

REGULAR SELECTIVE INFORMATION FLOW

for the attention of the National Human Rights Structures

Issue № 154

[1 July – 31 August 2017]

CONTENTS

(click on a title to reach it)

Introduction (p.2)

Index by country (p.3)

PART I - GENERAL INFORMATION (p.4)

§1 - European Court of Human Rights (p.5)

A. Judgments (p.5)

1. *Judgments deemed of particular importance to the NHRSS (p.5)*

2. *Other judgments (p.11)*

B. Decisions on admissibility (p.19)

C. Communicated cases (p.21)

§2 - European Committee of Social Rights (p.22)

A. Complaints & Decisions (p.22)

B. Other information (p.27)

§3 - Recommendations & Resolutions (p.28)

A. Recommendations (p.28)

B. Resolutions (p.28)

§4 - Other information of general importance (p.30)

A. Information from the Committee of Ministers (p.30)

B. Information from the Parliamentary Assembly (p.30)

C. Information from the Commissioner of Human Rights (p.32)

D. Information from the Council of Europe monitoring mechanisms (p.32)

PART II - INFORMATION BY COUNTRY (p.34)

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 on 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 feedback that may allow for the improvement of the format and the contents of this tool.

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Index by Country

AUSTRIA, 11, 21, 32, 35	LIECHTENSTEIN, 53
AZERBAIJAN, 31, 36	LITHUANIA, 14, 54
BELGIUM, 5, 6, 9, 23, 25, 33, 37	LUXEMBOURG, 30, 55
BOSNIA AND HERZEGOVINA, 11, 38	MONTENEGRO, 56
BULGARIA, 11, 19, 25	NETHERLANDS, 7, 8, 24, 57
CROATIA, 6, 7, 12, 13, 19, 25, 39	NORWAY, 24, 29, 58
CYPRUS, 26, 40	POLAND, 15, 21, 33, 59
CZECH REPUBLIC, 26, 30, 41	PORTUGAL, 7, 9, 10, 24, 60
DENMARK, 29, 42	ROMANIA, 15, 19, 33, 61, 62
ESTONIA, 43	RUSSIA, 15, 16, 21
FINLAND, 26, 27	SERBIA, 29, 63
FRANCE, 23, 27, 29, 44	SLOVAKIA, 16
GEORGIA, 13, 45	SLOVENIA, 24, 33, 64
GERMANY, 46	SPAIN, 30, 65
GREECE, 13, 22, 27, 28, 33, 47	SWEDEN, 26, 27, 30, 33, 66
HUNGARY, 14, 19, 32, 48	SWITZERLAND, 30, 67
ICELAND, 14	TURKEY, 17, 19, 32, 69
IRELAND, 23, 33, 49	UKRAINE, 8, 17, 18, 21, 70
ITALY, 23, 30, 50, 51	UNITED KINGDOM, 20, 71
LATVIA, 52	

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 July -31 August 2017) 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 available only 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.

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

ROOMAN V. BELGIUM ([IN FRENCH ONLY](#)) - No. 18052/11 - Importance 2 - 18 July 2017 - Violation of Article 3 - Lack of psychiatric care during the applicant’s detention during 13 years - No violation of Article 5 § 1 - Domestic authorities’ legitimate decision to keep the applicant detained despite the lack of psychiatric care

The case concerned the applicant’s complaint about the lack of psychiatric care in the facility in which he was being detained.

Article 3

The Court first observed that the applicant had been in detention for 13 years without appropriate medical support or any realistic prospect of change, causing him distress. The Court then noted that all the evidence before it tended to show that the main, if not the only, reason for the failure to provide therapeutic care for the applicant’s mental health problems was that communication was impossible between the medical staff and the patient. Indeed, the Court observed that it had been impeded by the

language barrier, the patient being German, and that his lack of progress resulted from the absence of such care. The Court did not underestimate the efforts made by the mental health bodies to find a solution in this case. But taking into account the fact that German was one of the three official languages in Belgium, the Court found that those efforts had been thwarted by the authorities' failure to take appropriate measures to bring about a change in his situation. The Court concluded that the applicant had been subjected to degrading treatment on account of his continued detention in the conditions examined.

There had therefore been a violation of Article 3 of the Convention.

Article 5 § 1

The Court observed that the applicant was being detained in a social protection facility that in principle was appropriate to his mental health condition and his degree of dangerousness. The Court recalled that as long as a person's detention as a mental health patient took place in a hospital, clinic or other appropriate institution, the adequacy of the treatment or regime was not a matter for examination under Article 5 § 1 of the Convention. The Court also pointed out that there was still a link between the reason for the applicant's detention and his mental illness. In the Court's view, the failure to provide appropriate care had not broken that link and had not rendered his detention unlawful.

There had therefore been no violation of Article 5 § 1.

Article 41 (Just satisfaction)

The Court held that Belgium was to pay the applicant EUR 15,000 in respect of non-pecuniary damage.

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

ORAVEC V. CROATIA (No. 51249/11) - Importance 2 - 11 July 2017 - No violation of Article 5 § 1 - Decision to extend a detention order of a suspect who was at liberty - Violation of Article 5 § 4 - Procedural shortcomings in the related proceedings

The case concerned the applicant's complaint that his detention had been unlawful and that there had been procedural defects in the proceedings concerning his detention.

Article 5 § 1

The Court considered that the failure to set a time-limit in the decision of June 2011 extending the applicant's detention had not in itself rendered his detention unlawful, in view of the fact that the relevant domestic law clearly set the maximum duration of detention during an investigation at six months. The Court accepted therefore that the time-limit for the applicant's detention had been set implicitly.

Nor did the Court find that the detention order of June 2011 had been arbitrary. It had been adopted by a judicial body. Moreover, it had been ordered on grounds clearly provided by domestic law, namely the risk of the applicant reoffending.

Consequently, the Court found that there had been no violation of Article 5 § 1 of the Convention.

Article 5 § 4

The Court held that the applicant could complain under Article 5 § 4 of the Convention about the fact that, in his absence and without informing him of the proceedings, a domestic court ordered that he be detained. The Court considered that the prosecutor's appeal against the investigating judge's decision ordering the applicant's release had represented a continuation of the proceedings relating to the lawfulness of his detention. The applicant had not however had the opportunity to answer those arguments as the prosecutor's appeal had not been communicated to the defence. Moreover, the domestic court had made its decision concerning the detention order in closed session without informing, let alone inviting, the applicant or his representative. Consequently, the Court found that the applicant had not been able to effectively exercise his defence rights in the proceedings before the domestic court.

As concerned the Constitutional Court's refusal to examine the applicant's case, the Court recalled that it had already examined and found a violation of Article 5 § 4 in other the domestic authorities' cases regarding the practice of declaring constitutional complaints inadmissible merely on grounds that a fresh decision extending detention had been adopted before it had given its ruling.

Therefore, there had been a violation of Article 5 § 4 of the Convention.

Article 41 (Just satisfaction)

The Court held that Croatia was to pay the applicant EUR 500 in respect of non-pecuniary damage and EUR 2,800 for costs and expenses.

- **Right to a fair trial (Art. 6)**

MOREIRA FERREIRA V. PORTUGAL (NO. 2) (No. 19867/12) GRAND CHAMBER - Importance 1 - 11 July 2017 - No violation of Article 6 § 1 (by nine votes to eight) - Refusal to reopen criminal proceedings following a Court judgment finding a violation of the Convention

The case concerned the applicant's complaint that the Supreme Court had incorrectly interpreted and applied the relevant provisions of the Code of Criminal Procedure and the conclusions of the Court's 2011 judgment, thus depriving her of the right to have her conviction reviewed.

The Court noted that although the proceedings adjudicated by the Supreme Court incontrovertibly concerned the execution of the Court's 2011 judgment, they were new in relation to the domestic proceedings forming the subject of that judgment, and were subsequent to them. Thus, the Court noted that in examining the application for review, the Supreme Court had been dealing with a new issue, namely the validity of the applicant's conviction in the light of the finding of a violation of the right to a fair trial. The Court considered that the alleged lack of fairness in the procedure followed when examining the application for review, constituted new information in relation to the Court's previous judgment.

The Court further observed that the Supreme Court had carried out a re-examination on the merits of a number of aspects of the disputed issue of the applicant's absence from the hearing on her appeal and the consequences of that absence for the validity of her conviction and sentence. The Supreme Court had concluded that the validity of the conviction was not subject to any serious doubts, it had been bound to uphold the conviction and sentence imposed by the court of appeal. The Court considered that the interpretation of the applicable domestic law was supported by the Court's settled case-law to the effect that the Convention did not guarantee the right to the reopening of proceedings, and by the lack of a uniform approach among the member States as to the operational procedure of any existing reopening mechanisms. The Court emphasized that a retrial or the reopening of the proceedings had been described as an appropriate solution, but not a necessary or exclusive one. The Court considered that the Supreme Court's refusal to reopen the proceedings as requested by the applicant had not distorted or misrepresented that judgment and that the grounds on which it was based fell within the domestic authorities' room for manoeuvre ("margin of appreciation").

Therefore, there had been no violation of Article 6 § 1 of the Convention.

M V. THE NETHERLANDS (No. 2156/10) - Importance 2 - 25 July 2017 - Violation of Article 6 §§ 1 and 3 (c) - Decision to restrict communication between lawyer and accused on the grounds of protecting State secrets - No violation of Article 6 §§ 1 and 3 (b) and (d) – Redaction and alleged withholding of documents / Refusal to call certain witnesses

The case concerned the applicant, a former member of the domestic authorities' secret service, who complained that the domestic authorities' secret service had exercised decisive control over the evidence restricting his and the domestic courts' access to it and controlling its use, thus preventing him from instructing his defence counsel effectively.

Article 6 §§ 1 and 3 (b)

The Court considered that the documents that had been made available by the secret service in a redacted form were perfectly acceptable. The documents in question contained details of the domestic authorities' secrets that the applicant was alleged to have revealed and the sensitive nature of the material could be adequately proven even in its redacted state. In respect of the internal the secret service investigation file which the applicant alleged had been withheld from the defence, the Court noted that it had neither been in the hands of the prosecution, nor could the Court of Appeal establish that it had actually existed. Consequently, any benefit the applicant had intended to derive from it was merely hypothetical.

Therefore, the Court considered that there had been no violation of Article 6 §§ 1 and 3 (b) of the Convention.

Article 6 §§ 1 and 3 (c)

The Court accepted that there was no reason in principle why secrecy rules should not be applicable when a former member of the security services was being prosecuted for revealing the domestic authorities' secrets. However, the Court held that, without professional advice, an individual who was facing serious criminal charges could not be expected to weigh up the benefits of disclosing his case in full to a lawyer against the risk of further prosecution for doing so. Consequently, there had been a violation of Article 6 §§ 1 and 3 (c)

Article 6 §§ 1 and 3 (d)

The Court held that the Court of Appeal could not be said to have acted unreasonably or arbitrarily as regards the applicant's right to examine and obtain the attendance of witnesses. Mr M complained that the conditions the AIVD put on the manner in which their members gave evidence had denied him access to information that would have been capable of casting doubt on his guilt. However, the Court held that although it was, in itself, a perfectly legitimate defence strategy in criminal cases to create doubt as to the authorship of a crime by demonstrating that the crime could well have been committed by someone else, this did mean that a suspect had the right to make specious demands for information in the hope that perchance an alternative explanation might present itself. In reality, the evidence on which the Court of Appeal had based its conviction comprised no fewer than 53 different items, including several linking Mr M directly to the leaked documents and to the unauthorised persons found in possession of them.

Consequently, there had been no violation of Article 6 §§ 1 and 3(d)

Article 41 (Just satisfaction)

The Court held that the Netherlands was to pay the applicant EUR 500 in respect of non-pecuniary damage and EUR 2,800 for costs and expenses.

KHLEBIK V. UKRAINE (No. 2945/16) - Importance 2 - 27 July 2017 - No violation of Article 6 § 1: Domestic authorities' decision to leave an appeal unexamined due to inability to retrieve criminal case file from area beyond their control – No violation of Article 5 : Lawful detention

The case concerned the complaint by a man who had been convicted of several offences in 2013 by a court which was no longer under the domestic authorities' control. Thus, his case file was blocked and therefore the domestic courts were unable to examine his appeal against his conviction.

Article 6 § 1

The Court observed that the applicant, as was uncontested, had been able to lodge an appeal against his conviction, which had been accepted for examination on the merits. It was also uncontested that the essential reason why his case had so far not been examined by the appeal court was that his case file was no longer available. The Court considered that the domestic authorities had done all in their power, under hostile circumstances, to render effective the applicant's rights guaranteed by Article 6. In the light of these considerations, the Court concluded that there had been no violation of Article 6 of the Convention.

Article 5

The Court declared inadmissible for being manifestly ill-founded the applicant's complaints under Article 5. It noted in particular that he had been detained following conviction by a competent court and that he had not shown that as a result of the delay in the examination of his appeal he had spent more time in detention than he would have under normal circumstances.

Thus, there had been no violation of Article 5 of the Convention.

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

BELCACEMI AND OUSSAR V. BELGIUM ([In French only](#)) - No. 37798/13 - Importance 2 - 11 July 2017 - No violation of Article 8 and 9 - Domestic authorities' decision to introduce a ban on wearing face covering in public ; DAKIR V. BELGIUM ([IN FRENCH ONLY](#)) - No. 4619/12 - Importance 2 - 11 July 2017 - No violation of Article 8 and 9 - Domestic authorities' decision to introduce a ban on wearing face covering in public - Violation of Article 6 § 1 - Domestic authorities' failure to strike a fair balance between the applicant's right of access to a court and the guarantee of formal procedure for appealing to court

The cases concerned a by-law adopted in three municipalities introducing a ban on wearing face covering in public, and the subsequent proceedings before domestic courts.

Article 8 and Article 9

The Court first recognized that the impugned ban had constituted an interference with the applicant's right for private life. It found that it was prescribed by domestic law and that it had a legitimate aim, namely the preservation of the conditions of "living together" as an element of the "protection of the rights and freedoms of others. The Court then recalled that in matters of general policy, on which opinions within a democratic society could reasonably differ widely, the role of the domestic policy-maker was to be given special weight. The State should thus, in principle, be afforded a wide margin of appreciation in deciding whether and to what extent a limitation of the right to manifest one's religion or beliefs was "necessary". The Court took the view that the ban had been proportionate to the aim, admitting that the domestic authorities were seeking to protect a principle of interaction between individuals that was, in its view, essential to the functioning of a democratic society. Therefore, there had been no violation of Articles 8 and 9 of the Convention.

Article 6 § 1 and Article 13

The Court observed that the domestic court had rejected the applicant's application on the ground that it had been based solely on one Article 113bis of the by-law, without referring to this Article. The Court noted that Article 113 could be considered as a general provision and that Article 113bis represented a particular application of it; the municipalities in question had used Article 113bis in the by-law because they considered that Article 113 was insufficient to prohibit the wearing of the burqa. It also noted that the submissions on the merits made by the applicant had been set out in a substantiated and structured manner and were of particular significance, and that they had been discussed in the context of the adversarial written proceedings. In consequence, the Court considered that the decision to declare the application inadmissible had been excessively formalistic and that the applicant's access to the domestic court had been limited to such an extent that it had upset the fair balance that ought to be struck between, on the one hand, the legitimate concern to ensure that the formal procedure for appealing to courts was complied with and, on the other, the right of access to a court. Therefore, it held that there had been a violation of Article 6 § 1 of the Convention.

Article 41 (Just satisfaction)

The Court held that Belgium was to pay EUR Ms Dakir 800 in respect of costs and expenses.

[CARVALHO PINTO DE SOUSA MORAIS V. PORTUGAL \(No. 17484/15\) - Importance 2 - 25 July 2017 - Violation of Article 14 in conjunction with Article 8 - Discriminatory court's decision concerning a compensation awarded to a woman after a medical error](#)

The case concerned a domestic court's decision to reduce the amount of compensation awarded to the applicant, a 50-year-old woman suffering from gynaecological complications, as a result of a medical error. The applicant alleged in particular that the decision to reduce the amount of compensation was discriminatory because it had disregarded the importance of a sex life for her as a woman.

The Court first noted that the applicant's age and sex had apparently been decisive factors in the domestic court's final decision, not only to lower the compensation for physical and mental suffering but also the amount allocated for the services of a maid. This decision had moreover been based on

the general assumption that sexuality was not as important for a 50-year-old woman and mother of two children as for someone of a younger age. It thus ignored the physical and psychological importance of sexuality for women's self-fulfilment. The Court also observed two other previous judgments concerning male patients about medical malpractice and it observed that those men could no longer have normal sexual relations had affected their self-esteem and had resulted in "tremendous/strong mental shock", regardless of their age or whether they had had children or not. The Court therefore concluded that there had been a violation of Article 14 taken in conjunction with Article 8.

Article 41 (Just satisfaction)

The Court held, by five votes to two, that Portugal was to pay the applicant EUR 3,250 in respect of non-pecuniary damage and EUR 2,460 for costs and expenses.

1. Other judgments delivered 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 judgment.

For more detailed information, please refer to the cases.

STATE	DATE	CASE TITLE	IMP.	CONCLUSION	KEY WORDS
AUSTRIA	20 July 2017	LORENZ (No. 11537/11)	3	Violation of Art. 5 § 1	Domestic courts' failure to examine the question of the applicant's transfer to another prison institution
				Violation of Art. 5 § 1	Lack of sufficient factual basis concerning the review proceedings in order to decide on the applicant's requests for release
				No violation of Art. 5 § 4	Prompt judicial review of the lawfulness of the applicant's detention (5 months)
				Violation of Art. 5 § 4	Lack of a prompt judicial review of the lawfulness of the applicant's detention (11 months)
BOSNIA AND HERZEGOVINA	25 July 2017	PANORAMA LTD AND MILICIC (Nos. 69997/10 AND 74793/11)	3	Violation of Art. 6 § 1	Domestic authorities' failure to enforce the final judgments in the applicants' favour
				Violation of Art. 1 of Prot. No. 1	Applicants' inability to obtain the execution of the final judgments in their favour constituted an interference with their peaceful enjoyment of possessions
BULGARIA	13 July 2017	NIKOLAY GENOV (No. 7202/09)	3	Violation of Art. 6§1	The domestic courts failed to give sufficiently reasoned judgments.
		VELKOVA (No. 1849/08)	3	Violation of Art. 6§1 and Art. 1 of Prot. No. 1	The judgment in the applicant's favour was complied with after unreasonably long delay during which the applicant was unable to privatise and use the property in issue.
				Violation of Art. 13 in conjunction with Art. 6§1 and Art. 1 of Prot. No. 1	No effective remedy available to the applicant in connection with her complaint.

CROATIA	04 July 2017	<u>OBJADIN</u> (No. 39468/13)	3	No violation of Art. 2 (procedural)	The domestic authorities complied with their procedural obligation under article 2 even though the investigation was not successful. The investigation was effective and the domestic authorities cannot be impugned for any culpable disregard, discernible bad faith or lack of will.
	06 July 2017	<u>TRIVKANOVIC</u> (No. 12986/13)	2	No violation of Art. 2	No support found for the applicants' allegations that the authorities did not properly investigate the fate of the deceased or that they are somehow shielding or protecting those responsible. The investigation has not been shown to have infringed the minimum standard required under Article 2.
		<u>ZDJELAR AND OTHERS</u> (No. 8090/12)	3	No violation of Art. 2	No support for the applicants' allegations that the authorities had not made sufficient efforts to identify and prosecute those responsible for the fate of the deceased. The investigation has not been shown to have infringed the minimum standard required under Article 2.
	11 July 2017	<u>T.G</u> (No. 39701/14)	2	Violation of Art. 6§1	The procedure before the domestic Court did not incorporate adequate safeguards to protect the interests of the applicant so as to ensure that he received a fair trial as guaranteed under Article 6 § 1 of the Convention.

CROATIA <i>(CONTINUED)</i>	11 July 2017	Ž.B (No. 47666/13)	3	Violation of Art. 8	The conduct of the domestic authorities, together with the manner in which the criminal-law mechanisms were implemented, were defective to the point of constituting a breach of the domestic authorities' positive obligations under the Convention concerning the applicant's allegations of domestic violence as the perpetrator as the circumstances of the alleged domestic violence were never finally established by a competent court of law resulting in the suspect's virtual impunity.
GEORGIA	13 July 2017	JUGHELI AND OTHERS (No. 38342/05)	2	Violation of Art. 8	The domestic authorities did not succeed in striking a fair balance between the interests of the community in having an operational thermal power plant and the applicants' effective enjoyment of their right to respect for their home and private life.
GREECE	13 July 2017	SHULI (No. 71891/10)	3	Violation of Art. 6§1	The domestic courts prevented the applicant from using a legal remedy available to him under domestic law thus caused the applicant to be disproportionately hindered in his right of access to a court.
				Violation of Art. 6§1	Unreasonable length of proceedings (eight years and four months)
	20 July 2017	XENOS <i>(IN FRENCH ONLY)</i> (No. 45225/09)	3	Violation of Art.13	Lack of a domestic remedy that would have allowed the applicant at the time of the facts, to obtain for his case to be heard before a court within a reasonable time.
				No violation of Art. 6§1	The limitations at issue pursued a legitimate aim, and didn't, when applied, hindered the applicant's right of access to a court.
		POULIMENOS AND OTHERS <i>(IN FRENCH ONLY)</i> (No. 41230/12)	3	Violation of Art. 1 of Prot. No. 1	Domestic court's calculation of the final amount of expropriation compensation had been determined on the basis of a date far removed from the hearing which resulted in a lowering of the estimated value of the plot of land

HUNGARY	18 July 2017	KÖRTVÉLYESSY (No.2) (No. 58271/15)	3	Violation of Art. 11	Unnecessary ban of the planned peaceful assembly
		LENGYEL (No. 8271/15)	3	Violation of Art. 1 of Prot. No. 1	Lack of proportionality between the aim pursued and the restrictions applied to the applicant's allowance which constituted an excessive individual burden
ICELAND	04 July 2017	HALLDORSSON (No. 44322/13)	3	No violation of Art.10	The domestic court acted within the margin of appreciation afforded to it and struck a reasonable balance between the measures imposed, restricting the right to freedom of expression, and the legitimate aim pursued, the right to respect form private life.
LITHUANIA	11 July 2017	MARDOSAI (No. 42434/15)	3	No violation of Art. 2	The applicant complained only about the ineffectiveness of the criminal proceedings and not about the civil proceedings, even though civil liability, is sufficient for the domestic authorities to fulfill their procedural obligation under article 2. As civil liability was found in the applicant's case without any complaint as to the effectiveness of the proceedings or the damages awarded, the domestic authorities complied with their procedural obligation under article 2.
		ŠIDLAIUSKAS (No. 51755/10)	3	Violation of Art. 1 of Prot. No. 1	The domestic courts failed to strike a fair balance between the applicant's right to the peaceful enjoyment of his property and any competing general interest and imposed an individual and excessive burden on him by awarding the applicant compensation which was several times below the market value of his apartment at the time when he submitted his claim to the domestic courts and which was insufficient for him to obtain a new comparable apartment.

POLAND	04 July 2017	KACKI (No. 10947/11)	3	Violation of Art. 10	The domestic authorities failed to strike a fair balance between the protection of the politician's right to maintenance of reputation and a journalist's right to freedom of expression therefore their interference with the applicant's exercise of his right to freedom of expression was not "necessary in a democratic society".
ROMANIA	04 July 2017	S.C. SERVICE BENZ COM S.R.L. (IN FRENCH ONLY) (No. 58045/11)	3	No violation of Art. 1 of Prot. No. 1	The domestic authorities struck a fair balance between the respect of the applicant's rights guaranteed by article 1 of Protocol No. 1 and the general interest of the community, as a judicial remedy was available to the applicant to obtain compensation for its damages.
RUSSIA	04 July 2017	ICHETOVKINA AND OTHERS (Nos. 12584/05, 45074/05, 45690/05, 11343/06, 51264/07, AND 59378/08)	3	Violation of Art. 6§§1 & 3 (c)	The criminal proceedings against the two applicants were not fair because the applicants who did not lose their victim status were not represented by a lawyer at the appeal proceedings in respect of their cases.
				Violation of Art.6§§1 & 3 (c)	Lack of effective legal assistance in appeal proceedings in respect of criminal cases concerning the two applicants.
				No violation of Art. 6§§1 & 3 (c)	The second set of the appeal proceedings in respect of the applicant's case was compatible with the requirements of Article 6 §§ 1 and 3 (c) of the Convention as he didn't complain about the communication with his lawyer.
				No violation of Art. 6§§1 & 3 (c)	As the second applicant and his defence counsel were able to participate effectively in the appeal proceedings, nothing suggests that the new appeal proceedings were inadequate.

RUSSIA (CONTINUED)	18 July 2017	MCLLWRATH (No. 60393/13)	3	Violation of Art. 8	Domestic authorities' failure to take effective measures in order to assist the applicant in being reunited with his children
				No violation of Art. 6	Fairness of proceedings
		SKLYAR (No. 45498/11)	3	No violation of Art. 6 §§1 and 3(c)	No failure of the domestic authorities to provide the applicant with legal assistance given that he had lawfully waived his right to be represented by a lawyer
				Violation of Art. 3 (substantive)	Poor conditions of detention (overcrowding, inadequate number of sanitary installations, lack of privacy)
	25 July 2017	ANNENKOV AND OTHERS (No. 31475/10)	3	Violation of Art. 3 (substantive)	Excessive use of force by the police
				Violation of Art. 3 (procedural)	Ineffective investigation in that respect
				Violation of Art. 11	Unjustified interference with the applicants' right to freedom of peaceful assembly on account of the forcible termination of their participation in the gathering and their conviction for an administrative offence
		ESKERKhanov AND OTHERS (Nos. 18496/16, 61249/16 AND 61253/16)	3	Violation of Art. 3 (substantive)	Poor conditions of detention (lack of access to outdoor exercise, natural light and air, lack of basic sanitary and hygienic requirements, lack of privacy) and inadequate conditions of the applicant's transport and detention in the convoy cell
	Violation of Art. 5 § 4			Lack of a prompt judicial review of the lawfulness of the applicant's detention	
		SHVIDKIYE (No. 69820/10)	3	Violation of Art. 8	Domestic authorities' failure to balance the competing rights and determine the proportionality of the interference with the applicants' right to respect for their home when they ordered their eviction without seeking to weigh the applicants' arguments
SLOVAKIA	25 July 2017	Kuc (No. 37498/14)	3	5 § 3	Domestic authorities' failure to take into consideration the applicant's personal circumstances, notably his psychiatric condition when examining his request for release

TURKEY	18 July 2017	MESUT YILDIZ AND OTHERS (<u>IN FRENCH ONLY</u>) (No. 8157/10)	3	Violation of Art. 11	Unnecessary interference with the applicants' right to freedom of assembly
		MUSTAFA SEZGIN <u>TANRIKULU</u> (No. 27473/06)	2	Violation of Art. 8 Violation of Art. 13	Unlawful interception of the applicant's communications Lack of an effective domestic remedy in that respect
UKRAINE	06 July 2017	SADKOV (No. 21987/05)	3	Violation of Art. 3 (procedural)	The domestic authorities did not fulfil their obligation to investigate the applicant's complaints
				Violation of Art. 3 (substantive)	The domestic authorities have not satisfactorily established that the use of force against the applicant was lawful and absolutely necessary and that the applicant's injuries were wholly caused otherwise than by ill-treatment by the police, thus the applicant was subjected to inhuman and degrading treatment by the police
				Violation of Art. 5§§1 & 4	The domestic courts have failed to consider thoroughly and without delay his complaints concerning the unlawfulness of his detention, during which he was left in a state of uncertainty as to the grounds for his detention, and wasn't able to appeal further
				No violation of Art. 6§§1 & 3 (c)	It was not demonstrated convincingly that the applicant's right of access to a lawyer or his privilege against self-incrimination were restricted during his questioning and that the use of his self-incriminating statements of that date as a basis for convicting him of murder prejudiced the overall fairness of the trial
				No violation of Art. 34	Insufficient evidence to conclude that the domestic authorities deliberately refused to provide the applicant with copies of documents for his application to the Court or interfered with the applicant's correspondence with the Court, thus it cannot be said that the domestic authorities failed to comply with their obligations under article 34 of the Convention

UKRAINE (CONTINUED)	11 July 2017	<u>M.S</u> (No. 2091/13)	3	Violation of Art. 8	The domestic authorities failed to comply with their positive obligation to carry out an effective criminal investigation into the alleged sexual abuse of the applicant's child and ensure the adequate protection of the private life of the applicant's child.
				Violation of Art. 8	The analysis conducted by the domestic courts before reaching the decision that the applicant's daughter was to live with her mother, was not sufficiently thorough thus making the reasons for the courts' decision not sufficient and relevant. The domestic courts violated article 8 in respect of the determination of the applicant's child's place of residence.
	18 July 2017	<u>NINA KUTSENKO</u> (No. 25114/11)	3	Violation of Art. 2 (substantive)	Ill-treatment of the applicant's son at the hands of the police and lack of adequate medical treatment prior to his death
				Violation of Art. 2 (procedural)	Ineffective domestic investigation into the origin of the applicant's son's injuries
				Violation of Art. 2 (procedural)	Ineffective domestic investigation into the allegation of inadequate medical care provided to the applicant's son in the hospital
	25 July 2017	<u>ROSTOVTSEV</u> (No. 2728/16)	2	Violation of Art. 2 of Prot. No. 7	Domestic court's unforeseeable interpretation of the domestic legal provisions infringed the applicant's right of appeal

B. Decisions 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 1st of May to 30th of June 2017**. Those decisions are selected to provide the NHRs with potentially useful information on the reasons for the inadmissibility of certain applications addressed to the Court and/or on the friendly settlements reached.

STATE	DATE	CASE TITLE	ALLEGED VIOLATION	DECISION
BULGARIA	1 June 2017	ALEKSANDROVA AND OTHERS V. BULGARIA (No. 2888/10)	Violation of Art. 3 and 13 of the Convention (Inadequate conditions of detention and the lack of an effective domestic remedy in that respect)	Rejected as incompatible <i>ratione materiae</i> with the provisions of the Convention
CROATIA	23 May 2017	MARUŠIĆ V. CROATIA (No. 79821/12)	Violation of Art. 6 § 1 of the Convention (The proceedings brought against the applicant, a university professor, on charges of plagiarism, fall outside the scope of Article 6)	Rejected as incompatible <i>ratione materiae</i> with the provisions of the Convention
HUNGARY	23 May 2017	POLITIKATÖRTÉNETI INTÉZET KFT AND MSZOSZ V. HUNGARY (No. 53996/12)	Violation of Art. 1 of Protocol No. 1 to the Convention, Art. 14 and 17 of the Convention (Unjustified expropriation or nationalization of the documents held by the applicants, which measure was never compensated for)	Rejected as incompatible <i>ratione materiae</i> with the provisions of the Convention
ROMANIA	27 June 2017	ASOCIATIA PAS BERE TIMIȘOREANA AND OTHERS V. ROMANIA (No. 23716/04)	Violation of Art. 6 § 1 of the Convention and Art. 1 of Protocol No. 1 to the Convention (Breach of the principle of legal certainty and the applicant's right to property), Art. 11 of the Convention (Breach of the right to freedom of association)	Rejected as incompatible <i>ratione materiae</i> with the provisions of the Convention
TURKEY	27 June 2017	ARAS V. TURKEY (No. 21824/07)	Violation of Art. 5 § 3 of the Convention (Excessive length of the applicant's detention on remand), Art. 5 § 5 of the Convention (Lack of the right to compensation under domestic law)	Rejected as incompatible <i>ratione materiae</i> with the provisions of the Convention

UNITED KINGDOM	13 June 2017	<u>MOOHAN AND GILLON V. THE UNITED KINGDOM</u> (Nos. 22962/15, 23345/15)	Violation of Art. 10 of the Convention and Art. 3 of Protocol No. 1 to the Convention (Illegal “blanket ban” preventing convicted prisoners from voting in the independence referendum)	Rejected as incompatible <i>ratione materiae</i> with the provisions of the Convention
	27 June 2017	<u>GARD AND OTHERS V. THE UNITED KINGDOM</u> (No. 39793/17)	Violation of Art. 2 of the Convention (Life-sustaining treatment was blocked by the hospital in violation of the positive obligation), Art. 5 of the Convention (Deprivation of liberty), Art. 6 and 8 of the Convention (Disproportionate and unjustified interference in the parental rights)	Rejected as ill-founded (Meticulous and thorough decisions taken by the domestic courts that could not amount to an arbitrary or disproportionate interference).

C. 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 **covering the period from 1 to 30 May** is proposed below.

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	5 May 2017	STANDARD VERLAGSGESELLSCHAFT MBH (No. 39378/15)	The applicant company complains that the orders to disclose user data disproportionately interfered with its right to freedom of expression and in particular with its right to freedom of the press, claiming that the user data in question were protected by editorial confidentiality.
	23 May 2017	POLAT (No. 12886/16)	The applicant complains that the carrying out of the post-mortem on her son's body against her will had violated her right to respect of her private and family life as well as her right to freedom of religion.
POLAND	27 May 2017	DZIKOWSKI (No. 38799/11)	The applicant complains about the refusal to grant him leave from prison in order to conclude a religious (Islamic) marriage.
RUSSIA	15 May 2017	BRYANSK-TULA DIOCESE OF THE RUSSIAN ORTHODOX FREE CHURCH (No. 32895/13)	The applicant organisation complains about its dissolution which was prompted, in its submission, by the domestic authorities' determination to eradicate any competition with the Moscow Patriarchate of the Russian Orthodox Church.
UKRAINE	5 May 2017	P. (No. 40296/16)	The applicant complains of the absence of any procedure in the State for changing gender and name records for intersex persons such as her.

PartOne

§2 - EUROPEAN COMMITTEE OF SOCIAL RIGHTS

A. Complaints and Decisions

AUTHOR	DATE	TEXT NUMBER	SUBJECT MATTER	DECISION
GREEK GENERAL CONFEDERATION OF LABOUR (GSEE)	23 March 2017	<u>No. 111/2014</u>	On the right to work (art. 1§§1 and 2) and to just conditions of work (art. 2§§1 and 5), on the right to a fair remuneration (art. 4§§1 and 4) and the right of children and young persons to protection (art. 7§§5 and 7), on the right to take part in the determination and improvement of the working conditions and working environment (art. 3 of the 1988 Additional Protocol) in Greece	The Committee considers that there is no violation of Article 1§1 of the 1961 Charter. The extent of the reduction in the minimum wage is disproportionate; therefore there is a violation of Article 1§2 of the 1961 Charter. The situation of employees with respect to working time is in violation of Article 2§1 of the 1961 Charter. The GSEE provides no evidence therefore there is no violation of Article 2§5. There is a violation of Article 4§1 of the 1961 Charter as fair remuneration is not guaranteed; and there is a violation of Article 4§4 and 7§5 of the 1961 Charter. The Committee refers to its decision in GENOP-DEI and ADEDY v. Greece, Complaint No. 65/2011 and holds that there is a violation of Article 7§7 of the 1961 Charter. Finally the Committee considered that there is a violation of Article 3 of the 1988 Additional Protocol to the 1961 Charter.
GREEK GENERAL CONFEDERATION OF LABOUR (GSEE)	23 March 2017	<u>No. 111/2014</u>	Separate dissenting opinion of Pedro Stangos	Pedro Stangos voted against the finding that Greece was not in breach of Article 1§1 of the 1961 Charter. He neither understood nor agreed with the argument that the national legislation in question was not the cause of the deterioration of the employment situation and increase in unemployment in Greece and that this could be attributed to other factors, which the Committee fails to identify. He considered that these domestic measures are not capable of ensuring the effective exercise of the right to work.

<p>FEDERATION DE SYNDICATS DES METIERS DE L'INGENIERIE, DE L'INFORMATIQUE, DU CONSEIL, DE LA FORMATION, DES BUREAUX ET D'ETUDES (FIECI) AND SYNDICAT NATIONAL DE L'ENCADREMENT DU PERSONNEL DE L'INGENIERIE (SNEPI CFE-CGC)</p>	<p>4 July 2017</p>	<p><u>No. 142/2017</u></p>	<p>On the admissibility of a complaint against France, on an alleged violation of article 5 of the Charter</p>	<p>FIECI and SNEPI CFE-CGC are representative trade unions within the meaning of Article 1§c of the Protocol. The complaint complies with Rule 23 of the Rules. Therefore the Committee declares the complaint admissible.</p>
<p>INTERNATIONAL FEDERATION FOR HUMAN RIGHTS (FIDH) AND INCLUSION INTERNATIONAL - INCLUSION EUROPE</p>	<p>4 July 2017</p>	<p><u>No. 141/2017</u></p>	<p>On the admissibility of a complaint against Belgium, on an alleged violation of Articles 15§1, 17§1 and 2, and E of the Charter</p>	<p>The FIDH and Inclusion Europe international are included on the list of international non-governmental organisations, with participatory status with the Council of Europe, entitled to lodge complaints before the Committee, which has already considered that the FIDH has particular competence for the purposes of the collective complaints procedure. The complaint complies with Rule 23. Therefore the Committee declares the complaint admissible.</p>
<p>UNIVERSITY WOMEN OF EUROPE (UWE)</p>	<p>4 July 2017</p>	<p><u>No. 132/2016</u></p>	<p>On the admissibility of a complaint against Ireland, on an alleged violation of Articles 1, 4, 4§3, 20 and E of the Charter, as well as the 1961 Charter and Article 1 of the 1988 Additional Protocol</p>	<p>The complaint satisfies Article 4 of the Protocol. UWE is included on the list of international non-governmental organisations, with participatory status, with the Council of Europe, entitled to lodge complaints before the Committee, and has particular competence in the area of the complaint. The complaint also complies with Rule 23 of its Rules. Therefore the Committee declares the complaint admissible in respect of articles 1, 4, 20 and E of the Charter.</p>
<p>UNIVERSITY WOMEN OF EUROPE (UWE)</p>	<p>4 July 2017</p>	<p><u>No.133/2016</u></p>	<p>On the admissibility of a complaint against Italy, on an alleged violation of Articles 1, 4, 4§3, 20 and E of the Charter, as well as the 1961 Charter and Article 1 of the 1988 Additional Protocol</p>	<p>The complaint satisfies Article 4 of the Protocol. UWE is included on the list of international non-governmental organisations, with participatory status, with the Council of Europe, entitled to lodge complaints before the Committee, and has particular competence in the area of the complaint. The complaint also complies with Rule 23 of its Rules. Therefore the Committee declares the complaint admissible in respect of articles 1, 4, 20 and E of the Charter.</p>

<p>UNIVERSITY WOMEN OF EUROPE (UWE)</p>	<p>4 July 2017</p>	<p><u>No. 134/2016</u></p>	<p>On the admissibility of a complaint against the Netherlands, on an alleged violation of Articles 1, 4, 4§3, 20 and E of the Charter, as well as the 1961 Charter and Article 1 of the 1988 Additional Protocol</p>	<p>The complaint satisfies Article 4 of the Protocol. UWE is included on the list of international non-governmental organisations, with participatory status, with the Council of Europe, entitled to lodge complaints before the Committee, and has particular competence in the area of the complaint. The complaint also complies with Rule 23 of its Rules. Therefore the Committee declares the complaint admissible in respect of articles 1, 4, 20 and E of the Charter.</p>
<p>UNIVERSITY WOMEN OF EUROPE (UWE)</p>	<p>4 July 2017</p>	<p><u>No. 135/2016</u></p>	<p>On the admissibility of a complaint against Norway, on an alleged violation of Articles 1, 4, 4§3, 20 and E of the Charter, as well as the 1961 Charter and Article 1 of the 1988 Additional Protocol</p>	<p>The complaint satisfies Article 4 of the Protocol. UWE is included on the list of international non-governmental organisations, with participatory status, with the Council of Europe, entitled to lodge complaints before the Committee, and has particular competence in the area of the complaint. The complaint also complies with Rule 23 of its Rules. Therefore the Committee declares the complaint admissible in respect of articles 1, 4, 20 and E of the Charter.</p>
<p>UNIVERSITY WOMEN OF EUROPE (UWE)</p>	<p>4 July 2017</p>	<p><u>No. 136/2016</u></p>	<p>On the admissibility of a complaint against Portugal, on an alleged violation of Articles 1, 4, 4§3, 20 and E of the Charter, as well as the 1961 Charter and Article 1 of the 1988 Additional Protocol</p>	<p>The complaint satisfies Article 4 of the Protocol. UWE is included on the list of international non-governmental organisations, with participatory status, with the Council of Europe, entitled to lodge complaints before the Committee, and has particular competence in the area of the complaint. The complaint also complies with Rule 23 of its Rules. Therefore the Committee declares the complaint admissible in respect of articles 1, 4, 20 and E of the Charter.</p>
<p>UNIVERSITY WOMEN OF EUROPE (UWE)</p>	<p>4 July 2017</p>	<p><u>No. 137/2016</u></p>	<p>On the admissibility of a complaint against Slovenia, on an alleged violation of Articles 1, 4, 4§3 and 20 of the Charter, read alone or in conjunction with Article E E, as well as the 1961 Charter and Article 1 of the 1988 Additional Protocol</p>	<p>The complaint satisfies Article 4 of the Protocol. UWE is included on the list of international non-governmental organisations, with participatory status, with the Council of Europe, entitled to lodge complaints before the Committee, and has particular competence in the area of the complaint. The complaint also complies with Rule 23 of its Rules. Therefore the Committee declares the complaint admissible in respect of articles 1, 4, 20 and E of the Charter.</p>

<p>UNIVERSITY WOMEN OF EUROPE (UWE)</p>	<p>4 July 2017</p>	<p><u>No. 125/2016</u></p>	<p>On the admissibility of a complaint against Bulgaria, on an alleged violation of Articles 1, 4, 4§3, 20 and E of the Charter, as well as the 1961 Charter and Article 1 of the 1988 Additional Protocol</p>	<p>Bulgaria has not ratified the 1961 Charter and the 1988 Additional Protocol, as well as to all paragraphs of Article 4 of the Charter. The complaint satisfies Article 4 of the Protocol. UWE is included on the list of international non-governmental organisations, with participatory status, with the Council of Europe, entitled to lodge complaints before the Committee, and has particular competence in the area of the complaint. The complaint also complies with Rule 23 of its Rules. Therefore the Committee declares the complaint admissible in respect of articles 1, 4§2 to 4§5, 20 and E of the Charter.</p>
<p>UNIVERSITY WOMEN OF EUROPE (UWE)</p>	<p>4 July 2017</p>	<p><u>No. 124/2016</u></p>	<p>On the admissibility of a complaint against Belgium, on an alleged violation of Articles 1, 4, 4§3, 20 and E of the Charter, as well as the 1961 Charter and Article 1 of the 1988 Additional Protocol</p>	<p>The Committee observes that UWE refers to the 1961 Charter and to Article 1 of the 1988 Additional Protocol, and recalls that only the accepted provisions of the Charter are applicable. The complaint satisfies Article 4 of the Protocol. UWE is included on the list of international non-governmental organisations, with participatory status, with the Council of Europe, entitled to lodge complaints before the Committee, and has particular competence in the area of the complaint. The complaint also complies with Rule 23 of its Rules. Therefore the Committee declares the complaint admissible in respect of articles 1, 4, 20 and E of the Charter.</p>
<p>UNIVERSITY WOMEN OF EUROPE (UWE)</p>	<p>4 July 2017</p>	<p><u>No. 126/2016</u></p>	<p>On the admissibility of a complaint against Croatia, on an alleged violation of Articles 1, 4, 4§3, 20 and E of the Revised Charter, as well as of the 1961 Charter and Article 1 of the 1988 Additional Protocol</p>	<p>The Committee notes that Croatia has not ratified the Revised Charter. The complaint satisfies Article 4 of the Protocol. UWE is included on the list of international non-governmental organisations, with participatory status, with the Council of Europe, entitled to lodge complaints before the Committee, and has particular competence in the area of the complaint. The complaint also complies with Rule 23 of its Rules. Therefore the Committee declares the complaint admissible in respect of article 1 of the 1961 Charter and article 1 of the 1988 additional protocol.</p>

<p>UNIVERSITY WOMEN OF EUROPE (UWE)</p>	<p>4 July 2017</p>	<p><u>No. 127/2016</u></p>	<p>On the admissibility of a complaint against Cyprus, on an alleged violation of Articles 1, 4, 4§3, 20 and E of the Charter, as well as of the 1961 Charter and Article 1 of the 1988 Additional Protocol</p>	<p>Committee notes that Article 4 and, in particular 4§3 of the Charter, is a provision not accepted by Cyprus. The complaint satisfies Article 4 of the Protocol. UWE is included on the list of international non-governmental organisations, with participatory status, with the Council of Europe, entitled to lodge complaints before the Committee, and has particular competence in the area of the complaint. The complaint also complies with Rule 23 of its Rules. Therefore the Committee declares the complaint admissible in respect of articles 1, 4§5, 20 and E of the Charter.</p>
<p>UNIVERSITY WOMEN OF EUROPE (UWE)</p>	<p>4 July 2017</p>	<p><u>No. 128/2016</u></p>	<p>On the admissibility of a complaint against Czech Republic, on an alleged violation of Articles 1, 4, 4§3, 20 and E of the Revised Charter, as well as of the 1961 Charter and Article 1 of the 1988 Additional Protocol</p>	<p>The Committee notes that Czech Republic has not ratified the Revised Charter. The complaint satisfies Article 4 of the Protocol. UWE is included on the list of international non-governmental organisations, with participatory status, with the Council of Europe, entitled to lodge complaints before the Committee, and has particular competence in the area of the complaint. The complaint also complies with Rule 23 of its Rules. Therefore the Committee declares the complaint admissible in respect of articles 1§1 to 1§3 and 4§2 to 4§5 of the 1961 Charter and article 1 of the 1988 additional protocol.</p>
<p>UNIVERSITY WOMEN OF EUROPE (UWE)</p>	<p>4 July 2017</p>	<p><u>No. 129/2016</u></p>	<p>On the admissibility of a complaint against Sweden, on an alleged violation of Articles 1, 4, 4§3 and 20 of the Charter, read alone or in conjunction with Article E, as well as the 1961 Charter and Article 1 of the 1988 Additional Protocol</p>	<p>Finland has not accepted the 1961 Charter and Article 1 of the 1988 Additional Protocol, as well as paragraphs 1 and 4 of Article 4 of the Charter. The complaint satisfies Article 4 of the Protocol. UWE is included on the list of international non-governmental organisations, with participatory status, with the Council of Europe, entitled to lodge complaints before the Committee, and has particular competence in the area of the complaint. The complaint also complies with Rule 23 of its Rules. Therefore the Committee declares the complaint admissible in respect of articles 1, 4§2, 4§3, 4§5, 20 and E of the Charter.</p>

<p>UNIVERSITY WOMEN OF EUROPE (UWE)</p>	<p>4 July 2017</p>	<p><u>No. 138/2016</u></p>	<p>On the admissibility of a complaint against Finland, on an alleged violation of Articles 1, 4, 4§3 and 20 of the Charter, read alone or in conjunction with Article E, as well as the 1961 Charter and Article 1 of the 1988 Additional Protocol</p>	<p>Sweden has not accepted the 1961 Charter and Article 1 of the 1988 Additional Protocol, as well as paragraphs 2 and 5 of Article 4 of the Charter. The complaint satisfies Article 4 of the Protocol. UWE is included on the list of international non-governmental organisations, with participatory status, with the Council of Europe, entitled to lodge complaints before the Committee, and has particular competence in the area of the complaint. The complaint also complies with Rule 23 of its Rules. Therefore the Committee declares the complaint admissible in respect of articles 1, 4§1, 4§3, 4§4, 20 and E of the Charter.</p>
<p>UNIVERSITY WOMEN OF EUROPE (UWE)</p>	<p>4 July 2017</p>	<p><u>No. 130/2016</u></p>	<p>On the admissibility of a complaint against France, on an alleged violation of Articles 1, 4, 4§3, 20 and E of the Charter, as well as of the 1961 Charter and Article 1 of the 1988 Additional Protocol</p>	<p>UWE refers in its complaint to the 1961 Charter and to Article 1 of the 1988 Additional Protocol but France is only bounded by the Charter. The complaint satisfies Article 4 of the Protocol. UWE is included on the list of international non-governmental organisations, with participatory status, with the Council of Europe, entitled to lodge complaints before the Committee, and has particular competence in the area of the complaint. The complaint also complies with Rule 23 of its Rules. Therefore the Committee declares the complaint admissible in respect of articles 1, 4, 20 and E of the Charter.</p>
<p>UNIVERSITY WOMEN OF EUROPE (UWE)</p>	<p>4 July 2017</p>	<p><u>No. 131/2016</u></p>	<p>On the admissibility of a complaint against Greece, on an alleged violation of Articles 1, 4, 4§3, 20 and E of the Charter, as well as of the 1961 Charter and Article 1 of the 1988 Additional Protocol</p>	<p>UWE refers in its complaint to the 1961 Charter and to Article 1 of the 1988 Additional Protocol but Greece is only bounded by the Charter. The complaint satisfies Article 4 of the Protocol. UWE is included on the list of international non-governmental organisations, with participatory status, with the Council of Europe, entitled to lodge complaints before the Committee, and has particular competence in the area of the complaint. The complaint also complies with Rule 23 of its Rules. Therefore the Committee declares the complaint admissible in respect of articles 1, 4, 20 and E of the Charter.</p>

B. Other information

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

PartOne

§3 - RECOMMENDATIONS & RESOLUTIONS

A. Recommendations

AUTHOR	DATE	TEXT NUMBER	SUBJECT MATTER	DECISION
CM	5 July 2017	Rec(2017)6	On “special investigation techniques” in relation to serious crimes including acts of terrorism	CM recommends that domestic authorities be guided by the principles of this recommendation when formulating their internal legislation and reviewing their criminal policy. They should ensure that this recommendation is transferred to competent authorities and should further strengthen international and domestic co-operation in criminal matters. Finally they should replace Recommendation Rec(2005)10 of the CM with the current text.

B. Resolutions

AUTHOR	DATE	TEXT NUMBER	SUBJECT MATTER	DECISION
CM	5 July 2017	Res(2017)3	On the Budget of the Enlarged Partial Agreement on the Co-operation Group to Combat Drug Abuse and Illicit Trafficking in Drugs for 2017	CM amended the budget of the group for 2017 and decided that the supplementary appropriations shall be financed from the contribution of Mexico to the 2017 Budget.
CM	5 July 2017	ResChS(2017)9	On Greek General Confederation of Labour (GSEE) v. Greece, <u>Complaint No. 111/2014</u>	CM takes note of the decision and invites the Greek authorities to submit a comprehensive report on the measures taken or envisaged to bring the situation into conformity with the Charter. It instructs the Rapporteur Group on Social and Health Questions to resume consideration of the follow-up to the report during its next meeting.

<p>CM</p>	<p>5 July 2017</p>	<p>ResCPT(2017)2</p>	<p>On the election of members of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)</p>	<p>CM declares re-elected as member of the CPT, with effect from 20 December 2017, for a term of office which will expire on 19 December 2021: Ms Therese Maria Rytter in respect of Denmark; Mr Vincent Delbos in respect of France; Mr Nico Hirsch in respect of Luxembourg; Mr Vitalie Nagacevschi in respect of the Republic of Moldova; Mr Régis Bergonzi in respect of Monaco; Mr Georg Høyer in respect of Norway; Mr Djordje Alempijević in respect of Serbia.</p>
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PartOne

§4 - OTHER INFORMATION OF GENERAL IMPORTANCE

A. Information from the Committee of Ministers

■ CM: 1291st meeting of the Ministers' Deputies (05.07.2017)

The Ministers' Deputies adopted a [recommendation](#) regarding “special investigation techniques”, a [Protocol](#) amending the Additional Protocol to the Convention on the Transfer of Sentenced Persons, resolutions on the implementation of the Framework Convention for the Protection of National Minorities and resolutions on the application of the European Code of Social Security and its Protocol. The Deputies also held exchanges of views. ([Read more](#) - [Agenda](#))

■ CM: Statement by Lubomír Zaorálek on terrorist attacks in Spain (18.08.2017)

Lubomír Zaorálek, Chair of the Committee of Ministers and Minister for Foreign Affairs of the Czech Republic strongly condemned the terrorist attacks in Barcelona and Cambrils and expressed his condolences to the families of the victims. “I also wish to assure the Spanish authorities of the solidarity of the Council of Europe. Such atrocities only strengthen our determination in fighting terrorism and defending our shared values of human rights, democracy and the rule of law” he declared. ([Read more](#))

B. Information from the Parliamentary Assembly

■ PACE: Committee proposes to endorse the Venice Commission’s Rule of Law Checklist (03.07.2017)

PACE's Committee on Legal Affairs and Human Rights has welcomed the Venice Commission's Rule of Law Checklist which introduces a new uniform benchmark for measuring compliance with one of the founding principles of the Council of Europe. The adopted text lists the criteria it applies. The committee proposes to endorse the list and to use it systematically in the Assembly's work in order to accurately identify any structural and systemic problems in the member States. ([Read more](#) – [Adopted text](#))

■ PACE: Andorran delegation again comes top for voting at PACE (05.07.2017)

Parliamentarians from Andorra (just over 92 per cent of the maximum number of all possible votes across the year), Switzerland and Sweden voted most often in plenary debates of the PACE during 2016. The figures show a decline in overall voting rates compared to previous years. Some 22 national delegations voted less than a quarter of the time. ([Read more](#) - [2016 participation statistics](#))

■ PACE: Rapporteur on a Fourth Council of Europe Summit meets EU Foreign Affairs chief (05.07.2017)

Prior to an exchange of views with the Committee of Ministers of the Council of Europe, Federica Mogherini, High Representative of the European Union for Foreign Affairs and Security Policy and Vice-President of the European Commission, met with Michele Nicoletti (Italy, SOC), who is currently preparing a report on a fourth Council of Europe Summit for the Political Affairs Committee. ([Read more](#) - [Memorandum](#))

■ PACE: Body to investigate alleged corruption at PACE calls for evidence (07.07.2017)

The first meeting of the independent external Investigation Body set up by the PACE to look into allegations of corruption took place in Strasbourg on 4-5 July 2017. It will hold its first hearings of witnesses between 4 and 7 September 2017 and calls on those wishing to provide any documentary, testimonial and/or material evidence which they consider necessary for the fulfilment of the Investigation Body's mission to contact its secretariat. ([Read more](#))

■ PACE monitors express concern at renewed violence along line of contact in the Fizuli region (07.07.2017)

The co-rapporteurs for the monitoring of Armenia and Azerbaijan by the PACE have expressed their concern at the escalation of violence near Alkhani village in the Fuzili region, and regretted that this has led to casualties among which are civilians. They called on all sides to respect the ceasefire in place and to return to the negotiating table under the auspices of the OSCE Minsk Group. ([Read more](#))

■ PACE: General rapporteur condemns executions in Japan (13.07.2017)

The General Rapporteur on abolition of the death penalty for the PACE, has strongly condemned the execution of two men – Masakatsu Nishikawa and Koichi Sumida – in Japan on 6 July 2017. "I am shocked that Japan, an observer State with the Council of Europe, continues to apply the death penalty", "I strongly call on Japan to go in the same direction and to abolish capital punishment ", he said. ([Read more](#))

■ PACE: General Rapporteur condemns execution in Virginia (13.07.2017)

The General Rapporteur on abolition of the death penalty for the PACE, has strongly condemned the execution of William Charles Morva in the US Federal State of Virginia on 6 July 2017. "It is all the more deplorable that this execution was carried out despite the indications that the convict suffered from severe mental illness" he said. He calls again the United States to consider the very nature of the death penalty as cruel and inhuman punishment. ([Read more](#))

■ PACE rapporteurs: Abolition of death penalty in Belarus is simply a question of political will (24.07.2017)

General Rapporteur of the PAC on the abolition of the death penalty and PACE rapporteur on the situation in Belarus have denounced the two death sentences handed down by the Mogilev regional court in Belarus. "We once again urge the Belarusian authorities to join the European family of abolitionists by first introducing, as a matter of urgency, a moratorium on executions », « a moratorium is simply a question of political will," they stressed. ([Read more](#))

■ PACE: Roma genocide, remembering the past to strengthen the fight against prejudice (01.08.2017)

"On the occasion of International Roma Holocaust Remembrance Day, I call on the member States of the Council of Europe to strengthen their efforts to ensure that sites where Roma were persecuted and exterminated during World War II are recognised and that the public knows about the horrific crimes that were committed against Roma during this conflict," said the PACE's General Rapporteur on combating racism and intolerance, Milena Santerini. "Today more than ever, places of remembrance must allow us to preserve the memory of victims while promoting tolerance and mutual understanding, so as to strengthen the fight against discrimination today," she said. ([Read more](#))

■ **PACE rapporteur : “high time for a debate on new genetic technologies” (03.08.2017)**

Petra De Sutter, rapporteur on "the use of new genetic technologies in human beings", underlined the urgency of taking a clear position on the practical use of new genetic technologies following the publication of a new study in the journal *Nature*. The study suggested that the techniques used had potential to be used for the correction of heritable mutations in human embryos by complementing pre-implantation genetic diagnosis. ([Read more](#))

■ **PACE Rapporteur condemns recent execution in Florida and testing of new lethal substance (29.08.2017)**

Yves Cruchten, PACE General Rapporteur on the abolition of the death penalty, has expressed outrage at the execution, in Florida, of Mark James Asay, convicted of a double murder in 1988. "This execution was carried out with a drug that has never been used before in a lethal cocktail in the United States [...] which may be painful before becoming effective and may provoke severe irritation and burns, according to doctors", the Rapporteur stressed. Mr Cruchten called on Florida to put an end to executions and to immediately stop using experimental drugs. ([Read more](#))

■ **PACE: Human rights defenders from Austria, Hungary and Turkey shortlisted for the Václav Havel Prize 2017 (29.08.2017)**

The shortlisted nominees by the selection panel of the Václav Havel Human Rights Prize 2017 are Murat Arslan (Turkey), Hungarian Helsinki Committee and Father Georg Sporschill (Austria). Chairing the meeting of the selection panel, Sir Roger Gale, the most senior Vice-President of the Assembly, said: "the jury chose the candidates from among a long and well-qualified list of nominees, fully respecting the spirit and the principles of the Vaclav Havel Human Rights Prize". ([Read more](#))

C. Information from the Commissioner for Human Rights

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

D. Information from the monitoring mechanisms

■ **CPT: The Committee holds its July 2017 plenary meeting (13.07.2017)**

The CPT held its 93rd plenary meeting from 3 to 7 July 2017 in Strasbourg ([Read more](#)).

■ **GRECO: Exchange of views between President of GRECO and the Ministers' Deputies (01.06.2017)**

On 31 May, GRECO's President, Marin Mrčela, held his annual exchange of views with the Ministers' Deputies. He stressed that "With the adoption of over 40 evaluation and compliance reports in 2016, GRECO continues to develop a solid experience and a thorough understanding of the main trends, challenges and good practices in the areas of the criminalisation of corruption, political funding, as well as corruption prevention in relation to members of parliament, judges and prosecutors ([Read more](#)).

■ GRETA: The Committee held its 29th meeting (07.07.2017)

The GRETA held its 29th meeting from 3 to 7 July 2017 in Strasbourg.

During this meeting, GRETA adopted final second round reports on Belgium, Ireland and Poland, as well as a final first round report on Greece. These reports will be sent to the authorities concerned and will subsequently be made public, together with eventual final comments by the authorities ([Read more](#)).

■ GRETA: “States must act urgently to protect refugee children from trafficking” (28.07.2017)

Ahead of the World Day against Trafficking in Persons marked on 30 July, the GRETA raises alarm about the high prevalence of child trafficking in Europe and the particular risks of migrant and refugee children falling victim to trafficking and exploitation ([Read more](#)).

■ MONEYVAL: Outcome of MONEYVAL's 53rd Plenary meeting (02.06.2017)

MONEYVAL held its 53rd plenary meeting in Strasbourg from 30 May to 1 June 2017 ([Read more](#)).

■ ECRI: Strong surge of nationalistic populism, xenophobic hate speech were key challenges in Europe in 2016 (22.06.2017)

A strong surge of nationalistic populism, continued efforts to integrate migrants, and the response of European states to the continued Islamist terror attacks that struck Europe in 2016 were the main developments identified by the ECRI in its annual report ([Read more](#)).

■ FCNM: Election of three experts eligible to serve on the Advisory Committee (06.06.2017)

The Committee has elected three experts eligible to serve on the Advisory Committee ([Read more](#)).

■ FCNM: Advisory Committee: adoption of three opinions (23.06.2017)

During its 59th plenary meeting, the Advisory Committee on the FCNM adopted three country-specific opinions under the implementation of this convention in states parties. Fourth cycle opinions were adopted on Slovenia (21 June), Sweden and Romania (22 June). These Opinions are restricted for the time being ([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 index above (p.3) to find the country you are interested in. Only countries concerned by at least one piece of information issued during the period under observation are listed below.

Austria

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

CASE	DATE	RESOLUTION	CONCLUSION
KOOTTUMMEL 49616/06	10 March 2010	CM/ResDH(2017)199	Examination closed
RICHTER 4490/06	18 March 2009	CM/ResDH(2017)199	Examination closed
GABRIEL 34821/06	1 July 2010	CM/ResDH(2017)199	Examination closed
WILLROIDER 22635/09	5 December 2013	CM/ResDH(2017)199	Examination closed
DENK 23396/09	5 December 2013	CM/ResDH(2017)199	Examination closed
BECKER 19844/08	11 September 2015	CM/ResDH(2017)199	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]

Azerbaijan

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

■ FCNM: visit of the Advisory Committee (04.07.2017)

A delegation of the Advisory Committee on the FCNM visited Azerbaijan (Baku, Lankaran, Masalli) from 3-7 July 2017 to evaluate the progress made in the monitoring of the protection of national minorities in Azerbaijan ([Read more](#)).

■ PACE: Rapporteur calls for release of the Director of Turan agency Mehman Aliyev (25.08.2017)

Volodymyr Arieu, General Rapporteur of the PACE on Media Freedom and the Safety of Journalists, expressed concern regarding the detention of the Director of Turan agency (Azerbaijan) Mehman Aliyev in the context of a criminal investigation for under-declaring profits. "I call on the Azerbaijani authorities to immediately release Mehman Aliyev and abstain from using criminal code to investigate the case" Mr Arieu said. This case is being monitored by the Council of Europe Platform to promote the protection of journalism and safety of journalists. ([Read more](#))

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

AUTHOR	DATE	TEXT NUMBER	SUBJECT MATTER	DECISION
CM	5 July 2017	ResCSS(2017)1	On the application of the European Code of Social Security and its Protocol by Belgium, from 1 July 2015 to 30 June 2016	CM invites Belgium, in its next report, to provide the missing information, technical clarifications, provisions of the national legislation and updated statistics. Belgium should check the data for consistency, align it for the same time basis to enable comparison, and specify the official sources of statistics. Belgium should review the methodology for the determination of the reference wage.

C. Other information

■ CPT: The Committee issues public statement on Belgium (13.07.2017)

The CPT has issued a Public Statement on Belgium today. This Statement, which is made in application of Article 10 (2) of the ECPT, addresses the ongoing failure of the Belgian authorities to put in place a minimum level of service to guarantee the rights of inmates during periods of industrial action by prison staff ([Read more](#)).

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

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

C. Other information

■ GRETA: Council of Europe calls on Bosnia and Herzegovina to improve protection of child victims of trafficking (17.07.2017)

In a report, the GRETA welcomes the legislative changes that have been made since the publication of its first report on Bosnia and Herzegovina in May 2013. The introduction of the criminal offence of human trafficking in the criminal codes of the Republika Srpska, the Federation of Bosnia and Herzegovina and the Brčko District ensures that human trafficking is criminalised consistently throughout the country. GRETA also commends the introduction of legal provisions concerning the non-punishment of victims of trafficking for offences committed as a result of being trafficked, as well as the establishment of the right of victims to be granted a recovery and reflection period pursuant to the new Law on Foreigners ([Read more](#)).

■ FCNM: visit of the Advisory Committee (03.07.2017)

A delegation of the Advisory Committee on the FCNM visited Bosnia and Herzegovina (Trebinje, Stolac, Mostar, Jajce, Banja Luka, Prnjavor, Kakanj and Sarajevo) from 3-7 July 2017 to evaluate the progress made in the monitoring of the protection of national minorities in Bosnia and Herzegovina ([Read more](#)).

Croatia

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

CASE	DATE	RESOLUTION	CONCLUSION
Momčilo GAVRIĆ 5695/16	30 August 2016	CM/ResDH(2017)200	Examination closed
Gavro DRAGNIĆ and Nevenka DRAGNIĆ 57236/13	8 November 2016	CM/ResDH(2017)200	Examination closed
Valbona ČAKOLI and Zoran FILKOVIĆ 68001/14+	8 November 2016	CM/ResDH(2017)200	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]

Cyprus

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

AUTHOR	DATE	TEXT NUMBER	SUBJECT MATTER	DECISION
CM	5 July 2017	ResCSS(2017)2	On the application of the European Code of Social Security by Cyprus, from 1 July 2015 to 30 June 2016	CM invites Cyprus, in its next report, to provide the missing information, technical clarifications, provisions of the national legislation and updated statistics. Cyprus should check the data for consistency, align it for the same time basis to enable comparison, and specify the official sources of statistics.

C. Other information

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

Czech Republic

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

AUTHOR	DATE	TEXT NUMBER	SUBJECT MATTER	DECISION
CM	5 July 2017	ResCSS(2017)3	On the application of the European Code of Social Security by the Czech Republic, from 1 July 2015 to 30 June 2016	CM invites the Czech Republic, in its next report, to explain the substantial differences in the calculated amounts of the skilled and unskilled workers' wages, to provide missing information. The Czech Republic should check data for consistency, to align it for the same time basis in its next report to enable comparison, and to specify the official sources of statistics.

C. Other information

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

Denmark

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

AUTHOR	DATE	TEXT NUMBER	SUBJECT MATTER	DECISION
CM	5 July 2017	ResCSS(2017)4	On the application of the European Code of Social Security by Denmark, from 1 July 2015 to 30 June 2016	CM invites Denmark, in its next report, to provide missing information; and to check the data for consistency, to align it for the same time basis to enable comparison, and specify the official sources of statistics.

C. Other information

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

Estonia

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

CASE	DATE	RESOLUTION	CONCLUSION
Sergei KONDRATJEV and Vladislava KONDRATJEVA 46779/15	27 September 2016	CM/ResDH(2017)201	Examination closed

B. Resolutions, signatures and ratifications

AUTHOR	DATE	TEXT NUMBER	SUBJECT MATTER	DECISION
CM	5 July 2017	ResCSS(2017)5	On the application of the European Code of Social Security by Estonia, from 1 July 2015 to 30 June 2016	CM invites Estonia, in its next report, to explain substantial differences in the calculated amounts of the skilled and unskilled workers' wages. Estonia should check the data for consistency, align it for the same time basis to enable comparison, and specify the official sources of statistics.

C. Other information

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

France

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

AUTHOR	DATE	TEXT NUMBER	SUBJECT MATTER	DECISION
CM	5 July 2017	ResCSS(2017)6	On the application of the European Code of Social Security by France, from 1 July 2015 to 30 June 2016	CM invites France, in its next report, to provide information in its next report on the implementation of the Universal Health Care Coverage and to reform of the pension system. France should consider selecting a single approaches for the determination of the reference wage ; to explain the small wage gap and to explain the substantial differences in the calculated amounts of the skilled and unskilled workers' wages.

C. Other information

■ GRETA: Publication of GRETA's second report on France (06.07.2017)

In a report, the GRETA welcomes the legislative changes that have been made with regard to the criminalisation of trafficking in human beings and strengthening of victims' rights since its first report on France published in 2013, but urges the French authorities to improve the identification of victims of trafficking and the assistance afforded the ([Read the reportRead more](#)).

Georgia

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

CASE	DATE	RESOLUTION	CONCLUSION
Tsothe GAMSAKHURDIA 59835/12	15 September 2015	CM/ResDH(2017)202	Examination closed

B. Resolutions, signatures and ratifications

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

C. Other information

■ FCNM: receipt of the 3rd cycle State Report (18.07.2017)

Georgia submitted its Third State Report on 12 July 2017, pursuant to Article 25, paragraph 2, of the Framework Convention for the Protection of National Minorities. It is also available in Georgian.

It is now up to the Advisory Committee to consider it and adopt an opinion intended for the Committee of Ministers ([Read more](#)).

■ PACE Monitors: Georgia making 'considerable and consistent' progress, but some items still to be dealt with (05.07.2017)

PACE monitors have said that Georgia has made “considerable and consistent” progress over the last decade in honouring its promises to the Council of Europe, but a number of items remain to be addressed. Co-rapporteurs reviewed the latest political developments in Georgia and detailed recent efforts to reform the judiciary, modify the surveillance law, repatriate the Meskhetian population and boost media freedom. ([Read more](#) - [Declassified information note](#))

Germany

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

AUTHOR	DATE	TEXT NUMBER	SUBJECT MATTER	DECISION
CM	5 July 2017	ResCSS(2017)7	On the application of the European Code of Social Security and its Protocol by Germany, from 1 July 2015 to 30 June 2016	CM invites Germany, in its next report, to provide missing information, technical clarifications, provisions of the national legislation and updated statistics; and check the data for consistency, to align it for the same time basis to enable comparison, and to specify the official sources of statistics. Germany should also explain the substantial differences in the calculated amounts of the skilled and unskilled workers' wages.

C. Other information

■ CPT: Uneven progress in treatment of detained persons and detention conditions, says anti-torture committee (01.06.2017)

In the report on its most recent visit to Germany, the CPT praises progress made to improve the treatment of detained persons and detention conditions, but also found striking contrasts between establishments visited in different Federal States (Länder) ([Read more](#)).

Greece

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

CASE	DATE	RESOLUTION	CONCLUSION
Epaminontas Spyridon PANAGIOTEAS 36676/12	4 October 2016	CM/ResDH(2017)203	Examination closed
KALAMIOTIS AND OTHERS 53098/13	29 January 2016	CM/ResDH(2017)203	Examination closed
Georgios AGAPAKIS AND 36 OTHER CASES 12584/12	18 October 2016	CM/ResDH(2017)204	Examination closed

B. Resolutions, signatures and ratifications

AUTHOR	DATE	TEXT NUMBER	SUBJECT MATTER	DECISION
CM	5 July 2017	ResCSS(2017)8	On the application of the European Code of Social Security by Greece, from 1 July 2015 to 30 June 2016	CM maintains its previous findings on the application of all accepted Parts of the Code, as indicated in Resolution CM/ResCSS(2016)8 , awaiting the assessment by the national and ILO actuaries of the viability of the national social security system and its capacity to maintain the persons protected above the poverty threshold.

C. Other information

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

Hungary

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

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

B. Resolutions, signatures and ratifications

AUTHOR	DATE	TEXT NUMBER	SUBJECT MATTER	DECISION
CM	5 July 2017	ResCMN(2017) 5	On the implementation of the Framework Convention for the Protection of National Minorities by Hungary	CM recommends for immediate action to ensure that the Commissioner for Fundamental Rights is granted all the support needed; to consider to empower the Deputy Commissioner responsible for the protection of the rights of nationalities. Hungary should also prevent, combat and sanction the inequality and discrimination suffered by the Roma; improve their access to health services, employment and education. CM further recommends to give a greater visibility and effective use of minority languages in public life and to promote the establishment of Municipal Councils of Minorities.

C. Other information

■ FCNM: Adoption of a Committee of Ministers' resolution on Hungary (10.07.2017)

The Committee adopted a resolution on Hungary ([Read more](#)).

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

AUTHOR	DATE	TEXT NUMBER	SUBJECT MATTER	DECISION
CM	5 July 2017	ResCSS(2017)9	On the application of the European Code of Social Security by Ireland, from 1 July 2015 to 30 June 2016	CM invites Ireland, in its next report, to explain methods used concerning the suspension of sickness benefit, and explain guidelines and the impact of measure on the suspension of unemployment benefit, and explain facts, reasons and methods related to both. Ireland should also give more information on the qualifying period of residence; and explain the differences in the calculated amounts of the skilled and unskilled workers' wages. Finally Ireland should provide missing information and update statistics.

C. Other information

■ FCNM: receipt of the 4th cycle State Report (04.07.2017)

Ireland submitted its Fourth [State Report](#) on 3 July 2017, pursuant to Article 25, paragraph 2, of the Framework Convention for the Protection of National Minorities. It is now up to the Advisory Committee to consider it and adopt an opinion intended for the Committee of Ministers ([Read more](#)).

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

CASE	DATE	RESOLUTION	CONCLUSION
ANTONIO MESSINA 39824/07	24 March 2015	CM/ResDH(2017)205	Examination closed
GALLARDO SANCHEZ 11620/07	24 June 2015	CM/ResDH(2017)206	Examination closed
BARATTA 28263/09	13 January 2016	CM/ResDH(2017)207	Examination closed

B. Resolutions, signatures and ratifications

AUTHOR	DATE	TEXT NUMBER	SUBJECT MATTER	DECISION
CM	5 July 2017	ResCMN(2017)4	On the implementation of the Framework Convention for the Protection of National Minorities by Italy	CM recommends for immediate action to adopt a specific legislative framework for the protection of the Roma, Sinti and Caminanti communities. Italy should prevent, combat and punish the inequalities and discrimination suffered by these communities; ensure that children have full access to mainstream education and should provide funding for teaching national minority languages. Italy should review the Office for the Promotion of Equal Treatment and the Fight against Racial Discrimination. CM makes further recommendations, in particular about representatives of these communities.

CM	5 July 2017	ResCSS(2017)10	On the application of the European Code of Social Security by Italy, from 1 July 2015 to 30 June 2016	CM invites Italy, in its next report, to explain the substantial differences in the calculated amounts of the skilled and unskilled workers' wages; and to provide missing information, technical clarifications, provisions of the national legislation and updated statistics. Italy should also check the data for consistency, align it for the same time basis to enable comparison, and specify the official sources of statistics.
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C. Other information

■ CPT: The Committee visited Italy to examine the situation of persons in immigration detention (15.06.2017)

A delegation of the CPT carried out an ad hoc visit to Italy from 7 to 13 June 2017 ([Read more](#)).

■ FCNM: Adoption of a Committee of Ministers' resolution on Italy (10.07.2017)

The Committee adopted a resolution on Italy ([Read more](#)).

Latvia

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

CASE	DATE	RESOLUTION	CONCLUSION
RAUDEVS 24086/03	17 March 2014	CM/ResDH(2017)208	Examination closed
L.M. 26000/02	19 October 2011	CM/ResDH(2017)209	Examination closed
CĒSNIEKS 9278/06	11 May 2014	CM/ResDH(2017)210	Examination closed
MEIMANIS 70597/11	21 October 2015	CM/ResDH(2017)211	Examination closed
ČALOVSKIS 22205/13	15 December 2014	CM/ResDH(2017)212	Examination closed
ŠANTARE AND LABAZŅIKOVŠ 34148/07	30 June 2016	CM/ResDH(2017)213	Examination closed

B. Resolutions, signatures and ratifications

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

C. Other information

■ CPT: Publication of a new report on Latvia (29.06.2017)

In the published report on its most recent visit to Latvia (12-22 April 2016), the CPT calls on the Latvian authorities to take measures, among others, to prevent ill-treatment, guarantee the access to a lawyer, address inter-prisoner violence and improve access to healthcare in prisons ([Read more](#)).

Liechtenstein

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: Publication of a report on Liechtenstein (25.08.2017)

The CPT publishes the report on its most recent visit to Liechtenstein from 20 to 24 June 2016, together with the response of the Liechtenstein authorities ([Read more](#) - [Read the report](#)).

Lithuania

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

CASE	DATE	RESOLUTION	CONCLUSION
BIRŽIETIS 49304/09	14 September 2016	CM/ResDH(2017)214	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]

Luxembourg

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

AUTHOR	DATE	TEXT NUMBER	SUBJECT MATTER	DECISION
CM	5 July 2017	ResCSS(2017)11	On the application of the European Code of Social Security and its Protocol by Luxembourg, from 1 July 2015 to 30 June 2016	CM invites Luxembourg, in its next report, to provide the missing information, technical clarifications, provisions of the national legislation and updated statistics. Luxembourg should check the data for consistency, align it for the same time basis to enable comparison, and specify the official sources of statistics. Luxembourg should explain the substantial differences in the calculated amounts of the skilled and unskilled workers' wages.

C. Other information

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

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

■ FCNM: receipt of the 3rd cycle State Report (19.06.2017)

Montenegro submitted its third State Report on 16 June 2017, in English, pursuant to Article 25, paragraph 2, of the Framework Convention for the Protection of National Minorities. The report is also available in Montenegrin.

It is now up to the Advisory Committee to consider it and adopt an opinion intended for the Committee of Ministers ([Read more](#)).

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

AUTHOR	DATE	TEXT NUMBER	SUBJECT MATTER	DECISION
CM	5 July 2017	ResCSS(2017)12	On the application of the European Code of Social Security and its Protocol by the Netherlands, from 1 July 2015 to 30 June 2016	CM invites the Netherlands, in its next report, to provide the missing information, technical clarifications, provisions of the national legislation and updated statistics. The Netherlands should check the data for consistency, align it for the same time basis to enable comparison, and specify the official sources of statistics. The Netherlands should explain the substantial differences in the calculated amounts of the skilled and unskilled workers' wages.

C. Other information

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

Norway

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

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

B. Resolutions, signatures and ratifications

AUTHOR	DATE	TEXT NUMBER	SUBJECT MATTER	DECISION
CM	5 July 2017	ResCSS(2017)13	On the application of the European Code of Social Security and its Protocol by Norway, from 1 July 2015 to 30 June 2016	CM invites Norway, in its next report, to provide missing information, technical clarification, provisions of the national legislation and statistics. Norway should check the data for consistency, align it for the same time basis to enable comparison, and specify the official sources of statistics. Norway should also give more detail on, indicate and explain the coverage and conditions of entitlement, medical care, sickness benefit, unemployment benefit and old-age-benefit, employment injury benefit, family benefit, invalidity benefit and survivor's benefit. Finally Norway should determine the reference wage of an ordinary adult male labourer.

C. Other information

■ GRETA: Publication of GRETA's second report on Norway (21.06.2017)

The GRETA published its second evaluation report on Norway. The report examines the impact of legislation, policy on trafficking, and the prosecution of traffickers. Particular attention is paid to measures taken to address new trends in human trafficking and the vulnerability of children to trafficking ([Read the report](#) - [Read more](#)).

Poland

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: Rapporteur alarmed by disruption of separation of powers in Poland (17.07.2017)

Bernd Fabritius, rapporteur of the PACE on 'new threats to the rule of law in Council of Europe member States – selected examples', expressed his deep alarm following the adoption of two new laws relating to the judiciary in Poland and to a planned third one relating to its Supreme Court. "These new laws directly undermine the respect of the rule of law in Poland by putting at stake the system of checks and balances," he denounced. ([Read more](#))

■ PACE co-rapporteurs concerned about the situation of the Constitutional Court and reforms of the justice system in Poland (18.07.2017)

The Monitoring Committee voiced concern about the "political and constitutional crisis" and the recent changes and reforms implemented by the new authorities. The co-rapporteurs underlined that the problems concerning the composition of the Constitutional Court had not been resolved, they also mentioned a "risk of politicisation" of the National Council of the Judiciary and expressed concern about amendments to the law on the Prosecution Service that were adopted in March 2016. ([Read more - Declassified information note](#))

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

AUTHOR	DATE	TEXT NUMBER	SUBJECT MATTER	DECISION
CM		ResCSS(2017)14	On the application of the European Code of Social Security and its Protocol by Portugal, from 1 July 2015 to 30 June 2016	CM invites Portugal, in its next report, to explain the substantial differences in the calculated amounts of the skilled and unskilled workers' wages. Portugal should check the data for consistency, align it for the same time basis to enable comparison, and specify the official sources of statistics.

C. Other information

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

Romania

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

CASE	DATE	RESOLUTION	CONCLUSION
GHIURĂU 55421/10	29 April 2013	CM/ResDH(2017)215	Examination closed
VALENTINO ACATRINEI 18540/04	25 September 2013	CM/ResDH(2017)216	Examination closed
ULARIU 19267/05	24 March 2014	CM/ResDH(2017)217	Examination closed
ROZALIA AVRAM 19037/07	5 July 2016	CM/ResDH(2017)218	Examination closed
BĂLTEANU 142/04	16 October 2013	CM/ResDH(2017)219	Examination closed
AGACHE 35032/09	4 January 2012	CM/ResDH(2017)220	Examination closed
NICULESCU 25333/03	25 September 2013	CM/ResDH(2017)221	Examination closed

B. Resolutions, signatures and ratifications

AUTHOR	DATE	TEXT NUMBER	SUBJECT MATTER	DECISION
CM	5 July 2017	ResCSS(2017)15	On the application of the European Code of Social Security by Romania, from 1 July 2015 to 30 June 2016	CM invites Romania, in its next report, to explain the substantial differences in the calculated amounts of the skilled and unskilled workers' wages. Romania should provide the missing information, technical clarifications, provisions of the national legislation and updated statistics. Romania should check the data for consistency, align it for the same time basis to enable comparison, and specify the official sources of statistics.

C. Other information

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

Serbia

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

CASE	DATE	RESOLUTION	CONCLUSION
ČEPERKOVIĆ AND 101 OTHER APPLICATION 26340/12+	17 December 2013	CM/ResDH(2017)222	Examination closed
NIKOLIĆ AND 94 OTHER APPLICATIONS 13553/11+	1 October 2013	CM/ResDH(2017)222	Examination closed

B. Resolutions, signatures and ratifications

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

C. Other information

■ CPT: The Committee visited Serbia to look into policing matters and the situation in remand detention (09.06.2017)

A delegation of the CPT carried out an ad hoc visit to Serbia from 31 May to 7 June 2017 ([Read more](#)).

■ PACE co-rapporteurs : In Serbia "Political will is key to pursue democratic reforms and secure minorities' rights" (24.07.2017)

PACE co-rapporteurs for the monitoring of Serbia, assessed progress made by Serbia in fulfilling its Council of Europe obligations, concluding that this is accelerating with Serbia's continued aspiration to join the European Union. The co-rapporteurs discussed in particular the situation of the Albanian national minority, they noted that the legislative framework provides for a high level of protection of minorities, but called for full implementation of the laws. Discussions also focused on the reform of the judiciary, the fight against corruption, the situation of the media, and implementation of [Resolution 1858 \(2012\)](#). ([Read more](#))

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

AUTHOR	DATE	TEXT NUMBER	SUBJECT MATTER	DECISION
CM	5 July 2017	ResCSS(2017)16	On the application of the European Code of Social Security by Slovenia, from 1 July 2015 to 30 June 2016	CM invites Slovenia, in its next report, to provide the missing information, technical clarifications, provisions of the national legislation and updated statistics. Slovenia should check the data for consistency, align it for the same time basis to enable comparison, and specify the official sources of statistics.

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

C. Other information

■ MONEYVAL: MONEYVAL publishes its latest report on Slovenia (03.08.2017)

The number of money-laundering investigations has risen in Slovenia since the last evaluation in 2010, but it is still not commensurate with the number of investigations and convictions for proceeds-generating crimes, such as tax evasion, fraud and other economic crimes, as well as drug trafficking. This is one of the key conclusions of the new report from the MONEYVAL ([Read more](#)).

Spain

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

CASE	DATE	RESOLUTION	CONCLUSION
MARTÍNEZ MARTÍNEZ 21532/08	18 October 2011	CM/ResDH(2017)223	Examination closed

B. Resolutions, signatures and ratifications

AUTHOR	DATE	TEXT NUMBER	SUBJECT MATTER	DECISION
CM	5 July 2017	ResCSS(2017)17	On the application of the European Code of Social Security by Spain, from 1 July 2015 to 30 June 2016	CM invites Spain, in its next report, to provide statistical data on the system of cost sharing for medical care and on the extension of employment injury benefit. Spain should explain the substantial differences in the calculated amounts of the skilled and unskilled workers' wages. Spain should indicate method and provide date on the organisation and the administration of social security. Finally Spain should provide missing information.

C. Other information

■ PACE deplores 'senseless violence' in Barcelona (18.08.2017)

Sir Roger Gale, the most senior Vice-President of PACE, has strongly condemned terror attack in Barcelona. "We mourn the terrible loss of life and deplore this senseless violence," he said. "This terrorist atrocity will only strengthen our determination to defend democracy and uphold civilised values" he concluded. ([Read more](#))

■ GRETA: Committee's second evaluation visit to Spain (12.06.2017)

A delegation of the GRETA carried out a visit to Spain from 5 to 9 June 2017. The visit provided an opportunity to assess progress in the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Spain since GRETA's first evaluation of this country four years previously ([Read more](#)).

Sweden

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

AUTHOR	DATE	TEXT NUMBER	SUBJECT MATTER	DECISION
CM	5 July 2017	ResCSS(2017)18	On the application of the European Code of Social Security and its Protocol by Sweden, from 1 July 2015 to 30 June 2016	CM invites Sweden, in its next report, to provide missing information, technical clarifications, provisions of the national legislation and updated statistics; and to check the data for consistency, to align it for the same time basis to enable comparison, and specify the official sources of statistics. Sweden should also explain the substantial differences in the calculated amounts of the skilled and unskilled workers' wages.

C. Other information

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

Switzerland

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

AUTHOR	DATE	TEXT NUMBER	SUBJECT MATTER	DECISION
CM	5 July 2017	ResCSS(2017)19	On the application of the European Code of Social Security by Switzerland, from 1 July 2015 to 30 June 2016	CM invites Switzerland, in its next report, to explain the substantial differences in the calculated amounts of the skilled and unskilled workers' wages.

C. Other information

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

“The former Yugoslav Republic of Macedonia”

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

CASE	DATE	RESOLUTION	CONCLUSION
Trajan BOŽINOSKI 28447/12	15 November 2016	CM/ResDH(2017)224	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]

Turkey

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

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

B. Resolutions, signatures and ratifications

AUTHOR	DATE	TEXT NUMBER	SUBJECT MATTER	DECISION
CM	5 July 2017	ResCSS(2017)20	On the application of the European Code of Social Security by Turkey, from 1 July 2015 to 30 June 2016	CM invites Turkey, in its next report, to confirm that no cost sharing is required in respect of medical care provided in the event of maternity. Turkey should indicate whether it wishes to have recourse to Articles 65 or 66 to determine the reference wage and to recalculate the replacement rate of the benefits provided. Turkey is also requested to update the statistical data used in the technical note, with an indication of the precise source of the data.

C. Other information

■ PACE co-rapporteurs ask for immediate release of arrested human rights defenders in Turkey (07.07.2017)

PACE co-rapporteurs for the monitoring of Turkey have expressed serious concern at the arrest of several prominent human rights defenders in Istanbul on 5 July. "We ask for the immediate release of these human rights defenders, and urge the Turkish authorities to ensure that fundamental freedoms, including freedom of assembly and freedom of expression, are duly and effectively secured, and to refrain from further action which might have a chilling effect on society," said the co-rapporteurs. ([Read more](#))

■ PACE Rapporteur on Interpol Abuses condemns Red Notice against Dogan Akhanli (21.08.2017)

"I condemn the Red Notice against Dogan Akhanli requested by Turkey and invite Interpol to re-examine it in light of the rules outlawing politically-motivated interventions and to delete the Notice as appropriate. If an abuse is indeed found, Interpol should apply to Turkey the sanctions suggested in my report", said Bernd Fabritius, Rapporteur of the PACE on abusive use of the Interpol Red Notice system to persecute human rights defenders and opposition politicians. Red notices should be circulated by Interpol only when there are "serious grounds for suspicion against the person in question", the Assembly said. ([Read more](#))

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

■ CPT: Committee concerned about police ill-treatment and poor conditions of detention of remand and life-sentenced prisoners (19.06.2017)

In the report on its November 2016 visit to Ukraine, the CPT expresses serious concern about the frequency of allegations of ill-treatment by police officers (such as slaps, punches, kicks or blows with a truncheon or a plastic bottle filled with water). In most cases, the ill-treatment was allegedly inflicted by operational police officers attempting to obtain confessions or other information. In a number of cases, the CPT's delegation also gathered medical evidence consistent with the allegations made. The CPT calls upon the Ukrainian authorities to pursue a policy of "zero tolerance" of police ill-treatment ([Read more](#)).

■ CPT: The Committee published Ukrainian response to the report on the November 2016 visit (27.07.2017)

The CPT published the response of the Ukrainian authorities to the report on the Committee's November 2016 ad hoc visit, in which the CPT had made recommendations on police ill-treatment, ongoing prison reform and conditions of detention of remand and sentenced prisoners, including lifers ([Read more](#)).

United Kingdom

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

CASE	DATE	RESOLUTION	CONCLUSION
O'NEILL AND LAUHLAN 41516/10+	28 June 2016	CM/ResDH(2017)225	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]