



REGULAR SELECTIVE INFORMATION FLOW

for the attention of the National Human Rights Structures

Issue#113

[1 - 31 October 2013]

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Information **selected** by the « Versailles St-Quentin Institutions Publiques » research centre (Versailles St-Quentin-en-Yvelines University, France), under the responsibility of the Directorate of Human Rights (DG I) of the Council of Europe
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Introduction

This Issue is part of the "Regular Selective Information Flow" (RSIF). Its purpose is to keep the National Human Rights Structures permanently updated of Council of Europe norms and activities by way of regular transfer of information, which the Directorate of Human Rights carefully selects and tries to present in a user-friendly manner. The information is sent to the Contact Persons in the NHRs who are kindly asked to dispatch it within their offices.

Each Issue covers one month and is sent by the Directorate of Human Rights (DG I) to the Contact Persons a fortnight after the end of each observation period. This means that all information contained in any given issue is between four to eight weeks old.

The selection of the information included in the Issues is made by the "Versailles-St-Quentin Institutions Publiques" research centre (VIP – University of Versailles-St-Quentin-en-Yvelines, France) under the responsibility of the Directorate of Human Rights. It is based on what is deemed relevant to the work of the NHRs (including Ombudsman Institutions, National Human Rights Commissions and Institutes, Anti-discrimination Bodies). A particular effort is made to render the selection as targeted and short as possible. Readers are expressly encouraged to give any feed-back that may allow for the improvement of the format and the contents of this tool.

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PartOne

GENERAL INFORMATION

This part presents a selection of information of general importance for the National Human Rights Structures.

This information was issued during the period under observation (1-31 October 2013) by the European Court of Human Rights, the European Committee of Social Rights, the Committee of Ministers, the Parliamentary Assembly and other Council of Europe monitoring mechanisms.

PartOne

§1 - EUROPEAN COURT OF HUMAN RIGHTS

A. Judgments

1. Judgments deemed of particular interest to the NHRs

The judgments presented under this heading are the ones for which a separate press release is issued by the Registry of the Court as well as other judgments considered relevant for the work of the NHRs. They correspond also to the themes addressed in the Peer-to-Peer Workshops. The judgments are thematically grouped. The information, except for the comments drafted by the Directorate of Human Rights, is based on the [press releases of the Registry of the Court](#).

Some judgments are only available in French.

Please note that the Chamber judgments referred to hereunder become final in the circumstances set out in Article 44 § 2 of the Convention: “a) when the parties declare that they will not request that the case be referred to the Grand Chamber; or b) three months after the date of the judgment, if reference of the case to the Grand Chamber has not been requested; or c) when the panel of the Grand Chamber rejects the request to refer under Article 43”.

Note on the Importance Level:

According to the explanation available on the Court’s website, the following importance levels are given by the Court:

1 = High importance, Judgments which the Court considers make a significant contribution to the development, clarification or modification of its case-law, either generally or in relation to a particular state.

2 = Medium importance, Judgments which do not make a significant contribution to the case-law but nevertheless do not merely apply existing case-law.

3 = Low importance, Judgments with little legal interest - those applying existing case-law, friendly settlements and striking out judgments (unless these have any particular point of interest).

Each judgment presented in section 1 and 2 is accompanied by the indication of the importance level.

● Right to life (Art. 2)

[ABDULKHANOV AND OTHERS V. RUSSIA](#) (No. 22782/06) - Importance unspecified - 03 October 2013 - Violation of Article 2 - Breach of the applicants’ right to life on account of excessive use of force by domestic authorities and lack of an effective investigation in that respect - Violation of Article 13 - Lack of effective criminal investigation

The case concerned a Russian military strike on a village in Chechnya in February 2000, which killed 18 of the applicants’ relatives.

Violation of Article 2

The Court concluded that Article 2 was violated in one hand, in its substantive aspect due to the use of lethal force killing and injuring applicant’s family members, as acknowledged by the Russian government; and on the other hand, in its procedural aspect, because no effective official investigations were conducted while individuals had been killed following the use of force by the authorities. There had therefore been a violation of Article 2.

Violation of Article 13

The Court considered that the civil remedies were vain because there was no effective criminal investigation. Thus, when a criminal investigation into the use of lethal force had been ineffective, the effectiveness of any other remedy was undermined. There had therefore been a violation of Article 13.

Article 41 (Just satisfaction)

As the applicant's claim, the Court held that Russia was to pay the applicants each between EUR 40,000 and EUR 210,000 in respect of non-pecuniary damage (EUR 1,160,000 in total) and that it was to pay twelve of the applicants each between EUR 300 and EUR 900 in respect of pecuniary damage (EUR 5,400 in total).

● **Ill-treatment / Conditions of detention / Deportation (Art. 3)**

YURIY ILLARIONOVICH SHCHOKIN V. UKRAINE (IN FRENCH ONLY) (No. 4299/03) - Importance 3 - 3 October 2013 - Violation of Article 2 - Domestic authorities' failure to protect the life of the applicant's son; lack of an effective investigation in that respect - Violation of Article 3 - Domestic authorities' failure to protect the applicant's son against torture; lack of an effective investigation about the possible involvement of a state official

The case concerned the death of a prisoner who was the applicant's son, following several acts of violence by inmates with a possible involvement of a prison officer, during his imprisonment in a penal colony.

Violation of Article 2

The Court noted that the applicant's son was under the supervision of domestic authorities. He was placed in a high-security prison. His death was a result of long and cruel acts of violence. His right to life had then been breached.

In addition, the Court found that the investigation which followed the death of the applicant's son had not sought to establish responsibility within the prison staff. It observed that there was a lack of serious inquiry by the domestic authorities to determine how several people could torture and rape the applicant's son for such a long time and in communal areas. Moreover, the national authorities didn't mention state's responsibility at all.

The Court also noted that domestic authorities had failed to guarantee the appearance of the official that might have been involved in the acts of torture, before the judicial authorities, while the latter has absconded and never been traced. The Court did not see the will of the domestic authorities to find the official of the state prisoner.

Article 2 was then breached because the domestic authorities had failed to guarantee the protection of the applicant's son; and has failed to investigate effectively into the facts after his death.

Violation of Article 3

The Court was on the view to characterise the acts of violation suffered by the applicant's son as torture within the meaning of Article 3 of the Convention. He actually was raped on two occasions; had received numerous blows on many parts of his body causing his death.

The Court noted, as for the violation of Article 2, that neither the question concerning the presumed involvement of a state official, nor the determination of how such incident could happen inside communal areas of the prison, had been addressed by an effective investigation.

That is why it concluded to the violation of Article 3.

Article 41 (Just satisfaction)

The Court held that Ukraine was to pay the applicant EUR 30,000 in respect of non-pecuniary damage.

D.F. V. LATVIA (No. 11160/07) - Importance 2 - 29 October 2013 - Violation of Article 3 - Domestic authorities' failure to adopt an effective remedy concerning the applicant's allegations of imminent risk of ill-treatment

The case concerned a former paid police informant and a sex offender, the latter was at constant risk of being exposed to violence from his co-prisoners while serving his sentence, and the failure of the domestic authorities to transfer him to a safer prison.

The Court initially found the applicant's complaint of ill-treatment inadmissible on account of his failure to submit details regarding his alleged ill-treatment and proof that he had suffered injuries.

Concerning the applicant's high risk of exposure to violence and fear of ill-treatment, the Court referred to reports from the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) that stated that prisoners charged with sexual offences were exposed to an elevated risk of violence by other inmates. Moreover, the Court found that despite the domestic authorities' awareness that the applicant was indeed at risk of facing violence by other prisoners, and despite the applicant's repeated requests to be transferred to another prison, the domestic authorities instead frequently moved him between cells, a remedy the Court qualified as ineffective. Therefore, given the applicant's fear of the imminent risk of ill-treatment in prison for over one year and the lack of an effective remedy in that respect, it was found that there had been a violation of Article 3.

Under Article 41 (Just satisfaction), the Court held that the relevant state was to pay the applicant EUR 8,000 in respect of non-pecuniary damage.

- **Right to liberty and security (Art. 5)**

VOSGIEN V. FRANCE (IN FRENCH ONLY) (No. 12430/11) - Importance 3 - 3 October 2013 - Violation of Article 5 § 3 – Domestic authorities' failure to justify the applicant's continued pre-trial detention for four years and three months - No violation of Article 6 §2 - Lack of evidence to prove violation of Article 6 § 2.

The case concerned the excessive length of pre-trial detention of the applicant who had been initially arrested and placed in police custody on suspicion of having taken part in the abduction and imprisonment of a couple in order to get a ransom. His pre-trial detention was extended on several occasions and lasted four years, three months and two days.

Violation of Article 5 § 3

The Court found that the reasons given by the judicial authorities had not been sufficient to justify such an excessive length of pre-trial detention. In fact, the judicial authorities didn't provide any ground considering either there was a persistent risk of absconding or there could be a threat of a repeated offence. Moreover, the Court noted that the domestic courts concluded to a risk of pressure and collusion on the basis of the violence used by the applicant, without confining him to the specific circumstances of the case. In addition, domestic courts merely affirmed, in an abstract manner, the seriousness of the offences. But they actually never developed the nature of the threat. They did not specify how the applicant's release could be a threat. There had therefore been a violation of Article 5 § 3.

No violation of Article 6 § 2

Having regard to all the evidence, the Court found no appearance of a violation of the principle of presumption of innocence.

Article 41 (just satisfaction)

The Court held that France was to pay the applicant EUR 8,000 in respect of non-pecuniary damage.

GUTSANOV V. BULGARIA (IN FRENCH ONLY) (No. 34529/10) - Importance 3 - 15 October 2013 - Violation of Article 3 - Degrading treatment during police operation - Two violations of Article 5 § 3 – Domestic authorities’ failure to bring the applicant promptly before a judge after his arrest; Unjustified length of the applicant’s detention - Violation of Article 5 § 5 - Lack of an effective remedy to obtain compensation - No violation of Article 6 § 2 - Official remarks not amounting to a breach of the applicant’s right to the presumption of innocence - Violation of Article 6 § 2 - Breach of the applicant’s right to the presumption of innocence by other official remarks - Violation of Article 8 § 2 - Applicants’ deprivation of the requisite protection against arbitrariness - Violation of Article 13 read in conjunction with Articles 3 and 8 - No domestic remedy to assert the applicants’ rights under the articles 3 and 8

The case concerned a police operation carried out at the home of the applicant, an influential politician, leading to his arrest. The events received widespread media coverage and were followed by statements from senior figures in the domestic government.

Violation of Article 3

The Court stressed that the possible presence of family members at the scene of an arrest was a factor to be taken into consideration in planning and carrying out this kind of special intervention unit operation. Given the unsuspected wife and the age of the two children, the Court concluded that this kind of intervention into their home had resulted into a degrading treatment for the three persons. Regarding the applicant (father), the Court pointed out that there had been no evidence suggesting that he could have presented a danger to the police officers. Moreover, domestic authorities, while planning the special intervention unit, did not take into consideration the nature of criminal offences the applicant was accused of. Consequently, the applicant too had been subjected to degrading treatment. There had therefore been a violation of Article 3.

Violation of Article 5 §§ 3 and 5

First, the Court observed that the applicant had not been suspected of involvement in violent criminal activities. Second, no argument was given to justify the fact that the applicant had not been brought before a judge the day after being arrested and charged.

Then, the Court examined the justifications for such a length of detention. It put forward two elements: the domestic courts had ruled out any risk that the applicant might abscond and the domestic Court of Appeal in a ruling had taken the view that the risk the applicant might commit further offences had also ceased to exist. Accordingly, the Court concluded that the domestic authorities had failed in their obligation to justify the applicant’s continued detention after the ruling.

Finally, to the Court’s knowledge, no other provision than state liability (ineffective) existed in domestic law by which to obtain compensation for those damages. There had therefore been a violation of Article 5.

No violation of Article 6 § 2 / Violation of Article 6 § 2

Given one official’s declarations, there was no breach of the principle of presumption of innocence. But about a second official’s statements to the media, the Court found that he went beyond the mere conveying of information and that his sentences amounted to a declaration of guilt before any decision has been made. There had therefore been a violation of Article 6 § 2 concerning this statement.

Violation of Article 8 § 2

The Court considered that, in the absence of prior approval by a judge and of retrospective review of the measure in question, the procedure had not been attended by sufficient safeguards to prevent the risk of an abuse of power on the part of the criminal investigation authorities. There had therefore been a violation of Article 8 § 2.

Violation of Article 13 read in conjunction with Articles 3 and 8

The Court pointed out that the fact of inflicting psychological suffering did not constitute a criminal offence in domestic law, so a criminal complaint would have been bound to fail. The Court further found that an action for damages against the state would not have constituted an adequate remedy. No other domestic remedy existed for the breach of their rights under Article 3 and 8.

Article 41 (Just satisfaction)

The Court held that Bulgaria was to pay the applicants jointly EUR 40,000 in respect of non-pecuniary damage and EUR 4,000 in respect of costs and expenses.

● **Right to a fair trial (Art. 6)**

KASPAROV AND OTHERS V. RUSSIA (No. 21613/07) - Importance 2 - 3 October 2013 - Violation of article 6 §1 - Incompatibility of several elements with the guarantees of fair trial - Violation of Article 11 - Unnecessary and disproportionate use of force by domestic authorities to prevent disorder during a demonstration

The case concerned the arrest of a group of people in 2007, convicted of having breached the regulations on demonstrations.

Violation of Article 6 §1

The Court found that the applicants' defence rights had been limited in a manner incompatible with the guarantees of a fair trial.

Indeed, the circumstances of the applicants' arrest were in dispute between the parties. While one of the applicants contended that he was walking towards the venue of the authorised demonstration, the police had alleged that he had been taking part in the unauthorised demonstration. The applicant's right to a fair trial were not respected because they actually could not reasonably challenge the police's assumption. Clarification about the time and the place of the arrest could not be made either by the applicants or by the eyewitnesses who were not called although their names were known. The situation had been worst for one of the applicant because the court did not find necessary his or his lawyer's presence at the hearing. There had therefore been a violation of Article 6 § 1.

Violation of Article 11

The complaints under Article 11 were admissible as regards three applicants only.

While domestic authorities argued that the arrest of the applicants was justified by the legitimate aim of maintaining public order, the Court noted however that the police's reports on that day did not mention that risk, so that the Court could not accept domestic authorities' version. The Court concluded that the forceful intervention was disproportionate and unnecessary for the prevention of disorder. Consequently, Article 11 was violated.

Article 41 (Just satisfaction)

The Court held that domestic authorities were to pay EUR 10,000 to each of the three applicants to whom Article 11 was breached and EUR 4,000 to each of the other applicants in respect of non-pecuniary damage, and an aggregate amount of EUR 10,500 in respect of costs and expenses related to the fees of three lawyers representing five applicants.

HAXHIA V. ALBANIA (No. 29861/03) AND MULOSMANI V. ALBANIA (No. 29864/03) - Importance 3 and 2 - 8 October 2013 - No violation of Article 6 §§ 1 and 3 (a) to (d) – Fairness of proceedings

The cases concerned the criminal proceedings against two high-ranking police officers following the assassination in 1998 of a member of domestic Parliament for the opposition party, as well as his bodyguard. One of the officers was convicted of the assassination and the other officer was convicted of aiding and abetting the murder.

Concerning the applicants' complaint relating to their lawyer's access to the case file, the Court pointed out that one applicant had had an extension of time to examine the file and that the second applicant's lawyer accepted the continuation of the trial without further time.

As regards the admission of evidence allegedly obtained unlawfully, the Court observed that domestic courts did not rely on these pieces. Moreover, the applicant properly attended the hearing.

Referring to previous similar decisions, the Court reminded that a reclassification of an offence did not impair the rights of the defence if the accused, in review proceedings, had a sufficient opportunity to defend himself. This was the case of both applicants.

As regards one of the applicants' complaint about the domestic courts' failure to question a witness, the Court put forward that the applicant did not show how this witness' testimony would have been decisive. Besides, domestic court properly relied on other eyewitnesses.

Concerning additional evidence, the Court underlined that the national courts enjoyed discretion as regards the admission of evidence and could not be reproached for having rejected one applicant's requests if they considered that they possessed sufficient evidence to decide the case.

As a conclusion, the Court found no element of unfairness in both cases and consequently no violation of Article 6 §§ 1 and 3.

- **No punishment without law (Art. 7)**

DEL RIO PRADA V. SPAIN (No. 42750/09) - Importance 1 - 21 October 2013 - Violation of Article 7 - Applicant's deprivation of the effect of the remissions of sentence to which she was supposed to be entitled according to the domestic law in force when she had been convicted - Violation of Article 5 § 1 - Unlawful extension of the applicant's detention (by almost 9 years) on account of the adoption of a new provision by the domestic Supreme Court depriving the applicant of the remissions of sentence to which she was entitled in conformity with the domestic law in force at the time of her conviction

The case concerned the postponement of the final release of the applicant who was convicted of terrorist offences on the basis of a new approach adopted by the domestic Supreme Court after she had been sentenced.

Violation of Article 7

The Court held that before the new provisions of the domestic Supreme Court established a new doctrine, the common practice of the domestic authorities was to apply remissions of sentence to the thirty year maximum term and not to each individual sentence imposed on the person in instances when multiple sentences were imposed on the same person setting a maximum term to be served. Until the domestic Supreme Court replaced this doctrine by a new approach, the latter had been applied to a large number of prisoners including the applicant. However, after the application of the new provision, the applicant had been deprived of any useful effect of the remissions of sentence to which she was supposed to be entitled, and the overall duration of the remissions of sentences was approximately nine years. Thus, the applicant would have to serve an actual term of thirty years' imprisonment, an interpretation qualified as inconsistent with the systematic practice of the domestic authorities and unforeseeable for the applicant. There had therefore been a violation of Art. 7

Violation of Article 5 § 1

The Court concluded that the applicant could not have reasonably foreseen that the method used to apply remissions of sentence for work done in detention would change as a result of the establishment of a new doctrine by the domestic Supreme Court and that the new approach would be applied to her. Consequently, the applicant served a longer term of imprisonment than she should have served under the domestic legal system in operation at the time of her conviction, taking into consideration the remissions of sentence she had already been granted in conformity with the domestic provisions. There had therefore been a violation of Article 5 § 1.

Article 46 (binding force and execution of judgments)

Given the particular circumstances of the present case, the Court considered incumbent on the domestic authorities to ensure that the applicant was released at the earliest possible date.

Just satisfaction (Article 41)

The Court held, by ten votes to seven, that the respondent state was to pay the applicant EUR 30,000 within three months, in respect of non-pecuniary damage. It also held, unanimously, that the respondent state was to pay EUR 1,500 to the applicant in respect of costs and expenses.

- **Right to respect for private and family life (Art. 8)**

I.B. V. GREECE ([IN FRENCH ONLY](#)) (No. 552/10) - Importance 1 - 3 October 2013 - Violation of Article 8 taken together with Article 14 - Discrimination of the applicant on account of his being HIV-positive

The case concerned the dismissal of an HIV-positive employee following the pressure of the other employees.

The Court first reiterated the definition of discrimination, which means treating differently, without an effective and reasonable justification, persons in relevantly similar or comparable situations.

It noted that the applicant had been treated less favourably than the other employees, on account of his being HIV-positive.

Then, it noted that the Court of Cassation had based its judgment rejecting the applicant's complaint on inaccurate information, namely the contagious nature of the applicant's illness.

The Court found that domestic authorities had failed to strike a correct balance between the rights of the employer and the applicant.

So, the Court concluded that the applicant had been a victim of discrimination on account of his health status, in breach of Article 8, the right to respect for private and family life, taken together with Article 14, the prohibition of discrimination.

Under Article 41 (just satisfaction), the Court held that Greece was to pay the applicant EUR 6,339.18 in respect of pecuniary damage and EUR 8,000 in respect of non-pecuniary damage.

WINTERSTEIN AND OTHERS V. FRANCE ([IN FRENCH ONLY](#)) (No. 27013/07) - Importance 1 - 17 October 2013 - Violation of Article 8 - Lack of a proper examination of the proportionality of the interference with the applicants' right concerning the eviction proceedings brought against them

The case concerned eviction proceedings brought against a number of traveling families who had been living in the same location for many years. The domestic court issued orders for the families' eviction on pain of penalty for non-compliance. Although the orders were not enforced, many of the families moved out while only four families were provided with alternative accommodation in social housing, as the family sites where the remaining families were to be accommodated were never created.

The Court held that the applicants had lived in the same place for an extended period of time (between five and thirty years), and that some family members had even been born there. Despite the unlawful occupation of the land, they had developed sufficiently close links with the land, which they considered their home. The Court took into consideration that the interference with the applicants' right had been lawful and that it had pursued the legitimate aim of protecting an area deemed in need of protection for its natural beauty. However, the interference had not been proportional to the aim sought; the domestic authorities had failed to conduct a fair assessment of the situation by weighting the necessity of the eviction proceedings and taking into consideration the needs of the families. The Court reiterated the importance of the loss of one's home, ranking as the most extreme form of interference with the right to respect for the home. In this case, the Court considered that the domestic courts failed to offer any explanation or argument concerning the necessity of the eviction, since the area in question was not communal land on which there were plans for development and since there were no third-party rights at stake. Lastly, the Court observed that the domestic authorities had not sufficiently considered the families who had opted for social housing; with the exception of four families who had been provided with this alternative measure and two families who had moved to other parts of the relevant state, the other applicants had not benefited from alternative accommodation on family sites. Therefore there had been a violation of Article 8.

Under Article 41 (Just satisfaction), the Court held that the question of the application of Article 41 was not ready for decision and reserved it, taking into account the possibility of an agreement between the respondent state and the applicants.

- **Freedom of expression (Art. 10)**

CUMHURIYET VAKFI AND OTHERS V. TURKEY (No. 28255/07) - Importance 3 - 08 October 2013 - Violation of Article 10 - Disproportionate interference with the applicants' freedom of expression on account of domestic authorities' decision to prevent further publication of a quotation

The case concerned an injunction issued in May 2007 against the daily national newspaper Cumhuriyet preventing further publication of a quote attributed to the current Turkish President, Mr. Gül.

The applicants complained that they had been denied a fair trial and an effective way to challenge the injunction. They argued that the interim injunction had been an unjustified interference with their right to freedom of expression.

The Court noted that interference with freedom of expression could happen as long as it was prescribed by law and pursued a necessary and legitimate aim in a democratic society.

However, as the scope of the injunction was unclear, extremely wide and no reason were given by the Turkish courts while it was imposed first, that it stayed in force for over 10 months with no time-limit and because the applicants could not challenge it, otherwise the punishment would be severe, the Court held that the injunction had not been a proportionate interference with the applicants' right to freedom of expression, in violation of Article 10.

Under Article 41 (Just satisfaction), the Court held that Turkey was to pay the surviving applicants EUR 2,500 euros each in respect of non-pecuniary damage and EUR 5,100 to the applicants for costs and expenses.

DELFI AS V. ESTONIA (No. 64569/09) - Importance 3 - 10 October 2013 - No violation of Article 10 - Domestic authorities' justified decision to find an Internet news portal's liable for its readers' comments

The case concerned the liability of an Internet news portal for offensive comments that were posted by readers below one of its online news articles. The portal complained that being held liable for the comments of its readers breached its right to freedom of expression.

The applicant argued that an EU directive, when transposed into domestic law, limited its liability for the defamatory comments of its readers. But the Court found that it was for the domestic courts to resolve issues of interpretation of domestic law. As the domestic courts relied on the domestic civil code, the interference with the applicant's right to freedom of expression therefore complied with the "prescribed by law" requirement under the Convention.

The Court further examined whether this interference was proportionate in the case. Given the context of the posts, the steps taken by the applicant (portal) to prevent the publication of defamatory comments, the difficulties in establishing the readers' identities and consequences of such a conviction for the applicant (portal), the Court concluded that the interference with the applicant's right to freedom of expression was justified and proportionate.

2. Other judgments issues in the period under observation

You will find in the column “Key Words” of the table below a short description of the topics dealt with in the judgment¹. For more detailed information, please refer to the cases.

STATE	DATE	CASE TITLE	IMP.	CONCLUSION	KEY WORDS
AUSTRIA	10 October 2013	PRINT ZEITUNGSVERLAG GMBH (No. 26547/07)	3	No violation of Art. 10	Domestic courts’ lawful decision to find the applicant liable for the content of an anonymous letter
AZERBAIJAN	3 October 2013	TAHIROVA (No. 47137/07)	3	Two violations of Art. 3	Ill-treatment by the police; Lack of an effective investigation in that respect
				Violation of Art. 11	Unjustified police’s interference in a peaceful demonstration
BULGARIA	1 October 2013	CHOLAKOV (No. 20147/06)	3	Violation of Art. 10	Unjustified interference with the applicant’s right to freedom of expression on account of his conviction for a minor act of hooliganism
CROATIA	3 October 2013	ZRILIĆ (No. 46726/11)	3	No violation of Art. 8	Obligation made to the applicant to leave the house he owned with his wife and they sold after divorce
				No violation of Art. 1 of Protocol No. 1	Fair value of the share received by the applicant after his house was sold
	10 October 2013	TOPIĆ (No. 51355/10)	3	Violation of Art. 6 §§ 1 and 3 (d)	Domestic court’s failure to hear witnesses
	17 October 2013	HORVATIC (No. 36044/09)	2	Violation of Art. 6 § 1	Unfairness of proceedings on account of the applicant’s inability to challenge the evidence
	24 October 2013	DAMJANAC (No. 52943/10)	2	Violation of Art. 1 of Prot. No. 1	Arbitrary cease of the applicant’s pension after he moved to another state
	31 October 2013	JACIMOVIC (No. 22688/09)	3	Violation of Art. 6 § 1	Domestic authorities’ failure to provide a specific and rapid response concerning the applicant’s specific argument that he had been unable to contact the pension authorities due to circumstances beyond his control which resulted in the termination of his unemployment benefit

¹ The “Key Words” in the various tables of the RSIF are elaborated under the sole responsibility of the Directorate of Human Rights

Regular Selective Information Flow #113 (1-30 October 2013)
 Part One : General Information - §1 : European Court of Human Rights

CROATIA (continued)	31 October 2013	OREB (No. 20824/09)	3	Violation of Art. 5 § 3	Excessive length of pre-trial detention (over two years)
				Violation of Art. 5 § 4	Lack of prompt judicial review regarding the lawfulness of the applicant's detention
				Violation of Art. 6 § 2	Domestic court's consideration that the applicant had already been charged with offences even though he had not been convicted but had had criminal proceedings pending against him which thus breached his right to be presumed innocent
CZECH REPUBLIC	3 October 2013	ŽÁKOVÁ (No. 2000/09)	3	Violation of Art. 1 of Protocol No. 1	Domestic authorities' failure to acknowledge the applicant's ownership of the land
	17 October 2013	BUDREVICH (No. 65303/10)	3	Violation of Art. 13 in conjunction with Art. 3	Lack of an effective remedy concerning the applicant's claim that he would be exposed to ill-treatment if he were to be removed to his country of origin
	31 October 2013	JANYR (IN FRENCH ONLY) (No. 42937/08)	3	Violation of Art. 6 § 1	Applicant's inability to submit his comments on the domestic high court's observations
FINLAND	29 October 2013	RISTAMAKI AND KORVOLA (No. 66456/09)	3	Violation of Art. 10	Domestic court's failure to strike a fair balance between the competing interests at stake thus resulting to an unnecessary interference with the applicant's right to freedom of expression
FRANCE	3 October 2013	DOUET (No. 16705/10) (IN FRENCH ONLY)	3	Violation of Art. 3	Domestic authorities' failure to prove that the use of force against the applicant had been both proportionate and necessary
	10 October 2013	K.K. (No. 18913/11) (IN FRENCH ONLY)	3	Violation of Art. 3	Risk of ill-treatment in case of deportation to Iran
				No violation of Art. 1 in conjunction with Art. 3	Effective remedy in that respect
		JEAN-JACQUES MOREL (No. 25689/10) (IN FRENCH ONLY)	3	Violation of Art. 10	Conviction of the applicant, a French official, for having publicly criticised another official's decision
POMPEY (No. 37640/11) (IN FRENCH ONLY)	3	No violation of Art. 6 § 1	Domestic authorities' lawful decision to remove the applicants' appeal from the court's list		

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GREECE	3 October 2013	GIAVI (No. 25816/09) <u>(IN FRENCH ONLY)</u>	2	No violation of Art. 1 of Protocol No. 1 taken together with Art. 14	Appropriate shorter time-limits for claims by employees of public entities
	17 October 2013	ASLANIS <u>(IN FRENCH ONLY)</u> (No. 36401/10)	3	Violation of Art. 3	Poor conditions of detention (overcrowding, lack of hygiene, lack of ventilation, shortage of beds and food)
		SHYTI <u>(IN FRENCH ONLY)</u> (No. 65911/09)	3	Violation of Art. 5 § 4	Lack of prompt judicial review regarding the lawfulness of the applicant's detention
	24 October 2013	HOUSEIN <u>(IN FRENCH ONLY)</u> (No. 71825/11)	3	Violation of Art. 5 § 1	Unlawful detention (the applicant, who was a minor and not accompanied at the time, had not been transferred in a special centre under the domestic law provisions but had been detained with adults)
				Violation of Art. 5 § 4	Lack of a judicial review of the lawfulness of the applicant's detention
		IOANNIS PAPAGEORGIOU <u>(IN FRENCH ONLY)</u> (No. 45847/09)	3	No violation of Art. 6	The application of the regime to persons whose address is unknown or the rejection of the applicant's appeal as being out of time did not deprive him of his right to access a court
31 October 2013	MOSINIAN <u>(IN FRENCH ONLY)</u> (No. 8045/10)	3	Violation of Art. 6 § 2	Domestic authorities' refusal to compensate the applicant for his detention and conviction on the grounds that he had been responsible for this outcome by his fleeing and vague answer that raised doubts regarding his involvement in the offense for which he had been charged	
ITALY	15 October 2013	<u>CASACCHIA AND OTHERS</u> (Nos. 23658/07, 24941/07 AND 25724/07) <u>NATALE AND OTHERS</u> (No. 19264/07)	3	Violation of Art. 6 § 1	Disrespect of the principle of equality of arms regarding juridical interference due to legislative amendments
	29 October 2013	VARVARA <u>(IN FRENCH ONLY)</u> (No. 17475/09)	2	Violation of Art; 7	Arbitrary confiscation of applicant's property while he had not been found guilty of any offense
				Violation of Art. 1 of Prot. No. 1	Unlawful interference into the applicant's right to property (arbitrary confiscation)

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LUXEMBOURG	31 October 2013	JETZEN (IN FRENCH ONLY) (No. 47229/12)	3	No violation of Art. 3 (substantive)	The applicant, who had not alleged having been a victim of disrespectful guardians who had demonstrated humiliating behaviour, had not faced treatment reaching a sufficient level to constitute a violation of his right
				No violation of Art. 3 (procedural)	Effective investigation of the applicant's allegation by the domestic authorities
MOLDOVA	15 October 2013	SEGHEI (No. 39584/07)	3	Violation of Art. 3	Poor sanitary conditions in detention
				Violation of Art. 13	Lack of effective remedy
		TIMUS AND TARUS (No. 70077/11)	3	Violation of Art. 2	Killing of the applicants' relative by Police
				Violation of Art. 13 in conjunction with Art. 2	Lack of an effective investigation
	29 October 2013	FEODOROV (IN FRENCH ONLY) (No. 42434/06)	3	No violation of Art. 34	No failure of the domestic authorities to promptly provide the applicant with a copy of the documents from his case file
				Violation of Art. 3 (procedural)	Domestic authorities' failure to explain the origin of the new injuries found during the second medical examination of the applicant after he had been released from custody, injuries that had not been mentioned during the first medical report
			Violation of Art. 3 (substantive)	Domestic authorities' failure to justify the cause of the applicant's injuries in detention due to the lack of an effective investigation into the applicant's allegations of ill-treatment	
MONACO	24 October 2013	NAVONE AND OTHERS (IN FRENCH ONLY) (Nos. 62880/11, 62892/11 AND 62899/11)	2	Violation of Art. 6 § 1	Absence of the notification of the applicants' right to remain silent during their custody
				Violation of Art. 6 § 3 (c)	Deprivation of the applicants' right to be assisted by a lawyer while in police custody
POLAND	15 October 2013	PLECHANOW (No. 22279/04) (IN FRENCH ONLY)	3	Art. 41	Just satisfaction
ROMANIA	1 October 2013	GONTA (No. 38494/04)	3	Violation of Art. 5 § 3	Unreasonable length of pre-trial detention; domestic authorities' failure to provide reasons to repeated extensions of pre-trial detention
		COTLET (No. 49549/11)	3	Violation of Art. 3	Poor conditions of detention (overcrowding, poor food quality...)

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ROMANIA <i>(continued)</i>	1 October 2013	LEONTIN POP (No. 1956/06)	3	Violation of Art. 5 § 3	Excessive length of pre-trial detention; domestic authorities' insufficient reasons to justify pre-trial detention
		ȚICU (No. 24575/10) <i>(IN FRENCH ONLY)</i>	3	Two violations of Art. 3	Poor conditions of detention (overcrowding and medical treatment; domestic authorities' failure to carry out an effective investigation)
	15 October 2013	ALI (No. 30595/09)	3	Violation of Art. 3	Poor conditions of detention (overcrowding, hygiene)
		SANDRU (No. 33882/05)	3	Violation of Art. 5 § 4	Lack of legal representation for the applicant; domestic courts' failure to bring the applicant before it
		Violation of Art. 6 §§ 1 and 3 (d)		Applicant's inability to confront the victim	
	29 October 2013	ANDERCO <i>(IN FRENCH ONLY)</i> (No. 3910/04)	3	Violation of Art. 5 § 3	Excessive and unjustified length of pre-trial detention (1 year and 3 months)
				Violation of Art. 5 § 4	Lack of a prompt review of the lawfulness of the applicant's detention
				Violation of Art. 5 § 4	Domestic court's failure to ensure the presence of the applicant or of his lawyers concerning the review of the lawfulness of his detention
		HOGEA <i>(IN FRENCH ONLY)</i> (No. 31912/04)	3	Violation of Art. 6 § 1	Unfairness of proceedings regarding the applicant's conviction pronounced without a hearing of witnesses and despite the applicant's acquittal by the two lower domestic courts
		S.C. IMH SUCEAVA S.R.L <i>(IN FRENCH ONLY)</i> (No. 24935/04)	2	Violation of Art. 6 § 1	Contradictory interpretation concerning the validity of the same evidence without a sufficient justification given its importance
RUSSIA	3 October 2013	ARAPKHANOVY (No. 2215/05)	3	Two violations of Art. 2	Killing of the applicants' relative by state agents; Lack of an effective investigation in that respect
				Two violations of Art. 3	Ill-treatment of one of the applicants by state servicemen; Lack of an effective investigation in that respect
				No violation of Art. 3	Applicant's failure to demonstrate mental suffering resulting from the facts above
				Violation of Art. 8	Unlawful search of the applicants' home
				Violation of Art. 13 in conjunction with Art. 2	Lack of an effective remedy regarding the killing of the applicants' relative

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RUSSIA (continued)	3 October 2013	ARAPKHANOVY (No. 2215/05) (CONTINUED)	3	Violation of Art. 13 in conjunction with Art. 3	Lack of an effective remedy regarding the ill-treatment of one of the applicants
				Violation of Art. 13 in conjunction with Art. 8	Lack of an effective remedy regarding the unlawful search of the home
		NIZOMKHON DZHURAYEV (No. 31890/11)	2	Violation of Art. 3	Transfer by force of the applicant to another country and risk of ill-treatment in this country
				2 violations of Art. 5 § 4	Excessive length of proceedings
				Violation of Art. 34	Domestic authorities' failure to comply with the interim measures issued by the Court
		Violation of Art. 38	Domestic authorities' failure to comply with its duty to furnish all necessary facilities for effective examination of the application by the Court		
		3	Violation of Art 8	Domestic authorities' failure to implement judgments regarding a child's place of residence	
	10 October 2013	GAKAYEVA AND OTHERS (Nos. 51534/08, 4401/10, 25518/10, 28779/10, 33175/10, 47393/10, 54753/10, 58131/10, 62207/10 AND 73784/10)	3	Two violations of Art. 2	Disappearance of the applicants' relatives; lack of effective investigations in that respect
				Violation of Art. 3	Ill-treatment on account of mental suffering regarding the disappearance of the applicants' relatives and of the authorities' response to their suffering
				Violation of Art. 5	Unlawful detention of the applicants' relatives
Violation of Art. 13 in conjunction with Art. 2 and 3				Domestic authorities' ineffective investigation into the applicants' allegations	
Violation of Art. 1 of Protocol No. 1				Unlawful seizure and damage to one of the applicant's car	
No violation of Art. 38				No failure of domestic authorities to provide documents from the investigation file	
YANDIYEV AND OTHERS (Nos. 34541/06, 43811/06 AND 1578/07)		2	Two violations of Art. 2	Disappearance of the applicants' relatives; lack of an effective investigation in that respect	
Violation of Art. 3	Ill-treatment on account of mental suffering following the disappearance of the applicants' relatives and the authorities' response to their suffering				

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RUSSIA (continued)	10 October 2013	<u>YANDIYEV AND OTHERS</u> (Nos. 34541/06, 43811/06 AND 1578/07) (CONTINUED)	2	Violation of Art. 5	Unlawful detention of the applicants' relatives
				Violation of Art. 13 in conjunction with Art. 2 and 3	Lack of effective remedies in that respect
		<u>YEMELIN</u> (No. 41038/07)	3	Violation of Art. 3	Poor conditions of detention
				No violation of Art. 3	No poor conditions of detention during the applicant's transportation to jail
	Violation of Art. 6 § 1			Excessive length of enforcement of judgment in the applicant's favour	
		Violation of Art. 1 of Protocol No. 1	Excessive delay in payment due to the applicant		
	17 October 2013	<u>KELLER</u> (No. 26824/04)	2	Violation of Art. 2 (substantive)	Domestic authorities' failure to adopt the basic precautions in order to protect the applicant's son from a foreseeable danger
				No violation of Art. 2 (procedural)	No failure of the relevant state to conduct an effective investigation into the death of the applicant's son
				Violation of Art. 3 (procedural)	Domestic authorities' failure to conduct an effective investigation into the applicant's allegations of ill-treatment of her son
				No violation of Art. 3 (substantive)	Absence of evidence to prove the applicant's allegations that her son had been subject to ill-treatment in the hands of the police
		<u>KLYUKIN</u> (No. 54996/07)	3	Violation of Art. 3	Poor conditions of detention (overcrowding)
				No violation of Art. 3	Applicant's inadequate detention did not reach the threshold of severity required to constitute a violation
				Violation of Art. 13	Lack of an effective remedy
		<u>SERGEY VASILYEV</u> (No. 33023/07)	3	Violation of Art. 3	Poor conditions of detention (overcrowding)
Violation of Art. 13	Lack of an effective remedy				

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RUSSIA (continued)	17 October 2013	SERGEY VASILYEV (No. 33023/07) (CONTINUED)	3	Violation of Art. 5 § 3	Extension of the applicant's pre-trial detention on insufficient grounds		
				No violation of Art. 34	No hindrance to the applicant's right to individual pension		
		VLADIMIR BELYAYEV (No. 9967/06)	3	No violation of Art. 3	Applicant's condition of detention did not reach the threshold of severity required to constitute a violation		
	24 October 2013	DOVLETUKAYEV AND OTHERS (Nos. 7821/07, 10937/10, 14046/10 AND 32782/10)	3	Violation of Art. 2 (substantive)	Applicant's relatives had been detained by state agents and killed while under their exclusive control following their unacknowledged detention while one applicant's relative may be presumed dead following his unacknowledged detention		
				Violation of Art. 2 (procedural)	Domestic authorities' failure to carry out an effective criminal investigation into the abductions and deaths of the applicant's relatives		
				Violation of Art. 3	Applicants' inability to ascertain the fate of their family member and the manner in which their complaints had been dealt by the domestic authorities caused them mental distress and anguish		
				Violation of Art. 5	Unlawful and unacknowledged detention of the applicants' relatives		
				Violation of Art. 13 in conjunction with Art. 2	Lack of remedies and absence of the results of the criminal investigations into the abduction and the disappearance of the applicants' relatives		
				LAPSHOV (No. 5288/08)	3	Violation of Art. 3	Poor conditions of detention (absence of windows, no access to natural light or air, absence of toilet or sink, no possibility to pursue a physical and or other out-of-cell activities)
				PAKHOMOVA (No. 22935/11)	3	Violation of Art. 8	Domestic authorities' failure to enforce the judgment concerning the applicant's custody of her son
	SHCHERBAKOV (No. 34959/07)	3	Violation of Art. 13	Lack of an effective remedy concerning the conditions of the applicant's detention			
			Violation of Art. 3	Poor conditions of detention			
			Violation of Art. 5 § 3	Excessive pre-trial detention (3 years and 3-and-a-half months)			
			Violation of Art. 5 § 4	Lack of a prompt review of the lawfulness of the applicant's detention			

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RUSSIA (continued)	24 October 2013	SHCHERBAKOV (No. 34959/07) (CONTINUED)	3	No violation of Art. 6	No excessive length of proceedings given the complexity of the case
	31 October 2013	EDUARD ROZHKOVA (No. 11469/05)	3	Violation of Art. 6 § 1 in conjunction with Art. 6 § 3 (c)	Unfairness of proceedings on account of the applicant's inability to access legal assistance
				Violation of Art. 3	Poor conditions of detention
		GROSSMAN (No. 46282/07)	3	Violation of Art. 13	Lack of an effective remedy concerning the conditions of the applicant's pre-trial detention
				Violation of Art. 5 § 3	Excessive length of pre-trial detention (2 years and two months)
				TOVBULATOVA AND OTHERS (Nos. 26960/06, 27926/06, 6371/09 AND 6382/09)	3
		Violation of Art. 2 (procedural)	Domestic authorities' failure to carry out an effective criminal investigation into the circumstances of the disappearance of the applicants' relatives		
	Violation of Art. 3	Applicants' inability to ascertain the fate of their family members and the manner in which their complaints had been dealt by the domestic authorities caused them mental distress and anguish			
	Violation of Art. 5	Unlawful and unacknowledged detention of the applicants' relatives by state agents			
	Violation of Art. 13 in conjunction with Art. 2 and 3	Lack of remedies and absence of the results of the criminal investigations into the disappearance of the applicants' relatives			
SERBIA	8 October 2013	PEJČIĆ (No. 34799/07)	3	Violation of Art. 1 of Protocol No. 1	Domestic authorities' violation of an agreement making them responsible for military pension payments
				Violation of Art. 6	Excessive length of proceedings
	22 October 2013	MARINKOVIĆ (No. 5353/11)	2	Violation of Art. 6	Excessive delay in the execution of three final judgments rendered in the applicant's favour
Violation of Art. 1 of Prot. No. 1				Domestic authorities' failure to enforce the three final judgments rendered in favour of the applicant	

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SLOVAKIA	22 October 2013	SOLTESZ (No. 11867/09)	2	Violation of Art. 10	Domestic courts' failure to strike a fair balance between the public interest in the publishing of an article and the individual interests of those concerned
SLOVENIA	3 October 2013	GOBEC (No. 7233/04)	3	No violation of Art. 8	Lawful restriction and suspension of the applicant's contact rights with his daughter
				No violation of Art. 6 taken alone and in conjunction with Art. 14	No denial of access to court and no discrimination based on divorced couples
	24 October 2013	SEDMINEK (No. 9842/07)	3	Violation of Art. 6 § 1	Excessive length of proceedings
				Violation of Art. 13	Lack of an effective remedy concerning the excessive length of proceedings
SPAIN	8 October 2013	ROMAN ZURDO AND OTHERS (IN FRENCH ONLY) (Nos. 28399/09 AND 51135/09)	3	Violation of Art. 6 § 1	Violation of the principle of immediacy in the proceedings before domestic court
SWITZERLAND	22 October 2013	WYSSENBACH (IN FRENCH ONLY) (No. 50478/06)	3	No violation of Art. 6 § 1	No failure of the domestic federal court to forward a copy of the observations submitted by the domestic court of appeal and by the opposing party
	29 October 2013	BOLECH (IN FRENCH ONLY) (No. 30138/12)	3	No violation of Art. 5 § 1	Justified detention of the applicant given the real risk of him leaving the country while an alternative measure would not have limited this risk
"THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA"	3 October 2013	ILJAZI (No. 56539/08)	3	Violation of Art. 6 §§ 1 and 3 (d)	Domestic courts' refusal to admit the statements of and to ensure the attendance of the witnesses
	31 October 2013	POPOVSKI (No. 12316/07)	2	Violation of Art. 6 § 1	Excessive length of proceedings (over 4 years)
				Violation of Art. 8	Applicant's ineffective protection under domestic law
TURKEY	1 October 2013	AKSIN AND OTHERS (No. 4447/05)	3	No violation of Art. 6 §§ 1 and 3 (c)	No assistance of a lawyer while in police custody
				No violation of Art. 3	No ill-treatment during custody
		BIL BELGIN İNŞAAT ŞTİ. (IN FRENCH ONLY) (No. 29825/03)	3	Violation of Art. 1 of Protocol No. 1	Domestic authorities' unlawful demolition of the applicant's installations on his land
		FOKAS (No. 31206/02)	3	Art. 41	Just satisfaction

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TURKEY (continued)	1 October 2013	HÜSEYİN KAPLAN (No. 24508/09) (IN FRENCH ONLY)	2	Violation of Art. 1 of Protocol No. 1	No compensation for restriction of potential use by the applicant of his land
		YALÇINKAYA AND OTHERS (IN FRENCH ONLY) (Nos.25764/09, 25773/09, 25786/09, 25793/09, 25804/09, 25811/09, 25815/09, 25928/09, 25936/09, 25944/09, 26233/09, 26242/09, 26245/09, 26249/09, 26252/09, 26254/09, 26719/09, 26726/09 AND 27222/09)	2	Violation of Art. 10	Unlawful conviction of the applicants for using a word in a letter being part of a petition campaign and directed to a domestic official
	15 October 2013	HÜSEYİN KAPLAN (No. 20070/08) (IN FRENCH ONLY)	3	Violation of Art. 2	Lack of an independent and impartial criminal investigation
		İBRAHİM GÜLER (No. 1942/08)	3	Violation of Art. 5 § 3	Excessive length of the applicant's pre-trial detention
				Violation of Art. 6 § 1	Excessive length of criminal proceedings
				Violation of Art. 6 § 3 (c) in conjunction with Art. 6 § 1	Lack of legal assistance afforded to the applicant while in police custody
		MEHMET HATİP DİCLE (No. 9858/04) (IN FRENCH ONLY)	3	Violation of Art. 10	Unlawful conviction of the applicant having written an article criticising domestic authorities' policy
	YILMAZ DEMİR (No. 44767/06) (IN FRENCH ONLY)	3	Violation of Art. 6 § 3 (c) in conjunction with Art. 6 § 1	Lack of access to a lawyer while in police custody	
	22 October 2013	BÜLENT KAYA (IN FRENCH ONLY)	3	Violation of Art. 10	Applicant's conviction for a speech which was unlikely to have an impact on national security or public order
		SACE ELEKTRİK TİCARET VE SANAYİ A.Ş (No. 20577/05)	1	Violation of Art. 6 § 1	Domestic courts' failure to strike a fair balance between the legitimate aim to avoid unnecessary delays in the payment of debts and the applicant's right to access a court
UKRAINE	10 October 2013	VOLOSHYN (No. 15853/08)	3	Violation of Art. 3	Poor conditions of detention
				Violation of Art. 6 § 1	Domestic courts' failure to obtain evidence about the applicant's detention and to properly assess the evidence available

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UKRAINE <i>(continued)</i>	17 October 2013	<u>POZHYVOTKO</u> (No. 42752/08)	3	Violation of Art. 2 (procedural)	Ineffective investigation concerning the death of the applicants' relative
		<u>TARAN</u> (No. 31898/06)	3	Violation of Art. 3	Poor conditions of detention (overcrowding) and transportation (the applicant had been kept for over 20 hours in a metal cage without food, water or being able to sleep)
				Violation of Art. 5 § 1 (c)	Unlawful detention of the applicant
				Violation of Art. 5 §§1 (c) and 3	Unjustified extension of the applicant's pre-trial detention and excessive length of applicant's pre-trial detention (more than 5 years and 9 months)
				Violation of Art. 5 § 4	Lack of an effective judicial review regarding the lawfulness of the applicant's detention
				Violation of Art. 5 § 5	Domestic authorities' denial of an enforceable right to compensation for the applicant's unlawful detention
				Violation of Art. 6 § 1	Excessive length of criminal proceedings
	<u>ZUBKOVA</u> (No. 36660/08)	3	Violation of Art. 2 (procedural)	Ineffective investigation into the death of the applicant's son	
	<u>BAKLANOV</u> (No. 44425/08)	2	No violation of Art. 3	Effective investigation into the applicant's complaint of ill-treatment during his military service	
			No violation of Art. 3	Relevant state had not been responsible for the applicant's psychiatric illness	
			No violation of Art. 13	Lawful proceedings and effective investigation	
	24 October 2013	<u>SERGEY SAVENKO</u> (No. 59731/09)	3	Violation of Art. 3	Ill-treatment of the applicant and ineffective investigation in that respect
	31 October 2013	<u>BANDALETOV</u> (No. 23180/06)	2	No violation of Art. 6 §§ 1 and 3	Fairness of proceedings
		<u>TARASOV</u> (No. 17416/03)	3	Violation of Art. 3 (substantive)	Ill-treatment of the applicant while in police custody
Violation of Art. 3 (procedural)				Ineffective investigation of the applicant's complaints of ill-treatment	
			Violation of Art. 6 §§ 1	Domestic courts' failure to expressly disregard the applicant's confessions obtained while submitted to ill- treatment in police custody	

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UKRAINE <i>(continued)</i>	31 October 2013	TARASOV (No. 17416/03) (CONTINUED)	3	No violation of Art. 6 § 3 (b)	Adequate time and facilities were provided to the applicant in order to prepare his defence
				Violation of Art. 6 §§1 and 3 (c)	Unfairness of proceedings on account of the applicant's inability to access legal assistance
				Violation of Art. 6 §§ 1 and 3 (c)	Applicant's inability to participate effectively in his trial due to health problems related to his ill-treatment by the police
				No violation of Art. 6 §§ 1 and 3 (d)	No failure of the domestic courts to examine any witness whose testimony would have affected the fairness of the proceedings against the applicant
THE UNITED KINGDOM	22 October 2013	M.H (No. 11577/06)	2	Violation of Art. 5 § 4	Applicant's inability to challenge his detention (impossibility under the domestic law to automatically review the lawfulness of the detention of persons without legal capacity and lack of provisions for a patient to take proceedings before a court when his detention has been extended indefinitely following the issue of proceedings to displace the nearest relative)

B. The decision on admissibility

Those decisions are published with a slight delay of two to three weeks on the Court's website. Therefore the decisions listed below cover the period from 4 to 30 September 2013. Those decisions are selected to provide the NHRs with potentially useful information on the reasons of the inadmissibility of certain applications addressed to the Court and/or on the friendly settlements reached.

STATE	DATE	CASE TITLE	ALLEGED VIOLATION	DECISION
FRANCE	10 September 2013	H. O. (No. 20388/12)	Art. 3 (risk of ill-treatment in case of return to Sudan), Art. 13 in conjunction with Art. 3 (unlawfulness of the domestic authorities examination of the applicant's application for asylum in priority procedure)	Partly inadmissible as manifestly ill-founded (concerning claim under Art. 3), partly struck out of the list (concerning claims under Art. 13 in conjunction with Art. 13)
	24 September 2013	K. M. (No. 22569/12)	Art. 3 (risk of ill-treatment in case of return to Ethiopia), Art. 13 (lack of an effective remedy against the expulsion decision)	Partly struck out of the list (concerning claim under Art. 3), partly inadmissible as manifestly ill-founded (concerning claim under Art. 13)
GERMANY	17 September 2013	KOZIOL (No. 70904/10)	Articles 5 and 7 (preventive detention imposed retrospectively, under a legal provision entered into force after the commission of the offences), Art. 4 of Protocol No. 7 (breach of the prohibition on double punishment), Articles 6 and 13 (violation of the applicant's right to a fair trial within a reasonable time, lack of an effective remedy to complain about the applicant out-going detention)	Partly struck out of the list (concerning claims under Articles 5 and 7), partly inadmissible as manifestly ill-founded (concerning claims under Art. 4 of Protocol No. 7, Articles 6 and 13)
POLAND	10 September 2013	HOSSA (No. 7633/05)	Articles 6, 8 and 1 of Protocol No. 1 (revocation of the applicant's right to pension), Art. 6 § 1 (unfairness of the reopening of the social security proceedings), Art. 14 in conjunction with Art. 1 of Protocol No. 1 (discrimination based on the applicant's place of residence)	Partly struck out of the list (concerning claims under Articles 6, 8 and 1 of Protocol No. 1), partly inadmissible as manifestly ill-founded (concerning the remaining complaints)

UKRAINE	10 September 2013	POTISHKO (No. 2125/08)	Art. 6 § 1 (excessive length of the proceedings), Articles 6 § 1, 13 and Article 1 of Protocol No. 1 (unfairness and outcome of the proceedings), Art. 2 of Protocol No. 1 (no means for the applicant to provide her children with proper education)	Partly struck out of the list (concerning claim under Art. 6 § 1), partly inadmissible as manifestly ill-founded (concerning claims under Articles 6 § 1 and 13 and Articles 1 and 2 of Protocol No. 1)
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C. The communicated cases

The European Court of Human Rights publishes on a weekly basis a list of the communicated cases on its website. These are cases concerning individual applications which are pending before the Court. They are communicated by the Court to the respondent state's government with a statement of facts, the applicant's complaints and the questions put by the Court to the government concerned. The decision to communicate a case lies with one of the Court's Chamber which is in charge of the case. A **selection** of those cases is proposed below. Those decisions are published with a delay on the Court's website. Therefore the decisions listed below cover only the period from 26 August to 1 September 2013.

NB: The statements of facts and complaints have been prepared by the Registry (solely in one of the official languages) on the basis of the applicant's submissions. The Court cannot be held responsible for the veracity of the information contained therein.

STATE	DATE OF DECISION TO COMMUNICATE	CASE TITLE	KEY WORDS OF QUESTIONS SUBMITTED TO THE PARTIES
AUSTRIA	27 August 2013	KAISER (No. 15706/08)	Unfair assessment of the applicant's acquittal in the criminal proceedings by the civil courts. Disproportionate limitation of the applicant's access and visiting rights to his children.
AZERBAIJAN	30 August 2013	AKBARLI (No. 30750/11) JABBAROV (No. 28465/11) PALANGOV (No. 25355/11)	Arbitrary disqualification of the applicants from running for election. Lack of transparency and sufficient safeguards against arbitrariness in the procedures for verification of voter signatures in support of their candidacies and for examination of their complaints. Arbitrary decisions of the electoral commissions and domestic courts, also contrary to a number of requirements of the domestic electoral law. Discrimination of candidates from opposition parties and independent candidates by all state executive authorities, electoral commissions, courts and government-controlled media throughout the entire electoral process.

Regular Selective Information Flow #113 (1-30 October 2013)
 Part One : General Information - §1 : European Court of Human Rights

AZERBAIJAN	30 August 2013	ASLAN ISMAYILOV (No. 20411/11)	Several irregularities against the applicant before and during the election day. Failure of the authorities to duly and effectively examine his complaints and to investigate such irregularities. Approval of the country-wide election results by the Constitutional Court despite the applicant's individual appeal, challenging the election results in his constituency and still pending before the Supreme Court. Discrimination of candidates from opposition parties and independent candidates by all state executive authorities, electoral commissions, courts and government-controlled media throughout the entire electoral process.
AZERBAIJAN	28 August 2013	MAJIDLI (No. 57737/11)	Arrest of the applicant because of his participation in a peaceful demonstration, notified to the authorities. Unlawful proceedings: not sufficient time and facilities given to the applicant to prepare his defence, no representation by a lawyer and only the police officers who arrested him were questioned as witnesses.
ESTONIA	27 August 2013	SORO (No. 22588/08)	Interference with the privacy of the applicant through the publication of the information about his former employment as a driver of the KGB. Unfair label of the applicant as an occupier of Estonia, since he does not pose a danger to the national security.
FRANCE	30 August 2013	E.B. (IN FRENCH ONLY) (No. 55374/13)	The applicant left Syria because of the conflicts and found asylum in France. If he is sent back to his country, he fears to undergo degrading treatments.
ITALY	27 August 2013	MANISCALCO (No. 19440/10)	Interference with the possibility for the applicant to live in dignity by the extent of the seizure of her assets. This confiscation was ordered by proceedings, which were not adversarial.
NORWAY	27 August 2013	T.W.G. (No. 51184/13)	Collective deportation of the applicants to Ethiopia, their homeland, interfering with their security and their family rights. No remedy with automatic suspensive effect against the proposed collective expulsion.
ROMANIA	30 August 2013	CSIBI (No. 66623/12)	The applicant exposed two banners of a poet and a politician with a slogan. It was considered as an undeclared or forbidden public assembly according to the national law by the authorities, which confiscated the banners and fined the applicant.

RUSSIA	27 August 2013	GVOZDEVA (No. 69997/11)	Failure of the national authorities to comply with their obligation to protect life of the applicants' sons during their military services. For the applicants, they were murdered or driven to suicide by the military superiors through physical and psychological assaults. No effective investigations conducted into their deaths.
		STOLYAROVA (No. 15711/13)	Deprivation of the applicant's flat. She challenges the public interest of this deprivation and its lawfulness. Unlawful and disproportionate forthcoming eviction of the applicant. The applicant challenges the decision of "information ban" on her property.
	28 August 2013	DEMETRASHVILI (No. 31466/06)	Unlawful and disproportionate decisions by the authorities, refusing the renewal of the applicant's residence permit and taking a removal order. Unfair proceedings.
	29 August 2013	ZHABKIN (No.66401/12)	Deprivation of the applicant's parental rights because of his conviction for murder and robbery. No security of the applicant's attendance at the court by the authorities.
	30 August 2013	LACHIKHINA (No. 38783/07)	Deprivation of the applicant's car which is considered as a piece of evidence in a criminal investigation by the authorities. The applicant challenges the public interest of this deprivation.
SWEDEN	29 August 2013	GIRMAY (No. 80545/12)	Refusal by the national authorities to grant the applicant with a prolongation of her residence permit. The authorities considered that since the applicant's father was not her biological one, the family ties could not be invoked.
	30 August 2013	S.J.P. (No. 8610/11)	Lack of legal basis and disproportionate decision to take into public care of the applicants' three children. Complaints about the former complete prohibition on any contact with their children, and later their very restricted contact rights.
TURKEY	26 August 2013	BOZKURT (No. 47081/06)	Conviction <i>in absentia</i> of the applicant for issuing an uncovered cheque. No notification of the charges against him. Criminal proceedings against him conducted and concluded in his absence.

TURKEY (CONTINUED)	26 August 2013	DURSUN (No. 58053/10)	Inadequate conditions of detention for the disabled applicant. Daily life difficulties encountered by the applicant who was amputated from his legs.
		HORUZ (No. 30247/11) ÖNAL (No. 31420/11)	Failure of the national authorities to comply with their obligation to protect life of the applicants' sons during their military services. For the applicants, they were murdered or driven to suicide by the military superiors through physical and psychological assaults. No effective investigations conducted into their deaths.
	29 August 2013	ALKASIBENLI (No. 21107/07)	Decision by the Labour Court to dismiss the applicant from her job for inciting a friend to harass and threaten her superior. However, former acquittal of the charge of incitement by a criminal court. Decision based on self-incriminating statements that the applicant had made before the police in the absence of her lawyer.
		COSKUN (No. 45028/07)	Dismissal of the applicant from the police force following unfair proceedings and despite the absence of a criminal conviction against him.
		GÜC (No. 15374/11)	Dismissal of the applicant from the civil service on disciplinary grounds, despite his acquittal of the criminal charges against him on identical facts - sexual harassment of a minor.
		URAT (No. 13952/11)	Dismissal of the applicant from the civil service despite the absence of a criminal conviction against him. Erroneous application of the law as membership of a terrorist organisation was not amongst the grounds of dismissal listed exhaustively. Lack of independence and impartiality from the courts. Insufficient reasoning and absence of response to the applicant's arguments.
		YILDIZ AND OTHERS IN FRENCH ONLY (No. 8157/10)	Organisation of a traditional event by the applicants convicted by the authorities. Discrimination and conviction of the applicants because of their Kurdish origins and for the event where Kurdish songs were sung.

Regular Selective Information Flow #113 (1-30 October 2013)
Part One : General Information - §1 : European Court of Human Rights

UKRAINE	30 August 2013	KRYVENKYY (NO. 43768/07)	Deprivation of the applicant of a plot of land without compensation. The applicant challenges the necessity of this deprivation in a democratic society and its public interest.
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PartOne

§2 - EUROPEAN COMMITTEE OF SOCIAL RIGHTS

A. Reclamations and Decisions

1. Reclamations

[No work deemed relevant to NHRs during the period under observation]

2. Decisions

STATE	CASE	RECLAMATION NUMBER	SUBJECT MATTER	DECISION
IRELAND	European Roma Rights Centre (ERRC)	100/2013	Alleged violation of the Article 16, 17 and 30 of the Charter, alone and/or in conjunction with Article E, particularly with respect to accommodation for Travellers and their children	Admissible
FRANCE	European Council of Police Trade Unions (CESP)	101/2013	Alleged violation of the Article 5 and 6 of the Charter by conferring on virtually all members of the National Gendarmerie military status such as to prevent the said officers from exercising the trade union rights guaranteed under the aforementioned articles	Admissible
NETHERLANDS	European Federation of National Organisations working with the Homeless (FEANTSA)	86/2012	Request for the immediate suspension of certain law and policy provisions regarding housing	Invitation to adopt all possible measures with a view to avoiding serious, irreparable injury to the integrity of persons at immediate risk of destitution
	Conference of European Churches (CEC)	90/2013		

B. Other information

[No work deemed relevant to NHRs during the period under observation]

PartOne

§3 - RECOMMENDATIONS & RESOLUTIONS

A. Recommendations

AUTHOR	DATE	TEXT NUMBER	SUBJECT MATTER	DECISION
PACE	3 October 2013	2026	The situation in Syria	The PACE was appalled by the fact that violation of humans rights has escalated, resulting in a humanitarian tragedy, and insisted that there can be no impunity for those who commits crimes against humanity (Voting Results - Mr Von Sydow's report - Video: Interview with the rapporteur - Video: Debate)
PACE	3 October 2013	2027	European Union and Council of Europe human rights agendas: synergies not duplication!	The PACE reasserted the position of the European Convention on Human Rights as the definitive legal instrument which addresses human rights, democracy and the rule of law. It expressed its concerns at the accelerating expansion of the EU's activities in the human rights field which may result in unnecessary duplication of the CoE's work (More - Voting results - Video: debate)

B. Resolutions

AUTHOR	DATE	TEXT NUMBER	SUBJECT MATTER	DECISION
PACE	1 October 2013	1952	Children's right to physical integrity	The PACE strongly recommended that member states promote further awareness of the risks of some non-medically justified procedures for children's physical and mental health.
		1953	The progress of the Assembly's monitoring procedure (June 2012-September 2013)	The PACE urged the countries still subject to a monitoring procedure and those engaged in a post-monitoring dialogue to fully comply with the obligations and commitments they entered into upon accession to the CoE (Video: debate - Voting Results - Video: Interview by Mr Herkel)
	2 October 2013	1954	National security and access to information	The PACE strongly confirmed that a state responsible for systematic violation of human rights shall not invoke national security as a justification (Voting results - Video: debate - Interview of the rapporteur [Spanish only])
	3 October 2013	1956	Missing persons from Europe's conflicts: the long road to finding humanitarian answers	The PACE reminded the members states of their obligation to clarify the fate and whereabouts of missing persons under human rights and international humanitarian law, and welcomed a range of judgments of the ECtHR highlighting this responsibility (Statement by Peter Maurer - Voting Results - Video: debate)

Regular Selective Information Flow #113 (1-30 October 2013)
 Part One : General Information - §3 : Recommendations & Resolutions

PACE	3 October 2013	1957	Food security – a permanent challenge for us all	The PACE urged member states to ensure full implementation of the human right to adequate foods (More - Voting Results - Video: debate)
	4 October 2013	1958	Combating discrimination against older persons on the labour market	The PACE pointed out that in the sphere of employment, discrimination against older persons is reflected in unjustified differences in treatment (Video of the debate)

PartOne

§4 - OTHER INFORMATION OF GENERAL IMPORTANCE

A. Information from the Committee of Ministers

[No work deemed relevant for the NHRs for the period under observation]

B. Information from the Parliamentary Assembly

■ Sub-Committee alarmed at the spreading of racism and intolerance in Europe (01.10.2013)

The Sub-Committee on Racism and Xenophobia expressed deep concern at the increase in manifestations of racism throughout Europe, which undermine the fundamental values of democratic societies ([Read more](#)).

■ Concern about violations of the physical integrity of children (01.10.2013)

The PACE, adopting the resolution 1952 (see above, Part One §3), expressed its worries about certain violations of the physical integrity of children which supporters tend to present as beneficial to the children themselves, despite clear evidence to the contrary ([Read more](#) - [Video:debate](#) - [Adopted texts and voting results](#) - [Video interview by Ms Rupprecht \[german\]](#) - [PACE refuted comparisons between the 'circumcision of boys' and 'female genital mutilation'](#)).

■ Robert Biedron, General rapporteur on the rights of LGBT people (02.10.2013)

At the occasion of his appointment as the new General rapporteur on the rights of LGBT people, Robert Biedron explained his role in the Assembly and exposed the most pressing issues of concern with regard to the situation of LGBT people in Europe ([Read more](#)).

■ Eliminating statelessness and strengthening the right to a nationality (02.10. 2013)

A report dealing with nationality-related issues denounced the recent trend in several member states to make more difficult the acquisition of nationality, although the right to a nationality is enshrined in several international legal instruments, including the European Convention on Nationality, which only 20 member states have ratified ([Read more](#) - [Draft text](#)).

■ Prevention of violence against women: fresh dynamism (02.10.2013)

A report adopted by the PACE gender equality Committee proposed in particular that the CoE intensify its activities on violence against women by raising more awareness among the general public, and helping through its expertise to strengthen the legal and political framework for prevention in the member states ([Read more](#) - [Draft text](#)).

■ Rapporteur urged action for decent work and against child labour (07.10.2013)

The rapporteur of the PACE on decent work stressed the need to find a better balance between economic development, employment policies and social protection ([Read more](#)).

■ 13-year-old Lisa, victim of sexual abuse (11.10.2013)

The PACE presented, as a part of the CoE One in Five Campaign, a video clip to raise awareness of sexual violence against children ([Read more](#) - [Video clip](#)).

■ Call for online co-operation to curb sexual exploitation in cyberspace (17.10.2013)

The PACE's General Rapporteur on violence against women called on the member states to fully exploit modern technologies in order to take effective action against trafficking, requiring prevention, protection of victims and prosecution of traffickers ([Read more](#)).

■ **Combating hate against migrants: parliamentarians need to be brave and lead (30.10.2013)**

The Chair of PACE's Migration Committee asserted that parliamentarians need to be brave in standing up for positions that may not be popular, especially when it comes to dealing with migrant issues in a time of economic crisis ([Read more](#) - [Mrs Virolainen's full speech](#) - [Mrs Virolainen's press release \[Finnish only\]](#) - [UNITED Conference against racism's facebook page](#) - [CoE campaign against hate speech](#)).

C. Information for the Commissioner for Human Rights

■ **The Commissioner on the human tragedy near Lampedusa (04.10.2013)**

The Commissioner expressed his shock at this "incomprehensible tragedy" off the coast of Lampedusa. He asked for European countries to strictly comply with their responsibilities towards those in need of international protection. He stated: "It is high time to shift the focus of migration policies from security to protection and to look into the causes why people fleeing their countries continue to do so by putting their lives at risk" (No other information).

■ **Irresponsible media reporting on Roma propagates negative myths (24.10.2013)**

The Commissioner condemned the negative media reporting on minorities, long lasting problem which has vehemently re-emerged with the cases of the children found in Roma families in Greece and Ireland. It harms integration efforts and fuel already widespread violent anti-Roma movements ([Read more](#)).

■ **Human rights at risk when secret surveillance spreads (24.10.2013)**

As the Strasbourg Court has clearly stated, secret surveillance activities cannot be allowed to undermine democracy under the cloak of defending it, the Commissioner said ([Read more](#)).

■ **Legal recognition of LGBTI families (25.10.2013)**

In a video message at the ILGA-Europe Annual Conference the Commissioner urged all European countries to give equal legal recognition to LGBTI couples and families. He pointed out that the ECtHR recognised that same-sex couples living in a stable partnership with or without children fall within the notion of 'family life' protected by the European Convention. The Commissioner stressed that sexual orientation and gender identity should not be used as grounds to deny parental rights or restrict people's access to adoption procedures ([See the video message](#)).

D. Information from the monitoring mechanisms

■ **GRETA: Europe must not stay an Eldorado for human traffickers (17.10.2013)**

On the occasion of the publication of its third general report of activities, the Council of Europe Group of Experts on Action against Trafficking in Human Beings (GRETA), responsible for monitoring the respect of the Convention on Action against Trafficking in Human Beings, urges European governments to mobilise their efforts ([read more about the report](#)).

■ **ECRI: Council of Europe's Anti-Racism Commission published its Annual Report (25.10.2013)**

European countries need to come to terms with their multicultural identity and acknowledge the important role that immigration plays in the economy, asserted the European Commission against Racism and Intolerance (ECRI) in its annual report just published ([read more](#)).

■ **MONEYVAL: Adoption of the Statute of MONEYVAL by the Committee of Ministers (17.10.2013)**

On 9 October 2013 the Committee of Ministers adopted Resolution CM/Res(2013)13 on the statute of the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism, and an amended statute. The statute, which regulates MONEYVAL's activities, was revised to give voting rights and eligibility to stand for election to the Bureau to Israel, the Holy See (including Vatican City State), and to the United Kingdom Crown Dependencies of Guernsey, Jersey and the Isle of Man ([read more](#)).

PartTwo

INFORMATION BY COUNTRY

This part presents a selection of information, which is deemed to be mainly relevant for only one country. Please, refer to the list below (next page) to find the country you are interested in.

Only countries concerned by at least one piece of information issued during the period under observation (1 – 31 October 2013) are listed below.

Azerbaijan

A. Execution of the judgments of the European Court of Human Rights

Corrigendum: The following resolution was wrongly reported in the previous issue (#112). Below is the correct case name and conclusion. We apologise for this mistake.

CASE	DATE OF THE CASE	RESOLUTION	CONCLUSION
MAHMUDOV AND AGAZADE (No. 35877/04) FATULLAYEV (No. 40984/07 AND ONE OTHER)	18 September 2008 (Mahmudov and Agazade) 22 April 2010 (Fatullayev)	CM/ResDH(2013)199 (Interim Resolution) (26 September 2013)	Exhortation made to domestic authorities to take, without any further delay, all necessary measures with a view to aligning the relevant legislation pertaining to defamation and its implementation with the Convention requirements as interpreted by the Court's case law; call upon the authorities to provide the Committee without any further delay with tangible information on the measures taken or envisaged to guarantee a non-arbitrary application of the legislation by the domestic courts and to ensure the right to an impartial tribunal as well as the respect of the presumption of innocence

B. Resolutions, signature and ratifications

[No work deemed relevant for the NHRs for the period under observation]

C. Other information

[No work deemed relevant for the NHRs for the period under observation]

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Belarus

A. Execution of the judgments of the European Court of Human Rights

[No work deemed relevant for NHRs during the period under observation]

B. Resolutions, signatures and ratifications

[No work deemed relevant for NHRs during the period under observation]

C. Other information

■ PACE: Dialogue between PACE and Belarus should remain conditional (03.10.2013)

The Committee on Political Affairs and Democracy reiterated that any opening of constructive dialogue between the PACE and the Belarusian authorities should remain conditional on the release of political prisoners and on a moratorium on the use of the death penalty, as well as on substantial, tangible and verifiable progress in terms of respect for the democratic values and principles upheld by the Council of Europe, as stressed in Resolution 1857 ([Read more - Adopted text and voting results](#)).

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Belgium

A. Execution of the judgments of the European Court of Human Rights

[No work deemed relevant for NHRs during the period under observation]

B. Resolutions, signatures and ratifications

[No work deemed relevant for NHRs during the period under observation]

C. Other information

■ GRETA: Recommendation on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Belgium (07.10.2013)

GRETA made proposals concerning the implementation of the Convention on Action against Trafficking in Human Beings by Belgium ([read more](#)).

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Bosnia and Herzegovina

A. Execution of the judgments of the European Court of Human Rights

[No work deemed relevant for NHRs during the period under observation]

B. Resolutions, signatures and ratifications

NATURE	DATE	TITLE
PACE RECOMMENDATION 2025	2 October 2013	<u>The functioning of democratic institutions in Bosnia and Herzegovina:</u> The PACE reminded that the non-implementation of the ECtHR judgment <i>Sejdić and Finci</i> is a failure to abide by its obligations and commitments to the CoE, as well as it keeps the country from the possibility of applying for candidacy to the European Union (Read more - Voting Results - Interview by Karin S.Woldseth - Video)

C. Other information

[No work deemed relevant for NHRs during the period under observation]

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Bulgaria

A. Execution of the judgments of the European Court of Human Rights

CASE	DATE	RESOLUTION	CONCLUSION
TSOCHEV AND 13 OTHER APPLICATIONS (No. 45334/06)	23 October 2012	CM/ResDH(2013)202 (Final Resolution) (9 October 2013)	Examination closed
KARADIMOVA AND 10 OTHER APPLICATIONS (No. 15077/06)	10 May 2012	CM/ResDH(2013)203 (Final Resolution) (9 October 2013)	

B. Resolutions, signatures and ratifications

[No work deemed relevant for NHRs during the period under observation]

C. Other information

[No work deemed relevant for NHRs during the period under observation]

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Estonia

A. Execution of the judgments of the European Court of Human Rights

[No work deemed relevant for NHRs during the period under observation]

B. Resolutions, signatures and ratifications

[No work deemed relevant for NHRs during the period under observation]

C. Other information

■ GRECO: Publication of the second compliance report (18.10.2013)

GRECO issued on 18 October 2013 its second compliance report concerning Estonia ([read more](#)).

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France

A. Execution of the judgments of the European Court of Human Rights

CASE	DATE	RESOLUTION	CONCLUSION
MARTIN AND OTHERS (No. 30002/08)	12 July 2012	CM/ResDH(2013)214 (Final Resolution) (24 October 2013)	Examination closed

B. Resolutions, signatures and ratifications

[No work deemed relevant for NHRs during the period under observation]

C. Other information

■ Commissioner for Human Rights: Off-site hearings raised human rights concerns (17.10.2013)

The Commissioner expressed in a letter sent to the French Minister of Justice its concerns about respect for human rights of the migrants required to appear at hearings of the Courts of Meaux and Bobigny, held off site in the administrative detention centre of Le Mesnil-Amelot, and to be held shortly in the migrants' holding facility of Paris-Charles de Gaulle airport ([Read more](#) - [Read the letter](#) [In French only]).

■ On-site visit to detention centre of Geispolsheim (30.10.2013)

The Commissioner made an on site visit to Strasbourg and its area and focused on the rights of migrants and asylum seekers ([Read more](#)).

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Germany

A. Execution of the judgments of the European Court of Human Rights

CASE	DATE	RESOLUTION	CONCLUSION
Zock (No. 3098/08)	2 April 2013	CM/ResDH(2013)204 (Final Resolution) (9 October 2013)	Examination closed

B. Resolutions, signatures and ratifications

[No work deemed relevant for NHRs during the period under observation]

C. Other information

[No work deemed relevant for NHRs during the period under observation]

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Hungary

A. Execution of the judgments of the European Court of Human Rights

CASE	DATE	RESOLUTION	CONCLUSION
JOZSEF SZABO AND JEVGENIJA SZABO (No. 36623/07)	9 April 2013	CM/ResDH(2013)206 (Final Resolution) (16 October 2013)	Examination closed
GULYAS (No. 30598/10)	4 June 2013		
PORKOLAB (No. 35709/10)	4 June 2013		
PRISZTOKA (No. 65704/12)	7 May 2013		
BERG-SZAUTER (No. 67448/12)	4 June 2013		
TAKACS (No. 70828/12)	7 May 2013		
PÉTER (No. 74370/12)	4 June 2013		
LENGYEL (No. 3477/13)	4 June 2013		
VARGA (No. 9573/13)	4 June 2013		

B. Resolutions, signatures and ratifications

[No work deemed relevant for NHRs during the period under observation]

C. Other information

[No work deemed relevant for NHRs during the period under observation]

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Iceland

A. Execution of the judgments of the European Court of Human Rights

[No work deemed relevant for NHRs during the period under observation]

B. Resolutions, signatures and ratifications

[No work deemed relevant for NHRs during the period under observation]

C. Other information

■ GRETA: GRETA's first evaluation visit to Iceland (21-24.10.2013)

A GRETA Delegation carried out an evaluation visit to Iceland from 21 to 24 October 2013. The visit was organised in the context of the first round of evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings ([read more](#)).

■ GRECO: Publication of the second compliance report (18.10.2013)

GRECO issued on 18 October 2013 its second compliance report concerning Iceland ([read more](#)).

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Ireland

A. Execution of the judgments of the European Court of Human Rights

[No work deemed relevant for NHRs during the period under observation]

B. Resolutions, signatures and ratifications

[No work deemed relevant for NHRs during the period under observation]

C. Other information

■ **GRETA: Recommendation of the CP on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Ireland (07.10.2013)**

GRETA made proposals concerning the implementation of the Convention by Ireland ([read more](#)).

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Italy

A. Execution of the judgments of the European Court of Human Rights

CASE	DATE	RESOLUTION	CONCLUSION
Nardozza and Tempone (Nos. 29315/09 and 64679/09)	30 August 2011	CM/ResDH(2013)207 (Final Resolution) (16 October 2013)	Examination closed

B. Resolutions, signatures and ratifications

[No work deemed relevant for NHRs during the period under observation]

C. Other information

■ PACE: Italy ill-prepared to handle migration surge, committee said (02.10.2013)

PACE Migration's Committee, issuing a draft report, pointed out once again that Italy is ill-prepared for a new surge of mixed migration on its coasts, with little evidence of a system for receiving and processing migrants and asylum seekers that is "fit for purpose" ([Read more](#) - [Draft Report](#) - [Interview with Chris Chope](#) - [PACE President's reaction to Lampedusa tragedy](#) - [Lampedusa: call for investigation into allegations that boats failed to carry out rescue](#)).

■ PACE: President praised efforts to save migrants in distress at sea (11.10.2013)

The President paid tribute to the commitment of the Italian authorities at the highest level to address the human rights problems ([Read more](#)).

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Malta

A. Execution of the judgments of the European Court of Human Rights

[No work deemed relevant for NHRs during the period under observation]

B. Resolutions, signatures and ratifications

[No work deemed relevant for NHRs during the period under observation]

C. Other information

■ ECRI: Council of Europe's Anti-Racism Commission published new report on Malta (15.10.2013)

ECRI published on 15 October 2013 its fourth report on Malta. ECRI's Chair, Ms Eva Smith, welcomed positive developments, but regretted that a number of concerns persisted. For example, a National Action Plan against Racism and Xenophobia has been developed but has never been adopted or published by the authorities ([read more](#)).

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Moldova

A. Execution of the judgments of the European Court of Human Rights

[No work deemed relevant for NHRs during the period under observation]

B. Resolutions, signatures and ratifications

NATURE	DATE	TITLE
PACE RESOLUTION 1955	2 October 2013	<u>The honouring of obligations and commitments by the Republic of Moldova:</u> Though the PACE welcomed, among others things, the adoption of the revised version of the National Human Rights Action Plan of February 2012, it remained concerned about several issues to be addressed notably in the field of humans rights, and in this connection decided to pursue the monitoring procedure (Read more - Video: debate)

C. Other information

■ ECRI: New report on the Republic of Moldova (15.10.2013)

ECRI published on 15 October 2013 its fourth report on the Republic of Moldova. ECRI's Chair, Ms Eva Smith, said that, despite the progress achieved, some issues continue to give rise to concern, including the lack of coherent statistical data on racism and racial discrimination and the reluctance of the police to register complaints in this area ([read more](#)).

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Montenegro

A. Execution of the judgments of the European Court of Human Rights

[No work deemed relevant for NHRs during the period under observation]

B. Resolutions, signatures and ratifications

[No work deemed relevant for NHRs during the period under observation]

C. Other information

■ PACE: First Pride March in Podgorica ‘an important step forward’ (21.10.2013)

The General Rapporteur on the rights of LGBT people for the PACE congratulated the organisers of the First Pride March in Montenegro and expressed his hopes that it becomes a source of inspiration for the entire Balkan region ([read more](#)).

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Netherlands

A. Execution of the judgments of the European Court of Human Rights

[No work deemed relevant for NHRs during the period under observation]

B. Resolutions, signatures and ratifications

[No work deemed relevant for NHRs during the period under observation]

C. Other information

■ CPT: The European Committee for the Prevention of Torture examines treatment of foreign nationals during a removal operation by air from the Netherlands (22.10.2013)

A CPT Delegation has recently examined the treatment of foreign nationals during a removal operation by air from the Netherlands. The monitoring took place in the context of an ad hoc visit to the Netherlands from 16 to 18 October 2013 and involved the presence of a CPT delegation on a charter flight to Lagos (Nigeria) ([read more](#)).

■ ECRI: New Report on the Netherlands (15.10.2013)

ECRI published on 15 October 2013 its fourth report on the Netherlands. ECRI's Chair, Ms Eva Smith, noted a number of steps forward but expressed concern about other issues, such as the cutting of funds for various anti-discrimination structures, changing attitudes to integration and the cost of residence permits ([read more](#)).

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Poland

A. Execution of the judgments of the European Court of Human Rights

CASE	DATE	RESOLUTION	CONCLUSION
BYRZYKOWSKI (No. 11562/05)	27 September 2006	CM/ResDH(2013)208 (Final Resolution) (16 October 2013)	Examination closed
SKIBINSCY (No. 52589/99)	6 April 2009	CM/ResDH(2013)209 (Final Resolution) (16 October 2013)	
BUCZKIEWICZ (No. 10446/03)	26 May 2008)		
ROSINSKI (No. 17373/02)	17 October 2007		
TARNAWCZYK (No. 27480/02)	7 March 2011		
PIETRZAK (No. 38185/02)	7 July 2008		
SKRZYNSKI (No 38672/02)	6 December 2007		
SELIWIAK (No. 51835/09)	18 December 2012	CM/ResDH(2013)210 (Final Resolution) (16 October 2013)	
MICHALUK (No. 8236/11)	29 January 2013		
KAJTOCH (No. 44057/11)	5 March 2013		
KANIA (No. 52987/11)	29 January 2013		
ZUREK (No. 61217/11)	5 March 2013		
WOJTCZAK (No. 2940/12)	19 March 2013		
LUCZAK (No. 77782/01)	2 June 2008	CM/ResDH(2013)215 (Final Resolution) (24 October 2013)	

B. Resolutions, signatures and ratifications

[No work deemed relevant for NHRs during the period under observation]

C. Other information

[No work deemed relevant for NHRs during the period under observation]

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Portugal

A. Execution of the judgments of the European Court of Human Rights

[No work deemed relevant for NHRs during the period under observation]

B. Resolutions, signatures and ratifications

[No work deemed relevant for NHRs during the period under observation]

C. Other information

■ GRECO: Publication of a compliance report (24.10.2013)

GRECO published on 24 October 2013 a compliance report concerning Portugal ([read more](#)).

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Romania

A. Execution of the judgments of the European Court of Human Rights

CASE	DATE	RESOLUTION	CONCLUSION
GAVRIL ANTONIU GARLATI (No. 29241/06)	12 March 2013	CM/ResDH(2013)211 (Final Resolution) (16 October 2013)	Examination closed
AVRAM (No. 32623/06)	11 December 2012		
DUMITRU AND PISAU (Nos. 14600/10 AND 50017/10)	27 November 2012		
ADRIAN POPESCU (No. 56336/10)	12 February 2013		

B. Resolutions, signatures and ratifications

[No work deemed relevant for NHRs during the period under observation]

C. Other information

[No work deemed relevant for NHRs during the period under observation]

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Russian Federation

A. Execution of the judgments of the European Court of Human Rights

CASE	DATE	RESOLUTION	CONCLUSION
RYABOV No. 2 (No. 24841/06)	29 November 2011	CM/ResDH(2013)212 (Final Resolution) (16 October 2013)	Examination closed
AVERIN (No. 46983/06)	18 December 2012		
KNYAZKOV (No. 33797/07)	31 January 2012		

B. Resolutions, signatures and ratifications

[No work deemed relevant for NHRs during the period under observation]

C. Other information

■ ECRI: New report on the Russian Federation (15.10.2013)

ECRI published on 15 October 2013 its fourth report on the Russian Federation. ECRI's Chair, Ms Eva Smith, said that, despite positive developments, there were issues of concern. For example, the residence registration system poses significant problems and ultra-nationalist, racist and neo-Nazi websites are rife on the Internet ([read more](#)).

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Slovenia

A. Execution of the judgments of the European Court of Human Rights

[No work deemed relevant for NHRs during the period under observation]

B. Resolutions, signatures and ratifications

[No work deemed relevant for NHRs during the period under observation]

C. Other information

■ Commissioner for Human Rights: Justice has to be done for all the erased (19.10.2013)

In an opinion editorial, published in a Slovene daily newspaper, the Commissioner pointed to certain human rights priorities to be met while addressing the issue of the erased in Slovenia. He stressed that the current parliamentary discussion on the law on compensation for the erased should not only focus on compensation, but should broaden the scope of the law to provide full remedy for the human rights violations which occurred ([read more](#)).

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Spain

A. Execution of the judgments of the European Court of Human Rights

[No work deemed relevant for NHRs during the period under observation]

B. Resolutions, signatures and ratifications

[No work deemed relevant for NHRs during the period under observation]

C. Other information

■ GRETA: Recommendation on the implementation of the Convention on Action against Trafficking in Human Beings (07.10.2013)

The Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings made proposals concerning the implementation of the Convention by Spain ([read more](#)).

■ Commissioner for Human Rights: Austerity measures weaken human rights protection in Spain (09.10.2013)

Releasing a report on his visit to Spain, the Commissioner warned against the fact that cuts in social, health and educational budgets have led to a worrying growth of family poverty in Spain. He underlined the particularly negative impact on the enjoyment of human rights by children and persons with disabilities, and invited the Spanish authorities to do more to ensure that the human rights of vulnerable groups are better respected in the context of austerity measures ([Read more](#) - [Spanish version](#) - [Read the report](#) - [Comments of the Spanish authorities](#)).

■ PACE: Trafficking in human beings and sexual exploitation in Spain (11.10.2013)

Jorge Fernández Díaz, Spanish Minister of the Interior, announced that a new legislation was being drafted with a view to preventing this “new form of slavery which is an offence to fundamental rights, freedom and dignity” ([Read more](#) - [Speech by Jorge Fernández Díaz\[Spanish only\]](#) - [Photo gallery of the meeting](#)).

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Sweden

A. Execution of the judgments of the European Court of Human Rights

CASE	DATE	RESOLUTION	CONCLUSION
F.N. AND OTHERS (No. 28774/09)	18 March 2013	CM/ResDH(2013)205 (Final Resolution) (9 October 2013)	Examination closed

B. Resolutions, signatures and ratifications

[No work deemed relevant for NHRs during the period under observation]

C. Other information

[No work deemed relevant for NHRs during the period under observation]

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Turkey

A. Execution of the judgments of the European Court of Human Rights

CASE	DATE	RESOLUTION	CONCLUSION
CINAR (No. 30281/06)	2 October 2012		
AKBABA (No. 29876/07)	27 November 2012		
ENÜK (No. 34232/08)	19 February 2013		
POLAT (No. 3730/09)	29 January 2013		
ELMA (No. 16811/09)	12 February 2013		
YASAR (No. 23437/09)	29 January 2013		
ALABALIK (No. 59619/09)	15 January 2013		
KAYA AND YALÇIN (No. 16586/10)	12 February 2013		
KARTAL (No. 28658/10)	29 January 2013	CM/ResDH(2013)216 (Final Resolution) (24 October 2013)	Examination closed
EVGEN (No. 31724/11)	12 February 2013		
SAHIN (No. 46297/11)	19 February 2013		
POLAT (No. 46303/11)	19 February 2013		
YESILYURT AND OSKAN (No. 50111/11)	29 January 2013		
DURAK (No. 64932/11)	19 February 2013		
GÜRGİL (No. 64959/11)	19 February 2013		
KAPLAN (No. 65320/11)	19 February 2013		
DAVRAN (No. 66994/11)	19 February 2013		

DERELI (No. 68619/11)	19 February 2013	CM/ResDH(2013)216 (Final Resolution) (16 October 2013)	Examination closed
ATES (No. 70095/11)	19 February 2013		
ERGEN (No. 72394/11)	19 February 2013		
GÜL (No. 76772/11)	19 February 2013		
CANKAYA (No. 78805/11)	19 February 2013		

B. Resolutions, signatures and ratifications

[No work deemed relevant for NHRs during the period under observation]

C. Other information

■ CPT: Council of Europe anti-torture committee published report on Turkey (10.10.2013)

CPT published on 10 October 2013 the report on its June 2012 ad hoc visit to Turkey, together with the Turkish authorities' response. The main objective of the visit was to examine the treatment and conditions of detention of juveniles held in prisons. The visit was triggered by allegations received earlier in 2012 of ill-treatment of juvenile prisoners by prison staff and inter-prisoner violence at Pozantı Prison. The delegation visited Ankara-Sincan Juvenile Prison, to which all the juveniles previously held at Pozantı Prison had been transferred, as well as Istanbul-Maltepe Juvenile Prison and the juvenile units of prisons for adults in Diyarbakır and Gaziantep ([read more](#)).

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Ukraine

A. Execution of the judgments of the European Court of Human Rights

[No work deemed relevant for NHRs during the period under observation]

B. Resolutions, signatures and ratifications

[No work deemed relevant for NHRs during the period under observation]

C. Other information

■ GRETA: First evaluation visit to Ukraine (21-25.10.2013)

A GRETA Delegation carried out an evaluation visit to Ukraine from 21 to 25 October 2013. The visit was organised in the context of the first round of evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings ([read more](#)).

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United Kingdom

A. Execution of the judgments of the European Court of Human Rights

CASE	DATE	RESOLUTION	CONCLUSION
STOKES (No. 65819/10)	19 March 2013	CM/ResDH(2013)213 (Final Resolution) (16 October 2013)	Examination closed
BETTERIDGE (No. 1497/10)	29 April 2013	CM/ResDH(2013)217 (Final Resolution) (24 October 2013)	

B. Resolutions, signatures and ratifications

[No work deemed relevant for NHRs during the period under observation]

C. Other information

■ **Commissioner for Human Rights: Commissioner warned the UK about the consequences of non-compliance with judgments of the European Court of Human Rights (17.10.13)**

In a memorandum, the Commissioner underscored the obligation for member states to execute judgments of the ECtHR and the importance that such compliance has for the European system of human rights protection ([Read more](#) - [Read the Memorandum](#)).

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