply with	Individual measures: The finding of a violation constitutes sufficient just satisfaction for the non-pecuniary damage.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<p><i>the Supreme Administrative Court's final and binding judgments to reinstate the three applicants on the lists of candidates for the 2001 parliamentary elections; the applicants had been struck off the lists of candidates by their party because of certificates issued by the Dossiers Commission that they had collaborated with the former State security agencies; lacking effective remedy in this regard. (Article 3 of Protocol No. 1 and Article 13)</i></p>	<p><i>General measures:</i> The 2014 Election Code does not provide for a possibility to withdraw candidates or a list of candidates on account of links with the former State security agencies at any time. It specifies the situations in which it is possible to withdraw or erase a candidate from the lists of candidates in parliamentary elections on the grounds of "registration ineligibility". The Central Electoral Commission and the respective regional electoral commissions can withdraw candidates in parliamentary elections in several specific situations. The decisions to erase a candidate from a list following a request by a political party on the basis of permanent inability to participate in the elections can be challenged within three days before the Supreme Administrative Court, which should deliver a final judgment within three days. A post-election remedy is available and regulated by the Constitution providing that the lawfulness of parliamentary elections may be challenged before the Constitutional Court. According to the 1991 Constitutional Court Act, persons or bodies who have a standing to refer a matter to the Constitutional Court are (i) a fifth of the two hundred and forty MPs, (ii) the President, (iii) the Council of Ministers, (iv) the Supreme Court of Cassation, (v) the Supreme Administrative Court and (vi) the Prosecutor General. According to the Electoral Code of 2014, candidates for Parliament, parties and coalitions which have taken part in the elections, may challenge the lawfulness of the election before the Constitutional Court within fourteen days of the announcement of the election results. However, they cannot apply to that court directly, but must do so through the persons or bodies set out above. The judgment was translated, published and widely disseminated.</p>
<p>CM/ResDH(2022)188</p>	<p>BGR / Petrov and Others</p>	<p>49817/14+</p>	<p>13/10/2020 13/10/2020</p>	<p>Functioning of justice: <i>Excessive length of criminal proceedings and the failure of the</i></p>	<p>Individual measures: Just satisfaction for non-pecuniary damage paid.</p>

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>national courts to award them adequate compensation. (Article 6 §1)</i>	<i>General measures:</i> See CM/ResDH(2015)154 in <i>Hamanov and Finger</i> , in particular in regard to the introduction, in 2012, of specific legal remedies for length of proceedings in the Judiciary Act and the State Responsibility Act.
CM/ResDH(2022)379	BGR / Shiyankova-Kasapska	10108/16	21/12/2021 21/12/2021	Functioning of justice: <i>Excessive length of criminal proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. Domestic proceedings closed. <i>General measures</i> with regard to excessive length of criminal proceedings before the most overburdened courts continue to be examined in the <i>Stoine Hristov</i> (II) group of cases.
CM/ResDH(2022)375	BGR / Togrul	20611/10	15/02/2019 15/11/2018	Protection of property rights: <i>Disproportionate interference on account of the confiscation of an undeclared sum of money at the border in 2009 as an administrative sanction and the unjustified prolonged retention of another sum initially seized in the context of criminal proceedings until 2017. (Article 1 of Protocol No. 1 twice)</i>	<i>Individual measures:</i> In February and April 2019, the Ministry of Justice had received two notices of freezing of assets as security for a debt of the applicant toward his creditor - his former lawyer before the ECtHR. Finally, the just satisfaction in respect of pecuniary (amount confiscated and amount retained) and non-pecuniary damage was paid, minus the attached amount, after the closure of proceedings against the applicant under the Obligations and Contracts Act related to his contract with his former lawyer before the ECtHR. The applicant's requests for reopening of both sets of proceedings were dismissed by the Supreme Court of Cassation in 2021 and by the Supreme Administrative Court in 2020, respectively, as the consequences of the violation for the applicant appear sufficiently remedied by the compensation for pecuniary damage awarded by the European Court and the findings of violations which were considered to constitute sufficient just satisfaction for non-pecuniary damage. <i>General measures:</i> The first violation stems from the automatic confiscation of undeclared sums carried across the border to a non-EU country under the Currency Act, the second violation stems from erroneous administrative practice. The relevant provision of the Currency Act was abrogated. The Criminal Procedure Code was amended in 2015 to exclude from the scope of the confiscation the undeclared money carried

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					<p>across internal EU-borders. In 2019, the possibility for confiscation under the Criminal Code of undeclared money carried across external EU-borders was also abrogated.</p> <p>As concerns the unjustified withholding and lack of restitution of an amount seized as evidence after the closure of the criminal proceedings, see CM/ResDH(2014)138 in <i>Karamitrov</i> and CM/ResDH(2017)257 in <i>Petyo Petkov</i>.</p> <p>In 2017, the Code of Criminal Procedure and the Administrative-criminal Offences and Sanctions Act were both amended to introduce rules and procedures for the return of material evidence in the context of terminated criminal proceedings, followed by the opening of administrative-criminal proceedings. The administrative authority's decision to terminate proceedings without return of seized items may be challenged before courts. The judgment was translated, published and widely disseminated.</p>
CM/ResDH(2022)289	BGR / Tsonyo Tsonev	35623/11	06/09/2021 06/04/2021	Right not to be tried or punished twice: <i>Imposition of an administrative fine and a sentence of 18 months' imprisonment, essentially for the same offence; an initial judgment was delivered by the Court in 2010. (Article 4 of Protocol No. 7)</i>	<p>Individual measures: The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. Under Article 46, the Court concluded that the finding of a violation of Article 4 of Protocol No. 7 in the present case could not in itself be regarded as imposing on the respondent State an obligation under the Convention to reopen either of the two sets of proceedings against the applicant.</p> <p>General measures: In July 2017, the Code of Criminal Procedure was amended to reflect the solution adopted and to create an avenue for courts to directly rule on the existence of an administrative offence revealed by the facts rather than the existence of criminal offence. Thus, the law provides for safeguards to avoid duplication of administrative penal and criminal proceedings. Furthermore, in 2018, the Supreme Court of Cassation reiterated its previous interpretative decision of 2015, in particular, with regard to its guidance on the general principles to apply. The judgment was translated, published and widely disseminated.</p>

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2022)378	BGR / Velkov	34503/10	21/10/2020 21/07/2020	Right not to be tried or punished twice: <i>Breach of the ne bis idem principle on account of the administrative and criminal proceedings conducted in parallel with the same purpose to punish the applicant's breach of public order during a football match without a sufficiently close connection in substance between the two proceedings. (Article 4 of Protocol No. 7)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The applicant had the possibility to request reopening of the impugned proceedings under the Code of Criminal Procedure. General measures: See CM/ResDH(2022)289 in <i>Tsonyo Tsonev</i> .
CM/ResDH(2022)376	BGR / Vetsev	54558/15	02/08/2019 02/05/2019	Protection of private and family life: <i>Disproportionate interference on account of the authorities' refusal to allow the applicant remanded in custody to travel to his brother's funeral on the grounds that no such possibility was foreseen under domestic law, without basing their decision on a detailed examination of the individual circumstances. (Article 8)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. General measures: The administrative and judicial practice was changed, when examining requests of detainees remanded in custody to be temporarily released for private and family reasons. The convoy operations in these cases are carried out by General Directorate Security in coordination with the Minister of Justice. In March 2022, the Judicial System Act and the Execution of Punishments and Remand in Custody Act were amended to close the identified legislative gap. The amendments provide for a temporary release and escort of detainees to a particular location on a judicial body's order, if exceptional private or family reasons so require. The judgment was translated, published and widely disseminated.
CM/ResDH(2022)258	BIH / Apostolovski and Others	28704/11+	18/01/2022 18/01/2022	Protection of property rights: <i>Disproportionate interference on account of the applicants' inability to repossess their pre-war military flats between 1998-2007 in the Federation of Bosnia and Herzegovina. (Article 1 of Protocol No. 1)</i>	Individual measures: Just satisfaction for pecuniary and non-pecuniary damage paid as awarded. Hence, the applicants were compensated for their inability to repossess the flats. General measures required in response to the shortcomings found by the Court continue to be examined within the framework of the cases of <i>Đokić</i> and <i>Mago and Others</i> .
CM/ResDH(2022)61	BIH / Becirbegovic	57137/19+	01/04/2021 01/04/2021	Functioning of justice: <i>Non-enforcement of domestic judgments ordering the State to pay work-related benefits due to public</i>	Individual measures: Just satisfaction for non-pecuniary damage paid, with default interest in case of delayed payment. Domestic execution proceedings were closed.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
	and Others and 1 other case			<i>service employees. (Articles 6 §1 and 1 of Protocol No. 1)</i>	<i>General measures</i> required in response to the shortcomings found continue to be examined within the framework of the Kunić group of cases.
CM/ResDH(2022) 63	BIH / Beljan	81142/17	19/12/2019 19/12/2019	Functioning of justice: <i>Excessive length of administrative proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed. <i>General measures</i> required in response to the shortcomings found continue to be examined within the framework of the Hadžajlić case.
CM/ResDH(2022) 80	BIH / BIMAL D.D.	27289/17	31/08/2021 31/08/2021	Functioning of justice: <i>Unfair judicial proceedings due to the breach of the principle of equality of arms in an administrative dispute on account of the State Court's failure to afford the applicant company an opportunity to have knowledge of and to comment on the opposing party's (the Competition Council's) reply to the applicant company's action in administrative judicial-review proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicant company did not request reopening ("retrial") of the impugned proceedings before the State Court. <i>General measures:</i> Violation due to the erroneous application of domestic law. The judgment was published, translated and disseminated, clarifying that any reply to the action submitted by the defendant should also be forwarded to the plaintiff in the proceedings before the State Court.
CM/ResDH(2022) 62	BIH / Bošnjak and Dobrić	25103/19+	29/04/2021 29/04/2021	Functioning of justice: <i>Excessive length of civil proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed. <i>General measures</i> required in response to the shortcomings found continue to be examined within the framework of the Hadžajlić case.
CM/ResDH(2022) 25	BIH / Delić	59181/18	02/06/2021 02/03/2021	Functioning of justice and lack of a remedy: <i>Excessive length of civil proceedings. (Articles 6 §1 and 13)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid to the applicant. <i>General measures</i> required in response to the shortcomings found continue to be examined within the framework of the Hadžajlić group.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2022)316	BIH / Lazarević	29422/17	14/05/2020 14/01/2020	Functioning of justice: <i>Unfair civil proceedings on account of the domestic courts' arbitrary rulings contrary to domestic legislation and the case-law of the highest courts, amounting to a denial of justice. (Article 6 §1)</i>	Individual measures: The applicant did not claim any compensation in respect of non-pecuniary damage. The impugned proceedings were reopened upon the applicant's request and remitted for fresh trial. General measures: The judgment was translated, published and widely disseminated to the competent courts.
CM/ResDH(2022)371	BIH / Omerbašić and Others	4359/19+	02/12/2021 02/12/2021	Functioning of justice and protection of property: <i>Non-enforcement of final domestic judgments ordering the Federation of Bosnia and Herzegovina to pay work-related benefits due to public service employees. (Article 6 §1)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The domestic judgments were enforced. General measures required in response to the shortcomings found by the Court in the present judgment continues to be examined within the framework of the <i>Kunić</i> group.
CM/ResDH(2022)39	BIH / Stipić and Others	25230/20+	22/07/2021 22/07/2021	Functioning of justice: <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)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. Domestic decisions enforced. General measures required in response to the shortcomings found by the Court in the present judgment continue to be examined within the framework of the <i>Kunić</i> group of cases.
CM/ResDH(2022)149	BIH / Stojanović and Jusufović	11207/20+	16/12/2021 16/12/2021	Functioning of justice: <i>Excessive length of civil proceedings. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed. General measures required in response to the shortcomings found by the Court in the present judgment continues to be examined within the framework of the <i>Hadžajlić</i> case.
CM/ResDH(2022)150	BIH / Subošić and Others and 50 other cases	71858/11+	17/12/2013 Friendly settlement with undertakings	Functioning of justice: <i>Non-enforcement of final domestic judgments. (Article 6 §1)</i>	Individual measures: <i>Ex gratia</i> payment of just satisfaction for non-pecuniary damage made according to the friendly settlement terms. The enforcement of the judgments was ensured by the authorities. General measures: None.
CM/ResDH(2022)11	CRO / Brežec	7177/10	18/10/2013 18/07/2013	Protection of private and family life: <i>Disproportionate interference into the applicant's right to a home due to domestic</i>	Individual measures: No claim submitted. In reopened civil proceedings, the domestic court concluded that the interference with the applicant's right to respect for her home

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>courts' decisions ordering to vacate flats owned by the state, in breach of any procedural safeguards in the eviction proceedings. (Article 8)</i>	was proportionate to the aim pursued and thus necessary in a democratic society. However, since the building in which the flat at issue was situated was demolished in December 2013, it was impossible to order the applicant's eviction. <i>General measures:</i> See CM/ResDH(2011)48 in <i>Cosic</i> group.
CM/ResDH(2022)153	CRO / Cakarevic and 1 other case	48921/13+	26/07/2018 26/04/2018	Protection of property rights: <i>Excessive burden on the applicants due to certain requirements of reimbursement, including statutory interest payments, imposed on them in civil proceedings for amounts of unemployment benefits or pension instalments received from the competent authorities by mistake. (Article 1 of Protocol 1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary and pecuniary (amount collected in enforcement proceedings in the second case) damage paid. In the first case, enforcement proceedings were suspended and, in reopened proceedings, the impugned judgments were quashed. In fresh proceedings the domestic court found that the applicant could not be held responsible for the Unemployment Bureau's errors and negligence, particularly bearing in mind that the applicant had acted in good faith. In the second case, the applicants did not avail themselves of the possibility of requesting the reopening of the impugned proceedings. They passed away in 2021. <i>General measures:</i> In 2018, the Pension Insurance Act of 2014 was amended to establish time-limits to initiate supervision proceedings and to monitor the administrative proceedings leading to decisions granting pension rights. Following the facts of the <i>Čakarević</i> case, an IT system was introduced in 2004 to prevent payment of unemployment benefits beyond the statutory maximum period. Moreover, in 2018, the Constitutional Court operated a change of the case-law ensuring that, in similar cases, all circumstances be taken into account (including health and economic issues) so that individuals would not bear the burden of the authorities' omissions. The judgment was published, translated and disseminated.
CM/ResDH(2022)382	CRO / Čolić	49083/18	18.02/2022 18/11/2021	Functioning of justice and protection of property: <i>Denial of access to a court and disproportionate interference with the applicant's property rights on account of</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The applicant did request reopening of the impugned proceedings within the prescribed time frame.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>the Supreme Court's cost order against him in civil proceedings, amounting to the double of the compensation he was awarded in damages against a private individual for physical assault. (Articles 6 §1 and 1 of Protocol No. 1)</i>	<i>General measures:</i> See CM/ResDH(2019)296 in the <i>Klauz</i> group. Furthermore, the authorities provided fresh examples of the Convention-compliant case-law of the domestic courts from 2020-2022. The judgment was translated, published and widely disseminated.
CM/ResDH(2022)154	CRO / F.O.	29555/13	06/09/2021 22/04/2021	Protection of private and family life: <i>Failure of the education authorities to adequately respond to the verbal abuse of a student by his high school teacher and to take resolute actions to investigate the impugned events as well as to adopt formal decisions and measures addressing the alleged harassment and to protect the applicant from its reoccurrence. (Article 8)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicant terminated high school in 2012. As 12 years have passed since the impugned event and the whereabouts of possible witnesses are unknown, a fresh examination of the relevant facts appears impossible. <i>General measures:</i> The relevant legal framework to protect children from violence and abuse was not put into question. Since the facts of the case, the Act on Education in Primary and Secondary Schools was amended several times between 2012 and 2020 to reinforce reporting systems and to oblige teachers and school staff to adopt their school's ethic code. In November 2013, the Ministry of Education adopted Staff Regulation for the protection of students' rights and reporting violence. In January 2020, a Government Action Plan for the Prevention of violence in schools for the period 2020-2024 was adopted. In 2021, changes to the Education Inspection introduced an obligation to examine all non-anonymous allegations and complaints. In 2021, the Education Agency was requested by the Ministry of Education to examine the Court's findings in their expert groups. The WHO-Handbook on the prevention of violence in schools was translated into Croatian in 2019. The judgment was published, translated and disseminated.
CM/ResDH(2022)95	CRO / Jurčić	54711/15	04/05/2021 04/02/2021	Discrimination and protection of property rights: <i>Direct discrimination on the ground of sex with regard to the denial, to a woman having undergone in vitro fertilisation, of employment health-insurance coverage</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicant's claim for pecuniary damage was dismissed. She did not avail herself of the possibility to seek reopening of the impugned proceedings and did not contact the Health Insurance Fund with any kind of related request.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>during pregnancy based on the claim that her recently signed employment contract had been fictitious, and that she should not have started work. (Article 14 in conjunction with 1 of Protocol No. 1)</i>	General measures: The violation stemmed from the domestic courts' interpretation and application of relevant national and international law concerning maternity protection and prohibition of discrimination of women. In 2012, the Gender Equality Ombudsperson issued a recommendation to the Health Insurance Fund calling for the termination of a discriminatory practice of declaring fictitious employment contracts concluded by pregnant women. Subsequently, the Health Insurance Fund issued an instruction prohibiting the examination of the validity of employment contracts concluded by pregnant women. In 2013, a new Compulsory Health Insurance Act was adopted providing that, in case of doubt, the validity of a contract must be examined by the civil courts. Examples of relevant domestic case-law were submitted. The judgment was translated, published and disseminated. Anti-discrimination principles are addressed in interactive Workshops for employees of the Health Insurance Fund subsidiaries.
CM/ResDH(2022)381	CRO / Karadzic and 2 other cases	35030/04+	15/03/2006 15/12/2005	Protection of private and family life: <i>Failure of authorities between 2001 and 2014 to take necessary steps to facilitate reunion between parents and their children in non-contentious proceedings for the children's' return under the Hague Convention on the Civil Aspects of International Child Abduction. (Article 8)</i> Other violation: <i>Unfair return proceedings due to the failure to include the applicant in the decision-making process. (Article 6 §1)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The son reached majority in 2013. Following the European Court's judgment, the applicant and the child's father came to an agreement that the child would live with the father and the applicant would have regular contacts with the child. Following the Court's judgment in <i>Adžić no. 2</i> the applicant requested the reopening of the proceeding regarding return of his son. In June 2022, the second instance court dismissed the applicant's appeal and upheld the first instance judgment. In particular, the second instance court emphasized that actions of public or private institutions which concern children's rights must be conducted keeping in mind primarily the best interests of the child. Since 2017, contacts between the applicant and the child have been arranged with the assistance of the Zagreb Social Welfare Centre

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					<p><u>General measures:</u> In 2018, the Act on the Implementation of the Hague Convention on the Civil Aspects of International Child Abduction was adopted stipulating competences, deadlines and procedures for handling cases in a clear and consistent manner was conducive to enhancing the efficiency of both administrative and judicial authorities in the proceedings for the return of the child. It vested the Zagreb Municipal Civil Court and Zagreb County with the exclusive competence to conduct return proceedings. The decision on the return request is to be delivered and notified to the parties within eight days from the final hearing. Parties to the proceedings have eight days to appeal against the first-instance decisions and the second-instance court has 30 days to decide upon appeals.</p> <p>In 2015, an inter-departmental Commission was established with the aim, <i>inter alia</i>, to improve cooperation between the authorities involved in the proceedings for the return of a child, thus accelerating such proceedings. Various relevant domestic authorities are involved in the work of the Commission, notably, the Central Authority, the Ministry of the Interior and the Ministry of Justice and Administration.</p> <p>As concerns the inclusion of parties in the proceedings, the Act expressly provides that a judge shall not dismiss a request for the return of a child without hearing the party who lodged a request.</p> <p>After 2016, the Constitutional Court changed its practice and developed consistent case law, highlighting the importance of the concept of the child's best interests as an underlying principle of The Hague Convention.</p> <p>As concerns the police failure to show necessary diligence in the enforcement procedure, the 2015 Family Act provides for fines and imprisonment of up to six months for parties hindering enforcement proceedings as well as the ordering of involuntary seizure of the child with police assistance as a measure of last resort. In 2016, the Ministry of Justice issued the Ordinance on</p>

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					Cooperation of Judges, Experts of the Social Welfare Centres and Juvenile Police Officers in the Proceedings for the Enforcement of Judicial Decisions on Handing over a Child. The aim was to ensure effective enforcement of the courts' decisions by improving institutional cooperation. Moreover, in 2015, the Juvenile Courts Act was amended to introduce juvenile police officers trained for dealing with cases involving children and minors, including providing assistance in return proceedings under the Hague Convention. As of 2014, the Central Authority conducted regular seminars and workshops for judicial and other legal experts as well as police officers. The judgments were translated, published and widely disseminated.
CM/ResDH(2022) 94	CRO / Marinić	22360/15	02/09/2021 02/09/2021	Functioning of justice: <i>Delayed enforcement of a final judgment against the State in the applicants' favour without assessing their ability to repay the State the amount at issue or the prospects of success of the State's extraordinary appeal on points of law. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. In 2017, the final domestic judgment was enforced by the Financial Agency. General measures: Isolated incident due to the erroneous assessment of the assigned judge. The judgment was translated, published and disseminated. It is also used in educational activities for judges of the Judicial Academy.
CM/ResDH(2022) 260	CRO / Marunić	51706/11	18/09/2017 28/03/2017	Freedom of expression: <i>Unjustified interference on account of the summary dismissal of a municipal company director for publicly responding to criticism by her chairman in the press. (Article 10)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The impugned domestic proceedings were reopened and the judgment that had dismissed the applicant of employment was quashed. General measures required in response to the shortcomings found by the Court continue to be examined within the framework of the <i>Stojanović</i> group of cases.
CM/ResDH(2022) 190	CRO / Milošević	12022/16	30/11/2021 31/08/2021	Right not to be tried or punished twice: <i>Disproportionate prejudice suffered by the applicant through his subjection to minor offence and administrative tax proceedings for using prohibited oil as fuel, resulting in</i>	Individual measures: Aggregate amount for just satisfaction for pecuniary (reimbursement of fine) and non-pecuniary damage paid. The domestic customs authority wrote off the applicant's tax debt as the statute of limitations for the enforcement of the impugned decision rendered in the second set of proceedings

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>an increase of excise duties of one hundred times in the latter proceedings; both sets of proceedings were not sufficiently linked in substance to form a coherent whole. (Article 4 of Protocol No. 7)</i>	had expired. Thus, the applicant did not request reopening of the impugned proceedings. General measures: In 2015, the Excise and Duties Act was amended excluding a one hundred times increase of excise duties in case of use of oil contrary to the Act. The amendments were also included in the 2019 Excise and Duties Act. Furthermore, in 2016, the Constitutional Court changed its case-law following the European Court's standards with regard to the <i>ne bis in idem</i> principle. The High Administrative Court and the administrative courts adapted its case-law. In 2018, the Judicial Academy organised workshops for judges on the <i>ne bis in idem</i> principle. The judgment was published, translated and disseminated.
CM/ResDH(2022)191	CRO / Nedić and Džojić	26813/15+	23/09/2021 23/09/2021	Protection of property rights: <i>Disproportionate interference due to the delayed enforcement of the administrative authorities' decisions granting the applicants disability pension rights on account of lacking allocation in the State budget. (Article 1 or Protocol No. 1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. In 2017, both applicants had been paid the pension arrears owed to them. Concerning the payment of statutory default interest, only the first applicant requested the reopening of the impugned proceedings; the decision is still pending. General measures: In 2016, the Government adopted the decision to provide the funds for unpaid pensions from 2007 onwards. Moreover, the Constitutional Court aligned its case-law to the European Court's and declared complaints similar to those of the applicants admissible. The judgment was published, translated and disseminated.
CM/ResDH(2022)81	CRO / Šečić and 1 other case	40116/02+	31/08/2007 31/05/2007	Discrimination and protection against ill-treatment: <i>Failure of domestic authorities to take into account the racist motives of the attacks on the applicants due to their Roma origin or their association with a Roma partner as well as, in the first case, failure to conduct effective investigations into the attack on the applicant due to the</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The prosecuting authorities assessed the possibility of initiating renewed investigations and established that prosecution became time-barred in 2005 in the first case. In the second case, the prosecuting authorities re-examined the case <i>ex-officio</i> . In 2017 the criminal complaint was rejected in respect of one suspect. As regards the other suspect, the

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				<p><i>omission, by the police, to obtain tangible evidence to identify the attackers. (Article 14 in conjunction with the procedural aspect of Article 3 as well as Article 3 procedural limb alone)</i></p>	<p>prosecution came to a standstill on account of his inability to stand trial due to a grave illness in 2019.</p> <p><u>General measures:</u> In 2013, the principle of prosecutorial investigation was introduced into the Criminal Procedure Code, authorising state attorneys to conduct investigations and to oversee related police work. In 2013, victim participation was reinforced. Moreover, legal remedies enabled victims to scrutinise the course of the investigation, thus enhancing its transparency. In 2014, the Police Duties and Powers Act was amended to ensure that investigatory steps be taken only by specially trained police officers, appointed by the Chief of Police with prior consent of the State Attorney General. In 2015, the Police Act was amended to strengthen disciplinary responsibility for negligence. In 2019, the Police Act was amended to enhance the work of the Complaints Board, as an independent body appointed by Parliament. As concerns the promptness of criminal investigations, strict deadlines for the state attorneys and a case-tracking system were introduced in 2013 and 2015, respectively. Moreover, the 2013 amendments to the Criminal Procedure Code introduced a 6-month deadline for State Attorneys to deal with criminal complaints. By 2015, the number of criminal proceedings terminated due to prescription had decreased by 93% in comparison to 2009. Also, in 2017/18, 93 additional State-Attorneys were appointed. The possibility of a judicial review of criminal investigations was introduced by the Constitutional Court in 2014. The effectiveness of the Constitutional Court's review regarding ineffective investigations was acknowledged by the European Court in the case of <i>Kusic and Others</i>.</p> <p>As concerns the examination of a hate crime motive, in 2006 the State Attorney General's Office issued "Instructions on handling hate crime cases" in 2006; moreover, the 2008 Anti-Discrimination Act prohibits direct and indirect discrimination on the ground, <i>inter alia</i>, of race or ethnic origin and expanded the Ombudsperson's competence. In 2011, the Government</p>

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					<p>adopted "the Protocol for Procedures in Hate Crime Cases" setting out procedures to be followed by police, state attorneys and courts. Relevant data are being monitored and capacity-building measures encouraged by the Government Office for Human Rights and the Rights of National Minorities ("OHRNM"). The 2013 Criminal Code defined the term of hate crime as an aggravating circumstance of other criminal offences.</p> <p>As concerns national policies on combating hate crime, <i>The National Roma Inclusion Strategy 2013-2020</i> was adopted and a process of dialogue and consultation between relevant stakeholders on the local and regional level was established through the National Platform for Roma in 2016 and 2017. Moreover, a series of awareness-raising and international cooperation measures were put in place as from 2014. The judgments were published, translated and disseminated.</p> <p>Further general measures aimed at ensuring effective investigation into hate crimes targeting LGBTI persons continue to be examined within the context of the <i>Sabalić</i> case.</p>
CM/ResDH(2022)248	CRO / Skendzic and Krznaric and 4 other cases	16212/08+	20/04/2011 20/01/2011	<p>Right to life: <i>Lack of effective investigations into war crimes committed during the Croatian Homeland War (1991-1995) against the applicants' next-of-kin, who disappeared or were killed, in particular, concerning their independence, adequacy and promptness as well as with regard to their independent oversight and public scrutiny. (Article 2 in its procedural limb)</i></p>	<p>Individual measures: No just satisfaction awarded to the applicants <i>Skendžić and Krznarić</i>, as they had been compensated for damages by national courts. As for the other cases, just satisfaction for non-pecuniary damage was paid, as awarded. Moreover, all applicants availed themselves of the opportunity to seek redress from the domestic courts in civil proceedings against the State, except for <i>Jularić</i>. Recalling that war crimes are not subject to a statute of limitation, the authorities remain fully committed to continuing their investigation efforts should new evidence come to light.</p> <p>General measures:</p> <p>In 2011, the Strategy for Investigation and Prosecution of War Crimes Committed in the Period 1991-1995 was adopted by the Minister of Justice, Minister of Interior and the Public Prosecutor General improving cooperation between</p>

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					<p>prosecutors and the police in prosecution of war crimes; moreover, the Government adopted a Conclusion stressing the importance of prosecuting war crimes without regard to the perpetrators' and victims' ethnicity. Operational programmes provided for the setting up of special war crime investigation teams and a reporting mechanism for cases defined as national level priorities or local priorities was established. Regional cooperation was enhanced, through bilateral agreements on war crime investigations between neighbouring countries and meetings of regional prosecutors and representatives of ministries of justice.</p> <p>As concerns legislative measures:</p> <p>Independence: In 2014 the amendments to the Act on Police Work and Powers ensured that in case of a reasonable suspicion that a war crime has been committed by police officers, it shall not be investigated by members of the same police unit. (See also CM/ResDH(2018) D.J. and CM/ResDH(2020) in Đurđević).</p> <p>Promptness: In 2013 strict deadlines were introduced for prosecuting authorities to deal with criminal complaints and bring investigations to an end. In 2015 electronic case management system (CTS) was introduced in state attorney offices automatically indicating deadlines for procedural actions. In 2017/18 capacity-building measures were taken. In 2019/21 the State Attorney General requested that all war crime cases, including the ones in the stages of inquiries be transferred to the specialised judicial and investigatory structures established for war crimes prosecution. Statistics published by the Supreme Court in April 2021 indicated that the clearance rate of domestic courts in these cases in 2021 was more than 110%.</p> <p>Adequacy: In 2011 the amendments to the Code of Criminal Procedure introduced concept of "prosecutorial investigation" transferring the competence for investigation to public prosecutors. The concept was further developed in 2013.</p>

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					<p>Special structures responsible for investigating war crimes (four state attorney's offices, four county courts, and specialised police force) were established. In 2013, victims' involvement in criminal investigations and public scrutiny was enhanced, thereby enhancing the transparency of investigations. In 2014 the possibility to request the review of the effectiveness of criminal investigations (including into war crimes) was introduced before the Constitutional Court as an effective remedy. As regards criminal charges against those holding command responsibilities, the county state attorneys instructed the police to investigate the perpetrators directly responsible for the war crimes</p> <p>As concerns the issue of missing persons: In 2019, the Act on the Missing Persons in the Homeland War was adopted prescribing procedures, competence, record keeping and other aspects of search, exhumation and identification of missing persons, and providing a higher degree of protection for family members of missing persons Regional cooperation was enhanced, including through bilateral agreements with neighbouring member states with the view to enhancing war crime prosecution and accounting for missing persons.</p> <p>Finally, in cooperation with the Council of Europe two major training projects for judges and prosecutors were launched in 2021 on, inter alia, procedural aspects of Article 2 and 3 of the Convention. The judgments were published, translated and disseminated.</p>
CM/ResDH(2022)259	CRO / V.D. and 3 other cases	15526/10+	08/02/2012 08/11/2011	<i>Protection against ill-treatment: Ill-treatment by the police upon arrest (in two cases) and lack of effective investigations into the allegations in all cases. (Article 3 substantive and procedural limb)</i>	<p><i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The impugned criminal investigations were reopened in all cases and brought to an end; in one case they came to a standstill due to a lack of new information.</p> <p><i>General measures:</i> See also CM/ResDH(2017)366 in <i>Berganovic</i>; CM/ResDH(2018) in <i>Jeans</i>; CM/ResDH(2020)306 in <i>Durdevic</i> and</p>

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					<p>CM/ResDH(2020)309 in <i>Dolenec</i>; CM/ResDH(2021)322 in <i>Mader</i>.</p> <p>To prevent ill-treatment by police: the Criminal Procedure Code was amended in 2017 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 request the presence of their lawyer from the moment of acquiring the status of suspect. In addition, a suspect's interview must be recorded with an audio-visual device.</p> <p>To ensure effective investigations: in 2014, the Constitutional Court changed the Constitutional Court Rules to enable ordering the prosecuting authorities to carry out specific procedural steps aimed at identifying perpetrators and to award a victim compensation for damages.</p> <p>The 2013 amendment to the Criminal Procedure Code introduced a system of complaints for the parties to the proceedings and the victims against the delays of the investigation judge in the initial stages of criminal proceedings. In 2013 the role of the Judicial Inspection of the Ministry of Justice was strengthened and the Integrated Court Case Management System (ICMS) was established.</p> <p>Amendments of 2014 to the Act on Police Work and Powers provided that, in case of suspicion of a criminal offence committed by a police officer, investigative steps are to be conducted by a different organisational unit. Amendments of 2015 further strengthened disciplinary responsibility for police negligence through a three-tier procedure of examining complaints. According to the 2019 amendment to the Police Act, the Complaints Board consists of nine members appointed by Parliament, representing civil society, public institutions and NGOs. In 2019, amendments to the Ministry of Interior's Internal Regulation ensured a higher degree of independence</p>

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					and impartiality of police officers working in internal control units. The judgments were published, translated and disseminated. They are used in awareness-raising activities organised by the Judicial Academy and training sessions organised by the Policie Academy.
CM/ResDH(2022)82	CRO / Vekic	68477/17	22/04/2021 22/04/2021	Protection of property: <i>Disproportionate interference due the domestic courts failure to assess the value of a property they ordered to be seized with a view to securing the effective enforcement of a probable confiscation order in criminal proceedings for economic crimes. (Article 1 of Protocol No. 1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. In 2020, a fresh decision by domestic courts was rendered in line with the European Court's case-law, which was confirmed by the Supreme Court on appeal. The applicant did not avail herself of the opportunity of an effective domestic remedy available under the Civil Obligation Act in respect of redress for the alleged pecuniary damage. General measures: The violation was caused by the domestic courts' failure to assess the proportionality of the seizure order as well as the Supreme Court's failure to correct the omission of the first instance court. See also CM/ResDH(2017)336 in <i>Dzinic</i> . Moreover, the Constitutional Court reinforced its case-law to ensure a detailed assessment of the proportionality of seizures undertaken in comparison to the possible confiscation claim. The judgment was translated, published and disseminated to domestic courts and the state attorney. The Judicial Academy carried out workshops for judges and prosecutors.
CM/ResDH(2022)152	CRO / Vidak	67141/14	23/09/2021 23/09/2021	Functioning of justice: <i>Excessive length of war-crimes related proceedings, due to the failure of domestic authorities to proceed with the requisite diligence in the context of the applicant's extradition from Turkey. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed; domestic judgment became final in December 2021. General measures: In 2013, the Ministry of Justice and Public Administration introduced the Integrated Court Case Management System (ICMS) in municipal and county courts as an electronic tracking system aimed at ensuring the effective conduct of proceedings. However, the ICMS became fully

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					operational in all regular courts, including the Supreme Court, only in September 2018. As of 2020, the Constitutional Court's case-law demonstrates that parties to excessively lengthy criminal proceedings have a possibility to lodge a constitutional complaint. The judgment was published, translated and disseminated.
CM/ResDH(2022) 27	CRO / Vuković	47880/14	15/11/2018 15/11/2018	Protection of property rights: <i>Disproportionate interference due to the seizure of the applicant's vehicle in the context of a criminal investigation and its prolonged retention in inadequate storage condition and subsequent refusal by the civil courts and Constitutional Court of the applicant's request for compensation for the damage caused. (Article 1 of Protocol No. 1).</i>	Individual measures: The finding of a violation constitutes sufficient compensation for non-pecuniary damage. The most appropriate form of redress would be, as suggested by the applicant himself, to reopen the proceedings in due course. General measures: Domestic courts aligned their case-law with the present judgment; related examples were submitted. The judgment was published, translated and disseminated to all domestic courts.
CM/ResDH(2022) 317	CRO / Žibrat	38100/15	14/10/2021 14/10/2021	Functioning of justice and protection of property rights: <i>Delayed enforcement of a final court decision awarding the applicant a house he had bought at a public auction, in enforcement proceedings against third parties. (Article 6 §1 and Article 1 of Protocol No. 1)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The applicant had gained possession of the house in 2015. He was compensated for costs and expenses incurred in the impugned enforcement proceedings by the enforcement court. As concerns pecuniary damage for the lost profits caused by the delay, in 2021, the domestic courts finally granted the applicant's claims in civil proceedings instituted against the debtor. General measures: In 2014, the Enforcement Act was amended, vesting the Financial Agency as the dedicated authority with the power to enforce writs of execution and tightening procedural deadlines. The amendments also introduced the possibility for enforcement officers to seek the assistance of a locksmith without respective court appointment. In 2019, the Civil Procedure Code introduced the obligation of electronic exchange of submissions between courts and parties.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					<p>Moreover, examples of recent court decisions imposing fines on parties hindering execution proceedings were submitted. As concerns appropriate compensation in respect of excessive length of enforcement proceedings, in 2016, the Constitutional Court reassessed the amounts awarded and established appropriate guidelines for regular and priority proceedings. The Supreme Court and the lower courts adapted their case-law. The judgment was translated, published and widely disseminated. It was used in training activities of the Judicial Academy for judges and representatives of the Ministry of Justice, the Chamber of Public Notaries and the Financial Agency.</p>
<p>CM/ResDH(2022)93</p>	<p>CRO / <i>Zustović</i></p>	<p>27903/15</p>	<p>22/07/2021 22/04/2021</p>	<p>Functioning of justice: <i>Denial of a fair trial on account of the applicant's inability – under the Administrative Disputes Act - to obtain reimbursement of costs of the judicial review proceedings before an administrative court ruling in her favour on the merits against the Croatian Pension Fund in 2014. (Article 6 §1)</i></p>	<p>Individual measures: Just satisfaction for pecuniary damage (costs of the judicial review proceedings in the period leading up to the administrative court judgment of 2014) and non-pecuniary damage paid. Following the Croatian Pension Fund's decision, the High Administrative Court, on appeal, ordered that each party bear its own costs. In 2019, the Constitutional Court quashed the decision and remitted the case. In fresh proceedings, the applicant obtained reimbursement of her costs in 2020.</p> <p>General measures: In 2016, the Constitutional Court declared unconstitutional the impugned provision of the Administrative Disputes Act. In 2017, Parliament adopted the provision that the losing party has to bear the costs of the proceedings entirely. Nevertheless, in 2018, the High Administrative Court adopted an opinion that, if an administrative decision is quashed and the case remitted, each party has to bear its own costs, which was repealed in 2019. Since then, the amended provision of the Administrative Disputes Act, in line with the European Court's case-law, has been applied consistently by administrative courts. The judgment was translated, published and disseminated.</p>

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CM/ResDH(2022)348	CYP / Khani Kabbara and 1 other case	24459/12+	05/09/2018 05/06/2018	Protection against ill-treatment: <i>Ill-treatment by police officers and ineffective investigations into those allegations, as well as the second applicant's poor conditions of detention pending deportation in Nicosia Central Prisons. (Article 3 substantive and procedural limb)</i>	<p>Individual measures: Just satisfaction in respect of non-pecuniary damage paid in the first case. No award made in the second case. An ex officio re-examination of the first case revealed that there were no grounds to open a further investigation because the shortcomings identified by the Court in the first two investigations had already, as recognised by the Court, been remedied as far as possible by a third investigation. In the second case, an independent investigation was undertaken, however it was not possible to gather sufficient evidence for a prosecution.</p> <p>General measures: Significant improvements in the system of investigating complaints of ill-treatment by police officers, in particular in respect of independence, promptness and quality, and the measures capable of preventing ill-treatment by police officers, in particular the Chief of Police's regular zero tolerance messages, the Police Code of Ethics as amended in 2016, the Attorney General's issued legal advice to the Chief of Police on the procedure to be followed in 2014. The 1990 Law Ratifying the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment was amended in 2017 to integrate the "Istanbul Protocol and Manual on the Effective Investigation" on the procedure to follow for the forensic examination into allegations of ill-treatment. and capacity building.</p> <p>Block 10 of Nicosia Central Prison is no longer used as a police detention centre.</p> <p>The judgments were translated, published and disseminated. Related capacity building for police staff was organised.</p>
CM/ResDH(2022)66	CYP / Koulias	48781/12	26/08/2020 26/05/2020	Functioning of justice: <i>Unfair trial due to objectively justified doubts regarding the impartiality of the Supreme Court's presiding judge in civil defamation proceedings as the judge's son worked for the law firm whose founding partner</i>	<p>Individual measures: Just satisfaction for non-pecuniary damage paid. The Supreme Court dismissed the applicant's interim application for revocation of the impugned civil judgment. The applicant's appeal against the award of damages in 2013 is still pending before the Supreme Court.</p>

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				<i>represented the claimant in the case against the applicant, without disclosing this circumstance at the outset of proceedings. (Article 6 §1)</i>	<i>General measures:</i> See CM/ResDH(2018)359 in <i>Nicholas</i> . In 2018, the Code of Judicial Practice was amended to stipulate that, in cases where lawyers appear before a judge who are employers, employees, partners or have a professional relationship with the judge or members of the judge's family, the judge in question must disclose the relevant facts to the parties. The judgment was published, translated and disseminated.
CM/ResDH(2022)193	CYP / Monir Lotfy	37139/13	29/09/2021 29/06/2021	Protection against ill-treatment and right to liberty and security: <i>Conditions of detention pending deportation at the Menoya detention centre amounting to ill-treatment and unlawful deprivation of liberty due to the applicant's immediate rearrest despite the Supreme Court's writ of habeas corpus ordering his immediate release. (Articles 3 and 5 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. In 2014, the applicant was deported to Egypt. <i>General measures:</i> In 2016, the number of detainees held at the Menoya detention centre was reduced by half, thus providing enough living space, as confirmed by the CPT in a report of 2018 and by the Ombudsman in her capacity as National Preventive Mechanism under the UN Convention against Torture in 2021. As concerns the applicant's unlawful re-arrest, the Republic's Law Office issued a legal advice to the competent authorities (e.g. Ministry of the Interior, Migration Department, etc.) to prevent the occurrence of similar incidents. The judgment was published, translated and disseminated.
CM/ResDH(2022)318	CYP / Savvides	14195/15	14/12/2021 14/12/2021	Functioning of justice: <i>Disproportionate hindrance in access to a court on account of the Family Court of Appeal's excessively formalistic refusal to examine the applicant's appeal on the merits owing to an irregularity in the title of the notice of appeal. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The applicant did not avail himself of the possibility to ask for a reopening of the impugned proceedings. <i>General measures:</i> In 2016, the Family Courts Procedural Rules were amended and new forms for appeals introduced. Moreover, the Family Court of Appeal adapted its case-law to prevent excessive formalism. The judgment was translated, published and widely disseminated to various domestic authorities, including the Supreme Court, the Ministry of Justice and Public Order, the Bar Association and the Parliamentary Committees of Legal Affairs and Human Rights.

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CM/ResDH(2022) 74	ESP / Arrozpide Sarasola and Others and 2 other cases	65101/16+	23/01/2019 23/10/2018	Functioning of justice: Denial of access to a court, due to the Supreme Court's dismissal of the applicants' amparo appeals (concerning the calculation of the maximum time for serving a sentence in Spain) for non-exhaustion of domestic remedies after it had previously declared the actions to set aside of the first and second applicants inadmissible for lack of relevance and had given notice of its decisions after the thirty-day time-limit allowed for the appeal, which entailed a lack of legal certainty to the detriment of the applicants. (Article 6 §1)	Individual measures: Claim for just satisfaction for non-pecuniary damage dismissed. Domestic proceedings closed. The reopening of domestic proceedings was neither needed for lack of negative material consequences of the impugned decision nor requested by the applicants. General measures: In 2020, the Constitutional Court clarified its case-law with regard to the requirement of a plea of nullity prior for the lodging of an amparo appeal, requesting it only if the alleged breach of a fundamental right has been caused, directly and autonomously, by the final decision in judicial proceedings, without any ordinary appeal available. The judgment was published, translated and disseminated.
CM/ResDH(2022) 112	ESP / Atutxa Mendiola and Others	41427/14	13/09/2017 13/06/2017	Functioning of justice: Unfair criminal proceedings due to the applicants' conviction by the Supreme Court, departing from the trial judgment which had acquitted them, after having ruled on elements of fact and law that enabled it to establish the guilt of the accused, without hearing the accused in the public hearing. (Article 6 §1)	Individual measures: Just satisfaction for non-pecuniary damage paid. In 2019, the Supreme Court quashed the applicants' conviction. General measures: Changes made to the Constitutional Court's case-law in 2018, when it concluded that, in case the re-examination by the Supreme Court of the facts found to be proven at first instance was extended to the subjective element of the defendants' awareness of the unlawfulness of their conduct, the accused is to be heard in person, and that this guarantee cannot be substituted by the pleadings granted to their lawyers. This new constitutional doctrine, based on the European Court judgment in this case, provided clear guidance to the Supreme Court. In subsequent similar situations, the Supreme Court either rejected the appeal against an acquittal or quashed a judgment which had reversed an acquittal (on the basis of a different interpretation of a subjective element without hearing the accused) and sent it back for a retrial. It also stated that no appeal against an acquittal, which would involve reassessment of a subjective element of the evidence can be admitted before it. Thus, the provision regulating

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					cassation appeals for infringement of the law cannot be used against the accused in criminal matters in practice. The judgment was published, translated and disseminated.
CM/ResDH(2022)277	ESP / B.S.	47159/08	24/10/2012 24/07/2012	Protection against ill-treatment and discrimination: <i>Lack of effective investigation into allegations of racially motivated ill-treatment inflicted by police agents. (Article 3 procedural limb and of Article 14 in conjunction with Article 3)</i>	<p>Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant did not request the reopening of the domestic proceedings (i.e. minor offense proceedings in which the accused policemen had been acquitted in 2008; and investigation proceedings which had been provisionally discontinued by court order in 2007). Moreover, in 2021, the Supreme Court confirmed that revision requests in criminal proceedings, even on the basis of an ECtHR judgement, would only be admissible against final convictions but not any other kind of court decision. Furthermore, the Public Prosecutor concluded that the offence in question had become time-barred.</p> <p>General measures: Isolated case. The Criminal Code provides protection against ill-treatment (racist motives constituting an aggravating circumstance). The Code of Criminal Procedure provides for <i>ex officio</i> investigations by judicial authorities into allegations of ill-treatment. Recent examples of well-established case-law of the Constitutional Court were submitted, which underlined the necessity of effective investigations into allegations of torture or ill-treatment by the police, including decisions on the upholding of amparo appeals to reopen insufficient investigating proceedings. The 2015 Citizen Security Act expressly includes the need to respect the principle of non-discrimination during identity checks by law-enforcement agencies. Moreover, the Disciplinary Regime for law enforcement officers, as amended in 2010, had established “discriminatory action” as a very serious disciplinary offence. In addition, a draft Organic Law against Racism, Racial Discrimination and Intolerance is in the process of being approved. Its objectives are the strengthening of the regulatory framework, the specification of offences and penalties and the</p>

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					improved care for victims. Specific training activities for magistrates and law enforcement officers against discrimination-related and hate crime have been organised in recent years. The judgment was published, translated and disseminated.
CM/ResDH(2022)280	ESP / Beristan Ukar and 1 other case	40351/05+	08/06/2011 08/03/2011	Protection against ill-treatment: Lack of thorough investigations into the applicants' allegations of ill-treatment during arrest and/or while they were held incommunicado in police custody for suspected links to the terrorist organisation ETA. (Article 3 procedural limb)	Individual measures: Just satisfaction for non-pecuniary damage paid. Due to applicable prescription periods, the reopening of investigations is not possible. None of the applicants had requested the reopening of investigations following the Court's judgment. General measures: See Final Resolution CM/ResDH(2017)281 in <i>San Argimiro Isasa and Etxebarria Caballero</i> .
CM/ResDH(2022)225	ESP / Cuenca Zarzoso	23383/12	16/04/2018 16/01/2018	Right to private and family life - home: Failure of local authorities to take action to stop excessive nocturnal noise above the permissible levels from bars, pubs, etc. in the proximity of the applicant's home, as well as unduly formalistic approach on evidentiary matters when assessing the applicant's complaints. (Article 8)	Individual measures: Just satisfaction for pecuniary (expenses for building work, installations for noise-reduction, related fees and taxes for permits) as well as non-pecuniary damage paid. A report of the Valencia City Council in 2019 indicated that measures continue to reduce the noise levels in the zone designate as "acoustically saturated" where the applicant lives. General measures: See also CM/ResDH(2017)223 in <i>Martinez Martinez</i> , CM/ResDH(2008)57 in <i>Moreno Gomez</i> and ResDH(95)252 in Lopez Ostra . Legislative action against noise intrusion on a national and regional level intensified after 2002, in particular with the adoption of the 2003, 2005 and 2007 Royal Decrees on, <i>inter alia</i> , the assessment and management of environmental noise as well as on acoustic zoning/acoustic emissions. With regard to the municipality of Valencia specifically, regulatory and enforcement powers against noise pollution were increasingly delegated to the local/municipal authorities, e.g. when the Strategic Noise Map of Valencia as well as the Municipal Ordinance on Protection against Acoustic Pollution were adopted in 2018.

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					As concerns domestic case-law, in 2011, the Constitutional Court, in the applicant's amparo appeal, applied the European Court's doctrine on the ECHR implications of excessive noise pollution and declared: "prolonged exposure to certain noise levels, which can objectively be qualified as avoidable and unbearable, must deserve the protection afforded by the fundamental right to the inviolability of the home and private life." The Supreme Court and ordinary domestic courts adapted their jurisprudence accordingly and in a consistent manner. Furthermore, with regard to the requirement and burden of proof of the level of noise emissions inside a home in a zone formally designated as "acoustically saturated" by the City Council, multiple examples of recent rulings were submitted. The judgment was published, translated and disseminated.
CM/ResDH(2022)278	ESP / Gil Sanjuan	48297/15	26/08/2020 26/05/2020	Functioning of justice: Denial of access to a court due to the Supreme Court's inadmissibility decision by applying a new interpretation of the formal requirements of a notice of appeal retroactively and automatically, without giving the applicant the opportunity to remedy any newly arising deficiency; excessive formalism. (Article 6 §1)	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant requested the reopening of the proceedings. In March 2022, the Supreme Court upheld the applicant's revision appeal, agreeing on the admission of the applicant's originally rejected cassation appeal. General measures: Isolated case linked to the specific circumstances after a change of the Supreme Court's case-law. Moreover, Organic Law 7/2015 amended the legal framework on the cassation appeal, clarifying the wording on the notice of appeal and removing possible previous legal uncertainty. The judgment was published, translated and disseminated.
CM/ResDH(2022)279	ESP / Gracia Gonzalez	65107/16	06/01/2021 06/10/2021	Functioning of justice: Unfair criminal proceedings to investigate a helicopter accident which had caused the death of the applicant's husband - due to the breach of the adversarial principle on account of the applicant's disadvantage vis-à-vis the Public Prosecutor in the appeal proceedings as she had not been given the opportunity to	Individual measures: No claim submitted. In 2021, the Supreme Court rejected the applicant's revision request, as the Criminal Procedure Code granted the possibility of a revision appeal only in case of a conviction. General measures: Isolated case resulting from erroneous application of procedural rules. The judgment does not call into question the applicable legislation nor established judicial or administrative practice. In addition, the 2015 Statute of the

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				<i>challenge the public Prosecutor's request for discontinuation or put forward her arguments for a reopening. (Article 6 §1)</i>	victim of criminal offences reinforced the right of the victims to appeal a decision to discontinue criminal proceedings. Furthermore, in 2020, the Constitutional Court, in a judgment, clarified that that any additional requests on appeal (e.g. a request to discontinue proceedings by the Public Prosecution), require all the parties to have had an effective opportunity to be heard before the court concerned. The judgment was published, translated and disseminated.
CM/ResDH(2022)226	ESP / Pardo Camoy and Lozano Rodriguez and 1 other case	53421/15+	14/01/2020 14/01/2020	Functioning of justice: <i>Unfair criminal proceedings due to the lack of a public hearing before the court of appeal, which examined on appeal both factual and legal aspects of the applicants' cases after their acquittal at first instance, resulting in their conviction. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. In 2021, both applicants lodged a review appeal before the Supreme Court which was declared admissible. The revision in the first case is still pending. In the second case, the Supreme Court, in 2022, upheld the revision appeal, quashing the applicants' conviction and reinstating the first instance acquittal. General measures: See CM/ResDH(2017)69 in <i>Igual Coll.</i> In 2018, the Constitutional Court, in a ruling, directly referred to the findings of the <i>Igual Coll</i> judgment. The Supreme Court and other domestic courts adapted their case-law; relevant examples of jurisprudence were submitted.
CM/ResDH(2022)227	ESP / Rubio Dosamantes	20996/10	21/05/2017 21/02/2017	Right to private and family life: <i>Failure of authorities to protect a well-known singer's honour and reputation, harmed by remarks made on television about her private life. (Article 8)</i>	Individual measures: No claim submitted. The applicant did not apply for the re-opening of the impugned proceedings. General measures: Isolated failure of domestic courts to balance the right to freedom of expression against the applicant's right to respect for her private life. Recent examples of domestic jurisprudence applying the European Court's principles and criteria for balancing freedom of information and the protection of private life were submitted. The judgment was published, translated and disseminated.
CM/ResDH(2022)113	ESP / Saber and Boughassal	76550/13+	18/03/2019 18/12/2018	Protection of private and family life: <i>Disproportionate and unjustified interference due to expulsion orders issued</i>	Individual measures: No claim for just satisfaction submitted. In 2021, the expulsion orders against the applicants were definitively annulled.

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				<i>against Moroccan nationals - and long-term residents of Spain - following their criminal conviction to prison sentences of one year or more in automatic application of the relevant legislative provisions without an assessment of their personal and family circumstances. (Article 8)</i>	General measures: In 2020, the Supreme Court aligned its case-law on the application of the impugned provision of the Law on Rights and Freedoms of Aliens to the present judgment and put an end to the automatism previously existing between a criminal conviction of more than one year and an expulsion order with interdiction to re-enter the country. The judgments were published, translated and disseminated.
CM/ResDH(2022)143	ESP / Saquetti Ilesia	50514/13	30/09/2020 30/06/2020	Right of appeal in criminal matters: <i>Inability of the applicant to have a higher court review the imposition of a fine for an offence which, although classified as administrative under domestic law, was of a criminal nature in the light of the criteria developed by the European Court. (Article 2 of Protocol No. 7)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid as awarded. The reopening of the impugned proceedings and the review of the case was granted by the Supreme Court in November 2021, thus allowing the applicant to lodge an appeal in cassation against his conviction at first instance. General measures: In 2015, a legislative reform widened the criteria for access to appeals in cassation, in particular, by removing the €600,000 minimum threshold of the dispute. Furthermore, the Supreme Court, in its judgment of November 2021, adapted its case-law to the relevant European Court criteria to determine if an administrative fine has a criminal nature. In accordance with this general guidance, the high courts can hear appeals in cassation themselves and thus provide a second level of jurisdiction under the existing contentious-administrative appeals system. The judgment was published, translated and disseminated.
CM/ResDH(2022)319	EST / Kalda	35245/19	01/03/2022 01/03/2022	Protection of private and family life: <i>Disproportionate interference on account of the refusal to allow a life sentence prisoner to have short-term meetings with his wife without a glass partition, and failure to sufficiently substantiate in a context-specific manner, why security risks justified the refusal. (Article 8)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. General measures: In 2022, the Internal Prison Rules were changed by the Minister of Justice, allowing prisoners short-term visits without glass partitions by spouses, parents, grandparents, children and grandchildren, step-parents or foster parents, step-children or foster children, siblings as well as cohabitants if they have children or have cohabited for at

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					least two years, as listed in the Imprisonment Act. The judgment was translated, published and widely disseminated.
CM/ResDH(2022)300	FRA / Association BURESTOP 55 and others	56176/18+	01/10/2021 01/07/2021	Functioning of justice: <i>Disproportionate restriction of access to a court for an environmental protection association on account of the manifestly unreasonable denial of locus standi by the appellate court's decision upheld by the Court of Cassation to contest the accuracy of information on the management of radioactive waste communicated by a public agency. (Article 6 §1)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. Domestic law allows civil proceedings to be reopened, following a judgment of the Court, only in matters relating to the status of persons. Furthermore, the applicant associations acted together internally (identical requests) and, by its judgment of 23 March 2017, the Versailles Court of Appeal had rejected in substance the other five associations, whose appeals it had accepted as admissible. General measures: Isolated erroneous assessment by judges. Recent case-law examples of the Court of Cassation in similar environmental cases were submitted, in which appeals by associations were declared admissible (broad interpretation of the statutory purpose). The judgement was communicated to the Defender of Rights, the National Consultative Commission on Human Rights and the Ministry of Justice, which made it widely known to their offices. The judgment has been disseminated to the Court of Appeal concerned (Versailles) and the Court of Cassation and is available on the websites of Légifrance and the Defender of Rights. Finally, the judgment was widely disseminated to the general public and the specialized press.
CM/ResDH(2022)84	FRA / Aycaguer	8806/12	22/09/2017 22/06/2017	Protection of private and family life: <i>Disproportionate interference with regard to the applicant's refusal, in the context of a criminal sanction, to comply with the prosecutor's order to undergo biological testing, the result of which was to be included in the national computerised DNA database (FNAEG) and the fact that his refusal resulted in a criminal conviction. The Court underlined that no action had been</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant's criminal record in regard to his refusal was erased after a period of three years in 2014. General measures: Following the judgment, domestic courts adapted their case-law accordingly to avoid the prosecution and criminal conviction of persons refusing to undergo DNA testing for inclusion into the national database FNAEG. Subsequently, in 2021, the Code of Criminal Procedure and the provisions on the national computerised DNA database (FNAEG) were amended by decree in order to implement the

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				<i>taken upon the 2010 Constitutional Council's decision requiring a determination "of the duration of storage of such personal data depending on the purpose of the file stored and the nature and/or seriousness of the offences in question" and ruled that the regulations on the storage of DNA profiles in the FNAEG did not provide the subjects of data storage with sufficient protection. (Article 8)</i>	2010 Constitutional Council's decision requiring the determination of the duration of storage of such personal data depending on the purpose of the file stored and the nature and/or seriousness of the offences in question. Thus, the DNA profile of a person convicted of one of the offences referred to in section 706-55 of the Code of Criminal Procedure, is kept for 25 years and, exceptionally, for 40 years for acts considered to be of particular gravity. These periods are set at 15 and 25 years for minors. In addition, the decree lays down the detailed rules for the early erasure of DNA profiles. The judgment was published and widely disseminated.
CM/ResDH(2022)196	FRA / Bivolaru and Moldovan	40324/16+	25/06/2021 25/03/2021	Protection against ill-treatment: <i>Manifestly deficient protection of the second applicant's rights in the context of his surrender by France to Romania for the purpose of the execution of a prison sentence on the basis of a European arrest warrant (EAW) - due to the executing judicial authority's failure to establish the existence of a real risk of his ill-treatment on account of his future detention conditions in Romania, despite a sufficiently solid factual basis for refusing the execution of the EAW as well as failure of the French executing judicial authority to request additional information and assurances from Romania and to draw proper inferences from information obtained; as a result the application of the presumption of equivalent protection was rebutted. (Article 3)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant was conditionally released in 2019. General measures: The specificity of the case and its particular circumstances allowed the European Court to clarify the conditions for the application and/or rebuttal of the presumption of equivalent protection. The judgment was disseminated to all competent services, in particular, to the Office of International Mutual Assistance in Criminal Matters of the Ministry of Justice and the General Prosecutor's Office. Relevant training for magistrates will be organised. An analysis of the judgment will be published on the site of the Ministry of Justice as well as in a newsletter on issues relating to international mutual assistance in criminal matters.
CM/ResDH(2022)96	FRA / Dumeniil	63418/13	24/06/2021 24/06/2021	Functioning of justice: <i>Unfair criminal bankruptcy proceedings against the</i>	Individual measures: The finding of a violation constitutes sufficient just satisfaction for non-pecuniary damage. The

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				<i>applicant on account of a requalification of the charges at a belated stage and the resulting inadequate time and means to prepare his defence. (Article 6 § 3 a and b in conjunction with §1)</i>	applicant may request the reopening of the impugned proceedings under the Criminal Procedure Code. General measures: Violation due to the specific circumstances of the case. The judgment was published and disseminated, in particular to the National Consultative Commission on Human Rights, the Ministry of Justice and the Court of Cassation.
CM/ResDH(2022)383	FRA / Jarrand	56138/16	09/03/2022 09/12/2021	Right to liberty and security: <i>Arbitrary arrest and questioning at the police station without being formally taken into police custody and lack of a compensation award. (Article 5 §§1+5)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The criminal proceedings brought by the applicant with a view to compensation cannot be reopened. General measures: In 2010, at the time of the facts of the case, no separate legal regime existed to differentiate between the status of the witness and the accused, since they were both heard in the context of an open hearing. Legislation changed in 2014, when the Code of Criminal Procedure was amended, then by a law of 2019 which extended the Constitutional Council's decision of 2011 on the evolution of the regime of free hearing and police custody and determined that a person against whom coercion has been used during arrest can only be heard in the context of police custody. The free hearing of a person against whom there are reasonable grounds to suspect that he/she has committed or attempted to commit an offence is now strictly regulated, including the person's rights of defence. As concerns the right to compensation for arbitrary arrest and detention, the State is liable and has to compensate individuals when it is shown that the dysfunction is attributable to the public service of justice. The judgment was translated, published and widely disseminated.
CM/ResDH(2022)83	FRA / Laurent	28798/13	24/08/2018 24/05/2018	Protection of private and family life: <i>Unjustified interference due to the interception and perusal of correspondence (hand-written notes) between a lawyer and his clients by a police officer. (Article 8)</i>	Individual measures: The finding of a violation was sufficient just satisfaction for non-pecuniary damage. The confiscated papers were returned to the applicant. General measures: Isolated case. The judgment was published and disseminated, <i>inter alia</i> , by the Ministries of Justice and the Interior as well as by the <i>Defender of Rights</i> .

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CM/ResDH(2022)384	FRA / Quilichini	38299/15	14/06/2019 14/03/2019	Discrimination and protection of property rights: <i>Unjustified discriminatory treatment of the applicant, an illegitimate child, on the grounds of birth, in respect of succession rights on the basis of a notarial record of 1992. (Article 14 in conjunction with Article 1 of Protocol No. 1)</i>	Individual measures: Just satisfaction in respect of pecuniary (amount compensating the discriminatory difference in the division of the estate at issue) and non-pecuniary damage paid. General measures: The judgment was published and widely disseminated, in particular to the Court of Cassation. The violation was due to the specific circumstances of the case resulting from the application of the transitional provisions of Law 1135 of December 2001, which enshrines strict equality in inheritance between all legitimate children and those born out of wedlock. After March 2019, no case before the Court of Cassation required to rule on the application of these transitional provisions. Moreover, the 2019 reform of the Court of Cassation's judgments (subsequent to the facts of the case and its very specific and historic nature) requires enhanced reasoning when an infringement of a fundamental right or principle is alleged. To this end, in December 2018, the Court of Cassation offered methodological guidance to its magistrates as well as to the trial courts. Finally, specific disputes on inheritance divisions after the 2001 law, for which the heirs' rights had been previously established, are destined to disappear over time.
CM/ResDH(2022)195	FRA / Tête	59636/16	26/07/2020 26/03/2020	Freedom of expression: <i>Disproportionate interference due to the applicant's criminal conviction for malicious falsehoods on account of an open letter which he had written to the President of the French Financial Markets Authority (AMF), in which he accused the Olympique Lyonnais Group and its CEO of providing false and misleading information during the company's stock-market flotation. (Article 10)</i>	Individual measures: Just satisfaction for pecuniary damage (reimbursement of sums the applicant was required to pay to cover the costs incurred by the civil parties at first instance and on appeal) paid. The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. The applicant's request for reopening of the impugned criminal proceedings was granted, his conviction quashed by the Court of Cassation and the case returned to the Court of Appeal in a different composition. The applicant's conviction was erased from the criminal records. General measures: The judgment was published and widely disseminated to the authorities concerned, in particular to the Court of Appeal and the Court of Cassation. The present

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					<p>judgment is now explicitly mentioned under the relevant provision of the Penal Code on slanderous denunciation. Moreover, since 2016, the Court of Cassation shows, in its case-law, a definite alignment to the European Court's case-law on freedom of expression when analysing the proportionality of sanctions imposed for statements made.</p> <p>Finally, the Court of Cassation has been engaged, since 2014, in a gradual reform of the drafting of decisions. In 2018, it published, for all courts, a Memorandum on ECHR Compliance Control, which also presents a methodology for the proportionality test. Since 2019, all its decisions are written in a direct style and all its judgments contain an in-depth reasoning, in particular, when complaints on alleged infringements of fundamental rights or principles (and/or when a proportionality test) isare concerned.</p>
CM/ResDH(2022)385	GEO / Amiridze	15351/09	26/03/2020 26/03/2020	<p>Individual application: <i>Interference with the applicant's right of individual application given the authorities' failure to ensure confidential communication in the meeting room designated for lawyer-client meetings. (Article 34)</i></p>	<p>Individual measures: Just satisfaction in respect of non-pecuniary damage paid.</p> <p>General measures: In 2018, the Ministry of Corrections merged with the Ministry of Justice and a Special Penitentiary Service was established as an MoJ sub-agency. The MoJ Strategy and 2019-2020 Action Plan on the Development of the Penitentiary and Crime Prevention Systems strengthened, <i>inter alia</i>, the rights of defendants, convicts and visitors. As concerns client-lawyer meeting conditions: the detained accused/convict has the right to meet a lawyer without any restrictions or interference. Meetings can be visually observed remotely by recording, however with no audio. The accused/convict is informed in writing of his/her rights and responsibilities, including the right to file a complaint. The judgment was translated, published and widely disseminated. It is used in training of penitentiary staff.</p>

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CM/ResDH(2022)158	GEO / Gelenidze	72916/10	07/02/2020 07/11/2019	Functioning of justice: <i>Unfair criminal proceedings due to the infringement of the applicant's rights to be informed promptly of the accusation against her and to be provided with adequate time and facilities for the preparation of her defence on account of the arbitrary legal reclassification of the offence for which she had been convicted on appeal and the lack of adequate time to adjust her defence to the new charges following the late submission of the prosecutor's application to reclassify her offence. (Article 6 §§1 and 3a+b)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. In November 2020, in reopened proceedings, the applicant was acquitted. General measures: under the joint Programme between the European Union and the Council of Europe, research was conducted on the application of the ECHR standards by the common courts in 3,000 judgments rendered in the period 2013-2016. More recent examples of domestic case-law with regard to Article 6 and the termination of prosecution following decriminalisation or reduction of penalties were submitted. The judgment was published, translated and disseminated.
CM/ResDH(2022)85	GEO / Kadagishvili	12391/06	14/08/2020 14/05/2020	Protection against ill-treatment: <i>Lack of adequate medical treatment in prisons and degrading conditions of detention, in particular due to overcrowding. (Article 3)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicants are no longer detained. General measures: See CM/ResDH(2014)209 and CM/ResDH(2019)298 in the <i>Ghvtadze</i> group of cases as well as CM/ResDH(2017)181 in the <i>Aliev</i> case.
CM/ResDH(2022)56	GEO / Sakvarelidze	40394/10	06/06/2020 06/02/2020	Right to life: <i>Ineffective investigation into fatal road traffic accident resulting in discontinuation of criminal proceedings against the driver as time-barred. (Article 2-procedural wing)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The reopening of the impugned investigation is time-barred. General measures required in response to the shortcomings found continue to be examined within the framework of the Tsintsabadze group of cases.
CM/ResDH(2022)57	GEO / Uchashvili	62866/19	29/09/2020 Friendly settlement	Protection against ill-treatment and lack of a remedy: <i>Allegation of ill-treatment by police and lack of effective investigations. (Article 3)</i>	Individual measures: Ex gratia settlement covering pecuniary and non-pecuniary damages paid. The criminal proceedings against the applicant were terminated in 2020. General measures: None.

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CM/ResDH(2022)386	GER / Dridi	35778/11	26/10/2018 26/07/2018	Functioning of justice: <i>Unfair criminal proceedings due to the serving of the summons to a hearing by public notification and the resulting insufficient time given and lacking adequate opportunity to access the court's case file for the defence to prepare for the hearing, which had not been adjourned, and attend it. (Article 6 §§1 and 3(c) and Article 6 §§1 and 3(b)+(c))</i>	Individual measures: The finding of a violation constitutes sufficient just satisfaction for the non-pecuniary damage. In reopened proceedings the applicant was acquitted without a new hearing due to insufficient evidence. General measures: Violation caused by an inadequate application of the relevant statutory regulations by domestic courts in the specific case. The judgment was translated, published and widely disseminated.
CM/ResDH(2022)331	GRC / Alpha Doryforiki Tileorasi Anonymi Etaireia and 1 other case	72562/10+	22/05/2018 22/02/2018	Freedom of expression: <i>Disproportionate interference due to the sanctions imposed on the applicant company by domestic authorities following the broadcastings of secretly filmed video-recordings and, in the second case, by the civil courts' ordering a newspaper editor to pay compensation for damages to the plaintiff's honour and reputation following the publication of articles in the press. (Article 10)</i> Other violation: <i>Excessive length of proceedings before the Supreme Administrative Court. (Article 6 §1)</i>	Individual measures: Just satisfaction in respect of pecuniary (amount of the fine imposed and paid) and non-pecuniary damage paid. The first applicant company did not avail itself of the opportunity to request reopening of the impugned administrative proceedings. General measures required in response to the violations established continue to be examined within the framework of the <i>Vasilakis</i> (25145/05) group of cases.
CM/ResDH(2022)159	GRC / Athanasiou and Others	53576/12	25/11/2021 25/11/2021	Functioning of justice: <i>Excessive length of civil proceedings and lack of a remedy. (Articles 6 §1 and 13)</i>	Individual measures: Just satisfaction under the friendly settlements or for non-pecuniary damage as awarded by the Court, was paid to the respective applicants. All domestic proceedings closed. General measures: See CM/ResDH(2015)231 in <i>Glykantzi</i> . The facts of the present case occurred before the adoption of measures to accelerate proceedings and the enactment of compensatory remedies.
CM/ResDH(2022)87	GRC / Chatzigiannakou	58774/12	18/10/2019 18/07/2019	Protection of property rights and lack of an effective remedy: <i>Disproportionate</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant did not request reopening of the

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				<i>interference due to the authorities' failure to enforce a decision entailing the demolition of parts of a building, on account of its non-compliance with anti-seismic regulations, adjacent to the applicant's building and thus allegedly at risk of possible collapse. (Articles 1 of Protocol No. 1 and 13)</i>	<p>impugned proceedings. In 2021, the competent department of the Municipality of Athens revoked the inspection report of 2001 at the basis of the adoption of the 2001 decision, which had failed to be enforced. As a result, this decision had lost its legal basis and thus the existing anti-seismic construction joints of the building adjacent to the applicant's house were regularized on the basis of the revised permits, which had become final in 2002.</p> <p><u>General measures:</u> See CM/Res(2019)243 in <i>Dactylidi</i> group of cases. Moreover, in 2020, the Council of State clarified its case-law on demolition orders, ruling that, in the event of new relevant facts appearing after the initial decision had been taken, a new administrative investigation may be carried out, possibly resulting in a fresh decision on its basis. The judgment was translated, published and disseminated.</p>
CM/ResDH(2022)114	GRC / Fourkiotis	74758/11	16/09/2016 16/06/2016	Protection of private and family life: <i>Authorities' failure to take speedy and practical measures to secure a father's access rights to his two children in enforcement of a court order. (Article 8)</i>	<p><u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. Following the Court's judgment, the Department for the Protection of Children intervened in the applicant's communication with his children. Sessions with parents and children provided guidance and support, as a result of which the applicant's access to his children was partially restored.</p> <p><u>General measures</u> to address the problem of delays in judicial proceedings concerning children's custody shall continue to be examined in the context of <i>Anagnostakis and Others</i> (46075/16).</p> <p>In 2021, reformed legislation on parent-child relations, other family law issues and related urgent provisions entered into force, modernizing the established system in light of the principle of the child's best interests in accordance with the International Convention on the Rights of the Child. National courts shall take into account that, in general, the child's best interest requires the substantive participation of both parents in his/her upbringing and care as well as the maintenance of stable parental relations with both parents. Hence, in case of</p>

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					divorce/separation, parental care is exercised jointly and equally. Mediation is encouraged in cases of disagreements about or of failure to comply with a custody agreement. The parent with whom the child resides shall facilitate and promote communication between the child and the other parent on a regular basis. The downgrading of communication with the other parent is to be qualified as a misuse of parental responsibility by the competent family court. The judgment was published, translated and disseminated.
CM/ResDH(2022) 263	GRC / Georgakopoulos and Others	24189/11	19/12/2019 19/12/2019	Functioning of justice and lack of an effective remedy: <i>Delayed compliance of the municipality with a judicial decision recognising the applicants as beneficiaries of compensation for the expropriation of their land and subsequent lack of award for non-pecuniary damage on account of this excessive delay as well as lack of an effective remedy. (Articles 6 §1 and 13)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The compensation for expropriation, including default interest, was finally paid to the applicants in 2018 and 2019 respectively. General measures required in response to the violation found concerning the lack of an effective remedy to ensure the enforcement of domestic judgments are examined in the framework of the <i>Beka-Koulocheri</i> (38878/03) group and <i>Mastrogiannis</i> case (34151/13); issues relating to the non-enforceable character of the decision fixing the amount of compensation in expropriation proceedings continue to be examined in the context of the case <i>Koutsokostas</i> (64732/12).
CM/ResDH(2022) 124	GRC / Kallergis	37349/07	02/07/2009 02/04/2009	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 the Court of Cassation for lack of an appeal registration report which was due to an error of the registrar. (Article 6 §1)</i>	Individual measures: No claim for just satisfaction submitted. The proceedings were reopened and the impugned Court of Cassation's judgment was quashed. The applicant's appeal in cassation was heard on the merits and was rejected in 2011. General measures: In 2018, the Court of Cassation's President issued a Circular addressed to all criminal judges' giving guidance on the interpretation of inadmissibility grounds to avoid excessive formalism. In 2021, the Code of Criminal Procedure was amended to provide that shortcomings and errors attributed to the registrar responsible for the drafting of the report do not constitute grounds for inadmissibility of the appeal. In the event of a failure to meet a formality by the

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					appellant or his lawyer, the competent prosecutor is obliged to invite them to provide clarifications or to rectify the error within a specific deadline. The Explanatory Report to the 2021 amendment explicitly refers to the present judgment. See also CM/ResDH(2021)380 in <i>Vamvakas</i> group. Concerning the excessive length of criminal proceedings, see CM/ResDH(2015)231 in <i>Michelioudakis</i> group. The judgment was published, translated and disseminated.
CM/ResDH(2022)290	GRC / Kanellopoulou and 3 other cases	28504/05+	31/03/2008 11/10/2007	Freedom of expression: <i>Disproportionate interference due to the criminal convictions imposed on the applicants for malicious defamation, defamation or insult following the publication of articles/comments in newspapers. (Article 10)</i> <i>Other violation: Excessive length of civil proceedings (Kanellopoulou). (Article 6 §1)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid in three cases. In one case, the finding of a violation constituted sufficient just satisfaction. Three of the cases have been reopened, leading either to the termination of the criminal prosecution or to the reduction of the sentence imposed. One applicant did not request reopening of the impugned proceedings. General measures required in response to the violations established in these cases continues to be examined within the framework of the <i>Katrami</i> case (19331/05). Concerning the issue of excessive length of civil proceedings, see CM/ResDH(2015)231 in the <i>Glykantz</i> group.
CM/ResDH(2022)389	GRC / Krassas and Loizou	45957/11+	28/09/2018 28/06/2018	Right to liberty and security: <i>Failure to bring the first applicant promptly before a judge due to an omission in the Code of Criminal Procedure and failure to examine and decide "speedily" an application for release from pre-trial detention and on the lawfulness of the applicant's detention. (Article 5 §§3+4)</i> <i>The second case concerns the prolongation of the applicant's pre-trial detention beyond the first six months without a judicial decision and the Indictment Division's delay</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. Both applicants were released in 2011 and 2017, respectively. General measures: Concerning the violation of Article 5 §3, Law 3904/2010 addressed the lack of an automatic judicial detention review procedure, requiring a decision by the judicial authorities on the extension of the validity of any warrant or extension to a pre-trial detention. The 2019 Code of Criminal Procedure expressly refers to the need for the re-examination of any arrest warrant or pre-trial detention when the accused is arrested following an arrest warrant issued in the context of a direct summons procedure. Moreover, the application of the procedure of direct summons was limited to significantly fewer

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				<i>to decide on the lawfulness of the applicant's detention. (Article 5 §§1+4)</i>	crimes. The violation is thus of a historic character. Concerning the violation of Article 5 §1, the 2019 Criminal Code abolished the possibility to convert a prison sentences to a pecuniary penalty, thus preventing similar violations as in the <i>Loizou</i> case. Concerning the delays in deciding on the lawfulness of the applicants' detention, the Prosecutor of the Court of Cassation issued two circulars, in 2019 and 2022 respectively, providing that detention review has to be conducted speedily. The judgments were translated, published and widely disseminated. Awareness-raising activities were organised.
CM/ResDH(2022)46	GRC/ Kargakis	27025/13	14/04/2021 14/01/2021	Protection against ill-treatment: <i>Poor conditions of detention in overcrowded prisons and the lack of effective remedies in this respect. (Articles 3 and 13)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. The applicant was released. <u>General measures</u> required in response to the shortcomings found by the Court in the present judgment continue to be examined within the framework of the Nisiotis group of cases.
CM/ResDH(2022)30	GRC / Kydonis and 2 other cases	24444/07+	02/07/2009 02/04/2009	Freedom of expression: <i>Disproportionate interferences due to journalists' and publishers' criminal convictions imposed for defamation or insult. (Article 10)</i>	<u>Individual measures:</u> Just satisfaction for pecuniary and/or non-pecuniary damage paid as awarded. The applicants did not request the reopening of the impugned proceedings. <u>General measures:</u> The judgment was published, translated and disseminated.
CM/ResDH(2022)387	GRC / Liamberi and Others	18312/12	08/03/2021 08/10/2020	Protection of property rights: <i>Disproportionate interference due to the domestic courts' interpretation and automatic application of the Mount Athos monastery privileges combined with lacking legal safeguards in the context of judicial proceedings (2002-2011) for the recovery of land, acquired by the applicants by testamentary or hereditary succession and subsequently sold, resulting in the applicants' obligation to reimburse the sale</i>	<u>Individual measures:</u> Just satisfaction in respect of pecuniary (loss of opportunity) and non-pecuniary damage paid. <u>General measures:</u> By laws adopted between 1995 and 2013, the national land registry (cadastre) was established and set in force. Cadastral surveys were first implemented between 1995-2000 and again in 2008. The national cadaster ultimately ensures legal certainty concerning rights on land property as all property rights are to be registered, including the rights of the State and other legal entities as the Church of Greece and monasteries. Additional safeguards are provided by the Civil Code of 1946, as hereditary or testamentary acquisition of land property presupposes acceptance of the inheritance and its

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				<i>price to the purchaser. (Article 1 of Protocol No. 1)</i>	registration at the local land registry office or the national cadastre. Isolated nature of the Court of Cassation's conclusion concerning the applicants' lack of access to the monastery's registry of monks. The judgment was translated, published and widely disseminated.
CM/ResDH(2022)125	GRC / Mehmood	77238/16	25/06/2021 25/03/2021	Right to life: <i>Failure to conduct effective investigations into an arguable claim of medical negligence, which led to the death of the applicant's wife in a public hospital's maternity ward. (Article 2 procedural)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The reopening of the impugned investigation has become time-barred. General measures: Isolated occurrence. In 2019, the Code of Criminal Procedure was amended to grant civil parties to criminal proceedings access to the case file at the moment the suspect is called to provide explanations. The judgment was published, translated and disseminated to all authorities concerned, including the President of the Medical Association.
CM/ResDH(2022)97	GRC / Moustakidis and 1 other case	58999/13+	27/01/2020 03/10/2019 Merits 29/01/2021 29/10/2020 Just satisfaction	Protection of property rights: <i>Disproportionate interference due to the domestic courts' refusal to examine, in a single procedure, the applicants' compensation claims concerning expropriated land and to adjudicate on specific aspects of their claim for compensation. (Article 1 of Protocol No. 1)</i>	Individual measures: Just satisfaction for pecuniary and non-pecuniary damage paid. Reopening of civil proceedings is not possible under domestic law. General measures: The Court of Cassation, in several judgments from 2004 to date, has aligned its case-law with the European Court's findings. Regarding the requirement of an overall assessment of the consequences of an expropriation, the Court of Appeal is now competent to rule on the overall amount of compensation to be awarded for the value of the expropriated land, see CM/ResDH(2011)217 in <i>Azas</i> . The judgment was published, translated and disseminated. The domestic courts' refusal to examine the seeking of the payment of compensation for the expropriation at the same time as assessing the final amount payable continues to be examined within the context of the <i>Koutsokostas</i> case (64732/12).

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CM/ResDH(2022)126	GRC / Papachela and AMAZON S.A.	12929/18	19/04/2021 03/12/2020	Protection of property rights: <i>Disproportionate interference due to the authorities' inactivity in response to the squatting of the applicant's hotel by migrants despite an eviction order by the Justice of Peace. (Article 1 of Protocol No. 1)</i>	Individual measures: The European Court awarded just satisfaction for pecuniary (loss of business) and non-pecuniary damage. In the payment process, the authorities set off the amounts awarded as pecuniary damage against the applicants' social security contributions due and tax debts. General measures: Isolated occurrence. The judgment was published, translated and disseminated to all authorities concerned. The legal obligation of the police to assist State bailiffs in the enforcement judicial decision was underlined in a circular letter issued by the Chief of Police.
CM/ResDH(2022)108	GRC / Sakir	48475/09	24/06/2016 24/03/2016	Protection against ill-treatment: <i>Lack of effective investigations into the assault on a migrant of Afghan nationality, including the authorities' failure to take into account the possibility of a racist motive. (Articles 3)</i>	Individual measures: No claims made with regard to just satisfaction. Domestic investigations into the identity of the perpetrators were reopened. In November 2016, the applicant was summoned as a witness. However, as the applicant's whereabouts could not be established, the prosecutor shelved the case. General measures: In 2015, the definition of a hate crime under the Criminal Code abolished the prerequisite that the perpetrator felt hate for the victim. The victim's selection on the basis of his/her characteristics (race, colour, religion, descent, national or ethnic origin, sexual orientation, gender or disability) is sufficient to fall under the term "hate-motivated crime". Enhanced penalties for hate crimes were provided for. Two police departments specialised in the fight against racist violence and Special Public Prosecutors for racist violence were appointed. In 2018, the Prosecutor of the Court of Cassation issued a circular underlining the need to investigate the motives of each violent act and to display appropriate severity when responding to racially motivated acts of violence. Concerning national policies, in 2015, the National Council against Racism and Intolerance, an advisory inter-ministerial body, was tasked with their further development. Statistical data concerning racially motivated incidents and case-law examples of related criminal investigations and charges were

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					submitted. The judgment was published, translated and disseminated.
CM/ResDH(2022)390	GRC / Serifis and 5 other cases	27695/03+	02/02/2007 02/11/2006	Protection against ill-treatment and effective remedy: <i>Delays or shortcomings in providing medical treatment to prisoners and lack of an effective remedy. (Articles 3 and 13)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. Five applicants were released; one applicant remained in detention receiving now appropriate treatment and medical monitoring. General measures: In 2018, the Korydallos prison hospital was integrated into the National Health System. As a result, the Special Health Centre for Prisoners of Korydallos operates as a health unit subject to supervision by the Ministry of Health providing for primary medical care, therapies and medical counselling. Medical care and treatment in public hospitals is provided to all detainees, if need be, at public expense. The 2019 Criminal Code and the 2019 Code of Criminal Procedure enabled persons with serious health problems convicted by criminal courts to serve their sentences at home and to allow detainees with less serious health problems access to early release schemes. Persons with health problems may be imposed house arrest instead of pre-trial detention. The judgments were translated, published and widely disseminated.
CM/ResDH(2022)291	GRC / Soutzos	31628/14	28/04/2022 28/04/2022	Functioning of justice: <i>Excessive length of civil proceedings. (Article 6 §1)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. Domestic proceedings closed. General measures: See CM/ResDH(2015)231 in the <i>Glykantzi</i> group.
CM/ResDH(2022)160	GRC / Stavropoulos and Others	52484/18	25/09/2020 25/06/2020	Freedom of religion: <i>Unnecessary and unlawful interference with the right not to manifest one's belief due to the registry office's referring, in the applicant's daughter's civil birth registration act, to the acquisition of her name by "naming" - as opposed to "christening" - thus revealing</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The reference to the term "naming" was deleted from the civil register by the Registrar. In 2021, the Council of State admitted the parents' application and annulled the birth registration act as well as its inclusion in the municipal birth registry in as far as the term "naming" was concerned. As the

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				<i>the parents' choice not to christen their child. (Article 9)</i>	original birth registration act seemed to remain accessible in the registry, the applicants alleged the non-compliance of the Council of State judgment. However, the applicants did not avail themselves of the procedure before the competent three members council of compliance of the Council of State and thus did not obtain the required Council of State's declaration of non-implementation of the prior judgment. <u>General measures:</u> In 2021, the Ministry of the Interior published and disseminated instructions on the implementation of legislation concerning the registration of a person's forename in the birth registration acts to all Civil Registrars. The judgment was published, translated and disseminated.
CM/ResDH(2022) 29	GRC/ Vamvakas (No. 2)	2870/11	14/09/2015 09/04/2015	Functioning of justice: <i>Unfair criminal proceedings due to the dismissal of the applicant's appeal on points of law owing to the unexplained absence of the court-appointed lawyer despite the Court of Cassation's obligation to ensure the practical and effective respect for the applicant's defence rights. (Article 6 §§1+3c)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid to the applicant. The applicant did not request the reopening of the impugned proceedings. <u>General measures:</u> In 2021, the 2004 law on "Procedure for legal aid in criminal cases – Counsel's appointment" was amended to provide that, in case of the counsel's non-attendance, the case be adjourned <i>ex officio</i> . The judgment was published, translated and disseminated.
CM/ResDH(2022) 303	GRC / Venios and 1 other case	33055/08+	05/10/2011 05/07/2011	Right to liberty and security: <i>Involuntary placement in psychiatric clinics and authorities' failure to respect the deadlines and the procedure set by domestic law regulating involuntary placement in a psychiatric facility. (Article 5 §1e)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. Both applicants were released in 2008 and 2009, respectively. <u>General measures:</u> The violation stems from the non-respect of procedural requirements and deadlines. In 2012, the Public Prosecutor's Office sent a circular letter to all Prosecutor's Offices requesting the application of the legal requirements. Moreover, in 2012, the Minister of Health called on regional health units to also draw the public hospitals' attention to those regulations. In 2017, committees for the supervision of the protection of rights of mental patients were set up.

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					<p>Subsequently, in 2021, two circulars of the Prosecutor of Court of Cassation raised the prosecutors' awareness on the requirements of the 1992 Law on involuntary placement in psychiatric facilities and on the Ministerial Decision of 2020 on involuntary placement in private psychiatric facilities. In 2022, Law no 4931 provided that the transfer of allegedly mentally ill persons for examination or hospitalization ordered by the competent prosecutor shall be carried out under safe conditions and with respect for the patient's personality and dignity. Furthermore, the prosecutor's order for the person's transfer shall be addressed both to a Community Mental Health Unit of the place of residence or stay as well as to the competent Police Department. The judgments were translated, published and widely disseminated. They were used in training activities for judges and prosecutors.</p>
<p>CM/ResDH(2022)388</p>	<p>GRC / Vontas and Others and 2 other cases</p>	<p>43588/06+</p>	<p>06/07/2009 05/02/2009</p>	<p>Protection of property rights: <i>Unjustified interference due to the domestic courts' assessment of claims over land ownership against the state or legal entities vested with state privileges ignoring concrete evidence pointing to the applicants' ownership, contrary to the principle of legal certainty. (Article 1 of Protocol No. 1)</i></p>	<p>Individual measures: In <i>Vontas and Others</i> the Court indicated that the most appropriate redress would be to restore the applicant's rights to the land. However, this was not possible in the domestic legal system due to the <i>res judicata</i> effect of Court of Cassation final judgments. Domestic legislation provided a possibility to the applicants to raise a compensation claim for pecuniary damage against the State, which was not taken and became time-barred in 2014. In <i>Zafranas</i>, the just satisfaction in respect of non-pecuniary damage was duly paid. Concerning pecuniary damage, the authorities refrained from reclaiming the expropriation compensation already awarded to the applicants. In <i>Kosmas and Others</i>, just satisfaction in respect of pecuniary and non-pecuniary damage paid.</p> <p>General measures: By laws adopted between 1995 and 2013, the national land registry (cadastre) was established and put in force. Cadastral surveys were first implemented between 1995-2000 and again in 2008. The national cadaster will ensure legal certainty concerning rights on land property as all property rights are to be registered, including the rights of the State and</p>

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					other legal entities as the Church of Greece and monasteries. In 2019, the European Regional Development Fund (ERDF) invested €84 million in the completion of the Greek "cadastre", the land registry system, covering an additional 4,000 municipalities, including rural and mountainous areas. The judgments were translated, published and widely disseminated.
CM/ResDH(2022)395	HUN / Á.R.	20440/15	17/10/2017 17/10/2017	Protection against ill-treatment: <i>Poor detention condition amounting to ill-treatment. (Article 3)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. The applicants are no longer detained. <u>General measures</u> required in response to the shortcomings found by the Court in this judgment continues to be examined within the framework of the <i>István Gábor Kovács and Varga and Others</i> groups of cases.
CM/ResDH(2022)163	HUN / Bakos and Others and 9 other cases	29644/13+	07/01/2016 07/01/2016	Protection against ill-treatment and lack of a remedy: <i>Poor conditions of pre-trial and post-conviction detention resulting mainly from a structural problem of overcrowding and lack of effective preventive and compensatory remedies in this respect. (Articles 3 and 13)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. Some of the applicants were released, and others are being detained in conditions meeting the minimum standards for personal living space. <u>General measures:</u> required in response to the shortcomings found continue to be examined within the framework of the <i>István Gábor Kovács and Varga and Others</i> groups of cases.
CM/ResDH(2022)164	HUN / Balogh and 7 other cases	80104/12+	14/12/2017 14/12/2017	Functioning of justice and lack of a remedy: <i>Excessive length of judicial proceedings in civil, criminal and administrative matters and lacking remedy in this respect. (Articles 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 by the Court in these judgments continue to be examined within the framework of the <i>Gazsó</i> group of cases.
CM/ResDH(2022)393	HUN / Balogh and 2 other cases	36630/11+	09/02/2016 09/02/2016	Functioning of justice: <i>Excessive length of judicial proceedings and the lack of an effective remedy in this respect. (Articles 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>Gazsó</i> group of cases

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CM/ResDH(2022)349	HUN / Borbala Kiss and 9 other cases	59214/11+	26/09/2012 26/06/2012	Protection against ill-treatment: <i>Ill-treatment law enforcement officers during arrest, transfer and detention, as well as the lack of effective investigations into these allegations. (Article 3 substantive and procedural limb)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. the prosecution re-examined the applicants' individual cases and established that the reopening of the criminal investigations or the opening of disciplinary proceedings against the law enforcement officers was not possible due to prescription. General measures required in response to the shortcomings found continue to be examined within the framework of the Gubacsi (44686/07) and the Balázs (15529/12) groups of cases.
CM/ResDH(2022)5	HUN / Cavani	5493/13	28/01/2015 28/10/2014	Protection of private and family life: <i>Failure of authorities to ensure a divorced father's reunification with his children and their return to Italy for a period of more than seven years despite a binding court decision. (Article 8)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The first applicant and his ex-wife reached an agreement pursuant to which the children would remain with their mother in Hungary and visit their father in Italy several times per year. General measures: The judgment was published, translated and disseminated.
CM/ResDH(2022)162	HUN / Kökeny and 1 other case	36653/20+	10/06/2021 10/06/2021	Right to liberty and security: <i>Excessive length of pre-trial detention. (Article 5 §3)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicants were released from pre-trial detention or have been sentenced to imprisonment. General measures: required in response to the shortcomings found continue to be examined within the framework of the X.Y. group of cases (No. 43888/08).
CM/ResDH(2022)71	HUN / Metalco Bt.	34976/05	20/06/2011 01/02/2011 Merits 22/10/2012 26/06/2012 Revision	Functioning of justice and protection of property rights: <i>Unlawful interference due to the continued seizure by the tax authorities of the applicant company's share held in another company to secure tax litigation debts, the share ending up losing its value as well as unfair tax proceedings due to an infringement of the principle of equality of arms, on the grounds of the respondent authority's unlawful omission</i>	Individual measures: Just satisfaction for pecuniary and non-pecuniary damage was deposited at Budapest Regional Court in September 2011. The National Tax and Customs Administration launched a distribution procedure as a creditor at the Pécs Court of Appeal for the amount deposited, which was finalised in July 2016. General measures: The judgment was published, translated and disseminated, in particular, to the National Office for the Judiciary and the tax authorities. The violation found in

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				<i>to hold an auction and the subsequent appeal court's mechanical application of the principles related to burden of proof subsequent to requesting the applicant company to prove a hypothetical fact. (Articles 6 §1 and 1 of Protocol No. 1)</i>	connection with the applicant's right to a fair trial constituted an isolated occurrence.
CM/ResDH(2022)161	HUN / Panyik	12748/06	12/10/2011 12/07/2011	Functioning of justice: <i>Unfair civil proceedings due to the applicant's legitimate doubt as to the impartiality of the tribunal as the judge in charge of the appeal had voluntarily declared himself biased in a previous case involving the applicant on account of their daily work relationship. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant did not have the opportunity to request the reopening of the impugned proceedings, neither did he initiate an action for damages under the "Former Code of Civil Procedure". General measures: The violation found constituted an isolated incident stemming from the erroneous application of the rules governing disqualification of judges in this specific case. The possibility of reopening of civil cases following a European Court's judgment was introduced in the new Code of Civil Procedure, which entered into force in 2018. Prior to that, in 2014, the Civil Code rules allowed liability for damage caused in the exercise of administrative functions to be applicable <i>mutatis mutandis</i> on compensation claims for damage caused in the exercise of judicial functions. Recent examples of domestic case-law dealing with the requirements of impartiality were submitted. In 2016, the National Office for the Judiciary conducted a targeted survey on the domestic court's practice concerning exclusions for bias and held various related training activities. The judgment was published, translated and disseminated.
CM/ResDH(2022)165	HUN / Sandor Lajos Kiss and 2 other cases	26958/05+	29/12/2009 29/09/2009	Functioning of justice: <i>Unfair criminal proceedings due to the appellate courts' upholding criminal convictions held in camera without holding a public hearing despite the applicants' request. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. In two of the cases, the Supreme Court allowed for a review in 2010 and, after remittal, the court of appeal terminated the criminal proceeding on the basis of statutory limitations. In the third case, the petition for review of a prior decision to reject the applicants' request for reopening was

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					dismissed, as such a decision cannot be challenged even in the case of a violation established by the European Court. <i>General measures:</i> In 2005, the Constitutional Court annulled the impugned provision of the Code of Criminal Procedure permitting, in general, in camera sessions to be held on appeal. New provisions entered into force in 2006 - and were included in the new Code of Criminal Procedure of 2018 - specifying in a closed list, the cases in which the second instance court may decide on an appeal in an <i>in camera</i> session. They enshrine the additional guarantee that an appeal may be dealt with in camera only if none of the parties, having been informed by the President of the Chamber, requests that a public hearing be held. The judgments were published, translated and disseminated.
CM/ResDH(2022)392	HUN / Süveges and 11 other cases	50255/12+	02/05/2016 05/01/2016	Right to liberty and security: Excessive length and other irregularities of the applicants' pre-trial detention. (Article 5 §§3+4)	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicants are no longer detained on remand. <i>General measures</i> required in response to the shortcomings found continue to be examined within the framework of the X.Y. group of cases (No. 43888/08).
CM/ResDH(2022)394	HUN / Szerdahelyi and 5 other cases	30385/07+	17/04/2012 17/01/2012	Freedom of assembly: Unjustified or unlawful interference due to the authorities' ban on a series of demonstrations which the applicants intended to organise. (Article 11)	<i>Individual measures:</i> The finding of a violation constituted sufficient just satisfaction for any non-pecuniary damage in the cases of <i>Körtvélyessy, Körtvélyessy (No. 2)</i> , and <i>United Civil Aviation Trade Union and Csorba</i> . Just satisfaction for non-pecuniary damage paid in the remaining cases. <i>General measures</i> required in response to the shortcomings found continue to be examined within the framework of the <i>Patyi and Others</i> group of cases.
CM/ResDH(2022)70	HUN / Uj	23954/10	19/10/2011 19/07/2011	Freedom of expression: Disproportionate interference due to a journalist's criminal conviction for defamation in respect of a newspaper article criticizing wine produced	<i>Individual measures:</i> No claims in terms of just satisfaction were made by the applicant. In reopened proceedings, the impugned judgment was quashed, and the applicant acquitted.

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				<i>by a state-owned company, thereby expressing a value judgment or opinion whose primary aim was to raise awareness about the disadvantages of state ownership rather than to denigrate the quality of the company's products. (Article 10)</i>	General measures: The violation at issue originated from the domestic courts' (including the Supreme Court's) failure to make an appropriate distinction between statements of fact and value judgments as well as the difference between the commercial reputational interests of a company and the reputation of an individual concerning his or her social status, in the context of criminal proceedings. In 2014, the Constitutional Court, in its review of an individual case, provided important guidance to the judiciary on the distinction between facts and assessments which are relevant to the contestation of public issues. The judgment was published, translated and disseminated to all domestic courts. It was also used in training activities of the National Office for the Judiciary.
CM/ResDH(2022)48	ISL / Guðmundur Andri Ástráðsson	26374/18	01/12/2020 Grand Chamber	Functioning of justice: <i>Judicial appointment procedure: Infringement of the applicant's right to a "tribunal established by law" in proceedings before the newly-established Court of Appeal due to the participation of a judge whose appointment was found to constitute manifest and grave breaches of domestic rules on the matter. (Article 6 §1)</i>	Individual measures: The finding of a violation was sufficient just satisfaction for non-pecuniary damage. The European Court refused to indicate an obligation to reopen the applicant's case, and as of present the applicant has not availed himself of the opportunity under domestic law to request reopening of the impugned proceedings before the newly established Court on Reopening of Judicial Proceedings. General measures: Art. 46 – indication: No obligation to reopen all similar cases that had since become res judicata in accordance with Icelandic law. However, the parties to these cases may apply for reopening before the Court on Reopening of Judicial Proceedings, who already have granted reopening in several cases on the basis of findings by the European Court. Immediately after the ECHR's Chamber judgment, no new Court of Appeal cases were allocated to the four irregularly appointed judges. All Court of Appeal judges have now been appointed in full compliance with the domestic legal framework and procedures in accordance with the ECHR requirements. In 2020, the Minister of Justice adopted guidelines in case he/she

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					departs from the Evaluation Committee's public proposals for the appointment of judges, in which case the Parliament's approval is required. Moreover, the Supreme Court clarified the interpretation of relevant domestic provisions on the voting method, thus giving guidance to the Parliament should similar circumstances arise. The judgment was published, translated and disseminated.
CM/ResDH(2022)396	ISL / Johannesson and Others and 2 other cases	22007/11	18/08/2017 18/05/2017	Right not to be tried or punished twice: <i>Breach on account of the tax authorities imposition of surcharges due to the applicants' failure to declare all relevant information. Later, the applicants were also criminally indicted for the same offences and subsequently convicted by domestic courts. (Article 4 of Protocol No. 7)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. Following the establishment of the new Court on Reopening of Judicial Proceedings in 2018, the applicants' criminal proceedings were reopened by that court and subsequently the criminal convictions impugned by the European Court were quashed by the Supreme Court. General measures: In 2018, the Supreme Court adapted its jurisprudence to the findings of the <i>Johannesson and Others</i> judgment. In April 2019, a special committee was established by the Ministry of Justice as well as the Ministry of Finance and Economic Affairs to submit proposals for the necessary legislative and/or procedural amendments. In April 2021, the Act on the investigation and prosecution of tax offences was passed by Parliament to make the tax system more transparent and efficient, by drawing a clear distinction between criminal and administrative proceedings. The judgments were translated, published and widely disseminated.
CM/ResDH(2022)350	ITA / Arnoldi	35637/04	09/04/2018 07/12/2017	Functioning of justice: <i>Unfair proceedings on account of the injured party being prevented from joining criminal proceedings as a civil party owing to the length of the preliminary investigations. (Article 6 §1)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. General measures required in response to the shortcomings found continue to be examined within the framework of the Petrella case.
CM/ResDH(2022)320	ITA / Cusan and Fazzo	77/07	07/04/2014 07/01/2014	Discrimination and protection of private and family life: <i>Impossibility under</i>	Individual measures: No claim for award of compensation submitted. In 2012, the applicants were authorised by the

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				<p><i>domestic law to register a married couple's legitimate child at birth in the civil registry with the mother's family name, amounting to discriminatory treatment based on the parents' sex incompatible with the constitutional principle of equality between men and women. (Article 14 in conjunction with Article 8)</i></p> <p><i>Under Article 46 ECHR, the Court held that reforms to the Italian legislation and/or practice were to be adopted, in order to ensure their compatibility with the conclusions of the present judgment.</i></p>	<p>Milan Prefect to add the mother's surname to their children's surname. The individual measures were dependent on the adoption of the required general measures.</p> <p><u>General measures</u>: In 2016, the Constitutional Court introduced the possibility, with the agreement of both parents, to attribute also the maternal surname to the child and indicated that a rapid legislative intervention was necessary to address the question according to criteria in line with the principle of equality and in a comprehensive manner. Failing such intervention, in May 2022, the Constitutional Court declared unconstitutional the provisions which provided for the automatic attribution, at birth or upon adoption, of the father's surname, ruling that the child shall take the surnames of the parents in the order agreed by them, without prejudice to their agreement to give the surname of only one of them. The judgment was translated, published and widely disseminated.</p>
CM/ResDH(2022)31	ITA / D'Acunto and Pignataro and 2 other cases	6360/13	12/07/2018 12/07/2018	Protection of private and family life: <i>Authorities' failure to make adequate and sufficient efforts to ensure respect of the applicants' access rights to their minor children or grandchildren. (Article 8)</i>	<p><u>Individual measures</u>: Just satisfaction for non-pecuniary damage paid. On the basis of the present judgments, new requests concerning visiting rights may be introduced.</p> <p><u>General measures</u> required to ensure the effective implementation of judicial decisions regulating parents' or grandparents' access rights continue to be examined within the framework of the <i>Strumia</i> and <i>Terna</i> groups of cases.</p>
CM/ResDH(2022)397	ITA / G.L.C. and 6 other cases	25584/94	30/04/1996 Decision under former Article 32	Functioning of justice: <i>Excessive length of administrative proceedings. (Article 6 §1)</i>	<p><u>Individual measures</u>: Just satisfaction in respect of non-pecuniary damage paid. Domestic proceedings closed.</p> <p><u>General measures</u> required to guarantee non-repetition of the violations found continues to be examined within the framework of the case of <i>Abenavoli</i>.</p>
CM/ResDH(2022)204	ITA / Grande Stevens and Others	18640/10+	07/07/2014 04/03/2014	Right not to be tried or punished twice and functioning of justice: <i>Administrative and parallel criminal proceedings against the applicants for stock market abuse, arising</i>	<p><u>Individual measures</u>: Just satisfaction for non-pecuniary damage paid. Under Article 46, the respondent State was to ensure that the impugned criminal proceedings, which were still pending in respect of two of the applicants, were closed as</p>

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<p><i>out of same set of facts and lack of a public hearing in judicial review proceedings before the Court of Appeal against their conviction by the National Companies and Stock Exchange Commission (CONSOB). (Articles 4 of Protocol No. 7 and 6 §1)</i></p>	<p>rapidly as possible. In December 2013, the Court of Cassation had already discontinued these proceedings, finding the offences in question to be time-barred.</p> <p><u>General measures:</u> In their Action Report, the authorities refer to the 2016 Grand Chamber judgement in the case of NOR / A. and B (24130/11), clarifying that a State, within its margin of appreciation, should be able to choose complementary legal responses to socially offensive conduct and that such legal response should not amount to a duplication of proceedings if they were “sufficiently closely connected in substance and in time”, “combined in an integrated manner so as to form a coherent whole” enabling the different aspects of the wrongdoing to be addressed in a “foreseeable and proportionate” manner. In the light of these findings, the authorities consider that the duality of administrative and criminal proceedings and sanctions for market manipulation, as envisaged by the Italian legal system, is not in itself in breach of Art. 4 of Protocol No. 7. The relevant legislation (notably the Consolidated Law on Finance of 1998 as subsequently amended), can be considered, in itself and in combination with its interpretation and application by the higher domestic courts, in line with the requirements listed in the above-mentioned Grand Chamber judgment. Relevant recent case-law examples of the Court of Cassation and the Constitutional Court were submitted.</p> <p>As concerns the right to a public hearing, in the context of appeals against a decision of the CONSOB concerning market abuse, the relevant legislation (Consolidated Law on Finance) already envisaged a public hearing on appeal at the time of the facts. The law was amended in 2015 to further establish the possibility for the parties to request their audition. The judgment was published, translated and disseminated.</p>
CM/ResDH(2022)205	ITA / Morzenti	67024/13	17/06/2021 17/06/2021	Functioning of justice: <i>Unfair criminal proceedings due to the applicant’s</i>	<u>Individual measures:</u> The applicant died in 2017. Just satisfaction for non-pecuniary damage paid to the heirs.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>conviction by the appeal court (after having been acquitted by the first instance court) without a direct hearing of the prosecution witnesses in person. (Article 6 §1)</i>	<i>General measures:</i> See CM/ResDH(2021)119 in <i>Lorefice</i> , in particular, the 2017 amendments of the Criminal Procedure Code stipulating that, in cases 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.
CM/ResDH(2022)351	ITA / Olivieri and Others and 2 other cases	17708/12+	04/07/2016 25/02/2016	Functioning of justice and/or protection of property rights and/or lack of a remedy: <i>Insufficient amount and delays in the payment of compensation awarded in the framework of a compensatory remedy ("Pinto") available since 2001 to victims of excessively lengthy proceedings (Gaglione and Others) and on account of the ineffectiveness of this remedy for the length of administrative proceedings where no application for expedited hearing was made (Olivieri and Others and Scervino and Scaglioni). (Article 6 §1 and/or Article 1 of Protocol No. 1 and/or Article 13)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. Domestic proceedings which had given rise to "Pinto" applications were either terminated or brought to the attention of the domestic courts with a view to expediting them. <i>General measures:</i> In 2019, following an intervention of the Constitutional Court, a request for the case to be set down for an urgent hearing is no longer a precondition to complain about the excessive length of administrative proceedings in the framework of the "Pinto" remedy; domestic courts adapted their case-law and apply this principle, thus securing a Convention compliant interpretation of the 2012 amendments to the Pinto Act. Questions relating to the violations established in the case of <i>Gaglione and Others</i> were examined in the context of the supervision of the <i>Giuseppe Mostacciolo (No. 2)</i> group of cases, see CM/ResDH(2015)155 and CM/ResDH(2017)289.
CM/ResDH(2022)265	LIE / Bekerman and 1 other case	34459/10+	01/02/2016 03/09/2015	Functioning of justice: <i>Excessive length of proceedings concerning property rights; furthermore, in the second case, unfair proceedings before the Constitutional Court due to the lack of objective impartiality on account of its choice of procedure to reject the applicant's complaints of bias. (Article 6 §1)</i> <i>Other violation: Lack of an effective remedy in practice in the domestic legal system to</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid in both cases (in the first case, cleared against outstanding domestic court fees at the applicant's request). Both domestic proceedings had been concluded in 2011 and 2014 respectively. In the second case, as only the procedure applied by the Constitutional Court to the applicant's complaint of bias was found in violation with Article 6, there were no further consequences to be addressed. <i>General measures:</i> A partial reform of the Civil Procedure Act and other acts entered into force on 01/01/2019, implementing

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>complain about the excessive length of the proceedings. (Article 13)</i>	several measures to accelerate proceedings in general. Furthermore, the relevant provisions in the Court Organisation Act on the supervisory complaint were amended to allow the setting of deadlines for actions like the holding of a hearing, the submission of an expert opinion or the delivery of a ruling. The judgment was published, translated and disseminated to the courts.
CM/ResDH(2022)168	LIT / Gančo	42168/19	13/07/2021 13/07/2021	Functioning of justice: <i>Excessive length of criminal proceedings, in particular during pre-trial investigations. (Article 6 §1)</i>	<p><u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. The applicant did not avail himself of the opportunity to request reopening of the impugned proceedings.</p> <p><u>General measures:</u> Violation due to the specific circumstances of the case. Since the facts of the case, several measures concerning the monitoring of the length of the pre-trial investigation in criminal proceedings, including in the Integrated Criminal Procedure Information System, were introduced, in particular, in May and September 2021 by order of the Prosecutor General as well as in a Strategic Activity Plan. During the period 2020-2021, additional specialists conducting economic-financial investigations have been recruited and trained for the Police Department. Expert functions in this field were also consolidated in the Forensic Research Centre. Moreover, in 2020, the Financial Crime Investigation Service (FCIS) ran the programme “Detection, Investigation and Prevention of Crimes against the Financial System”, aimed at reducing the length of pre-trial investigations. In 2021, amendments to the Code of Criminal Procedure extended the possibilities to use information and electronic communications technologies in criminal proceedings. The possibility of assigning certain issues, which are examined by courts without considering the merits of the case (e.g. complaints against prosecutors’ decisions concerning pre-trial investigation, parties’ statements and submissions), to judges of another district or regional court for consideration was explored by the</p>

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					Judicial Council and, in May 2021, the respective draft legislation was forwarded for consideration to Parliament. Moreover, training programmes to accelerate court proceedings were carried out for judges, prosecutors and lawyers. Recent case-law of the Supreme Court concerning the award of compensatory damages for lengthy proceedings were submitted. Generally, under the 2002 Code of Criminal Procedure, suspects have the right to lodge a complaint about the length of proceedings to the pre-trial judges. The judgment was published, translated and disseminated.
CM/ResDH(2022)129	LIT / Marazas	42177/19	19/10/2021 19/10/2021	Functioning of justice: <i>Unfair proceedings due to the authorities' failure to grant free legal aid to the applicant in civil proceedings related to his commercial activities. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. In 2022, the applicant was granted secondary legal aid on an exceptional basis under the Law on the State-Guaranteed Legal Aid. His lawyer lodged the appeal on points of law together with a request to renew the term for lodging the appeal. Taking into account the exceptional circumstances of the case, the Supreme Court passed a ruling in 2022 renewing the missed term for lodging the appeal on points of law and accepting the lodged appeal. General measures: See CM/ResDH(2019)4 in <i>Urbsyene and Urbsys</i> . The Law on State-guaranteed Legal Aid was amended in 2018, granting the right to have one's individual situation assessed taking into account one's standard of living and financial status, one's possibilities to represent oneself effectively, the costs of legal assistance, the complexity and the scope of pecuniary requests (interests), the procedural status of the applicant and possible negative consequences. The judgment was published, translated and disseminated.
CM/ResDH(2022)253	LIT / Paksas	34932/04	06/01/2011 Grand Chamber	Electoral rights: <i>Disproportionate restriction of the right to free elections due to the permanent and irreversible nature of the applicant's disqualification from standing for elections to Parliament as a</i>	Individual measures: The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. In line with the amendments mentioned below, the applicant now has the right to request his registration and to stand as a candidate in future parliamentary elections.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<p><i>result of his removal from presidential office following impeachment proceedings conducted against him in accordance with the Constitutional Court's ruling of 25 May 2004 and the Seimas Elections Act of 15 July 2004. (Article 3 of Protocol No. 1)</i></p>	<p>General measures: In 2012, first attempts were made to lift the applicant's permanent ban when the Constitutional Court declared the relevant provision unconstitutional and held that constitutional amendments were necessary to make domestic law ECHR-compliant. In 2016, the Constitutional Court reaffirmed its position. Subsequently, several attempts to adopt the necessary constitutional amendments failed in the Seimas (notably in the beginning of 2014, in December 2015, in June and in October 2018). Finally, the draft law, which could not be submitted to the plenary of the Seimas on time for the applicant to be able to stand as a candidate in the October 2020 elections, was formally approved in June 2021 and a first vote held in January 2021.</p> <p>Upon request by the Supreme Administrative Court, in April 2022, the Court delivered an advisory opinion on the relevant criteria concerning parliamentary mandate impeachment proceedings underlining that "they should be identified mainly from the perspective of the requirements of the proper functioning of the institution of which that person seeks to become a member...". Ultimately, the constitutional amendment aimed at implementing the Court's judgment was adopted in the Seimas in the second vote and came into force in May 2022. The new Electoral Code, reflecting this amendment, came into force in September 2022. Hence, any person removed from office or whose mandate as a member of the Seimas has been revoked by the Seimas through impeachment proceedings will not be subjected to a "permanent and irreversible" ban from standing for parliamentary elections but will be able to stand for elections to the Seimas after a period of "at least ten years". The judgment was published, translated and disseminated.</p>
CM/ResDH(2022)321	LIT / Širvinkas	21243/17	23/10/2019 23/07/2019	<p>Protection of private and family life: <i>Unfairness of the domestic courts' decision-making process in a divorce case with</i></p>	<p>Individual measures: Just satisfaction in respect of non-pecuniary damage paid. In 2020, in reopened proceedings, the Supreme Court quashed parts of the district courts' decisions</p>

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>regard to the application of interim measures and the issuance of a residence order concerning the applicant's minor child. (Article 8)</i>	<p>inasmuch as the habitual residence of the applicant's daughter was concerned and returned the case for fresh examination. In 2020, the district court, following an oral hearing, decided that the applicant's daughter's place of residence should be established with the mother in the light of the child's best interest. The applicant did not launch any appeal. His contact rights are ensured.</p> <p><u>General measures:</u> Violation due to the specific circumstances of the - isolated - case. In 2016, the Code of Civil Procedure was amended to extend the deadline for examining a request to order interim measures in exceptional cases from three to seven working days. Examples of recent case-law of appellate courts with regard to requests for interim measures related to the protection of the child's rights in divorce proceedings or concerning the establishment of the child's habitual residence were submitted. As concerns the length of proceedings, regional courts aim to accelerate decision-making in family cases by granting them priority and assigning the examination of appeals urgently. The judgment was translated, published and widely disseminated.</p>
CM/ResDH(2022)322	LIT / Višniakovas	25988/16	18/12/2018 18/12/2018	Protection against ill-treatment: <i>Lack of adequate conditions of detention and lack of remedies thereof. (Articles 3 and 13)</i>	<p><u>Individual measures:</u> No claim for award submitted. The applicant was released in August 2021.</p> <p><u>General measures</u> required in response to the shortcomings found by the Court in this judgment continue to be examined within the framework of the <i>Mironovas and Others</i> group of cases</p>
CM/ResDH(2022)264	LIT / Vorotņikova	68188/13	31/05/2021 04/02/2021	Functioning of justice: <i>Unfair administrative proceedings due to the infringement of the right to adversarial proceedings on account of the applicant's lacking the opportunity to familiarise herself with and to comment on the State institutions' opinions produced at the</i>	<p><u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. The applicant did not avail herself of the opportunity to request the reopening of the impugned proceedings.</p> <p><u>General measures:</u> The Senate of the Supreme Court changed its case-law to ensure that parties to proceedings be informed on all evidence and opinions obtained on an administrative</p>

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>request of the Senate of the Supreme Court, on the grounds that the Administrative Procedure Law limited its safeguards emanating from the right to adversarial proceedings to the observations filed by parties to proceedings. (Article 6 §1)</i>	court's initiative and be granted an opportunity to comment on them. Several relevant case-law examples were submitted. The judgment was published, translated and disseminated. The Judicial Training Centre updated its training content accordingly.
CM/ResDH(2022)206	LVA / Ēcis	12879/09	24/06/2019 10/01/2019	Discrimination and protection of private and family life: <i>Discriminatory treatment of a male convict on sexual grounds in comparison with female prisoners on account of his being automatically banned from attending his father's funeral due to the prison regime he was subjected to owing to his sex as provided for by the Code for the Enforcement of Sentences, without any individual assessment of the proportionality of such a prohibition. (Article 14 in conjunction with Article 8)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. The applicant was conditionally released in 2015. <u>General measures:</u> In 2019, the Constitutional Court declared unconstitutional the provision in the Code for the Execution of Sentences according to which male inmates convicted for serious crimes start serving their sentences in closed-style prisons as incompatible with the principle of non-discrimination. In 2020, an amendment of the Code for the Enforcement of Sentences introduced the possibility for inmates to apply for the organisation of a funeral service for a close family member within the prison premises. In 2022, a further amendment introduced the possibility to grant compassionate leave for up to two days, the decision being subject to appeal pursuant to the Administrative Procedure Law. The judgment was published, translated and disseminated.
CM/ResDH(2022)99	LVA / Rodina and 1 other case	48534/10+	14/08/2020 14/05/2020	Protection of private and family life: <i>Disproportionate interference due to the publication of the first applicant's family story in the newspaper and its subsequent broadcast on television and domestic courts' failure to protect her rights in both sets of civil proceedings; the second case concerns the publication of photos of the applicant leaving a maternity ward, which were covertly taken, in an accompanying article. (Article 8)</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 proceedings. <u>General measures:</u> Isolated incident. Violations due to insufficient knowledge of the European Court's case-law by the judicial authorities concerned. As from 2013, the Supreme Court and other domestic courts aligned their relevant case-law with the European Court's jurisprudence. In 2021, the Supreme Court released a case-law guide on civil cases regarding the protection of honour and dignity under the Civil Code. The

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					judgments were translated, published and disseminated. They are used in training activities for members of the judiciary.
CM/ResDH(2022)167	LVA / Vinks and Ribicka	28926/10	30/05/2020 30/01/2020	Protection of private and family life: <i>Disproportionate interference on account of a search of the applicants' home and seizures carried out by a special anti-terrorist police unit in the context of an investigation into economic crimes, without safeguards against abuse. (Article 8)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. As regards pecuniary damage, the Court found that the decision not to return certain specific items was justified. General measures: Isolated occurrence regarding the deficient safeguards found by the Court due to their misapplication in the particular case. Between January 2018 and May 2022, the special anti-terrorist police unit provided support to the regular Finance Police on only two occasions. The judgment was published, translated and disseminated among the competent domestic authorities, including the Ministry of the Interior, which exercises the supervision of the State Police, and the Prosecutor General Office. It was used in training activities for investigative judges.
CM/ResDH(2022)323	MDA / A.O. Falun Dafa and Others	29458/15	29/09/2021 29/06/2021	Freedom of religion and freedom of association: <i>Breach on account of the banning of the applicant organisations' symbols, followed by the organisations' dissolution, despite the Supreme Court's acknowledgement of a violation of their rights in principle, however, without any compensation award and in the light of the Government's failure to fully comply with the Supreme Court's judgments. (Article 9 and 11)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. In October 2021, the Minister of Justice repealed the impugned orders of 2015, thus deleting the applicant organisations' symbols from the Register of Extremists' Materials. General measures: The judgment was translated, published and widely disseminated. The Supreme Court of Justice delivered relevant explanatory judgments on the application by the domestic courts of ECHR provisions related <i>inter alia</i> to freedom of association and assembly in 2011 (amended in 2017) and in 2014. Moreover, the National Institute of Justice in cooperation with the Supreme Court of Justice organised regular training activities for judges and legal specialists.
CM/ResDH(2022)325	MDA / AsDAC	47384/07	08/03/2021 08/12/2020	Protection of property: <i>Disproportionate interference due to the National Bank of Moldova's use on new coins of artworks</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. In 2021, the Supreme Court of Justice admitted the applicant organisation's revision request,

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				<i>created by two members of the applicant association without paying royalties. (Article 1 of Protocol No. 1)</i>	quashed in 2007 and ordered a fresh examination of the appeal on points of law. Finally, it upheld the Court of Appeal's decision, which had been favourable to the applicant association. General measures: The judgment was translated, published and widely disseminated to the relevant authorities and domestic courts. In 2017, the "Commentary on the ECHR judgments versus the Republic of Moldova; Conclusions and Recommendations" was published. National authorities and the National Institute of Justice carry out training activities in the human rights area for the professionals concerned, including on the matters related to the right to protection of property.
CM/ResDH(2022)209	MDA / Baraboi and Gabura	75787/17	27/04/2021 27/04/2021	Right to liberty and security: <i>Unlawful detention on remand and house arrest for more than five months, on suspicion of having committed the offence of pimping on account of running an erotic video-chat business on the basis of legal provisions of the Criminal Code that did not provide sufficient guidance and were not formulated with sufficient precision. (Article 5 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicants were released in 2017. General measures: See CM/ResDH(2019)303 in <i>Litschauer</i> . In 2018, in amendments to the Code of Minor Offences, the offence of prostitution was redefined to include the use of information technology and electronic communication. The judgment was translated, published and disseminated. It is used in training activities for judges and other legal professions.
CM/ResDH(2022)210	MDA / Canțer	46578/09	28/09/2021 28/09/2021	Protection of property: <i>Unlawful interference due to the failure of the Supreme Court of Justice to award compensation for loss of profit for a breach of property rights, despite the applicants' successful request for cancellation of an administrative act by which a part of their land was transferred into the ownership of a third party in 2009 (Article 1 of Protocol No. 1).</i>	Individual measures: Just satisfaction for pecuniary and non-pecuniary damage paid. The applicants did not ask for a reopening of the proceedings. General measures: Violation due to erroneous application of domestic law. The judgment was published, translated and disseminated. It is used in training activities for judges and other legal professions.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2022)14	MDA / Caraman and 1 other case	3755/05+	15/09/2020 15/09/2020	Functioning of justice / protection of property rights / lack of a remedy: <i>State's failure to enforce final domestic judgments awarding the applicants social housing rights or money in lieu of housing as well as lack of an effective remedy. (Articles 6 §1, 1 of Protocol No. 1 and Article 13)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. Domestic court judgements were fully executed and/or the outstanding pecuniary damage was fully covered by the just satisfaction awarded by the European Court. General measures: In 2011, a new law introduced a compensatory remedy for excessive length of judicial and enforcement proceedings. Other outstanding issues continue to be examined within the framework of the case <i>Olaru and Others</i> (476/07), in particular, concerning the overall effectiveness of the reformed enforcement system and the functioning of the domestic remedy introduced in case of prolonged enforcement proceedings. During the period 2018-2021, more than 200 judges attended training activities held by the National Institute of Justice on issues related to the right to a fair trial and protection of property. The judgments were published, translated and disseminated.
CM/ResDH(2022)207	MDA / Covalenco and 6 other cases	72164/14+	16/06/2020 16/06/2020	Functioning of justice and protection of property: <i>Quashing of final domestic judgments in breach with the principle of legal certainty and the violation of the applicants' property rights. (Article 6 §1 or Articles 6 §1 and 1 of Protocol No. 1)</i>	Individual measures: Damages suffered by the applicants were covered by the just satisfaction awarded by the Court or redressed at the domestic level following the reopening of the impugned domestic proceedings. Just satisfaction for non-pecuniary damage (in one case also for pecuniary damage) paid. General measures required in response to the shortcomings found continue to be examined within the framework of the <i>Popov (No. 2)</i> group of cases. The origin of the violations lies in an incorrect application of existing domestic law by domestic courts.
CM/ResDH(2022)400	MDA / Cravcenco and 6 other cases	13012/02+	15/04/2008 15/01/2008	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. Domestic proceedings closed. General measures: According to the statistics provided in the 2021 Report on the Implementation of Selected CEPEJ Tools in Pilot Courts, the average disposition time of civil cases improved as from 2012. Thus, in 2020, significant progress has

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					<p>been made when dealing with civil cases despite the high number in recent years and CEPEJ did not point out any problematic issues. The national authorities continuously carry out training activities for the professionals concerned and pay increased attention to human rights, including on matters related to Article 6 and Article 13. General measures related to the implementation of the domestic remedy continue to be examined in the framework of the <i>Olaru and Others</i> group of cases.</p>
<p>CM/ResDH(2022) 292</p>	<p>MDA / Flux No. 2 and 9 other cases</p>	<p>31001/03+</p>	<p>03/10/2007 03/07/2007</p>	<p>Freedom of expression: <i>Unjustified interferences as a result of court decisions holding the applicants (newspapers and journalists) liable in tort for defamation in civil proceedings and ordering them to pay damages and issue apologies for having published articles on matters of public interest about alleged abuses by high-ranking officials. (Article 10)</i></p>	<p>Individual measures: Just satisfaction in respect of non-pecuniary damage paid as awarded. Following the Court's judgments, domestic proceedings were reopened and the actions initiated against the applicants subsequently dismissed in nine cases. In the case of the <i>Association of investigative reporters and editorial security and Sanduța</i>, domestic proceedings had been reopened before the Court's judgment; the impugned decisions had been quashed, however, without awarding compensation. Just satisfaction was thus awarded by the European Court.</p> <p>General measures: In 2010, the Law on the freedom of expression aimed at striking a fair balance between defending the honour, dignity, professional reputation, and private life of a person, on the one hand, and ensuring the freedom of expression and of the public to be informed, on the other. With regard to mass-media, dissemination of information of public interest on essentially correct facts, admitting even a certain degree of exaggeration or provocation, shall not be prohibited. In 2018, the Code of audio-visual media services strengthened guarantees against interferences by authorities.</p> <p>In 2012, the Supreme Court delivered an explanatory judgment (amended in 2017) on the application of the 2010 Law, clarifying its provisions and ensuring consistent judicial practice in line with the European Court's case-law. Accordingly, the closure of mass-media providers can only be ordered by courts</p>

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					as an extreme measure if required for reasons of national security and territorial integrity, public safety or non-disclosure of state secrets. The judgments were translated, published and disseminated to all relevant authorities. They are used in training and awareness-raising activities for judges and civil servants.
CM/ResDH(2022)293	MDA / Gavrilovici and 2 other cases	25464/05+	15/03/2010 15/12/2009	<p>Freedom of expression: <i>Unjustified interferences by domestic courts on account of the applicants' convictions for defamation (or public protest) without relevant and sufficient grounds, resulting in the imposition of disproportionate sanctions.</i></p> <p><i>Other violations: Inhuman prison conditions (Article 3), in one case, and arbitrariness of detention (Article 5 §1) in another.</i></p>	<p>Individual measures: Just satisfaction in respect of non-pecuniary damage paid as awarded. Following the Court's judgments, in the <i>Gavrilovici</i> case, domestic proceedings were reopened - and discontinued in 2010 - after the quashing of the impugned decisions. In the <i>Sofranschi</i> case, the applicant did not apply for the reopening. In the first <i>Matasaru</i> case, the Supreme Court of Justice dismissed his revision request on the grounds that no serious consequences persisted in the light of the European Court's finding of a violation constituting, in itself, sufficient just satisfaction for any non-pecuniary damage. In the second case of <i>Matasaru</i>, it is up to the applicant to lodge a revision request. As regards the violation of Article 5 §1, the applicant concerned was released in 2016. As concerns the violation of Article 3, the applicant concerned was released in January 2005.</p> <p>General measures: In 2010, the Law on the freedom of expression aimed at striking a fair balance between defending the honour, dignity, professional reputation, and private life of a person, on the one hand, and ensuring the freedom of expression and of the public to be informed, on the other. With regard to mass-media, dissemination of information of public interest on essentially correct facts, admitting even a certain degree of exaggeration or provocation, shall not be prohibited. In 2018, the Code of audio-visual media services strengthened guarantees against interferences by authorities.</p> <p>In 2012, the Supreme Court delivered an explanatory judgment (amended in 2017) on the application of the 2010 Law clarifying its provisions and ensuring consistent judicial practice in line</p>

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					with the European Court's case-law. Accordingly, the closure of mass-media providers can only be ordered by courts as an extreme measure if required for reasons of national security and territorial integrity, public safety or non-disclosure of state secrets. The judgments were translated, published and disseminated to all relevant authorities. They are used in training and awareness-raising activities for judges and civil servants. Issues related to conditions of detention (Article 3) are examined in the context of the <i>I.D.</i> case (47203/06). With regard to issues related to unlawful arrest and arbitrary detention, see CM/ResDH(2018)227 in the cases of <i>Muşuc, Guţu</i> and <i>Brega</i> (42440/06, 20289/02, 52100/08). The remaining violations under Article 5 continue to be examined in the framework of the <i>Sarban</i> group (3456/05).
CM/ResDH(2022)399	MDA / Ghimpu and Others	24791/14	01/02/2022 01/02/2022	Protection of private and family life: <i>Authorities' failure to protect, in defamation proceedings, the applicant politicians' dignity and reputation against attacks in a film relating to the 2009 post-general election events, which was aired in TV media. (Article 8)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The applicants in the present case did not avail themselves of the right to seek the reopening of the proceedings within six months of the Court's judgment. General measures: Violation resulted from inappropriate application of relevant legislation. The Supreme Court had delivered Explanatory Judgments in 2012 and 2017 with regard to the application of the Law on freedom of expression by courts. The authorities continue paying increased attention to training civil servants and judges in the field of respecting human rights. The judgment was translated, published and widely disseminated.
CM/ResDH(2022)326	MDA / Gospodăria Tărănească 'Alcaz G.A.'	72968/14	01/03/2022 01/03/2022	Protection of property: <i>Disproportionate interference due to the deprivation of the applicant company's right to deduct the VAT it had paid on received goods because its supplier's VAT registration had been cancelled. (Article 1 of Protocol No. 1)</i>	Individual measures: Just satisfaction in respect of pecuniary (amount of VAT paid a second time) and non-pecuniary damage paid. General measures: The judgment was translated, published and widely disseminated to the relevant authorities and domestic courts. In 2002, the Supreme court issued Explanatory Judgment No. 25 "on certain aspect tax law application during

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					the examination of cases related to taxes, fee and, sanctions imposed by tax authorities”, which was later amended in 2009 and 2018. In 2014, the Supreme Court of Justice delivered an explanatory judgment on the application, by the domestic courts, of certain ECHR provisions. In 2017, the “Commentary on the ECHR judgments versus the Republic of Moldova; Conclusions and Recommendations” was published. National authorities and the National Institute of Justice carry out training activities in the human rights area for the professionals concerned, including on the matters related to the right to protection of property.
CM/ResDH(2022)115	MDA / Kommersant Moldov	41827/02	09/04/2007 09/01/2007	Freedom of expression: <i>Unjustified interference on account of the Economic Court's order to close a newspaper on the grounds that certain articles had exceeded the “limits of publicity” provided for in the Press Act and endangered the territorial integrity of Moldova, national security and public safety and created the potential for disorder and crime, without specifying which elements of the applicant's articles were problematic and in what way these articles defamed the President and the country. (Article 10)</i>	Individual measures: Just satisfaction for pecuniary damage (court fees) paid. In May 2007, the applicant's revision request with the Supreme Court was rejected as time-barred. The applicant newspaper had essentially continued its activity under the slightly different name of “Kommersant – Plus”. General measures: In 2010, the new Law on Freedom of Expression ensured a fair balance between the protection of honour, dignity, professional reputation and private life, on the one hand, and the right to free expression, on the other hand. Regarding mass-media, no one shall prohibit or prevent the dissemination of information of public interest, even in a certain degree of exaggeration or provocation, as long as the essence of the facts is not distorted. In 2012, the Supreme Court issued an explanatory judgment on the application of the Law on freedom of expression, as amended in October 2017, providing clarifications and ensuring a coherent judicial practice. According to the judgment, the closure of mass-media providers can only be ordered as an extreme measure, dictated by reasons of state security and territorial integrity, public safety or non-disclosure of state secrets. Restrictions must be prescribed by law, pursue a legitimate aim, be necessary in a democratic society, be ECHR-compliant and sufficiently reasoned. In 2018, the Code on audiovisual media services also

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					granted additional guarantees against national authorities' interference. The judgment was published, translated and disseminated.
CM/ResDH(2022)401	MDA / Petru Rosca and 6 other cases	2638/05+	06/01/2010 06/10/2009	Protection against ill-treatment, functioning of justice: <i>Alleged ill-treatment in police custody, lack of effective investigations and, in the case of the first applicant, unfair criminal proceedings resulting in a conviction without being given sufficient time to prepare his defence and without a lawyer. (Article 3 and Article 6 §1 in conjunction with § 3 c+d)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. After a new inquiry/investigation it was not possible to identify those responsible for ill-treatment or collect evidence that could confirm the applicants' allegations, despite all reasonable investigatory steps taken. General measures required in response to the shortcomings found continue to be examined within the framework of the <i>Levința</i> group of cases (No. 17332/03) and the case of <i>Plotnicova</i> (No. 38623/05).
CM/ResDH(2022)211	MDA / Pietriș S.A. and Nastas	45379/13	19/01/2021 19/01/2021	Functioning of justice: <i>Denial of access to a court on account of the refusal of domestic courts to examine the applicants' claim failing his court fee payment. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. In 2018, the Supreme Court quashed the impugned decision as breach of the applicants' Convention rights and returned the case to the first instance court. Subsequently the applicants withdrew their legal action. General measures: Violation of an incidental nature due to erroneous application of domestic law. The judgment was published, translated and disseminated. It is used in training activities for judges and other legal professions.
CM/ResDH(2022)13	MDA / Political Party "Patria" and Others	5113/15+	04/11/2020 04/08/2020	Electoral rights: <i>Arbitrary interference with the applicants' and the applicant party's electoral rights as a result of the latter's unfounded disqualification from participating in the parliamentary elections, as well as insufficient procedural guarantees against arbitrariness during the unfolding of the national proceedings. (Article 3 of Protocol No. 1)</i>	Individual measures: The finding of a violation constitutes, in itself, sufficient just satisfaction for any non-pecuniary damage sustained by the applicants other than the applicant party. Just satisfaction for non-pecuniary damage paid to the party. In 2021, the Supreme Court of Justice quashed the appellate court's judgment and dismissed the action against the applicant party as manifestly ill-founded. Thus, the applicants' and the applicant party's rights at national level have been finally restored. General measures: Between 2014 and 2016, the relevant regulations of the Central Electoral Commission and the

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					Electoral Code have been amended as concerns the funding of electoral campaigns, in particular, by lowering the limit for donations and introducing the possibility of funding from foreign sources. In 2016 and 2019, the Plenary Supreme Court delivered an explanatory judgment and an advisory opinion to unify judicial practice as regards electoral proceedings. Moreover, the Central Electoral Commission did not lodge any further requests to withdraw any political party from the parliamentary elections. Specialised seminars on electoral issues are being provided by the National Institute to magistrates. The judgment was published, translated and disseminated.
CM/ResDH(2022)332	MDA / Timus and Tarus	70077/11	15/01/2014 15/10/2013	Right to life and right to an effective remedy: <i>Killing of the applicants' brother in a police operation and ineffective investigations into allegations of police ill-treatment and of the circumstances of the killing as well as lack of effective remedies enabling the applicants to claim compensation for the killing of their brother by the police. (Article 2 substantive and procedural limb and Article 13 in conjunction with Article 2)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The impugned criminal proceedings were reopened and their discontinuation was finally confirmed in 2017, following additional investigation and the subsequent conclusion by prosecutor's office that the police officer acted in justified self-defense. General measures: The Law on Police of 1990, in force at the time of the events, was replaced by a new law regulating i.a. the use of firearms by police, in 2012. The guiding principle is to attempt first to take control of a situation by means of verbal communication and other non-violent means; firearms must only be used as a measure of last resort; their use must be proportional to the severity of the attack and to the legitimate objectives to be achieved; firearms may be used to immobilize the persons against whom it is used, not to kill. In April 2018, a Guide on professional intervention for law enforcement established guiding principles on the use of physical force, special means and firearms. In 2017, the Law on the rehabilitation of victims of criminal offences created the legal framework and mechanism for victims of crimes to claim compensation even if the proceedings were terminated by the prosecutor on certain grounds, such as the expiration of the

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					<p>statute of limitations, amnesty, the perpetrator's death or the crime committed by a minor or a mentally incapacitated person. Training activities on the planning and control of police operations as well as on the use of firearms were organised for police staff. In 2017, the Ministry of the Interior adopted the Regulation on Professional Training of Public Servants Holding Special Status providing for a yearly evaluation of police officers' theoretical and practical knowledge on the use of firearms. Procedures for documenting incidents involving the use of firearms, reporting them and reviewing the legality of such use were established in 2013/14 by the General Police Inspectorate Order and by the Regulation on identifying, recording and reporting of alleged cases of ill-treatment and use of force, special means and firearms.</p> <p>General measures to ensure the independence and effectiveness of criminal investigations of acts by police officers and to address the lack of an effective civil remedy to claim compensation for wrongful state agents' actions are examined in the context of the <i>Levința</i> (17332/03) group of cases. The judgment was translated, published and widely disseminated.</p>
CM/ResDH(2022)324	MDA / X.	43529/13	30/11/2021 30/11/2021	<p>Protection of private and family life: <i>Unlawful interference on account of the inclusion of information about the applicant's past convictions in his criminal record certificate, based on Order 372/2010 of the Ministry of Internal Affairs. (Article 8)</i></p>	<p>Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The impugned wording is no longer used in criminal record certificates.</p> <p>General measures: The impugned order 372/2010 of the Ministry of Internal Affairs was repealed in 2012. Currently, the content of criminal record certificates is regulated by MIA Order 353/2016 which ensures that the wording criticized in the Court's judgment ("<i>...has been subjected to criminal responsibility...</i>") is no longer used. The judgment was translated, published and widely disseminated to the relevant authorities. It is used in training activities for judges and prosecutors, organised <i>inter alia</i> by the National Institute of Justice.</p>

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2022)336	MKD / Adilovska	42895/14	22/06/2020 23/01/2020	Functioning of justice: Denial of access to a court due to the domestic courts' dismissal of the applicant's claim to a plot of land belonging to her late father without examining the merits. (Article 6 §1)	Individual measures: No claim for just satisfaction submitted. The applicant's request for the reopening of the impugned proceedings was rejected as lodged out of time. General measures: Isolated case, the violation found resulted from the misapplication of procedural rules by domestic courts. The judgment was translated, published and widely disseminated.
CM/ResDH(2022)407	MKD / Atanasov (No. 2) and 9 other cases	41188/06+	19/07/2011 19/04/2011	Functioning of justice: Unfair criminal proceedings on account of the applicants' inability to examine the witnesses who provided evidence against them or the witnesses in their defence, resulting in their convictions. (Article 6 §1)	Individual measures: Just satisfaction in respect of non-pecuniary damage paid to each applicant as awarded. With regard to those applicants having requested the reopening of the impugned proceedings, those requests were granted, crucial witnesses were duly summoned and/or heard and the procedural shortcomings corrected. In some cases, charges had become time-barred. General measures: Violations resulting from non-Convention-compliant domestic legislation. In January 2022, the Supreme Court also adopted conclusions to facilitate the application of domestic legal provisions in a Convention-compliant manner and underlined that the Court's principles expressed in the present judgments shall be applied in all cases concerning anonymous or absent witnesses. Moreover, the Supreme Court adopted a conclusion concerning the need to hold a public hearing as one of the fundamental principles of a right to a fair hearing. In 2010, the 1997 Criminal Procedure Act was revised with regard to the rules applying to experts and witnesses. A new Criminal Procedure Act reaffirming the change of the domestic courts' practice, which already addressed the shortcomings found by the Court in the present cases, was prepared in 2018, but could so far not be adopted. The judgments were translated, published and widely disseminated. They were used in the 2021 training activities of the Academy for Training of Judges and Public Prosecutors in the specific matter.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2022)405	MKD / Kostova and Apostolov	38549/16	05/04/2022 05/04/2022	Freedom of expression: <i>Unjustified interference due to the outcome of civil proceedings for defamation proceedings initiated against the applicants, an editor-in-chief and a journalist, following the publication of two articles, despite the fact that they had acted with the diligence expected of responsible journalists reporting on a matter of public interest. (Article 10)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The applicants did not use the opportunity to request the reopening of the impugned proceedings. General measures: In November 2022, Parliament adopted the Civil Liability for Insult and Defamation Act which further aligns domestic legislation with international standards (especially the ECHR and the EU Directive 2010/13/EU for audiovisual media services). The new Act, <i>inter alia</i> , lowers the upper limit of non-pecuniary damage that can be awarded in cases finding journalists, editors-in-chief and legal entities liable for defamation or insult. According to the Association for Journalists in their Report "Indicators for the degree of media freedom and journalists' safety in 2021", there has been a drastic reduction in the number of lawsuits for insult and defamation against journalists and media as from 2017. The judgment was translated, published and widely disseminated. It was used in training activities for
CM/ResDH(2022)214	MKD / Stoimenovikj and Miloshevikj	59842/14	25/06/2021 25/03/2021	Functioning of justice: <i>Unfair proceedings due to the lack of impartiality of the Supreme Court, the composition of which in a civil case included a judge who had previously sat as a judge at the Court of Appeal in a closely related criminal case. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant has not filed a request for reopening of the impugned proceedings within the prescribed deadline. General measures: The violation found does not derive from deficient domestic legislation. The judgment was published, translated and disseminated. It is used in training activities organised by the Academy for Training of Judges and Public Prosecutors for judges and other legal professions. See also CM/ResDH(2015)189 in <i>Bajaldziev</i> .
CM/ResDH(2022)406	MKD / Strezovski and Others	14460/16+	27/06/2020 27/02/2020	Protection of property rights: <i>Disproportionate interference due to the legal obligation to pay the standing heating charge from 2012 to 2019 - while their flats were disconnected from the district heating</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid to the applicants as awarded. The impugned decisions by domestic courts with respect to all applicants, who requested reopening of the impugned proceedings, were quashed.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>network and lack of procedural safeguards. (Article 1 of Protocol No. 1)</i>	<i>General measures:</i> Between 2019 and 2022, several amendments to the Heat Energy Supply Regulations at first introduced and later maintained the possibility for the owners of flats in residential buildings equipped with a single joint meter disconnected from the district heating system (like the applicants in the present case) to be exempted from the obligation to pay the standing charge as well as the conditions for the exemption. The violation stems from the automatic application of the 2012 Regulations without consideration of the individual circumstances of the applicants. Following the judgment, domestic courts changed their practice, examining individual objections lodged by flat owners and, if the circumstances for exemption are fulfilled, quashing the payment order. 120 similar cases were pending before the European Court when the judgment was delivered. So far, 67 cases have been struck off of its list of cases on the basis of friendly settlements reached; a further 8 cases were struck off as the applications were not pursued. Furthermore, the Government has underlined its willingness to resolve the remaining pending cases by unilateral declaration. The judgments were translated, published and widely disseminated. They were used in the 2021 training activities of the Academy for Training of Judges and Public Prosecutors in the matter.
CM/ResDH(2022)100	MKD / Transkop Ad Bitola	48057/12	01/04/2021 01/04/2021	<i>Functioning of justice: Unfair confiscation proceedings on account of the failure of criminal courts to hold an oral hearing and non-respect of the principle of adversarial proceedings due to the non-communication of an expert report to the applicant company. (Article 6 §1)</i>	<i>Individual measures:</i> No claims made with regard to just satisfaction for non-pecuniary damage. Concerning pecuniary damage, the European Court indicated that the most appropriate form of redress for the applicant company would be to request reopening of the impugned proceedings. So far, such a request has not been submitted. <i>General measures:</i> In January 2022, the Criminal Division of the Supreme Court adopted a conclusion clarifying that the right to a fair trial implies the holding of an oral hearing, including in proceedings concerning confiscation/forfeiture of assets, and

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					the respect of the principles of equality of arms and adversarial procedure. Thus, all submissions by one party should be transmitted to the other for comment. The judgment was published, translated and disseminated
CM/ResDH(2022)352	MLT / Ellis and Scilio and 3 other cases	165/17+	30/06/2020 30/06/2020	Protection of property rights and lack of a remedy: <i>Disproportionate interference with the applicant landlords' property rights due to rent control legislation related to requisitioned properties or rent control legislation without appropriate and sufficient compensation as well as the Constitutional Court's failure to impose higher rents for the future. (Article 1 of Protocol No. 1).</i>	Individual measures: Just satisfaction in respect of non-pecuniary and pecuniary damage paid as awarded. The properties concerned were returned to the applicants. General measures required in response to the shortcomings found continue to be examined within the framework of the Apap Bologna and Amato Gauci groups of cases.
CM/ResDH(2022)109	MON / Asanović	52415/18	20/08/2021 20/05/2021	Right to liberty and security: <i>Unlawful detention of the applicant, a practicing lawyer and long-standing representative of an opposition media outlet, on suspicion of committing a criminal offence in breach of domestic law requirements. (Article 5 §1)</i>	Individual measures: No claims made with regard to just satisfaction. The applicant was released immediately upon questioning by the state prosecutor. In March 2020, the competent domestic court ruled in civil proceedings partly in favour of the applicant and awarded non-pecuniary damage. The criminal proceedings against the applicant are still pending. General measures: The judgment was published, translated and disseminated. Several awareness-raising and training activities were organized for the judicial community.
CM/ResDH(2022)334	MON / Centroprom Holding AD Beograd	30796/10	10/02/2022 10/02/2022	Functioning of justice: <i>Excessive length of civil proceedings. (Article 6 §1)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid; domestic proceedings closed. General measures: See CM/ResDH(2017)38 in the <i>Stakić</i> group. In addition, as reiterated by the European Court, several remedies in respect of the complaints relating to length of proceedings were introduced and became effective: the request for review as of September 2013, the action for fair redress as of October 2016 and the constitutional appeal as of March 2015. Furthermore, training and awareness-raising activities were

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					organised by the Centre for Training of the Judiciary and State Prosecutor's Office. In 2021, the Handbook with selected case-law from the European Court's recent practice was published. The judgment was translated, published and widely disseminated.
CM/ResDH(2022)212	MON / Ljubo Bigović	43763/20	09/12/2021 Friendly settlement with undertakings	Protection against ill-treatment: <i>Alleged detention of the applicant under conditions amounting to ill-treatment. (Article 3)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant was transferred to a cell in better conditions than the cell in which he was previously placed.
CM/ResDH(2022)333	MON / Mastilović and Others	28754/10	24/05/2022 24/02/2022	Functioning of justice: <i>Non-enforcement of final court judgments and court-approved settlements in favour of the applicants against a predominantly State-owned company, which later became insolvent. (Article 6 §1)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The sums awarded at the domestic level, were paid by the Government in July 2022. General measures: See CM/ResDH(2022)201 in <i>Mijanović</i> , in particular with regard to the 2011 Enforcement Act. However, in light of the non-enforcement of final court judgments and the court-approved settlement concluded in the applicants' favour up to the date the judgment became final, despite the measures taken in the <i>Mijanović</i> case, additional general measures seemed necessary. Awareness-raising and training activities were organised by the Centre for Training of the Judiciary and State Prosecutor's Office, in cooperation with the Chamber of Bailiffs.
CM/ResDH(2022)269	NDL / Good	32651/21	24/03/2022 Friendly settlement	Protection of private and family life: <i>Alleged interference due to the decision to revoke the applicant's (a Somali national living in the Netherlands since 1989) residence permit and to impose a ten-year entry ban on him. (Article 8)</i>	Individual measures: In February 2022, the Government notified its withdrawal of the decision to revoke the applicant's residence permit and to impose a ten-year entry ban as agreed on in the friendly settlement.
CM/ResDH(2022)306	NDL / Hokkeling	30749/12	03/07/2017 14/02/2017	Functioning of justice: <i>Unfair criminal proceedings on account of the Court of Appeal's refusal to consider measures that</i>	Individual measures: The finding of a violation constituted sufficient just satisfaction for any non-pecuniary damage. The applicant was released in 2015. Following the Court's

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				<i>would have enabled the applicant, who was in pre-trial detention in Norway at that time on account of different facts, to attend the hearing on the merits of his criminal case alongside his counsel in person, resulting in the complete rehearing of the case held in the accused's absence. (Article 6 §§1+3c)</i>	<p>judgment, the applicant lodged a request for a retrial, which was granted in 2017. In 2021, the applicant was convicted of drug smuggling, acquitted of the other charges and imposed a more lenient sentence than previously. Under the Civil Code, a person with a lenient sentence may lodge a claim for compensation for unlawful acts committed by all national authorities.</p> <p><i>General measures:</i> In 2018, the Supreme Court changed its case-law clarifying a defendant's right to an adjournment in order to attend a hearing in a leading judgment and, in 2019, it delivered a judgment in which it set, as a rule, that "court hearings must be suspended if the defendant is detained abroad, and the defendant has not lawfully waived his right to be present". The European Court noted the above development in <i>NDL / X. (72631/17)</i>, underlining that the Supreme Court's leading judgment of 2018 aligned domestic case-law with the relevant Convention standards. The judgment was translated, published and widely disseminated.</p>
CM/ResDH(2022)267	NDL / Özçelik	69810/12	28/07/2016 28/06/2016	Right to liberty and security: <i>Excessive length of the proceedings by which the applicant's appeal against the rejection for his request for release from a Persistent Offenders Institution was decided by the Court of Appeal and failure to award compensation for the excessive delay. (Article 5 §§4+5)</i>	<p><i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicant was released from the Persistent Offenders Institution in May 2012.</p> <p><i>General measures:</i> In the context of a broader initiative of the Judiciary to ensure timely justice, in which the scheduling of court hearings plays a central role, the President of the Arnhem Court of Appeal invited district courts to expedite the provision of case files when the appeals lodged concern decisions to continue detention.</p> <p>The Civil Code provides for the possibility of redress for national authorities' wrongful acts, including violations of Article 5 ECHR and for those attributed to national courts. Following the Court's judgment, the possibility of introducing a direct compensation option for criminal courts in the Code of Criminal Procedure was assessed and found unnecessary, since there is</p>

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					no indication of a structural problem. The judgment was published, translated and disseminated.
CM/ResDH(2022)268	NDL / van de Kolk	23192/15	28/05/2019 28/05/2019	Functioning of justice: <i>Unfair criminal proceedings due to the authorities' failure to allow the applicant, a suspect of child pornography distribution, to be assisted by his lawyer during his interview by the police. (Article 6 §§1+3c)</i>	Individual measures: The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. In 2021, in the applicant's retrial, the Court of Appeal ruled that he cannot be prosecuted any longer and overturned the earlier impugned domestic judgments. Hence, the applicant's earlier conviction is no longer included in his criminal record. General measures: In 2013, the EU Directive on the right of access to a lawyer in criminal proceedings entered into force providing for the right of suspects and accused persons to have their lawyer present and participate effectively when they are being questioned. In 2015, the Supreme Court ruled that "a suspect who finds him or herself under police arrest has a right to legal assistance by a lawyer during police interviews, save when compelling reasons exist to restrict that right". With a view to incorporating the EU-Directive into national law, the relevant provision of the Code of Criminal Procedure was amended in 2017 to ensure that suspects are entitled to the presence of a lawyer during police questioning. The judgment was published, translated and disseminated.
CM/ResDH(2022)402	NDL / X	72631/17	03/11/2021 27/07/2021	Functioning of justice: <i>Unfair criminal proceedings due to the domestic courts' failure to adequately reason their decision to deny the applicant's request for a second postponement of the hearing on the appellate level. (Article 6 §§1+3c)</i>	Individual measures: The finding of a violation constituted sufficient just satisfaction for any non-pecuniary damage. The applicant did not avail herself of the opportunity to lodge an application for a retrial. General measures: Violation stemming from the failure of domestic courts to apply the country-wide Adjournment Protocol and to adequately reason its conclusion. Relevant examples of Supreme Court case-law were submitted. The judgment was translated, published and widely disseminated.

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CM/ResDH(2022)404	NDL / Zohlandt and 1 other case	69491/16+	09/05/2021 09/02/2021	Right to liberty and security: <i>Insufficiently reasoned decisions regarding the applicants' continued pre-trial detention as well as lack of a speedy judicial review of the applicants' pre-trial detention in the second case. (Article 5 §§ 3+4)</i>	Individual measures: No claim submitted in the first case. Just satisfaction in respect of non-pecuniary damage paid, in the second case. In the first applicant's case, the time on remand was subtracted from the term of the final prison sentence. The second applicant, having been acquitted, received compensation for non-pecuniary damage as a result of his pre-trial detention. General measures: In 2017, the Minister of Security and Justice informed the House of Representatives that the judiciary was taking steps to ensure that decisions on pre-trial detention be better substantiated by introducing professional standards, drawn up by the judiciary itself. The violation of Article 5§4 was an isolated issue. The judgments were translated, published and widely disseminated.
CM/ResDH(2022)327	NOR / F.Z. and 1 other case	64789/17+	01/07/2021 07/07/2021	Protection of private and family life: <i>Disproportionate interference due to shortcomings in the public child welfare authorities' and courts' decision-making processes concerning the applicants' biological children's adoption as well as overly restrictive contact rights of the applicants with their children in foster care. (Article 8)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. In the case <i>F.Z.</i> , the biological parents' request to reopen the adoption consent proceedings was rejected in the best interests of the child by the District Court (as subsequently upheld by the High Court), the child having lived with the adoptive parents for eleven years. In the case <i>M.F.</i> , the care order was reviewed and revoked by the District Court. The child was returned to the applicant in July 2020. General measures required in response to the shortcomings found continue to be examined within the framework of the <i>Strand Lobbenand Others</i> group of cases.
CM/ResDH(2022)252	NOR / Pedersen and Others and 5 other cases	39710/15+	07/09/2020 10/03/2020	Protection of private and family life: <i>Failure of authorities to protect the biological parents' right to family life due to shortcomings in the balancing exercise of competing interests and the decision-making processes by the child welfare authorities and courts concerning the adoption of their children and/or overly</i>	Individual measures: The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. In principle, adoption decisions are final in domestic law. A request for reopening of the court decision ordering adoption will only be granted if there is a reasonable probability of a change in the substantive aspects of the judgment. In the cases of Pedersen and Others and <i>E.H.</i> , the applicants' failed to request reopening of the impugned adoption decisions; in the

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>restrictive contact rights with their children after they had been taken into foster care. (Article 8)</i>	cases of Abdi Ibrahim and M.L., the applicants' requests were rejected in the best interests of the children; in the case of K.E. and A.K. the contact level between the child and the applicants has been increased; in the case of R.O. after lifting of the care order in 2020, the child returned later to public care on the initiative of the applicant. <u>General measures</u> required in response to the shortcomings found continue to be examined within the framework of the Strand Lobben and Others group.
CM/ResDH(2022)307	NOR / Saber	459/18	17/03/2021 17/12/2020	Protection of private and family life: <i>Unlawful interference with the applicant's right to respect for correspondence on account of the police seizure of his smartphone and search of its mirror image copy without a sufficient legal framework and safeguards for the protection of data subject to legal professional privilege (LPP); in particular, the filtering of data had lacked a clear basis in the law and had thus not been foreseeable. (Article 8)</i>	<u>Individual measures:</u> The finding of a violation constituted sufficient just satisfaction for any non-pecuniary damage. No further individual measures were considered necessary as no individual consequences of the violation persist. <u>General measures:</u> Following the ECHR judgment, consistent Supreme Court criminal case-law has clearly settled that seized data which might contain correspondence protected as LPP should be carefully sifted through by the police. Furthermore, the Prosecutor General adopted a Directive in June 2021, in order to establish clear and specific procedural guarantees to prevent LPP from being compromised by the police search of digital data carriers. The Directive created a new technical unit within the police department, distinct from the investigating agents, responsible for performing the filtering of digitally stored data. The officers in the unit must follow strict rules on confidentiality, verifiability, and the secure storage of confidential data. The judgment was translated, published and widely disseminated.
CM/ResDH(2022)73	POL / Doroż	71205/11	29/01/2021 29/10/2020	Protection of private and family life: <i>Disproportionate interference due to the search of the applicant's home ordered without relevant and sufficient grounds in the course of investigations for a petty</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed. <u>General measures:</u> Violation stemming from the erroneous application of the existing legal framework. The judgment was published, translated and disseminated, in particular to domestic courts and regional prosecutors. It was also included

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>offence committed by a third person. (Article 8)</i>	in training activities for judges, prosecutors and police officers. A system of judge-coordinators for international cooperation and human rights was set up at the level of regional courts to increase awareness of ECHR standards and the European Court's case-law.
CM/ResDH(2022)337	POL / Grabowski	57722/12	30/09/2015 03/06/2015	<p>Right to liberty and security: <i>Unlawful continued detention of a juvenile subject to correctional proceedings without a specific court order or an adequate judicial review decision of his application for release, as a judicial practice under the 1982 Juvenile Act consisting in keeping juveniles (340 according to statistics of 2012) in a shelter without legal basis. (Article 5 §§1+4)</i></p> <p>Under Article 46, the Court underlined the need to take legislative measures to stop the practice which has developed under the Juvenile Act of detaining juveniles who are subject to correctional proceedings without a specific judicial decision.</p>	<p>Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The applicant was released in 2013.</p> <p>General measures: In September 2022, the Act on the Support and Resocialisation of Minors entered into force, regulating the specific conditions for imposing interim isolating measures on juveniles. It provides that such measures require a family court's decision determining the duration of the juvenile's placement in the juvenile shelter, medical facility, educational or adaption centre or with a professional foster family, which shall not be longer than three months. The extension of the minor's stay in one of the above-enumerated institutions is possible only for a determined period, each time not longer than three months, and the overall stay until the conclusion of the court proceedings, shall not exceed one year. The Ministry of Justice conducted relevant training workshops for judges of the regional and appellate courts and the National School of Judiciary and Public Prosecution organised trainings activities on the procedural changes in juvenile cases, including placement issues.</p> <p>As concerns the absence of an adequate judicial decision on the prolongation of his placement in the shelter for juveniles, the present case was an isolated occurrence: According to the 2022 Act on the Support and Resocialisation of Minors, an application for release on grounds that no decision to prolong the placement had been taken is no longer necessary. The judgment was translated, published and widely disseminated.</p>

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2022)408	POL / Jezior	31955/11	04/06/2020 04/06/2020	Freedom of expression: <i>Disproportionate interference on account of the imposition on the applicant, an internet blogger and candidate for the post of municipal councillor, of various orders under the electoral legislation (to stop dissemination of comments, to issue an apology, to pay a sum to a charity, etc.) for not having prevented the publication of anonymous offensive comments attacking the mayor, on his non-commercial blog. (Article 10)</i>	Individual measures: Just satisfaction in respect of pecuniary (costs incurred due as a result of domestic decisions) and non-pecuniary damage paid. General measures: Violation resulting from the specific circumstances of the case and the failure to take ECHR case-law into account. The judgment was translated, published and widely disseminated to all authorities concerned. It is used in training activities organised by the National School for Judiciary and Public Prosecution.
CM/ResDH(2022)170	POL / Kacper Nowakowski	32407/13	10/04/2017 10/01/2017	Protection of private and family life: <i>Authorities' failure to facilitate and broaden the effective contact between a deaf and mute father and his hearing-impaired son, resulting from a lack of consideration of two specific features of the case: the seriousness of the conflict between the parents and the applicant's as well as his son's disabilities. (Article 8)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. In 2018, the applicant was granted extended contact rights away from the minor's place of residence and in his mother's absence. Longer contact arrangements were established for winter and summer holidays. The applicant and the child's mother were also referred to counselling to overcome the existing conflicts between them. General measures: The Court noted that domestic legislation provided for a range of instruments that could assist in alleviating conflicts between parents and facilitate contacts between the non-custodial parent and the child. However, no explicit provision for mediation in family-law cases was made. Nonetheless, under the Code of Civil Procedure, the court may refer parties to mediation with the aim to settle the exercise of parental authority. Following the judgment, mediation in family cases was promoted by the organisation of conferences, seminars, the annual International Mediation Day and Mediation Week as well as by actions of the Social Council for Alternative Dispute Resolution Methods. In April 2020 the Ministry of Justice issued recommendations to presidents and directors of common courts encouraging judges to increase the number of cases referred to mediation and alternative dispute resolution methods, when the nature of the dispute allows it.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					In addition, the Ministry of Justice implements the project "Alternative ways of dispute resolution: extension of mediators' competences, creation of a National Mediators Register and awareness-raising activities". Regular workshops with mediators and judges are organised. Statistics prepared by the Ministry of Justice on the number of proceedings in family matters settled as a result of mediation were submitted. The judgment was published, translated and disseminated.
CM/ResDH(2022)41	PRT / L.P. and Carvalho	24845/13+	08/10/2019 08/10/2019	Freedom of expression: <i>Disproportionate interference due to the conviction of two lawyers for defamation (L.P.) and for attacking a person's honour (Carvalho) in respect of two judges, on account of documents drawn up by the lawyers in their capacity as representatives. (Article 10)</i>	Individual measures: Just satisfaction for pecuniary damage (fine imposed) paid. The finding of a violation constituted in itself sufficient just satisfaction in respect of non-pecuniary damage. Both applicants could request reopening of the impugned proceedings. General measures: The judgments were published, translated and disseminated to all courts and authorities concerned.
CM/ResDH(2022)110	PRT / Ricardo Paixão Moreira Sá Fernandes	78108/14	25/02/2020 25/02/2020	Functioning of justice: <i>Unfair criminal proceedings as the court of appeal, which had convicted the applicant for the first time at second instance, had not adduced the evidence directly; as its reasoning concerning the applicant's guilt was flawed; and due to the objectively justified doubts concerning the impartiality of two judges of the bench ruling on the applicant's appeal against the fine. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant did not request the reopening of the impugned proceedings. General measures: As concerns the right to a public hearing on appeal, if a fresh assessment of law and facts is to be made following an acquittal in first instance, the adoption of appropriate legislative amendments are envisaged (see general measures in the cases <i>Moreira Ferreira</i> and <i>Pereira da Cruz</i>). The second and third aspect of the violation found stem from the specific circumstances of the case and the erroneous application of domestic law. The judgment was published, translated and disseminated.
CM/ResDH(2022)412	ROM / Bio Farmland Betriebs S.R.L.	43639/17	13/10/2021 13/07/2021	Functioning of justice: <i>Failure of a domestic court of last instance to refer to the relevant criteria from the European Court of Justice jurisprudence, when rejecting a request for a preliminary ruling, according to the Treaty</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. Under the Code of Civil Procedure, the reopening of the impugned proceedings may be requested. General measures: The judgment was translated, published and widely disseminated to all authorities and domestic courts

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>on Functioning of the European Union. (Article 6 §1)</i>	concerned to make domestic practice and case-law compliant with the ECHR.
CM/ResDH(2022)220	ROM / Borgovan	23553/15	30/11/2021 30/11/2021	Functioning of justice: <i>Unfair civil proceedings brought by the applicant against a bar association due to divergent domestic courts' case-law concerning the access to the legal profession, resulting in a breach the principle of legal certainty. (Article 6 §1)</i>	<i>Individual measures:</i> No claims submitted. The finding of a violation constitutes sufficient just satisfaction for non-pecuniary damage. The applicant has not submitted any further request to be admitted to the bar. <i>General measures:</i> See CM/ResDH(2015)4 in <i>Beian</i> (30658/05), in particular, concerning the 2013 Code of Civil Proceedings introducing rules for appeals in the interest of the law and the possibility for the High Court of Cassation and Justice to give preliminary rulings upon request by one of its sections, an appeal court or tribunal, in order to promote unitary judicial practice. Access to the legal profession has been unified and requires an examination organised by the bar associations in accordance with the relevant law of 1995 and the Statute of the profession of lawyer. There remains one exception in the Statute of Judges and Prosecutors for judges of the High Court of Cassation and Justice, who when their term of office has expired, may return to the post of magistrate previously held or to another position of judge or prosecutor or may opt for entry as a lawyer or notary, without examination. The judgment was published, translated and disseminated.
CM/ResDH(2022)111	ROM / Convertito and Others	30547/14+	03/07/2020 03/03/2020	Protection of private and family life: <i>Unjustified and disproportionate interference due to the annulment of the applicants' State degrees in dentistry for administrative flaws during the first-year registration procedure. (Article 8)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicants have requested to reopen domestic proceedings following the present judgment. In February 2021, the court of appeal nullified the University's decision to annul the applicants' diplomas. In September 2021, the Ministry of Health re-confirmed for all applicants their certificates of bachelor's degrees in dentistry. <i>General measures:</i> The judgment was published, translated and disseminated to the to the Ministry of Education and to the Superior Council of the Magistracy.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2022)340	ROM / Comoraşu and 1 other case	16270/12+	31/08/2016 31/05/2016	Right to liberty and security and protection against ill-treatment: <i>Unlawful involuntary placement in a psychiatric hospital (first applicant) / unlawful arrest with a view to such placement (second applicant); ineffective investigation into the first applicant's allegations of ill-treatment on the occasion of his apprehension by the police with a view to his involuntary confinement. (Article 5 §1 and Article 3 procedural limb)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. Both applicants were already released prior to the Court's judgments. Further investigations into the allegations of ill-treatment by the police were impossible due to the applicable prescription periods. General measures required to guarantee non-repetition of the Article 5 violations are examined within the framework of the <i>Cristian Teodorescu</i> group of cases. Concerning the procedural violation of Article 3, see CM/ResDH(2016)150 in <i>Barbu Anghelescu (No. 1)</i> .
CM/ResDH(2022)221	ROM / D and Others	75953/16	22/06/2020 14/01/2020	Lack of a remedy, right to life and protection against ill-treatment – expulsion: <i>Lacking availability of an effective remedy with automatic suspensive effect against an expulsion order to Iraq, the first applicant, following his conviction for aiding the entrance into Romania of Iraqi nationals known as having supported or perpetrated terrorist acts - even in the eventuality of arguable complaints that the implementation of such expulsion measures would expose the individuals concerned to a risk to life or a risk of ill-treatment. (Article 13 in conjunction with Articles 2 and 3)</i>	Individual measures: No award made. The finding of a violation constitutes sufficient just satisfaction for non-pecuniary damage. The indication to the Government under Rule 39 of the Rules of Court not to send D back to Iraq ended on 22/06/2020. General measures: Legislative amendments enacted in July 2022 (among others of the Government Emergency Ordinance on the regime of aliens in Romania of 2002) provide automatic suspensive effect to appeals under the Code of Criminal Procedure when there are arguable grounds to believe that that the implementation of an ordered expulsion measures taken as an ancillary penalty in criminal proceedings would expose the individuals concerned to a risk to life or a risk of ill-treatment.
CM/ResDH(2022)413	ROM / El Ozair	41845/12	22/10/2019 22/10/2019	Protection of property rights: <i>Disproportionate interference due to the automatic confiscation, by the customs authorities, of an undeclared amount of cash money, in addition to the imposition of a fine. (Article 1 of Protocol No.1)</i>	Individual measures: The finding of a violation constitutes in itself sufficient just satisfaction for the non-pecuniary damage. Just satisfaction in respect of pecuniary damage (amount of cash confiscated) paid. General measures: In June 2021, Regulation 2018/1672 of the European Parliament and Council on controls on cash entering or leaving the Union replaced the prior Regulation No. 1889/2005. Furthermore, the National Agency for Fiscal

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					Administration initiated amendments of the relevant Government Decision to repeal the impugned sanction of an automatic and definitive confiscation of undeclared sums of cash. In November 2021, the Government adopted and published its Decision to remove the provision on automatic confiscation measures of the Rules of enforcement of the Customs Code. The judgment was translated, published and widely disseminated to all authorities and domestic courts concerned.
CM/ResDH(2022)410	ROM / Grigorescu and Others	17536/04+	29/09/2020 29/09/2020 Merits 16/11/2021 16/11/2021 Just satisfaction	Protection of property rights: <i>Disproportionate interference due to the ineffectiveness of the mechanism set up to award restitution of or compensation for the properties nationalised under the communist regime. (Article 1 of Protocol No. 1)</i>	Individual measures: Just satisfaction in respect of pecuniary (compensation as restitution was not possible) and non-pecuniary damage paid. General measures required in response to the shortcomings found related to the reform of the mechanism of reparation for properties nationalised under the communist regime will be examined in the framework of the cases of <i>Maria Atanasiu and Others</i> and <i>Străin and Others</i> .
CM/ResDH(2022)219	ROM / K.C.	45060/10	30/10/2018 30/10/2018	Functioning of justice: <i>Unfair criminal proceedings due to the lack of legal assistance and of an interpreter during the applicant's first police questioning in the light of its decisive importance, resulting in the applicant's conviction to a three-year suspended sentence for a drug-related offence. (Article 6 §§1 and 3c+e)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant did not file a request for revision of the impugned decision. General measures: See CM/ResDH(2017)142 in <i>Sirghi</i> , in particular, with regard to the 2014 Code of Criminal Proceedings introducing the provision that suspects must be informed before the first interrogation of their right to be assisted by a lawyer.
CM/ResDH(2022)218	ROM / Marina	50469/14	26/08/2020 26/05/2020	Protection of private and family life: <i>Domestic courts' failure to adequately protect a police officer's reputation on account of the dismissal, on appeal, of the applicant's action in tort lodged against the broadcaster of a satirical radio show,</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant's request for revision of the impugned decision was granted. Subsequently, the appeal court rejected the opposing party's appeal and upheld the first instance court judgment which had admitted the applicant's action in tort and had awarded him compensation for the damage incurred.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>without properly weighing the interests at stake. (Article 8)</i>	<u>General measures</u> : The judgment was published, translated and disseminated.
CM/ResDH(2022)309	ROM / Mihalache and 2 other cases	54012/10	08/07/2019 Grand Chamber	Right not to be tried or punished twice: <i>Breach of the ne bis in idem principle due to the higher prosecutor's decision to reopen - of his own motion - criminal proceedings previously discontinued by a final decision of the lower prosecutor's office, which had imposed an administrative fine, which resulted in the applicants' convictions by domestic courts to suspended prison sentences. (Article 4 of Protocol No. 7)</i>	<u>Individual measures</u> : Just satisfaction in respect of non-pecuniary damage paid. The applicants have not availed themselves of the possibility to request reopening of the impugned judicial proceedings. <u>General measures</u> : Violation of a historical nature. The 2014 Criminal Code and the 2014 Code of Criminal Procedure abolished the powers previously granted to prosecutors to discontinue criminal proceedings but nevertheless apply a sanction to the suspects. Today, prosecutors may decide to drop less serious charges when they deem that there is no public interest in pursuing the criminal case. However, the prosecutor's order is subject to confirmation by the judge of the preliminary chamber. The judge of the preliminary chamber may admit or reject the prosecutor's request to confirm the order to drop the charges. The decisions of the judge of the preliminary chamber are final.
CM/ResDH(2022)271	ROM / Miuți	49481/13	24/04/2018 24/04/2018	Functioning of justice: <i>Denial of access to court due to the lack of sufficient diligence of the competent court to ensure, in 2011, that the summons to a court hearing be transmitted and received by the applicant. (Article 6 §1)</i>	<u>Individual measures</u> : The just satisfaction for non-pecuniary damage was duly paid. The Code of Civil Procedure allows for the reopening of the impugned domestic proceedings. The applicant has not availed herself of this avenue until now. <u>General measures</u> : See CM/ResDH(2017)248 in the case of SC Raisa M. Shipping SRL.
CM/ResDH(2022)411	ROM / Muhammad and Muhammad and 2 other cases	80982/12+	15/10/2020 Grand Chamber	Procedural safeguards relating to expulsion of aliens: <i>Unjustified limitation of procedural rights with regard to the expulsion of the applicants on national security grounds decided by domestic courts on the basis of classified information not disclosed to the applicants, without</i>	<u>Individual measures</u> : Just satisfaction in respect of non-pecuniary damage paid to each applicant as awarded. All three applicants have not availed themselves of the possibility to request the reopening of the impugned proceedings. <u>General measures</u> : The judgments were translated, published and widely disseminated to all institutions involved. As from 2018, the relevant authorities changed their practice with regard to the classified information forwarded by the

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>sufficient counterbalancing safeguards. (Article 1 of Protocol No. 7)</i>	Intelligence Service to the Prosecutor's Office supporting an expulsion request. It is henceforth accompanied by a declassified document setting out the factual elements justifying the request, to be forwarded to the court and to be attached to the summons. These declassified factual elements are also referred to in the judicial decisions on the expulsion request, which are public. Relevant examples of recent court decisions were submitted. With regard to their right to an effective defence, defendants in expulsion proceedings are informed of the possibility to be represented by a lawyer with security clearance from a list drawn up by the Bar Association, either in the summons or at the first hearing. As of April 2019, the Bucharest Court of Appeal also verifies the credibility of the alleged factual elements underlying the expulsion request.
CM/ResDH(2022)130	ROM / Stefanescu and Others and 1 other case	6800/05+	12/01/2021 12/01/2021	Protection of property rights: <i>Disproportionate interference due to the ineffectiveness of the mechanism set up to afford restitution of or compensation for properties nationalised during the communist period. (Article 1 of Protocol No. 1)</i>	<i>Individual measures:</i> Just satisfaction for pecuniary (compensation) and non-pecuniary damage paid. <i>General measures</i> related to the reform of the mechanism of reparation for properties that had been nationalised under the communist regime, to be pursued in the framework of the cases of <i>Străin and Others</i> and <i>Maria Atanasiu and Others</i> .
CM/ResDH(2022)132	RUS / Igor Kabanov and 1 other case	8921/05+	20/06/2011 03/02/2011	Freedom of expression: <i>Disproportionate interference due to the disbarment of lawyers from the Regional Bar Association following offensive comments made in respect of members of the judiciary, as a disproportionately severe sanction imposed on them. (Article 10)</i> <i>Other violation: In the first case, the violations found also concerned a denial of a fair trial due to the lack of impartiality of the judges. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The first applicant's bar status was reinstated in 2011 and later suspended on his request. The applicants in the second case are currently active members of the Chamber of Advocates of the Irkutsk Region. <i>General measures:</i> With regard to Article 10, the violation stemmed from an erroneous application of law. The <i>Kabanov</i> judgment was published, translated and disseminated. It was used in awareness-raising activities for judges. Concerning the recusal of judges (violations of Article 6) continue to be examined in the <i>Filyutkin</i> group of cases (notably

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					in the case of <i>Vaneyev</i>); issues concerning internal independence of judges (other violations of Article 6) continue to be examined in the <i>Khrykin</i> and <i>Moiseyev</i> groups of case.
CM/ResDH(2022)120	SER / Dragoljub Stojilković and 11 other cases	38067/20	21/10/2021 FS with undertaking	Functioning of justice: Failure to enforce final domestic judgments rendered in the applicants' favour. (Article 6 §1)	Individual measures: Just satisfaction for non-pecuniary damage as well as the sums awarded to the applicant in the respective final domestic decisions were paid as agreed in the friendly settlement. General measures: None.
CM/ResDH(2022)43	SER / Đulča Redžović	10958/19	25/03/2021 Friendly settlement	Functioning of justice: Non-enforcement of domestic judgments in the applicant's favour. (Article 6 §1)	Individual measures: Just satisfaction for non-pecuniary damage stipulated in the friendly settlement paid. Domestic decisions enforced. General measures: None.
CM/ResDH(2022)119	SER / Dušica Nikolić	28709/20	25/11/2021 FS with undertaking	Functioning of justice: Failure to enforce final domestic judgments rendered in the applicant's favour. (Article 6 §1)	Individual measures: Just satisfaction for non-pecuniary damage as well as the sums awarded to the applicant in the respective final domestic decisions were paid as agreed in the friendly settlement. General measures: None.
CM/ResDH(2022)42	SER / Đuzida Đukić and Others	38797/20	08/04/2021 Friendly settlement	Functioning of justice: Non-enforcement of domestic judgments in the applicants' favour. (Article 6 §1)	Individual measures: Just satisfaction for non-pecuniary damage stipulated in the friendly settlement paid. Domestic decisions enforced. General measures: None.
CM/ResDH(2022)51	SER / Mikuljanac, Mališić and Šafar	41513/05	09/01/2008 09/10/2007	Functioning of justice: Excessive length of labour-related proceedings and lack of an effective remedy. (Articles 6 §1 and 13)	Individual measures: Just satisfaction for non-pecuniary damage paid. Domestic proceedings completed. General measures: Information was submitted on the acceleration of labour-related proceedings before the first and second instance courts between 2016 and 2020, showing prompt disposition time and a high number of resolved cases. A preventive remedy was introduced in 2013. In 2016, the Law

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					on Protection of the Right to a Trial within a Reasonable Time introduced an acceleratory remedy. The authorities' commitment to continuing their efforts to put an end to the more general problem of excessive length of civil, family-related and commercial proceedings in the context of the <i>Jevremović</i> group of cases.
CM/ResDH(2022)274	SER / Mirjana Zoćević	15607/20	07/04/2022 Friendly settlement	Functioning of justice: <i>Alleged non-enforcement of a final court decision. (Article 6 §1)</i>	Individual measures: The sums awarded to the applicant in the respective final domestic decisions were paid. Just satisfaction for non-pecuniary damage was also paid as agreed.
CM/ResDH(2022)273	SER / Mirković and Others	27471/15+	03/12/2018 26/06/2018	Functioning of justice: <i>Unfairness of civil proceedings due to a breach of the principle of legal certainty on account of the domestic courts' rejection of the applicants' civil claims relating to certain employment benefits for prison staff, while at the same time ruling in favour of other claimants with identical complaints. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid as awarded. Following the judgment, the applicants have not availed themselves of the avenues available in the domestic legislation to claim damages before the domestic courts. Most of the applicants requested the reopening of the impugned proceedings; the competent courts finally upheld their claims. General measures: See CM/ResDH(2017)107 in the <i>Vinčić</i> group of cases. Inconsistencies relating to the adjudication of civil claims were addressed, after July 2016, by virtue of procedures provided in the amended Courts Organisation Act and the Rules of the Court as well as by other measures to overcome conflicting decisions within the domestic courts in view of a general harmonisation of case-law. Furthermore, in 2016, the Constitutional Court adapted its case-law and found a violation of the right to a fair trial in a case with facts similar to those of the applicants' case. The judgment was published, translated and disseminated.
CM/ResDH(2022)174	SER / Nikolić	15352/11	19/10/2021	Protection of private and family life: <i>Failure by the authorities to effectively protect the applicant's private life due to protracted and finally time-barred criminal proceedings initiated by the applicant for</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. General measures: See CM/ResDH(2014)18 <i>Ristić</i> case and CM/ResDH(2017)194 in <i>Isaković Vidović</i> case, in particular, concerning the adoption of the 2011 Criminal Procedure Code,

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>minor bodily harm resulting from a physical attack by her neighbour. (Article 8)</i>	introducing measures to improve the efficiency of criminal proceedings, in particular, the “prosecutorial investigation” which obliges prosecutors to prove the grounds for indicting a person for a crime before and not during a trial. The judgment was published, translated and disseminated.
CM/ResDH(2022)44	SER / Novica Randelović and 3 other cases	42495/18	08/04/2021 Friendly settlement	Functioning of justice: <i>Non-enforcement of domestic judgments in the applicants' favour. (Article 6 §1)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage stipulated in the friendly settlement paid. Domestic decisions enforced. <u>General measures:</u> None.
CM/ResDH(2022)356	SER / Omerović and Others and 3 other cases	72470/16	05/11/2020 05/11/2020	Functioning of justice and protection of property rights: <i>Non-enforcement of domestic final decision given against a socially/State-owned company. (Articles 6 §1 and 1 of Protocol No. 1)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. Domestic decisions enforced. <u>General measures</u> required in response to the shortcomings found continue to be examined within the framework of the R. Kačapor group.
CM/ResDH(2022)415	SER / Stamenković	30009/15	01/03/2022 01/03/2022	Right not to be tried or punished twice: <i>Convictions for essentially the same facts in both misdemeanour and criminal proceedings. (Article 4 of Protocol No. 7)</i>	<u>Individual measures:</u> No claim for just satisfaction submitted. In July 2022, the Supreme Court of Cassation granted, in reopened proceedings, the applicant's request and quashed the impugned criminal judgment, stating that a final decision in misdemeanour proceedings was an obstacle to additional criminal prosecution. <u>General measures:</u> In November 2016, the Supreme Court of Cassation and the Misdemeanour Appellate Court issued clear instructions to first instance courts in misdemeanour proceedings to check and request in writing from the competent authorities' information on possible criminal complaints or private lawsuits against the defendant, in which case the misdemeanour court is under an obligation to send a copy of case files to relevant authorities. See also CM/ResDH(2018)94 in <i>Milenković</i> . The judgment was translated, published and widely disseminated to all authorities and domestic courts concerned.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2022)175	SER / Stojan Tričković and 15 other cases	11622/20	21/10/2021 Friendly settlement with undertaking	Functioning of justice: <i>Non-enforcement of final domestic judgments rendered in the applicants' favour. (Article 6 §1)</i>	Individual measures: The sums awarded for non-pecuniary damage under the friendly settlement were paid. The Government also paid, as agreed, the sums awarded to the applicants in the respective final domestic decisions, minus any amounts which had already been paid on the basis of the said decisions. General measures: None.
CM/ResDH(2022)249	SUI / Al-Dulimi and Montana Management Inc.	5809/08	21/06/2016 Grand Chamber	Functioning of justice: <i>Denial of access to a court due to the lack of adequate judicial scrutiny of freezing and confiscation procedures initiated in Switzerland in relation to assets belonging to the first applicant and his company - pursuant to UN Security Council Resolutions 1483 (2003) and 1518 (2003), which provided for sanctions against the former Iraqi regime. (Article 6 §1)</i>	Individual measures: No causal link between the violation of and the allegation of pecuniary damage. No claim for non-pecuniary damage or costs made. In 2016 the applicants seized the Federal Court with three requests for revision concerning three confiscation decisions of 2006. In 2018 the Federal Court granted them, quashed its previous decisions and sent the cases back to the first instance for decisions on the merits. Subsequently, the proceedings involving the confiscated assets were suspended upon the applicants' request. The applicant died in the course of 2020. In 2022, the applicants' names were removed from the UN-sanctions list and from the Swiss sanctions list. The applicants' assets are therefore no longer frozen. The proceedings had become moot and were struck from the list of cases. General measures: In March 2016, the Federal Council instructed the federal administration to initiate reflections on the improvement of procedural safeguards in the context of the implementation of the sanctions adopted by the UN Security Council. In 2021, the Federal Department of Economics, Education and Research concluded that the law currently in force makes it possible to meet the requirements arising from of the European Court's judgment. Measures arising from international sanctions are enacted in the form of ordinances by the Federal Council. The Federal Department of Economics, Education and Research is competent to adapt the annexes to the ordinances relating to measures arising from international sanctions. The 1968 federal law on federal administrative

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					<p>procedure applies to procedures for delisting from the sanctions lists. Persons (natural or legal) targeted by the sanctions can thus submit a delisting request to the Federal Department of Economics, Education and Research, which has full power of examination and decides by means of a decision subject to appeal. The latter can then be brought before the Federal Administrative Court and then, if necessary, before the Federal Court. Access to a judge is therefore fully guaranteed. This procedure, now also applicable to UN sanctions, has been validated by the Federal Court.</p> <p>In addition, as from 2005, Switzerland has been actively engaged, with 12 other like-minded States in the UN Security Council, to strengthen the effectiveness of the sanctions regimes and to render the delisting procedure compatible with Convention requirements.</p>
CM/ResDH(2022)133	SUI / B and C	889/19+	17/02/2021 17/11/2020	Protection against ill-treatment: Domestic courts' failure to sufficiently assess the first applicant's risks of ill-treatment as a homosexual person in the event of his deportation to Gambia as well as the availability of State protection against ill-treatment emanating from non-State actors. (Article 3 conditional)	<p>Individual measures: No claim for just satisfaction for non-pecuniary damage made. The applicant was granted a renewable authorisation to stay. Ultimately this authorisation can lead to a residence permit.</p> <p>General measures: The judgment was published and disseminated to all authorities concerned.</p>
CM/ResDH(2022)33	SUI / Ryser	23040/13	12/04/2021 12/01/2021	Discrimination and protection of private life: Discriminatory treatment and disproportionate interference on account of the applicant's obligation to pay a tax for exemption from military service despite his inability to serve on medical grounds. (Article 14 in combination with Article 8)	<p>Individual measures: No valid claim submitted by the applicant. The applicant did not request revision of the impugned tax decision before the Federal Court.</p> <p>General measures: The judgment was published and disseminated to all authorities concerned. See also CM/ResDH(2019)319 in Glor. In 2013, ordinances on the medical evaluation of aptitude for military service were amended to ensure that persons willing to perform military service, who until then had been declared unfit for medical reasons, but whose grounds for inaptitude were not sufficient</p>

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					to exempt them from paying the contentious tax, can now be declared "Fit for military service in specific functions only, with conditions" by a special commission.
CM/ResDH(2022)75	SUI / S.F.	23405/16	30/09/2020 30/06/2020	Right to life: Failure of police to prevent a suicide committed in an unusual way by a vulnerable detainee, left unguarded in a police cell for forty minutes without paying sufficient attention to his personal situation and refusal of authorities to initiate criminal proceedings on the assumption of lacking "minimum evidence" for the commission of a punishable act by the officers involved. (Article 2 substantive and procedural limb)	Individual measures: Just satisfaction for pecuniary and non-pecuniary damage paid. In April 2021, the Federal Tribunal allowed in reopened proceedings the applicant's request for review and granted authorization to initiate criminal proceedings. The public prosecutor of the canton of Zurich conducted criminal proceedings for negligent homicide against five officials of the cantonal police. The proceedings were closed in July 2021 due to the impossibility to determine a criminal co-responsibility of identifiable actors. The applicant had concluded an agreement with the cantonal police in June 2021. Moreover, the head of the cantonal police force presented his apologies. General measures: The cantonal police of Zurich took technical measures with regard to all police cells (including "restraint"-cells) and improved organisational processes to improve suicide prevention. Furthermore, police infrastructures and processes are constantly reviewed to discover shortcomings and remedy them. In 2014, a new concept of suicide prevention in the confinement premises of the cantonal police of Zurich was developed with the participation of specialists from the cantonal police, the psychiatric hospital and the Institute of Forensic Medicine. No more suicides occurred in the facilities of the cantonal police. The judgment was published, translated and disseminated. It is used in training activities for the police.
CM/ResDH(2022)419	SVK / Framipek S.R.O. and Agroracio A.S. and 3 other cases	51894/14+	28/01/2020 28/01/2020	Functioning of justice: Excessive length of judicial proceedings, and, in respect of some of the applicants, lack of an effective remedy concerning length of proceedings on third-party claims for damages where no	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. Domestic proceedings closed. General measures required in response to the shortcomings found continue to be examined within the framework of the Javor and Javorová group of cases

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				<i>criminal charges have been brought. (Articles 6 §1 and 13)</i>	
CM/ResDH(2022)421	SVK / Ivan	57405/15	27/06/2017 27/06/2017	Functioning of justice: <i>Excessive length of judicial proceedings and lack of an effective domestic remedy in this respect. (Articles 6 §1 and 13)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. Domestic proceedings closed. General measures: The Constitutional Court changed its practice and no longer requires the complainants to have exhausted ordinary remedies prior to lodging a constitutional complaint, assessing the overall length of proceedings before different levels of court. General measures required in response to the shortcomings found continue to be examined within the framework of the <i>Maxian</i> and <i>Maxianova</i> group of cases.
CM/ResDH(2022)418	SVK / Mansour	60399/15	21/02/2018 21/11/2017	Protection of private and family life: <i>Failure of domestic courts to have an order enforced for the return of the applicant's children to Ireland as the country of their habitual residence under the Brussels II bis Regulation and the Hague Convention due to the excessive length of the enforcement proceedings. (Article 8)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The enforcement courts finally found that, due to the lengthy proceedings, the circumstances had changed and that the best interest of the children required that they stayed in Slovakia. General measures: In 2016, a new Code of Civil Non-Contentious Procedure entered into force. Its provisions relating to international parental child abductions ensure better compliance with European and international rules and reduced length of proceedings. In 2022, amendments were adopted to ensure, <i>inter alia</i> , the appointment of a single custody judge, the further involvement of child-welfare experts and the introduction of a multidisciplinary approach in child-related matters. Measures were also taken to accelerate proceedings related to the return of minors before the Constitutional Court. Furthermore, new procedural rules and practical measures led to the reduction of the length of proceedings concerning minors before domestic courts in general. The judgment was translated, published and widely disseminated. It is used in training activities organised by the Judicial Academy.

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CM/ResDH(2022)420	SVK / Pádej and 1 other case	74175/17+	13/10/2020 13/10/2020	Functioning of justice: Quashing, without proper justification, of final and binding judgments in the applicants' favour as a result of the use of an extraordinary appeal on points of law. (Article 6 §1)	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. In the first case, the just satisfaction remedied the consequences of the violation. In the second case, the suspended proceedings were resumed and the claim of the State dismissed. General measures required in response to the shortcomings found continue to be examined within the framework of the DRAFT - OVA a.s. group of cases.
CM/ResDH(2022)416	SVK / Perhacs and 1 other case	59327/19+	24/09/2020 24/09/2020	Functioning of justice: Excessive length of judicial proceedings. (Article 6 §1)	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. Domestic proceedings closed. General measures required in response to the shortcomings found continue to be examined within the framework of the Maxian and Maxianova group of cases.
CM/ResDH(2022)417	SVK / Petříková	42149/17	25/11/2021 25/11/2021	Functioning of justice: Unfair proceedings before the Constitutional Court due to the objectively justified doubts of the applicant regarding the impartiality of one of the Constitutional Court's judges who had ruled on her constitutional complaint. (Article 6 §1)	Individual measures: No claim for just satisfaction submitted. The applicant's request for the reopening of the impugned proceedings was declared admissible. The judge in question no longer sits at the Constitutional Court. General measures: In 2019, a new Constitutional Court Act entered into force, under which judges are excluded on the grounds of a relationship to the case, to the participants and/or to "interested persons", the parties or their representatives. Accordingly, all challenges regarding possible bias of deciding judges are assessed in the context of the examination of relationships not only with the parties to the proceedings, but also with interested persons. The judgment was translated, published and widely disseminated.
CM/ResDH(2022)422	SVK / Sarkocy and 1 other case	62753/19+	20/05/2021 20/05/2021	Functioning of justice: Excessive length of civil proceedings. (Articles 6 §1)	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. Domestic proceedings closed. General measures: required in response to the shortcomings found continue to be examined within the framework of the Maxian and Maxianova group of cases.

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CM/ResDH(2022)177	SVN / Cimperšek	58512/16	30/09/2020 30/06/2020	Freedom of expression and functioning of justice: <i>Unnecessary and disproportionate interference on account of the rejection by the Minister of Justice of the applicant's application to become a court expert owing to a lack of the required personal qualities, the judgment of which was based on the contents of the applicant's blog and emails he had sent to complain about the work of the Ministry. The rejection by the first instance court of the applicant's request for an oral hearing, despite the fact that the applicant had aimed to challenge the Minister's decision by using witness evidence to show his suitability as a court expert and to challenge the causal link between his fitness for that role and his blog and emails. (Articles 10 and 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The Administrative Disputes Act does not provide for the possibility to seek the reopening of the proceedings on the basis of a finding by the European Court. General measures: The first violation resulted from the misapplication of legislation in force and constitutes an isolated occurrence. The violation of Article 6§1 resulted from the inadequate application of legislation by the Administrative Court. See also CM/ResDH(2019)9 in the <i>Mirovni inštitut</i> case. Moreover, in 2020, the Supreme Court established a rule that administrative disputes must be decided at oral hearings, underlining that in an administrative dispute, in which the Administrative Court makes a decision on a right, obligation or legal benefit of an individual or legal entity in relation to holders of power, if the actual state between the plaintiff and the defendant is contentious, the Administrative Court has to conduct an oral hearing. The judgment was published, translated and disseminated.
CM/ResDH(2022)423	SVN / Virgirda	59868/08	28/11/2018 28/08/2018	Functioning of justice: <i>Unfair criminal proceedings due to the courts' failure to explicitly verify the applicant's (Lithuanian native tongue) linguistic competency in the language of the interpretation provided to him (Russian) in the proceedings and in the documentation, thus depriving him of the right to actively participate in the trial against him. (Article 6 §§1+3)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The impugned proceedings were reopened in 2019 and became time-barred in December 2021. General measures: Violation constitutes an isolated occurrence. In 2019, the Criminal Procedure Act was amended to implement Directive 2012/29/EU of the European Parliament and Council for establishing minimum standards on the rights, support and protection of victims of crime. The judgment was translated, published and widely disseminated. It was referred to in domestic case-law.
CM/ResDH(2022)276	SVN / Toplak and Mrak	34591/19+	28/02/2022 26/10/2021	Effective remedy and general prohibition of discrimination: <i>Lack of an effective remedy for disabled applicants' complaints as to accessibility of polling stations and voting procedure in a 2015 national</i>	Individual measures: The just satisfaction for non-pecuniary damage was duly paid to each applicant. General measures: The violation resulted from the fact that, in 2015, the Protection Against Discrimination Act, which only entered into force in 2016, was not yet applicable. Indeed, the

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				<i>referendum as domestic courts lacked legal power to award appropriate redress. (Article 13 in conjunction with Article 1 of Protocol No. 12)</i>	Court noted, when considering the remedies with respect to the 2019 European Parliament Elections, that had the second applicant had the possibility, he would have lodged a claim for compensation under the relevant provisions of the 2016 Protection against Discrimination Act. The judgment was published, translated and disseminated.
CM/ResDH(2022) 296	TUR / Abdullah Avul and Zümeyran Avul	24957/04	04/09/2012 Friendly settlement	Right to life: <i>Alleged unlawful killing of the applicants' son at the Turkish-Iranian border as a result of the use of force by soldiers from the Islamic Republic of Iran and lack of effective investigations into it as well as lack of a remedy. (Articles 2, 6 and 13)</i>	Individual measures: The amount of just satisfaction in respect of pecuniary and non-pecuniary damage was paid as agreed on. The incident was brought to the attention of the Iranian authorities, who deny any involvement by the Iranian border police, during the Supreme Border Commission meetings held in 2005, 2007, 2010 and 2012. Moreover, in 2011, the Turkish authorities sought legal assistance from the Iranian side for the identification of the perpetrators and sent a letter rogatory to the Iranian authorities. General measures: The Government undertook to issue appropriate instructions and adopt all necessary measures to ensure that the right to life – including the obligation to carry out an effective investigation – is respected. After 2003 (facts of the case), several Circulars had been issued by the Ministry of Justice and Ministry of Interior to the governorships concerned. Border incidents had to be brought to the attention of and examined by the Border Commission, established in accordance with the 1937 Tehran Agreement between Turkey and Iran on the security of their borders. If no mutual understanding could be reached between border officials, the issue is brought before the Supreme Border Commission composed of high-level representatives of relevant ministries and security forces of both States for decision. The border authorities are also entitled to determine compensation amounts. To prevent fatal border incidents, the Supreme Border Commission agreed to strengthen mutual cooperation and coordination to enable better control of the border. Indeed, in 2012, there was a significant decrease in fatal border

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					<p>incidents. All State agents who work at the border periodically received training on the regulations and use of arms as well as their legal responsibilities such as not to harm the citizens of either country or use disproportionate force. In 2018, the Supreme Border Commission agreed to mutually convey proposals for measures to promote border security.</p> <p>In addition to the Tehran Agreement, in 2011, an Agreement on Legal Cooperation in Civil and Criminal Matters between Turkey and Iran entered into force, which constituted the legal basis for the Turkish request to the Iranian authorities for criminal proceedings to be initiated. The Justice Academy conducts trainings aimed at raising the awareness of judges, prosecutors and candidate judges/prosecutors on the case-law of the Court. The European Court's decision was translated, published and widely disseminated to the relevant authorities.</p>
CM/ResDH(2022)312	TUR / A.K.	27607/11	09/01/2019 09/10/2018	Protection against ill-treatment: <i>Lack of effective protection on account of the courts' failure to conduct criminal investigations within a reasonable time into an attack of the applicant by a third party; the proceedings on charges of wounding with intent became time-barred at the appeal stage. (Article 3 procedural limb)</i>	<p>Individual measures: Just satisfaction in respect of non-pecuniary damage paid.</p> <p>General measures: See CM/ResDH(2017)372 in <i>Ebcin</i>. Activities raising awareness of judges, prosecutors as well as law-enforcement officers were carried out by the High Council of Judges and Prosecutors and the Justice Academy, promoting effective investigations and prosecutions concerning ill-treatment. The judgment was translated, published and widely disseminated.</p>
CM/ResDH(2022)343	TUR / Apostolidi and Others and 8 other cases	45628/99+	24/09/2007 27/03/2007 Merits 24/09/2008 24/06/2008 Just satisfaction	<p>Protection of property rights: <i>Unforeseeable unlawful interference due to the applicant Greek nationals' inability to inherit real estate situated in Turkiye due to the alleged absence of reciprocal arrangements in Greece. (Article 1 of Protocol No. 1)</i></p> <p>Other violation: <i>Excessive length of civil proceedings. (Article 6 §1)</i></p>	<p>Individual measures: Just satisfaction in respect of pecuniary and non-pecuniary damage was paid as awarded. In three cases, the Court had noted the Compensation Commission's competence to examine just satisfaction claims; initiated domestic proceedings have been closed in 2020. In two cases, applicants failed to make use of this remedy available to them.</p> <p>General measures: At the material time, pursuant to Article 35 of the Law on Land Registry, foreign nationals could only acquire ownership of a real estate by inheritance if the</p>

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					<p>condition of reciprocity, <i>de jure</i> or <i>de facto</i>, was met. As Turkish nationals could inherit property in Greece at the time, the Court found, in the present cases, that the manner in which Article 35 of the Law on Land Registry had been interpreted and applied by domestic courts had not been foreseeable. Since then, Article 35 of Land Registry Law had been amended four times, by Law no. 4916 dated 3 July 2003, Law no. 5444 dated 29 December 2005, Law no. 5782 dated 3 July 2008 and lastly by Law no. 6302 dated 3 May 2012. Following the latest amendment, the reciprocity requirement is no longer a pre-condition for foreigners to acquire immovable property by inheritance in Türkiye. Judicial practice changed accordingly. Concerning the issue of length of proceedings, see CM/ResDH(2014)298 in the <i>Ormanci</i> group.</p> <p>The judgments were translated, published and disseminated to the Constitutional Court, the Court of Cassation, the Ministry of Justice, the Ministry of Treasury and Finance, the Ministry of Interior, the General Directorate of Land Registry and Cadastre and to legal professionals at large.</p>
CM/ResDH(2022)428	TUR / Aygün	35658/06	14/09/2011 14/06/2011	Protection of property rights: <i>Disproportionate interference due to the loss of the applicants' land having become inaccessible following the building of a dam in Dicle and failure of the administrative authorities to formally expropriate the land and of domestic courts to award them compensation. (Article 1 of Protocol No. 1)</i>	<p>Individual measures: Just satisfaction for pecuniary damage was paid. Both plots of land in question have become accessible again as they were before the dam construction.</p> <p>General measures: In 2018, the relevant provision of the Expropriation Law was amended to ensure that all parcels found to be negatively affected by the construction of a nearby dam should be expropriated by the authorities and compensation should be paid. Examples of convention-compliant domestic courts' decisions, in particular, of the Constitutional Court and the Court of Cassation were submitted,. The judgment was translated, published and widely disseminated.</p>

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CM/ResDH(2022)59	TUR / Bayar and 14 other cases	55060/07+	13/06/2017 13/06/2017	Freedom of expression, freedom of assembly, functioning of justice: <i>Unjustified interferences due to the criminal proceedings initiated under various articles of the Criminal Code and Anti-Terrorism Law and denial of access to court (Bayar) on account of inadmissibility of the applicant's appeal on points of law on grounds that the level of the fine was below the statutory minimum for appeal. (Article 10, 11 and 6)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicants' convictions have been quashed and their criminal records have been erased. General measures: Concerning the issue on the right to access to court, see CM/ResDH(2019)330 in <i>Bayar</i> . General measures required in response to the other shortcomings found by the Court continue to be examined within the framework of the <i>Öner and Türk (51962/12)</i> , <i>Altuğ Taner Akçam (27520/07)</i> , <i>Nedim Şener (38270/11)</i> , <i>Artun and Güvener (75510/01)</i> and <i>Işıkırık (41226/09)</i> groups of cases.
CM/ResDH(2022)230	TUR / Canşad and Others	7851/05	13/06/2018 13/03/2018	Functioning of justice and lack of a remedy: <i>Unfair criminal proceedings due to their excessive length and lack of access to a lawyer during the initial stage of the investigation. (Article 6 §1 and 13)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed. The applicants did not request reopening of the impugned proceedings. General measures: See CM/ResDH(2018)219 in the <i>Salduz</i> group concerning the issue of access to a lawyer and CM/ResDH(2014)298 in the <i>Ormanci</i> group concerning excessive length of criminal proceedings. The judgment was published, translated and disseminated.
CM/ResDH(2022)121	TUR / Cengiz Ciliç and 1 other case	16192/06	04/06/2012 06/12/2011	Protection of private and family life / functioning of justice: <i>Inability of a father to exercise his contact rights in relation to his son during the course of excessive lengthy divorce proceedings in the first case and authorities' failure to take all adequate measures to maintain family ties between a mother and her abducted son born out of wedlock as well as lack of a remedy in the second case. (Articles 8 and 6 §1 as well as 13)</i>	Individual measures: Just satisfaction for all damages paid. Both children involved have meanwhile reached majority. General measures: In 2021, the impugned provisions of the Enforcement and Bankruptcy Law concerning access rights to children, which involved enforcement officers, were repealed. Furthermore, several new legal provisions were added to the Civil Code, ensuring the taking into account of the child's best interest in divorce and separation proceedings when it comes to matters relating to access to and custody of children. Legal provisions regarding access to and entertaining of personal ties with a child were also introduced into the Child Protection Act, providing that family court judgments and orders will be implemented by the Judicial Support and Victim Services Directorates, which were established by the Ministry of Justice with regard to 161 courthouses across the country. Objections

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					<p>concerning enforcement procedures in access and custody matters are to be filed with the Family Courts (and not Enforcement Tribunals). Under the Child Protection Act, if a parent does not respect judicial decisions, the competent directorate can make recommendation and ultimately file a criminal complaint against the non-cooperative parent or impose a disciplinary detention. With these amendments, judgments and measures will be carried out by psychologists, pedagogues, social workers, child development specialists and guidance counsellors, assigned to the case by the directorate, and by teachers in places where no specialized personnel are available. Moreover, in 2013, the Ministry of Family and Social Services provided a Family Education Programme composed of 28 information modules about divorce, children's rights and their protection after divorce, guardianship and joint custody. To date, this training has been given to a total of 2,3 million persons. Many workshops on family and custody matters have since been organised by the Justice Academy. In 2020 and 2021, around 230 judges and prosecutors were trained on "general provisions of divorce" with distance education courses. The judgments were translated, published and circulated to the relevant authorities.</p>
CM/ResDH(2022)430	TUR / Cetin and 1 other case	47299/15+	01/02/2022 01/02/2022	<p>Electoral rights: <i>Automatic loss of the right to vote by persons sentenced to imprisonment for intentional criminal offences for the entire duration of the sentence period. (Article 3 of Protocol No. 1)</i></p>	<p>Individual measures: The finding of a violation constitutes in itself sufficient just satisfaction for the non-pecuniary damage sustained. The applicants are no longer detained.</p> <p>General measures: See CM/ResDH(2019) in <i>Söyler</i> group. Decisions of the Supreme Election Board and the Constitutional Court ensured that only those serving prison sentences for intentional offences are now excluded from voting. General measures required in response to the violation of Article 10 continue to be examined under the <i>Özçelebi</i> case. The judgments were published, translated and disseminated.</p>

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CM/ResDH(2022)313	TUR / Dagtekin and Others and 1 other case	70516/01+	13/03/2008 13/12/2007	Functioning of justice: <i>Unfair proceedings concerning the applicants' complaint about the cancellation of their right to lease farming land in south-east Turkey in 1997 following a security investigation - on account of the refusal by the administrative authorities (ordered by the Ministry of Agriculture on grounds of national security) to submit the requested classified file to the administrative courts, depriving the applicants of sufficient safeguards against arbitrariness. (Article 6 §1)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. In both cases the impugned administrative proceedings were reopened. The fresh decisions rendered in the applicants' favour became final. General measures: The violations resulted from the domestic courts' erroneous application of domestic law. Recent examples of Supreme Administrative Court case-law in similar situations, recalling that administrative courts shall not base their decisions on classified information or documents withheld by the administrative authorities, were submitted. The judgment was translated, published and widely disseminated.
CM/ResDH(2022)229	TUR / Dimopoulos	37766/05	02/07/2019 02/04/2019	Functioning of justice: <i>Unfair civil proceedings on account of the dismissal without sufficient reasoning, by the retroactive application of a legislative amendment of the applicant's civil action initiated to obtain, by means of acquisitive prescription, the title deed in her name of a property which she had inherited, but which under the new legal amendment was classified as a "natural site" and thus excluded from acquisitive prescription. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. Reopening of the impugned proceedings was granted. They are still pending. General measures: In 2007 the impugned legislative amendment was abolished in substance. Concerning the retroactive application of the legislative amendment with regard to the conditions of acquisition of immovable property, recent examples of the Constitutional Court's case-law were submitted. The judgment was published, translated and disseminated.
CM/ResDH(2022)357	TUR / Durmaz	3621/07	13/02/2015 13/11/2014	Right to life: <i>Authorities' failure to carry out an effective investigation into the suspicious death of the applicant's daughter. (Article 2 procedural limb)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The Chief Public Prosecutor's Office ex officio reopened investigations and filed a bill of indictment charging the victim's husband. The ensuing criminal proceedings resulted in the accused husband's acquittal. General measures required in response to the shortcomings found by the Court in the present judgment continues to be examined within the framework of the <i>Opuz</i> group of cases

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CM/ResDH(2022)427	TUR / Ekşioğlu and Mosturoğlu and 3 other cases	30226/10+	15/06/2021 15/06/2021	<p>Functioning of justice: <i>Unfair football dispute settlement proceedings due to the lack of independence and impartiality of the competent body, the Arbitration Committee of the Turkish Football Federation (TFF). (Article 6 §1) here</i></p> <p><i>Other violations: Article 8 on account of the use, in the context of the disciplinary investigation, of the recordings of the telephone conversations of the applicants; Article 10 on account of the disciplinary sanction imposed on the applicant for the post he had published on a social media site. Article 46 indication by the Court: Measures to reform the system for settling such disputes under the auspices of the TFF, such as restructuring the Arbitration Committee so that it be sufficiently independent from the Board of Directors.</i></p>	<p>Individual measures: Just satisfaction for pecuniary and non-pecuniary damage was paid as awarded. In 2021 and 2022, In the cases of <i>Ekşioğlu and Mosturoğlu, Sedat Doğan and İbrahim Tokmak</i>, the Professional Football Disciplinary Committee accepted all the applicants' request for reopening of the proceedings and revoked the sanctions imposed on them. In the case of <i>Naki and Amed Sportif Faaliyetler Kulübü Derneği</i>, the applicants have not submitted any application to the TFF for the reopening of the proceedings.</p> <p>General measures required in response to the shortcomings found by the Court in these judgments continue to be examined within the framework of the case of <i>Ali Rıza and Others</i>.</p>
CM/ResDH(2022)282	TUR / Fazil Ahmet Tamer and 3 other cases	6289/02+	05/03/2007 05/12/2006	<p>Protection of private and family life and functioning of justice: <i>Unjustified interference by prison authorities with prisoners' correspondence with their lawyer; unfairness of disciplinary proceedings due to the lack of a public hearing and lack of assistance by a lawyer. (Articles 8 and 6 §1)</i></p>	<p>Individual measures: Just satisfaction for non-pecuniary damage paid. The applicants are no longer in prison.</p> <p>General measures: In 2005, the Law on the Enforcement of Sentences and Security Measures (Law no. 5275) as well as in 2020 the "Regulation on the Management of the Prisons and Enforcement of Sentences and Security Measures" were adopted with a view to providing ECHR-compliant rules on the monitoring of prisoners' correspondence with their lawyers. Concerning the lack of a public hearing and conduct of disciplinary proceedings in the absence of a lawyer, see Final Resolution CM/ResDH(2019)39 in <i>Gülmez</i>. Outstanding questions related to the implementation of Law No.5275 or the Prison Regulation on prisoners' correspondence with their lawyers continue to be examined within the</p>

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					framework of the remaining cases in this group, namely <i>Eylem Kaya, Sarigül, Mehmet Ali Ayhan and Others, İnan and Kale</i> .
CM/ResDH(2022) 281	TUR / Gülbahar Özer and Yusuf Özer	64406/09	08/10/2018 29/05/2018	Protection of private and family life: <i>Unjustified and disproportionate interference on account of the refusal by the national authorities to allow the applicants to bury the bodies of their two children, who were killed by soldiers in January 2005 in southeast Turkey, in a cemetery of their choice on grounds of public safety. (Article 8)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. Due to the irreversible nature of the situation at hand, <i>restitutio in integrum</i> through judicial proceedings is not possible. General measures: An isolated case resulting from the specific conditions of the incident and the authorities' non-convention-compliant assessment when taking measures in view of public safety. The judgment was published, translated and disseminated.
CM/ResDH(2022) 76	TUR / Halit Dinç and Others	32597/96+	19/12/2006 19/09/2006	Right to life: <i>Authorities' failure to protect, in 1994, the applicants' next of kin from manifestly excessive and potentially lethal force during military operations conducted in the border zone to Syria with a view to arresting a band of smugglers and lack of effective and speedy investigations into the circumstances of the applicants' relative's death, ultimately resulting in the Supreme Military Administrative Court's dismissal of the applicants' request for compensation. (Articles 2 substantive and procedural limb and 13)</i>	Individual measures: No claim submitted. The reopening of investigations was time-barred. General measures required for failure to prepare and supervise all necessary safety measures to reduce any risk to life to the extent possible during the operations of security forces are examined under <i>Erdogan and Others (19807/92)</i> group of cases and for the effectiveness of the investigations stemming from acts of security forces are being examined under the <i>Batı and Others (33097/96)</i> group of cases.
CM/ResDH(2022) 134	TUR / Ihsan Ay	34288/04	21/04/2014 21/01/2014	Protection of private and family life / functioning of justice: <i>Disproportionate interference due to the Supreme Administrative Court's failure to adduce an adequate justification for the use of an erased criminal conviction for acts no longer considered to be criminal offences and</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant did not avail himself of the opportunity to request reopening of the impugned proceedings. General measures: According to the 2005 Law on Criminal Records, criminal and archive records shall be deleted automatically, if they concern an act, which no longer

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				<i>which had been committed more than twenty years earlier, for the applicant's dismissal as a teacher as well as excessive length of proceedings before the administrative courts. Articles 8 and 6 §1)</i>	constitutes an offence. Domestic case-law examples were submitted underlining that information provided in the context of security investigations and archives research must have been lawfully obtained. The issue of lacking adequate reasoning in domestic court judgments is supervised in the Deryan group. With regard to the length of proceedings, see CM/ResDH(2014)298 in Ormanci and Others. The judgment was published, translated and disseminated. It was also used in training activities for judges in the Supreme Administrative Court and the Court of Cassation.
CM/ResDH(2022)228	TUR / Ilbeyi Kemaloğlu and Meriye Kemaloğlu	19986/06	10/07/2012 10/04/2012	Right to life: <i>Lack of diligence in protecting the right to life of the applicants' son (who died in a blizzard after an early dismissal of his school class) due to the authorities' failure to hold accountable those responsible for his death and to provide appropriate redress to his parents on account of the excessive length of the related proceedings as well as the refusal of their claim for legal aid. (Articles 2 procedural and 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The impugned administrative proceedings concerning the action for compensation - previously dismissed for the failure to pay the relevant court fees after the rejection of their request for legal aid - were reopened and finally the administration's neglect in duty was established with regard to both applicants. The criminal proceedings initiated against the headmaster, deputy headmaster and the class teacher were time-barred in 2012. General measures: In 2006, the Regulation on Primary Education Institutions was amended after the date of the death of the applicant's son in 2004 and a registration system based on addresses was introduced. In 2014, the Regulation on Pre-School Education and Primary Education Institutions of the Ministry of National Education containing detailed rules for extraordinary situations resulting in the suspension of class came into effect. The school administrations, including the teachers, are also responsible for the organisation of the transport. Local Education Directorates and school administrations supervise the proper functioning of the system. In 2018, a circular on security measures in schools was issued by the Ministry of National Education. Concerning the refusals by administrative courts to grant the applicants legal aid see CM/ResDH(2018)37 in the context of

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					the <i>Bakan</i> group. The issue of the excessive length of the criminal proceedings before the Court of Cassation continues to be examined within the framework of the <i>Kalender</i> group of cases. The judgment was published, translated and disseminated.
CM/ResDH(2022)250	TUR / İltümür Ozan and Others and 2 other cases	38949/09	16/05/2021 16/02/2021	Protection against ill-treatment: <i>Ill-treatment and ineffectiveness of the investigations into ill-treatment by State agents. (Article 3 procedural limb and in two cases substantive limb)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The first applicant did not avail himself of the opportunity to request reopening of the investigations. The reopening of proceedings was time-barred in the second and third case. General measures required in response to the ineffectiveness of investigations into ill-treatment and the excessive use of force by the police and security forces continue to be examined within the framework of the <i>Batı</i> and <i>Others</i> group, the <i>Oya Ataman</i> , <i>Kasa</i> , and <i>Erdoğan</i> groups.
CM/ResDH(2022)433	TUR / Kayasu and 1 other case	64119/00+	13/02/2009 13/11/2008	Freedom of expression and lack of a domestic remedy: <i>Disproportionate interference on account of the applicant's, a public prosecutor, criminal conviction and removal from office for abuse of authority and insulting the armed forces and lack of an effective remedy by which to challenge disciplinary sanctions imposed by the Supreme Council of Judges and Public Prosecutors. (Article 10 and 13 in conjunction with 10)</i>	Individual measures: Just satisfaction for pecuniary and non-pecuniary damage combined was paid. General measures to address the lack of procedural guarantees in disciplinary proceedings before the Council of Judges and Public Prosecutors and the issue of its composition while reviewing appeals on disciplinary sanctions continue to be examined within the <i>Bilgen</i> group of cases. The issue of unjustified and disproportionate interferences with freedom of expression on account of prosecutions and criminal proceedings under Article 301 of the Criminal Code continues to be examined within the <i>Altuğ Taner Akçam</i> group of cases.
CM/ResDH(2022)135	TUR / Kerestecioğlu Demir	68136/16	06/09/2021 04/05/2021	Freedom of expression: <i>Unlawful interference on the basis of a constitutional amendment of 2016 resulting in the withdrawal of parliamentary immunity from the applicant, an elected member of</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant was re-elected in 2018. She was finally acquitted by domestic courts in 2020. General measures required in response to the other shortcomings found continue to be examined within the framework of the <i>Selahattin Demirtas No. 2</i> group (14305/17).

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				<i>the Turkish National Assembly, on account of her political opinions. (Article 10)</i>	
CM/ResDH(2022)435	TUR / Keser and Kömürcü ad 6 other cases	5981/03+	23/09/2009 23/06/2009	Right to life and protection against ill-treatment: <i>Death or ill-treatment during raids to quell prison riots or during related prison transfers and/or the lack of effective investigation into the events. (Articles 2 and 3 substantive and procedural aspects)</i>	<i>Individual measures:</i> Just satisfaction for pecuniary and non-pecuniary damage paid. In 2020/2021, the prosecution office reviewed the cases and decided that it was no longer possible to reopen the investigation due to the fact that it had become time-barred for the offence in question. <i>General measures</i> required in response to the shortcomings found by the Court in these judgments continue to be examined within the framework of the <i>Gomi and Others</i> .
CM/ResDH(2022)424	TUR / Kurşun and 2 other cases	22677/10+	30/01/2019 30/10/2018	Functioning of justice: <i>Denial of access to a court due to the Court of Cassation's rejection of the applicants' compensation claim following an oil explosion on unreasonable and unforeseeable grounds. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction in respect of pecuniary (in two cases) and of non-pecuniary damage (in all cases) paid. Domestic proceedings were reopened in the first case and compensation awarded. In two cases, reopening of the impugned proceedings was time-barred; thus pecuniary compensation awarded by the Court. <i>General measures:</i> required with regard to the lack of reasoning in judicial decisions continue to be examined under <i>Deryan</i> group of cases.
CM/ResDH(2022)255	TUR / Loizidou	15318/89	18/12/1996 18/12/1996 Merits 28/07/1998 28/07/1998 Just satisfaction	Protection of property rights: <i>Continuous denial of access to and interference with property rights in the northern part of Cyprus and the consequent loss of control thereof. (Article 1 of Protocol No. 1)</i>	<i>Individual measures:</i> Just satisfaction for pecuniary damage for loss of use and non-pecuniary damage for frustration and anguish as well as for costs and expenses was paid in 2003, together with default interest (See Final Resolution ResDH(2003)190). As concerns the issue of property restitution/exchange/pecuniary compensation of the property loss, the Immovable Property Commission (IPC), under the provisions of Law 67/2005 for the Compensation, Exchange and Restitution of Immovable Properties and upon request from the Committee of Ministers, submitted, in 2007, an ex officio proposal to the applicant, offering pecuniary compensation for the value of the property or, in the alternative, the possibility

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					<p>of an exchange for property left in the south by displaced persons who had moved to the north (see DD(2007)632). The IPC 's offer explicitly excluded restitution under the above Law as the ownership of the applicant's properties had been transferred to displaced persons from the south in exchange for properties they had abandoned and due to the value increase of some plots developed for housing purposes (see DD(2008)107). The IPC also offered compensation for the applicant's loss of the use of her property for the period 1998-2006 (subsequent to the period covered by the Court's award). Furthermore, according to the information provided by the Turkish authorities, the IPC is able to award compensation for loss of use for the period 1974-1987 and from 2006 to the present, as well as compensation for non-pecuniary damage for the entire period upon the applicant's request. The Turkish authorities indicated in addition that the applicant can contest the offer before the High Administrative Court in the northern part of Cyprus.</p> <p>The applicant refused the IPC offer and insisted on the restitution of her property. She also claimed that the award offered by the IPC was too low.</p> <p>In 2010, the Court - in its admissibility decision in <i>Demopoulos and Others</i> - found Law No. 67/2005, including the provisions precluding restitution of property transferred to persons displaced from the south, to provide an adequate and effective framework of redress. The Court also rejected the argument that the awards of compensation offered by the IPC under Law 67/2005 were unreasonably low.</p> <p><u>General measures</u>: The question of the property rights of Greek Cypriots residing in the northern part of Cyprus continues to be supervised in the context of the case of Cyprus against Turkey.</p>

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CM/ResDH(2022)78	TUR / M.T.B. and 1 other case	47081/06+	12/09/2018 12/06/2018	Functioning of justice: <i>Unfair proceedings resulting in the applicants' conviction in absentia and refusal of the possibility for a rehearing after learning of their conviction without any indication that they had waived their right to be present during the trial. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid in the first case. No claim submitted in the second case. In both cases, the applicants did not request reopening of proceedings. General measures: In 2021, the Court of Cassation changed its case-law with regard to Article 35 of the Law on Notifications considering that a notification was duly served to a former address registered in the <i>Central Population Management System</i> only when at least one prior notification had been successfully delivered to it, according to the case file. The judgment was published, translated and disseminated.
CM/ResDH(2022)283	TUR / Mamatkulov and Askarov and 1 other case	46827/99+	04/02/2005 Grand Chamber	Right to individual petition: <i>Failure to comply with the interim measures indicated under Rule 39 of the Rules of Court resulting in the applicants' extradition to Uzbekistan and - thus - preventing the Court from conducting a proper examination of their complaints. (Article 34)</i>	Individual measures: Just satisfaction for legal costs/non-pecuniary damage paid. The applicants were convicted by Uzbek courts in 1999. Uzbek authorities guaranteed not to confiscate the applicants' properties or to subject them to torture or ill-treatment. General measures: Since 1999, the authorities changed their practice and complied with all interim measures indicated by the European Court under Rule 39. In 2015, the Directorate General of Migration Management of the Ministry of the Interior issued written instructions to be implemented 24/7 by the Provincial Directorates of Migration Management and Removal Centres. Training and awareness-raising activities were organised. The judgment was published, translated and disseminated.
CM/ResDH(2022)311	TUR / Mehmet Orhan Yücel	56687/16	29/06/2021 29/06/2021	Protection of private and family life: <i>Disproportionate interference due to the domestic courts' failure to balance freedom of expression against the applicant's right to protection of one's reputation. (Article 8)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The applicant did not avail himself of the opportunity to request the reopening of the impugned proceedings. General measures: Clone case; see CM/ResDH(2019)215 in <i>Tarman</i> .

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CM/ResDH(2022)144	TUR / Murat Akin and 2 other cases	40865/05	09/01/2019 09/10/2018	Functioning of justice: Failure of first instance courts and the Court of Cassation to provide adequate reasons for their decisions. (Article 6 §1)	Individual measures: Just satisfaction for non-pecuniary damage paid as awarded. The applicants did not avail themselves of the opportunity to request reopening of the impugned proceedings. General measures required in response to the shortcomings found by the Court in the present judgments continues to be examined within the framework of the <i>Deryan</i> case (No. 41721/04).
CM/ResDH(2022)297	TUR / Okan Güven and Others	13476/05	09/04/2018 14/11/2017	Functioning of justice: Unfair civil proceedings on account of the lack of sufficient reasoning of the domestic courts' decisions in refusing the applicants' property claim and inconsistency of the Court of Cassation's final decision with its previous two decisions regarding the same claim; excessive length of proceedings. (Article 6 §1)	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The applicants were entitled to request the reopening of the impugned proceedings under the Civil Procedure Code. The impugned civil proceedings were concluded in 2004. General measures: Concerning the excessive length of proceedings, see CM/ResDH(2014)298 in the <i>Ormanci</i> group. Outstanding questions related to the lack of reasoning in judicial decisions continue to be examined under the <i>Deryan</i> group of cases (41721/04).
CM/ResDH(2022)434	TUR / Öneriyıldız	48939/99	30/11/2004 Grand Chamber	Right to life, protection of property rights, lack of an effective remedy: Authorities' failure to take all necessary measures to prevent the accidental death of nine close relatives of the applicant in a methane explosion at a rubbish tip, in Ümraniye, Istanbul, in 1993, as well as lack of an effective investigation into this fatal accident provoked by the operation of a dangerous activity and lack of adequate legal protection; negligent omissions by authorities resulting in the loss of the applicant's house and all his movable property; failure to pay the amounts awarded by domestic courts in the	Individual measures: Just satisfaction for pecuniary and non-pecuniary damage combined and separate was paid. Following the delivery of the Court's judgment, the applicants did not file any request for re-opening of the investigation /proceedings. In 2021, the Prosecutor's Office found that criminal proceedings were time-barred. Concerning the compensation awarded to the applicant in the administrative proceedings initiated by him, the applicant was redressed by way of just satisfaction awarded to him by the Court under both heads. The applicant was allocated housing in 2003. General measures: The issue of the judicial authorities' failure to secure the full accountability of State officials or authorities for their role in fatal accidents continues to be examined within the framework of the <i>Kalender</i> group of cases; the issue of the administrative bodies' failure to enforce judicial decisions

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				<i>administrative proceedings. (Article 2 substantive and procedural limbs, Article 1 of Protocol No. 1 as well as Article 13 combined with Article 2 and of Article 13 combined with Article 1, Protocol No 1)</i>	awarding the applicants compensation and other pecuniary awards continues to be examined within the framework of the <i>Kılıç</i> group of cases.
CM/ResDH(2022)345	TUR / Özmen	28110/08	04/03/2013 04/12/2012	Protection of private and family life: <i>Domestic authorities' failure to apply the principles of the Hague Convention on the Civil Aspects of International Child Abduction during proceedings relating to divorce, custody or the return of a child in parental abduction cases and to enforce a court's order for the applicant's daughter's return to Australia following parental abduction. (Article 8)</i>	<p>Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The applicant's daughter was found and handed over to the applicant in 2016.</p> <p>General measures: In 2007, Law No. 5717 was adopted to implement the provisions of the Hague Convention on the Civil Aspects of International Child Abduction (ratified in 2000) into domestic law. The Ministry of Justice, Directorate General for Foreign Relations and EU Affairs, was determined as the central authority. Judicial proceedings in relation to parental abduction cases are conducted by the Family Courts, categorized as urgent, and are thus to be processed and decided expeditiously. Moreover, interim measures in the best interests of the child may be ordered. Parental custody proceedings shall be suspended should a request for the return of child be pending. The Child Protection Act No.5395 of 2005, as amended in 2021, regulates the execution of return judgments and the child's hand-over.</p> <p>As concerns the issue of the family courts' granting the abducting parent custody rights after the judgment in favour of the child's return, recent case-law examples were submitted demonstrating that parental custody proceedings are suspended pending return proceedings, as required by the Hague Convention.</p> <p>As concerns the issue of the family courts' refusal of the child's return to her/his habitual residence without in-depth analysis of the family situation, recent case-law examples illustrated compliance with the requirements of the Hague Convention.</p> <p>As concerns access rights to and the establishment of a personal relationship with children, the enforcement of</p>

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					relevant court orders is supervised by public prosecution offices through the Social Service and Children Protection Institution. Breaches of relevant court orders are sanctioned with disciplinary imprisonment up to ten days. As concerns the issue of the non-notification of the opening of a divorce case, in 2019, the Court of Cassation held that civil courts must notify all parties to civil proceedings of all stages of the trial and reach a decision only after hearing both parties. The Justice Academy of Türkiye is conducting on-line vocational training concerning family matters. Since 2020, the justice Academy provided 678 judges and prosecutors with on-line vocational training about family matters and the protection of children. The judgments of the group were translated, published and disseminated.
CM/ResDH(2022)431	TUR / Perihan and Mezopotamya Basın Yayın A.Ş.	21377/03	21/06/2014 21/01/2014	Freedom of expression: <i>Unjustified interference on account of the dissolution of a publishing company, following proceedings brought by the Ministry of Industry and Trade, by a poorly reasoned commercial court order, based on its alleged illegal activities. (Article 10)</i>	Individual measures: Just satisfaction for non-pecuniary damage was paid. The applicant did not avail himself of the possibility to request the reopening of the impugned proceedings. General measures: Isolated occurrence resulting from erroneous judicial practice. Examples of relevant case-law were submitted. Outstanding questions related to the lack of reasoning of judicial decisions continue to be examined under the <i>Deryan</i> group of cases.
CM/ResDH(2022)425	TUR / Sace Elektrik Ticaret ve Sanayi A.Ş.	20577/05	22/01/2014 22/10/2013	Functioning of justice: <i>Denial of access to a court due a mandatory 10% fine for an unsuccessful challenge to a forced sale at a public auction. (Article 6 §1)</i>	Individual measures: The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. As the impugned fine had not yet been paid, no pecuniary damage to be awarded. General measures: The violation stemmed from the relevant provision of the 2004 Enforcement and Bankruptcy Act. In 2021, the Enforcement and Bankruptcy Act was amended, granting the judge a discretion to impose a “fine up to 10% of the value of the bid”. Examples of related judicial decisions

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					were submitted. The judgment was translated, published and widely disseminated.
CM/ResDH(2022)294	TUR / Sarar	74345/11	15/06/2021 15/06/2021	Functioning of justice: <i>Unfairness of criminal proceedings on account of the lack of legal assistance while in police custody as a result of the statutory ban applicable to persons accused of offences falling within the jurisdiction of the State Security Courts as well as subsequent use of the statements made as evidence resulting in the applicant's conviction. (Article 6 §§ 1 and 3 (c))</i>	Individual measures: No claim submitted. The applicant did not avail himself of the opportunity to request reopening of the impugned proceedings. General measures: See CM/ResDH (2018)219 in the <i>Salduz</i> group, in particular concerning the 2005 Code of Criminal Procedure, as amended in 2016, granting all detained persons the right of access to a lawyer from the moment they are taken into police custody. By a court order, while the right of access to a lawyer can be restricted during the first 24 hours of police custody in respect of an exhaustive list of crimes, including crimes relating to national security, terrorism and organised drug trafficking, suspects cannot be interrogated in this period. The judgment was translated, published and widely disseminated.
CM/ResDH(2022)231	TUR / Sodan and 1 other case	18650/05+	02/05/2016 02/02/2016	Protection of private and family life and functioning of justice: <i>Unjustified interference on account of two teachers' transfer/refusal of appointment on the grounds of their wives' religious convictions or secret security investigation findings as well as excessive length of the related administrative proceedings. (Articles 8 and 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid with regard to the first applicant. No claim submitted by the second applicant. The first applicant did not request the reopening of the impugned proceedings. In reopened proceedings with regard to the second applicant, the Supreme Administrative Court, in 2021, finally upheld the former first instance decision in part and partly rejected the applicant's claims. General measures: Both incidents resulted from extraordinary measures taken by the National Security Council in 1997, which were abolished in 2000. Moreover, in 2013, the Government amendment of the regulations concerning the dress code for women working in public institutions allowed female public officials to work with their headscarf.

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					See CM/ResDH(2014)298 in the <i>Ormanci</i> group concerning excessive length of proceedings. The judgment was published, translated and disseminated.
CM/ResDH(2022)432	TUR / Uca and 1 other case	45801/12+	29/06/2021 29/06/2021	Right to liberty and security: <i>Absence of grounds justifying the applicants' remand in custody, lack of a remedy to challenge the lawfulness of detention, absence of a hearing during detention reviews. (Article 5 §§ 1+3+4)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage was paid. The applicants are no longer in detention on remand. <u>General measures</u> required in response to the shortcomings found continue to be examined within the framework of the <i>Güveç</i> case.
CM/ResDH(2022)429	TUR / Ulay and 3 other cases	8626/06+	13/05/2018 13/02/2018	Functioning of justice: <i>Unfair criminal proceedings on account of the lack of legal assistance while in police custody resulting in the applicants' conviction. (Article 6 §§1+3c)</i>	<u>Individual measures:</u> The finding of a violation constitutes in itself sufficient just satisfaction for the non-pecuniary damage sustained by the applicants. Under the Code of Criminal Procedure, a request for the reopening of the impugned proceedings is possible. Two of the applicants did not request reopening and two applicants were acquitted in reopened proceedings. <u>General measures</u> required in response to the shortcomings found continue to be in the context of the <i>Türk</i> group of cases.
CM/ResDH(2022)426	TUR / Wolf-Sorg	6458/03	08/09/2010 08/06/2010	Right to life: <i>Failure to conduct an adequate and effective investigation into the applicant's daughter's death during an armed clash between the security forces and members of a terror organisation. (Article 2 procedural limb)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. According to the Prosecutor's Office, the reopening of the investigation became time-barred. <u>General measures:</u> related to the accountability of members of the security forces, in particular, the need for administrative authorisation to prosecute certain crimes other than torture and ill-treatment in the <i>Bati and Others</i> group of cases; and the remaining issues concerning the overall conduct of police and gendarmerie operations, in the <i>Erdoğan and Others</i> group.
CM/ResDH(2022)295	TUR / X	24626/09	27/05/2013 09/10/2012	Protection against discrimination / protection against ill-treatment: <i>Sustained discrimination and inhuman and degrading treatment on account of the homosexual</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. In 2010, the applicant was placed in a standard cell with three other inmates. He was released on probation in 2016.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>applicant's detention conditions in solitary confinement for more than eight months, on grounds of his sexual orientation, without sufficient assessment of the real risk to his safety in shared prison areas, aggravated by the lack of an effective remedy. (Article 14 in conjunction with Article 3)</i>	<u>General measures:</u> Under the 2004 Law No. 5275, discrimination of inmates on grounds of sexual orientation is prohibited in principle. According to the current practice of the prison administration, homosexual inmates are placed, upon their request, in single-occupancy "rooms" (differing from "cells" with regard to the occupants' access to material and social facilities) or in suitable wards together with other convicts/detainees of a different sexual orientation. In 2020, the Regulation on "Centres for the Observation, Classification and Assessment of Convicts" established procedures for the classification and placement of convicts/detainees declaring their different sexual orientation upon admission. In 2015, the Prison Administration Circular No. 167 provided that, in the absence of appropriate accommodation in a given penitentiary institution, convicts/detainees of a different sexual orientation are to be transferred to a suitable one. Placement and transfer decisions of the Administration and Observation Board are subject to judicial review. Examples of administrative decisions and rulings by the Execution Judgeship on placement and transfers were submitted. In the framework of a programme conducted by the General Directorate of Prisons and Detention Facilities, trainings are provided to staff in penitentiary institutions about the basic approach towards LGBTI convicts/detainees and on modalities for referral, intervention and follow-up in case of mental health issues. The judgment was translated, published and widely disseminated.
CM/ResDH(2022) 77	TUR / Yasar Holding A.S. and 1 other case	48642/07+	13/11/2017 04/04/2017 Merits 22/01/2020 22/10/2019 Friendly settlement	Protection of property rights: <i>Unlawful interference, unforeseeable and incompatible with the principle of legality, on account of the transfer of management and shares of the applicant company to the Deposit Guarantee Fund of the State two days after the entry into force of the</i>	<u>Individual measures:</u> In the first case, an agreement on just satisfaction was reached with the applicant company concerning the granting of a new banking licence. In the second case, the question on just satisfaction was submitted to the Compensation Commission, the decisions of which in regard to both applicants' requests became final in June 2021. <u>General measures:</u> Both cases are of an isolated nature. The impugned legislative amendment in the former Banking Code

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>respective legal provision. (Article 1 of Protocol No.1)</i>	(Law no 4389) had been put in place in 1999. In 2005, the current Banking Activities Act (Law no. 5411) replaced the previous Code; thus a reoccurrence of similar violations seems impossible. With regard to the issue of the unlawful transfer of minority shareholders' shares to the Fund and according to recent findings of the Court in <i>Berent and Others (33461/09)</i> , domestic courts have improved their relevant practice. Moreover, the possibility of an individual application before the Constitutional Court constitutes an effective remedy capable of preventing future violations. The judgment was published, translated and disseminated.
CM/ResDH(2022)141	UK / D.S.	70988/12	30/06/2021 30/03/2021	Protection of private and family life: <i>Unlawful interference due to the past disclosure of the applicant's criminal record pursuant to a regime in force until May 2013. (Article 8)</i>	Individual measures: The finding of a violation constituted in itself sufficient just satisfaction for non-pecuniary damage. Following statutory amendments in May 2013, the applicant's conditional discharge was no longer subject to mandatory disclosure. General measures: See also CM/ResDH(2015)221 in <i>M.M.</i> . In May 2013, statutory amendments to English and Welsh legislation introduced a filtering mechanism so that old and minor cautions and convictions are no longer automatically disclosed on a criminal record certificate. Disclosure is only made after taking into account the seriousness and age of the offence, the age of the offender and the number of offences committed by a person. Except for a core list of certain sexual and violent offences which are always disclosed, offences are disclosed for an eleven-year period from the date of conviction if (a) a custodial sentence was not received, (b) only one offence has been committed, and (c) the offender was an adult at the time. The period is reduced to 5.5 years in the case of a youth. Similar amendments were also made to legislation in Scotland and Northern Ireland. In 2019, the Supreme Court found certain aspects of the disclosure scheme to be incompatible with Article 8 ECHR. Hence, further amendments were introduced in November

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					2020 to remedy the criticized aspects. Furthermore, the Disclosure and Barring Service published guidance on the 2013 and 2020 changes to explain to applicants and employers the disclosure filtering rules in relation to convictions and cautions. The judgment was published.
CM/ResDH(2022)19	UK / J.D. and A	32949/17+	24/02/2020 24/10/2019	Discrimination / protection of property rights: <i>Unjustified and disproportionate discriminatory effect of housing benefit regulations in the social housing sector (informally known as “the bedroom tax”) on a recognized victim of domestic violence in a special Sanctuary Scheme property. The Court noted that the regulation’s aim to incentivise people to move was in conflict with the Sanctuary Scheme’s goal of allowing victims of domestic and gender-based violence to stay in their homes. (Article 8)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid to the applicant. The applicant received and, after the judgment, continued to receive discretionary housing payments which mitigated any financial loss related to the reduction in housing benefits. Further to the change in legislation (see general measures below), the applicant is now in the position she would have been in without the violation. General measures: The relevant legislation was amended (entry into force in October 2021) to introduce an exemption for victims of domestic violence who are part of a special Sanctuary Scheme from reduction in housing benefits. This exemption applies also to claimants who adjusted their home under the Sanctuary scheme, due an individual in their household being subject to domestic violence. The judgment was published and disseminated.
CM/ResDH(2022)246	UK / K.O. and Others	22225/19	03/02/2022 Friendly settlement with undertakings	Protection of private and family life: <i>Alleged interference due to a deportation order made against the applicants’ father following his conviction for conspiring dishonestly to make false representations. A friendly settlement was reached between the parties, inter alia, to revoke the deportation order and to grant the applicants’ father a limited period of thirty months leave to remain. (Article 8)</i>	Individual measures: The amount agreed on in the Friendly Settlement was paid. In 2022, the applicants’ father was granted Discretionary Leave for 30 months after the revocation of the deportation order.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2022)245	UK / M.A.	35194/20	14/10/2021 Friendly settlement with undertakings	Protection of private and family life: <i>Alleged interference due to a deportation order made against the applicant. A friendly settlement was reached on the basis of a number of undertakings, inter alia, that a deportation action shall not be taken against the applicant solely as a result of his previous criminal conviction. (Article 8)</i>	Individual measures: The amount agreed on in the Friendly Settlement was paid. In 2021, the applicant was granted Discretionary Leave for 30 months. Subsequently, it was decided not to prohibit the applicant having recourse to public funds. The applicant is permitted to access the National Health Service and has also been granted permission to work.
CM/ResDH(2022)142	UK / M.M.	32953/20	23/09/2021 Friendly settlement	Protection of private and family life: <i>Alleged interference with the applicant's and his wife's and children's family life on account of a decision by the Secretary of State for the Home Department to deport the applicant to Australia, following his conviction for four counts of "dishonestly making false accusations". (Article 8)</i>	Individual measures: In accordance with the terms of the friendly settlement, the deportation order was revoked. The applicant was granted discretionary leave valid until 13/02/2024. The sum agreed on was paid to the applicant. General measures: None.
CM/ResDH(2022)285	UKR / Aliyev	78228/14	10/06/2021 10/06/2021	Protection of private and family life: <i>Unjustified interference due to the revocation, in 2010, of the applicant's residence permit and the issuance of an expulsion order with a five-year entry ban. (Article 8)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant was granted a permanent residence permit in 2016. General measures: The violation stemmed from an erroneous application of domestic law at the material time and was of an isolated nature. The 2011 Law on the Legal Status of Foreigners and Stateless Persons provides enhanced legal safeguards against unlawful expulsion decisions, in particular, the authorities' obligation to institute court proceedings before domestic courts before implementing forced returns. Moreover, the Law on Immigration and the 2018 Procedure concerning permanent residence permits set out the applicable rules for immigration and residence. Recent examples of court decisions in immigration and residence matters were submitted, including Supreme Court decisions, which took into account numerous personal circumstances of the immigrant,

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					including family and social ties. The judgment was translated, published and widely disseminated.
CM/ResDH(2022)328	UKR / Andrey Yakovenko and 4 other cases	63727/11+	13/06/2014 13/03/2014	Protection against ill-treatment, right to liberty and security as well as functioning of justice: <i>Poor material conditions in detention and in transit between colonies as well as lack of adequate medical care in detention and lack of effective preventive and compensatory remedies in these respects; lack of relevant and sufficient reasons for detention on remand as well as (in Romanov) absence of a lawyer during statements given to the police. (Articles 3 and 13 as well as Article 5 §§1+3 and Article 6 §§1+3c)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The applicants are no longer in detention, and in the case of <i>Romanov</i> , the applicant did not apply for reopening of the impugned criminal proceedings General measures required in response to the shortcomings found continue to be examined within the framework of the <i>Nevmerzhitsky, Isayev, Yakovenko, Yaremenko, Melnik, Ignatov and Balitskiy</i> groups of cases.
CM/ResDH(2022)242	UKR / Arcelormittal Ambalaj Celigi Sanayi Ve Ticaret Anonim Sirketi	23819/11	15/07/2021 15/07/2021	Functioning of justice: <i>Unfair civil proceedings on account of the domestic courts' failure to address the applicant company's specific and important arguments, which were decisive for the outcome of the case and to give adequate reasons for their decisions. (Article 6 § 1)</i>	Individual measures: The finding of a violation constitutes sufficient just satisfaction for non-pecuniary damage. The applicant company has not filed an application for review of the impugned judgment. General measures: See CM/ResDH(2020)176 in <i>Bochan</i> . The 2005 Code of Civil Procedure as amended in 2017, provides for the obligation of a court/judge to adequately reason every decision taken. The 2016 Law on the judiciary and status of judges provides for disciplinary sanctions in cases where reasoning is lacking. The judgment was published, translated and disseminated. It was included in manuals of the National School of Judges.
CM/ResDH(2022)234	UKR / Berenzenko and 5 other cases	29105/20+	15/04/2021 15/04/2021	Functioning of justice and lack of a remedy: <i>Excessive length of civil and criminal proceedings. (Articles 6 §1 and 13)</i> Other violation:	Individual measures: Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed. The obligation not to abscond was lifted from the applicant in the case of <i>Kompaniyets and Others</i> .

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				Freedom of movement: Lengthy restriction on his freedom of movement as a result of the undertaking not to abscond. (Article 2 Protocol No. 4)	<u>General measures</u> required in response to the shortcomings found continue to be examined in the framework of the <i>Merit</i> and <i>Svetlana Naumenko</i> groups of cases. The issue of excessive length of the restriction related to the obligation not to abscond are being examined in the context of the <i>Ivanov</i> group of cases.
CM/ResDH(2022) 235	UKR / Bereza	67800/12	04/03/2021 04/03/2021	Right to liberty and security: Deprivation of liberty on account of the applicant's forcible escort to the police station by special force in order to be questioned as a witness in criminal proceedings without any prior proper notification of a summons. (Article 5 §1)	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. The applicant has the possibility to apply for review of the impugned proceedings concerning his complaint, but did not avail himself of this opportunity. <u>General measures:</u> The 2012 Code of Criminal Procedure contains detailed rules for the proper serving of court summons on a person, for the proper confirmation of receipt of court summons or confirmation of learning of its content in another way as well as for compulsory attendance. The Code also provides a list of valid reasons and different consequences for non-compliance with a court summons. As concerns administrative practice, in 2021, domestic courts granted 1,030 requests for compulsory attendance of witnesses during pre-trial investigations and 4,282 during criminal proceedings. None of them were appealed. The judgment was published, translated and disseminated.
CM/ResDH(2022) 34	UKR / Bochan No. 2 and 2 other cases	22251/08+	05/02/2015 Grand Chamber	Functioning of justice: Unfair civil and criminal review proceedings before the Supreme Court following initial judgments of the European Court (Bochan No. 1, Yaremenko No. 1 and Shabelnik No. 1). In the second judgments it gave on each case, the European Court found that the initial violations had not been remedied during the reopened domestic proceedings, causing new violations.	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid as awarded in each case. In the first and third cases, the Supreme Court reopened the proceedings for review on the merits, referring to the European Court's finding in the cases <i>Bochan No. 1</i> and <i>No. 2</i> , and <i>Shabelnik No. 1</i> and <i>No. 2</i> , respectively. The second applicant did not request review of the impugned proceedings. <u>General measures:</u> In 2017, amendments to relevant procedural laws created domestic mechanisms to provide for the possibility to request the review of final domestic civil and criminal judgments on the basis of the European Court's finding

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					of a violation of the ECHR. Furthermore, domestic judicial practice has evolved. Relevant examples and an analysis of Supreme Court judicial decision monitoring (covering the period 2017 to 2020) were submitted. The Supreme Court regularly quashed impugned judgments and referred the case back to the appropriate instance or decided itself on the merits to reduce the risk of excessive length of proceedings. Thus, a coherent and unified judicial practice has been established in consistency with the "CM Recommendation on the re-examination of national judicial decisions following European Court's judgments". Capacity-building activities were organised for judges, including with the support of the Council of Europe cooperation projects. The judgments were published, translated and disseminated.
CM/ResDH(2022)36	UKR / Chernov	16432/10	10/12/2020 10/12/2020	<i>Ne bis in idem: Double punishment under the Criminal Code and the Code of administrative (minor) offences for the same minor disorderly act. (Article 4 of Protocol No. 7)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage was transferred to a special deposit account due to the absence of the applicant's financial details. In 2021, the Supreme Court reopened the impugned proceedings, quashed the criminal decision and closed the criminal case. <i>General measures:</i> See CM/ResDH(2018)48 in <i>Tarasov</i> . In the present case, the violation resulted from the domestic courts' inappropriate interpretation of domestic law. Examples of domestic courts' coherent and appropriate practice were submitted. The judgment was published, translated and disseminated.
CM/ResDH(2022)179	UKR / Dedesh	50705/13	14/01/2021 14/01/2021	<i>Protection of private and family life: Disproportionate interference on account of the applicant's placement on parole after his release from prison due to the domestic courts' failure to analyse the applicant's individual circumstances and to reason the necessity of the restrictions imposed. (Article 8)</i>	<i>Individual measures:</i> The applicant died on 04/04/2019. To date the authorities have not received any information from the applicant's heirs or representatives. The payment could be initiated by the heirs by appealing to the State Bailiff's decision. The applicant's administrative supervision had ended in July 2014. <i>General measures:</i> Violation of an isolation occurrence due to the improper practice of state bodies. Basically, the legislation

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					contains clear requirements for the court procedure with regard to applications for administrative supervision of persons released from prisons. Recent examples of coherent and appropriate practice of domestic courts were submitted. The judgment was published, translated and disseminated.
CM/ResDH(2022)137	UKR / Dzemyuk and 1 other case	42488/02+	04/12/2014 04/09/2014	Protection of private and family life (home) / Functioning of justice: <i>Unlawful interference on account of the construction and use of a cemetery in vicinity of the applicant's home and water supply in the first case and delayed enforcement of domestic judgments banning the use of plots of land as cemetery, contrary to applicable sanitary standards, in the second case. (Articles 8 and 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The burials at the cemeteries near the applicants' houses stopped in 2018 and 2019 respectively and the cemeteries have been closed; the authorities also discussed with the first applicant the possibility of resettlement, to no avail. Today his home is connected to a newly constructed village water supply system providing drinking water, and a fence is blocking the cemetery from the view of the applicant's house. General measures required in response to the shortcomings found in regard to the implementation of environmental regulations continue to be examined within the framework of the <i>Dubetska and Others</i> case. The structural problem of non-enforcement or delayed enforcement of domestic judicial decisions against the State continues to be examined within the framework of the <i>Yuriy Nikolayevich Ivanov and Burmych</i> group.
CM/ResDH(2022)240	UKR / Dzhaksybergenov and 2 other cases	12343/10	20/06/2011 10/02/2011	Freedom of movement: <i>Unlawful ban to leave the territory in the context of extradition proceedings with regard to the first applicant / disproportionate restriction due to the applicants' obligation not to abscond in the context of excessively lengthy criminal proceedings. (Article 2 of Protocol No. 4)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The preventive imposition of an undertaking not to abscond was lifted for all applicants. General measures required in response to the shortcomings found continue to be examined within the framework of the <i>Ivanov</i> case.
CM/ResDH(2022)241	UKR / Feldman (No. 2)	42921/09	12/04/2012 12/01/2012	Protection of private and family life: <i>Authorities' refusal to allow the applicant</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant is no longer in pre-trial detention.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>family visits and to attend his father's funeral whilst in pre-trial detention due to lacking clarity in the law as to the scope and manner of exercise of the authorities' discretion as well as lacking safeguards. (Article 8)</i>	<u>General measures</u> required in response to the shortcomings found continue to be examined within the framework of the Shalimov case.
CM/ResDH(2022)233	UKR / Golanov and 6 other cases	881/13+	15/04/2021 15/04/2021	Right to liberty and security: <i>Unlawful pre-trial detention, excessive length of pre-trial detention and absence of speedy review. (Article 5)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. All of the applicants are no longer in detention on remand. <u>General measures</u> required in response to the main shortcomings found by the Court in these cases continue to be examined within the framework of the Ignatov group of cases.
CM/ResDH(2022)298	UKR / Gusev	25531/12	14/04/2021 14/01/2021	Functioning of justice: <i>Unfairness of civil proceedings due to the domestic courts' rejection of the applicant's claim for damages following the Court of Appeal's change of its legal qualification without clear and sufficient reasoning and contrary to the principle of adversarial proceedings. (Article 6 §1)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. The applicant did not apply for reopening of the impugned proceedings. <u>General measures:</u> See CM/ResDH(2020)176 in <i>Bochan</i> (7577/02). In 2021, the Supreme Court requested the courts of appeal to comply with the ECHR requirements, taking into account the European Court's case-law, for consistent and uniform application of national law and to abide by the principle of legal certainty. The judgment was translated, published and widely disseminated.
CM/ResDH(2022)329	UKR / Lashch and 1 other case	44160/19+	24/06/2021 24/06/2021	Protection against ill-treatment, right to liberty and security as well as functioning of justice: <i>Poor material conditions in detention and lack of effective preventive and compensatory remedies - excessive length and deficiencies of judicial review of detention and excessive length of pre-trial detention as well as lack of or inadequate compensation - excessive length of criminal</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. The applicants are no longer in detention. <u>General measures</u> required in response to the shortcomings found by the Court continue to be examined within the framework of the <i>Nevmerzhitsky, Melnik, Ignatov and Merit</i> groups of cases.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>proceedings. (Articles 3 and 13 as well as Article 5 §§3+4+5 and Article 6 §1)</i>	
CM/ResDH(2022)286	UKR / I.N.	28472/08	23/06/2016 23/03/2016	Right to liberty and security as well as functioning of justice: <i>Unlawful involuntary hospitalisation in a psychiatric institution and lack of an effective and enforceable right to compensation; excessive length of civil proceedings. (Articles 5 §§1+5 and 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant was discharged from hospital in December 2000. In order to comply with the Court's judgment, the Supreme Court, in 2018, partly revoked its prior decision and awarded additional non-pecuniary damage in the amount initially claimed by the applicant. It also found the psychiatric institutions' actions regarding the applicant's involuntary hospitalisation from March to September 2000 to be unlawful. General measures required in response to the shortcomings found continue to be examined within the framework of the <i>M.</i> group of cases (2452/04) as well as the <i>Merit</i> and <i>Svetlana Naumenko</i> groups of cases.
CM/ResDH(2022)136	UKR / Katsyuk and Kamenetska	7869/20+	11/03/2021 11/03/2021	Functioning of justice: <i>Excessive length of civil proceedings as well as the lack of effective remedy in this respect. (Articles 6 §1 and 13)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed. General measures required in response to the shortcomings found continue to be examined in the framework of the <i>Merit</i> and <i>Svetlana Naumenko</i> groups of cases.
CM/ResDH(2022)244	UKR / Khimchak and Bikyk and 1 other case	4565/14+	10/06/2021 10/06/2021	Right to liberty and security: <i>Unlawful detention in the light of well-established case-law. (Article 5 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicants are no longer in custody. General measures required in response to the shortcomings found continue to be examined within the framework of the <i>Ivanov</i> case.
CM/ResDH(2022)236	UKR / Kotenko and Others and 1 other case	2575/09+	20/06/2019 20/06/2019	Functioning of justice: <i>Unfair civil proceedings due to the domestic courts failure to consider an argument of substance advanced by the applicants, which may have been decisive for the outcome, and to provide sufficient reasons. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The possibility of review was time-barred in the first case; in the second case the applicant did not avail himself of the opportunity. General measures: See CM/ResDH(2018)283 in <i>Benderskiy</i> . With regard to the new judicial practice, recent examples of the Supreme Court's ECHR compliant case-law were submitted. in

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					2020, the National School of Judges organised extensive training. The judgments were published, translated and disseminated.
CM/ResDH(2022)140	UKR / Kushnir and 4 other cases	8531/13+	28/01/2021 28/01/2021	Functioning of justice: Denial of the right to a fair trial due to the domestic authorities' failure to duly notify the applicants of court proceedings against them. (Article 6 §1)	Individual measures: Just satisfaction for non-pecuniary damage paid as awarded. The majority of applicants did not apply for review of the domestic judgements concerned. Domestic proceedings were reopened where requested by the applicants and they were duly notified about the new hearing. 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>Gurepka (No. 2)</i> group. With regard to the principle of legal certainty, raised by the <i>Minak and Others</i> case, see Final Resolution CM/ResDH(2021)254 in the <i>Ponomaryov</i> group.
CM/ResDH(2022)139	UKR / Lutsenko (No. 2)	29334/11	11/09/2015 11/06/2015	Protection against ill-treatment: Confinement in a metal cage in the courtroom and inhuman conditions of the applicant's detention during the hearing. (Article 3)	Individual measures: No claim for just satisfaction damage made. The applicant was pardoned and released in 2013. General measures: The vast majority of the cages have been removed from courtrooms and replaced by glass cabins. According to the State Judicial Administration, the remaining metal cages in five courts will be removed once these courts will have been reconstructed/constructed. The by-law regulating the food standards for detainees during the court proceedings entered into force on 01/01/2022. Further general measures concerning the nutrition of detainees during hearing days are being examined in the framework of <i>Nevmerzhitsky</i> group of cases. The Law on National Police foresees disciplinary responsibility for the non-provision of medical assistance during convoy. The 2010 State Building Regulations determine the number and size of cells being provided to detainees during trial. Currently, 22% of the total numbers of the courts comply with these Regulations; further reconstruction of existing courts shall be carried out. The judgment was published, translated and disseminated.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2022)239	UKR / Metyolkina and Others	4827/11+	28/10/2021 28/10/2021	Functioning of justice: Denial of access to higher courts due to unforeseeable and/or excessively formalistic application of the relevant procedural regulations. (Article 6 §1)	Individual measures: Just satisfaction for non-pecuniary damage paid. The first applicant asked for a review of the impugned decision, which was granted. Four other applicants did not avail themselves of this possibility. General measures: See CM/ResDH(2017)378 in <i>Mushta</i> . Furthermore, in 2017, the Code of Civil Procedure and the Code of Administrative entered into force, providing improved rules on the service of domestic judgments, the renewal and extension of procedural time limits, deadlines for appeal and legal consequences if procedural time limits have expired. In 2021, capacity-building activities were organised by the National School of Judges. The judgment was published, translated and disseminated.
CM/ResDH(2022)436	UKR / Myakotin	29389/09	17/12/2019 17/12/2019	Protection of property rights: Disproportionate interference on account of the confiscation of the applicant's car as a sanction for the evasion of payment of customs duties on the basis of inconsistent provisions of the Code on Administrative Offences and the Customs Code as well as judicial practice. (Article 1 of Protocol N°1)	Individual measures: Just satisfaction for pecuniary and non-pecuniary (compensation for confiscated car) damage paid. The applicant did not lodge a request for the reopening of the impugned proceedings. General measures: The 2012 Customs Code clarified that the cross-border movement of national or foreign currency and bank metals across the customs border is governed by the Law on Currency and Exchange Transactions, providing that import or export of foreign currency exceeding the equivalent of EUR 10,000 is subject to mandatory customs clearance. In 2021, the Constitutional Court clarified, by a decision, that the impugned provision did not leave any discretion to the courts as regards the sanction to be imposed, as confiscation of the excess amount was mandatory and declared part of that provision unconstitutional. Subsequently, in 2022, the Law on Amendments to the Customs Code as regards Administrative Liability of Citizens for Violation of Customs Rules abolished confiscation, providing only for a fine of 20% of the excess amount. Judicial practice concerning imposed administrative penalties were adapted accordingly. The judgment was translated, published and widely disseminated. It was also used

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					in training activities on the application of customs and tax rules and regulations.
CM/ResDH(2022) 243	UKR / Religious Community of Jehovah's Witnesses of Kryvyi Rih's Ternivsky District	21477/10	03/12/2019 03/09/2019	Freedom of religion and protection of property: <i>Unlawful and arbitrary interference due to the failure of domestic authorities to permit the applicant, a religious community of Jehovah's Witnesses, to construct a new place of worship and to enter into a lease agreement for that purpose, in spite of a final domestic judicial decision holding that the community met the domestic legal requirements. (Articles 9 and 1 of Protocol No.1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant community did not apply for review of the impugned proceedings. In March 2020, the applicant community submitted a new application for a land development project to the City Council's Department of Urban Development and Land Relations, which was approved in July 2020. General measures: The violation resulted from the specific circumstances of the case and the erroneous application of domestic law by - and inaction from - the authorities. Recent examples of case-law of the Supreme Court and the Higher Administrative Court exercising effective judicial control in land disputes and subordinate courts were submitted. They indicated that the Land Code of Ukraine was amended since the facts of the present case and now appears to be able to provide more effective procedure in this respect and better protection against actions and/or omissions by the local authorities. The authorities also provided examples of recent domestic case-law of the Supreme Court, which, in their opinion, would prevent similar violations in future. The judgment was published, translated and disseminated.
CM/ResDH(2022) 284	UKR / Rudnichenko	2775/07	11/10/2013 11/07/2013	Right to liberty and security and functioning of justice: <i>Unlawful administrative detention without a court order and excessively lengthy detention on remand; unfair criminal proceedings due to the impossibility to obtain the examination of the witness whose testimony had been used for the applicant's conviction as well as objectively justified doubts concerning the impartiality of the judge. (Article 5 §§1+3)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant, no longer in pre-trial detention, was convicted in November 2007. The applicant's representative lodged a request to review the case before the High Specialised Court for Civil and Criminal Cases. In 2018, the Supreme Court quashed the judgment and remitted the case for retrial. As a result of an additional pre-trial investigation by the prosecutor, the applicant was no longer charged with the criminal offence in question. Hence, the applicant has no longer a criminal record.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>and Article 6 §1 alone and Article 6 §3(d) taken together with 6 §1)</i>	<i>General measures:</i> General measures necessary to respond to the broader violations of Article 5 are being examined in the context of the <i>Kharchenko</i> group of cases. Moreover, the Code on Administrative Offences was amended in 2010, abolishing administrative detention for public drunkenness. As concerns the objective doubts on the trial judge's impartiality, the violation constituted an isolated case. Multiple awareness-raising training sessions on the principle of impartiality were held between 2016 and 2021. As concerns the restriction of the right to question witnesses, see CM/ResDH(2020)15 in <i>Zhoglo</i> . Furthermore, under the 2012 Code of Criminal Procedure, the personal attendance of a witness is mandatory. The judgment was published, translated and disseminated.
CM/ResDH(2022)238	UKR / Sadocha	77508/11	11/10/2019 11/07/2019 Merits 07.08/2020 07/05/2020 Just satisfaction	Protection of property rights: <i>Interference due to the disproportionate confiscation of the entirety of applicant's undeclared funds by the customs authorities. (Article 1 of Protocol No. 1)</i>	<i>Individual measures:</i> Just satisfaction for pecuniary damage (restitution of confiscated sum minus the maximum fine) paid. The finding of a violation constitutes sufficient just satisfaction for non-pecuniary damage. The applicant did not request reopening. <i>General measures</i> required in response to the shortcomings found continue to be examined within the framework of the <i>Myakotin</i> group of cases.
CM/ResDH(2022)181	UKR / Sergey Antonov and 2 other cases	40512/13+	22/01/2016 22/10/2015	Protection against ill-treatment: <i>Lack of adequate medical assistance in detention as well as lack of an effective and accessible remedy under domestic law for the applicant's complaint in respect of the lack of appropriate medical assistance. (Articles 3 and 13)</i> <i>Other violations: Unjustified interference due to the monitoring of the applicants' correspondence with entities not exempted from monitoring under domestic law and</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The first and third applicants were released in 2015 and 2020 respectively. The authorities indicate that medical assistance is provided regularly to the applicants who are still detained. <i>General measures</i> required in response to the shortcomings found in these cases continue to be examined within the framework of the <i>Isayev</i> and <i>Naydyon</i> groups of cases.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>hindrance of the right to individual petition due to one of the applicants being induced to make statements undermining his application before the Court. (Articles 8 and 34)</i>	
CM/ResDH(2022)35	UKR / Shebaldina	75792/11	18/06/2020 18/06/2020	Protection of property rights: <i>Domestic courts' arbitrary dismissal of a teacher's claims for recovery of annual payments to be paid from the State budget on the grounds of lacking expenditure provisions in the relevant budget. (Article 1 of Protocol No.1)</i>	Individual measures: Just satisfaction for pecuniary (debt and inflation losses) and non-pecuniary damage paid. The applicant did not avail herself of the possibility to request review of the impugned proceedings. General measures: See also CM/ResDH(2017)22 in <i>Suk</i> . The judgment was published, translated and disseminated to the local and regional courts, the National School of Judges, the Ministry of Finance, and the Ministry of Education and Science. Further general measures to enhance the rule of law and access to justice as well as to avoid non-enforcement or delayed enforcement of domestic court decisions against the state, state-controlled or owned entities continue to be examined in the framework of three main groups of cases: <i>Oleksandr Volkov</i> (judicial reform), <i>Merit/Svetlana Naumenko</i> (length of proceedings) and <i>Zhovner/Burmych</i> (enforcement of domestic decisions).
CM/ResDH(2022)180	UKR / Stetsov	5170/15	11/08/2021 11/05/2021	Freedom of movement: <i>Disproportionate and unjustified interference due to a travel ban imposed on the applicant on account of a failure to reimburse a debt established by a judgment and his inability to obtain a review of the decision. (Article 2 of Protocol No. 4)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. In August 2021, the Supreme Court refused the applicant's request for reopening and directed him to lodge a regular procedure. In December 2021, the local court, referring to the Court's conclusions, ruled to lift the applicant's temporary ban to leave Ukraine, as he had fully enforced the judgment of 2014 and repaid the debt under the loan agreement. General measures required in response to the shortcomings found related to administrative and judicial practice in the application of travel bans in similar circumstances continue to be examined in the framework of the <i>Vlasenko</i> case. The Civil

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					Procedure Code was amended in 2018, providing an avenue to challenge the imposed restriction.
CM/ResDH(2022)299	UKR / Svyato-Mykhaylivska Parafiya	77703/01	14/09/2007 14/06/2007	Freedom of association: <i>Unjustified interference on account of the authorities' refusal to register changes and amendments to the applicant religious association's statute, lack of safeguards against arbitrary decisions by the registering authority unrectified by the domestic courts' review; the lack of coherence and foreseeability of the relevant legislation. (Article 9)</i>	<p>Individual measures: Claim for just satisfaction submitted out of time. In reopened proceedings, the impugned judicial decision was quashed by the Supreme Court in 2008. Due to the applicant association's inaction, the remitted claim was finally dismissed by the district administrative court in 2009.</p> <p>General measures: The registration procedure for religious organisations comprises their state registration as legal entity, on the one hand, and the registration of their statutes, on the other hand.</p> <p>In 2003, the Law on State Registration of Legal Entities, Individual Entrepreneurs and Public Organisations established a clear procedure with an exhaustive list of grounds to refuse registration. Registrars are required to substantiate their decision to refuse registration. In 2012, the Ministry of Culture issued an order to administrative services clarifying the standard requirements under the Law on Freedom of Conscience and Religious Organisations for the registration of the statutes and their changes, underlining the need to substantiate refusals. In 2019, the Law on Freedom of Conscience and Religious Organisations was amended to clarify, in detail, procedural requirements for registering changes to religious organisations' statutes and canonical subordination, as well as membership issues.</p> <p>In 2019, the Supreme Court, in its case-law, provided detailed guidance on the right and judicial procedure to change canonical subordination as recognised by the state. Domestic courts developed coherent case-law, providing safeguards against registrars' arbitrary decisions. In 2019, the State Service for Ethnopolitics and Freedom of Conscience was established to ensure that the approaches to the statutes of religious organisations be unified, and to simplify access to the procedures. Seminars on the registration process and</p>

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					awareness-raising activities were organised for registrars and church representatives. The Ministry of Justice monitors the action of registrars with regard to the Unified State Register of legal entities, individual entrepreneurs and public organisations. The judgment was translated, published and widely disseminated.
CM/ResDH(2022)237	UKR / Tretiak	16215/15	17/12/2020 17/12/2020	Protection against ill-treatment: Lack of effective investigations into an attack allegedly carried out by private individuals due to the failure to prevent a formally charged suspect's flight to Russia as well as delays in taking steps to secure his arrest and extradition of a suspect from Russia; lengthy periods of investigational inactivity. (Article 3 procedural limb)	Individual measures: Just satisfaction for non-pecuniary damage paid. Finally, in 2020, the Supreme Court upheld the verdict of the lower court sentencing a private individual for aggravated hooliganism against the applicant. General measures: See CM/ResDH(2020)296 in the <i>Muta</i> group, in particular, with regard to the introduction, in 2012, of a new Code of Criminal Procedure and the reform, in 2014, of the National police, supplemented by intensive training and awareness-raising measures. Moreover, in 2021, the Code of Criminal Procedure was amended to allow, in case of the unknown whereabouts of accused persons or suspects failing to comply with summons of investigative authorities or courts, to list them on an international wanted list and to conduct special pre-trial investigations or judicial proceedings. The judgment was published, translated and disseminated.
CM/ResDH(2022)138	UKR / Tserkva Sela Sosulivka	37878/02	28/05/2008 28/02/2008	Functioning of justice: Denial of access to a court due to the domestic courts' refusal to recognise their jurisdiction in proceedings against the regional administration relating to the use of a building for religious needs. (Article 6 §1)	Individual measures: Just satisfaction for non-pecuniary damage paid. In reopened proceedings, the Supreme Court quashed the Higher Commercial Court's decision of 2002. In 2009, the Kyiv Commercial Court decided to satisfy the applicant's claim in part. General measures: The current legislation regulates in detail the issue of determining the jurisdiction of the court authorised to consider a particular case. In judicial practice, the Grand Chamber of the Supreme Court plays an important role in ensuring that any jurisdictional conflicts are effectively resolved; examples of case-law were submitted. As concerns the enforcement of judicial decisions, the issue of the effective

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					functioning of private and state bailiffs is being examined within the context of the <i>Yuriy Nikolayevich Ivanov/Zhovner</i> group of cases. The judgments were published, translated and disseminated as well as used in training activities of the National School of Judges.
CM/ResDH(2022)314	UKR / Tyuryukov	35627/10	18/06/2020 18/06/2020	Protection of private and family life: <i>Disproportionate interference on account of the absolute ban on long-term family visits, which existed for life prisoners before May 2014. (Article 8)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. General measures: See Resolution CM/ResDH(2020)297 in <i>Trosin</i> group. The judgment was translated, published and widely disseminated.
CM/ResDH(2022)438	UKR / Vasylychuk and 1 other case	24402/07+	13/09/2013 13/06/2013	Protection against ill-treatment and of private and family life: <i>Disproportionate interference in the applicant's right to respect of her home due to the unnecessary use of force used by police on the occasion of a search; lack of effective investigations into the applicant's related complaint. (Article 8 and 3 procedural limb)</i> Other violation: <i>Article 13 – impossibility to institute civil proceedings against police officers for person not directly involved in the criminal proceedings.</i>	Individual measures: Just satisfaction for non-pecuniary damage paid in the first case. No award made in the second case. In the first case, the reopened pre-trial investigation was terminated in 2022 due to lacking elements of a crime in the police officers' conduct. The second applicant did not request the reopening of the investigation. General measures: The violations in these cases resulted from law enforcement officers' inadequate practice. The 2012 Criminal Procedure Code established stricter and more detailed rules for ordering and conducting searches of premises and seizures of assets. Moreover, further amendments in 2017 oblige the law enforcement officers to conduct audio or video recorded searches. The judgment was translated, published and widely disseminated. Training activities related to authorisation and conduct of searches were organised by the National Academy of the Public Prosecutors for law-enforcement officers, judges and prosecutors Office as well as the National School of Judges. Outstanding issues relating to domestic remedies in case of unlawful searches as well as investigations into allegations of abuse during a search are examined within the framework of the <i>Koval and Others</i> group of cases, and the general measures related to the issue of the lack of effective investigations into

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					ill-treatment by police within the framework of the <i>Afanasyev / Kaverzin</i> group of cases.
CM/ResDH(2022) 232	UKR / Yevdokimov	24635/14	22/04/2021 22/04/2021	Functioning of justice: <i>Unfair criminal proceedings due to the unjustified failure to disclose the judicial decision authorising covert surveillance measures concerning allegations of bribery made against the applicant, thus preventing the defence from assessing the admissibility of material evidence obtained thereby. (Article 6 §1)</i>	Individual measures: The finding of a violation constitutes sufficient just satisfaction for non-pecuniary damage. The applicant did not request a review of the impugned decision. General measures: Isolated incident due to shortcomings in relevant court practice. The 2012 Code of Criminal Procedure provided a new legal framework for the authorisation of covert investigative activities by an investigating judge upon request by the prosecutor. Moreover, the 2012 Instruction on covert investigative activities and the use of their results in criminal proceedings was approved by the prosecutor's General Office, the Ministry of the Interior, the Security Service, the Administration of the State Border Guard, the Ministry of Finance and the Ministry of Justice, providing for different types of covert investigative activities. The legislation in force requires the declassification and disclosure of the material obtained, including the relevant authorisation, to the defence, in the view of the need to verify the legality of the covert activity and to assess the admissibility of its results. It provides a clear and foreseeable procedure, including the possibility to appeal against the investigative judge's rulings. Recent examples of the judicial practice with regard to the disclosure of the ruling to the defence were submitted. The judgment was published, translated and disseminated.
CM/ResDH(2022) 437	UKR / Zherdev	34015/07	27/07/2017 27/04/2017 Merits 25/04/2018 25/01/2018 Revision	Protection against ill-treatment and right to liberty and security: <i>Degrading treatment on account of the holding of a minor in handcuffs and underwear at a police station for hours and subsequent placement in a cell with adults; failure to conduct an effective investigation into those circumstances; lack of sufficient legal</i>	Individual measures: Just satisfaction for non-pecuniary damage paid to the parents of the deceased applicant. General measures: The 2008 Rules of Internal Regulations in Temporary Detention Facilities of Internal Affairs Bodies provides that persons detained in temporary detention facilities are entitled to use their own clothes and footwear. The Law on National Police prohibits the use special measures, including special restraining devices (handcuffs, binding nets

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				<i>grounds for two periods of his pre-trial detention and on account of its excessive length. (Article 3 substantive and procedural limb,) Article 5 §§1+3</i>	etc.) on minors except in special circumstances. It provides for criminal, administrative, civil and disciplinary responsibility of police staff as well as criminal, administrative, civil and disciplinary responsibility if committed of an offence. In 2020, a Custody Record system was introduced in all temporary detention facilities of the National Police. The judgment was translated, published and widely disseminated. It was also used in training activities for judges and National Police staff. General measures concerning the lack of effective investigations are examined in the framework of the <i>Kaverzin</i> (23893/03) group of cases. General measures concerning the unlawful and excessively lengthy pre-trial detention are examined in the framework of the <i>Ignatov</i> (40583/15) group of cases.
CM/ResDH(2022)358	UKR / Zhuraleva and 1 other case	45526/08	31/01/2019 31/01/2019	Protection of private and family life: <i>Disproportionate interference due to the applicants' duty to share their homes without appropriate legal framework and procedural safeguards as well as failure to protect the flat owners from repeated harassment and violent disturbance by the co-owners despite the initiation of civil and criminal proceedings against the new co-owners the applicants were forced to cohabit with. (Article 8 - and Article 3 in the second case)</i>	<u>Individual measures</u> : Just satisfaction in respect of non-pecuniary damage paid. Both applicants did not apply for review of the domestic judgments. <u>General measures</u> required in response to the shortcomings found continue to be examined within the framework of the <i>Levchuk</i> group of cases.