



## Summaries of Final Resolutions adopted by the Committee of Ministers in 2019

(with the exception of those concerning Friendly Settlements)

Last update: 24/06/2019

These summaries are made under the sole responsibility of the Department for the Execution of Judgments of the European Court and in no way bind the Committee of Ministers.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
<a href="#">CM/ResDH(2019)40</a>	ARM / Arzumanyan	25935/08	11/04/2018 11/01/2018	<b>Protection of rights in detention:</b> Lack of relevant and sufficient reasoning provided by national courts when ordering and extending the applicant's (a former Minister of Foreign Affairs and leader of a political movement called "Civil Disobedience") detention on remand. (Article 5 §3)	<b>Individual measures:</b> Just satisfaction in respect of non-pecuniary damage paid. The applicant is no longer held in detention on remand. <b>General measures:</b> required in response to the shortcomings revealed in this judgment are being examined within the framework of the Poghosyan case.
<a href="#">CM/ResDH(2019)55</a>	ARM / Davtyan	29736/06	30/06/2015 31/03/2015	<b>Protection against ill-treatment / conditions of detention:</b> Denial of medical assistance in a detention facility. (Article 3)	<b>Individual measures:</b> Just satisfaction in respect of non-pecuniary damage paid. The applicant was released on parole in 2006. <b>General measures</b> required in response to the shortcomings found continue to be examined within the framework of the Ashot Harutyunyan case.
<a href="#">CM/ResDH(2019)114</a>	ARM / Domazyan	22558/07	25/05/2016 25/02/2016	<b>Access to and efficient functioning of justice:</b> Denial of access to a court due to the dismissal of the applicant's counter-claim on the ground that the power of attorney of his lawyer had not been certified by a notary despite unclear rules.	<b>Individual measures:</b> Just satisfaction in respect of non-pecuniary damage paid. In reopened proceedings, the case was remitted to new examination and the applicant's infringed right of access to court totally restored. <b>General measures:</b> First amendments to the Code of Civil Procedure were made in 2008. In 2018, a new Code of Civil Procedure was adopted, including a clear provision concerning the issue of a power of attorney. The judgment was published, translated and disseminated.

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<a href="#">CM/ResDH(2019)115</a>	ARM / Karen Poghosyan	62356/09	30/06/2016 31/03/2016 Merits 29/06/2018 29/03/2018 Just satisfaction	<b>Protection of property and access to and efficient functioning of justice:</b> <i>Infringement of the principle of legal certainty by admitting the out-of-time appeals lodged by the Mayor's Office and the Deputy Prosecutor General and by quashing a final judgment which had recognized the applicant's ownership right in respect of a building and his right of use in respect of the plot of land. (Article 6 § 1 and 1 of Protocol No.1)</i>	<b>Individual measures:</b> The Court of Cassation decided to reopen the case and the Civil Court of Appeal decided to uphold the judgment recognizing the applicant's ownership right in respect of the building and his right of use over the plot of land in 2017. Just satisfaction in respect of non-pecuniary damage paid. <b>General measures:</b> The judgment was published, translated and disseminated. It was used in training activities of the Justice Academy, the Police Academy as well as the Law Institute of the Ministry of Justice. In order to understand whether the present case was an isolated one or if the issue is an erroneous judicial practice in this regard, the Government, in cooperation with the Judicial Department, are conducting a survey on the judicial acts regarding the application of the domestic provision at stake.
<a href="#">CM/ResDH(2019)41</a>	ARM / Teymurazyan	17521/09	15/06/2018 15/03/2018	<b>Protection of rights in detention:</b> <i>Lack of possibilities to claim for compensation of non-pecuniary damages suffered as a result of ill-treatment and unlawful detention under domestic law at the material time. (Article 5 §5 and 13)</i>	<b>Individual measures:</b> Just satisfaction in respect of non-pecuniary damage paid. <b>General measures:</b> See <a href="#">CM/ResDH(2016)184</a> in Khachatryan and Others and 2 other cases. The judgments were translated, published and disseminated. They are used in training activities of the Justice Academy, the Police Academy as well as the Centre for Legal Education and Implementation of Rehabilitation Programmes.
<a href="#">CM/ResDH(2019)42</a>	AUT / Helmut Blum	33060/10	30/01/2017 05/04/2016	<b>Access to and efficient functioning of justice:</b> <i>Lack of an oral hearing in disciplinary proceedings initiated by the Disciplinary Council of the Bar Association against a practising lawyer resulting in the withdrawal of his right to represent before several courts in criminal law cases as an interim measure. (Article 6 §1)</i>	<b>Individual measures:</b> The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. Following the applicant's acquittal in the criminal proceedings, the bar association also lifted the interim measure. <b>General measures:</b> As a result of the present judgment, the Disciplinary Statute for lawyers and lawyer-candidates was amended in 2017 providing that prior to the ordering of an interim measure an oral hearing has to take place if the Disciplinary Council finds it necessary or the accused lawyer

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					requests it. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2019)81</a>	AUT / Kugler	65631/01	14/04/2011 14/10/2010	<b>Access to and efficient functioning of justice:</b> Denial of a fair trial due the lack of a public hearing and the excessive length of administrative proceedings concerning his application for a building permit in order to construct a hotel on a plot of land. (Article 6 §1 twice)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. Domestic proceedings closed. In 2005, in a new set of proceedings, the applicant was granted a construction permit for his plot of land. <i>General measures:</i> Concerning length of proceedings, see CM/ResDH(2015)222 in Rabauske group. Concerning the right to a public hearing, see CM/ResDH(2017)199 in Koottummel group. The judgment was published, translated and disseminated to all relevant domestic bodies, including the High Courts.
<a href="#">CM/ResDH(2019)1</a>	AUT / Lorenz	11537/11	20/10/2017 20/07/2017	<b>Protection of rights in detention:</b> Unlawful preventive detention in an institution for mentally-ill offenders lacking factual basis (expert opinion) and failure to examine the question of the applicant's transfer to an institution in which he could receive the necessary treatment and be prepared for an eventual release as well as excessive length of related review proceedings. (Article 5 §§1+4)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The impugned decision was quashed and the case remitted. In May 2018, the domestic court found that the medical conditions for a continuation of the inflicted measures were met. The applicant himself refused targeted therapeutic measures in a specialised institution. Thus, the applicant's plea to be conditionally released from the execution measure was dismissed. Currently treatment in the penitentiary is considered appropriate and continued. <i>General measures:</i> Concerning excessive length of review proceedings, see <a href="#">CM/ResDH(2018)274</a> in Kuttner. Concerning the lacking expert opinion, the authorities duly noted the Court's finding that "when a person is unwilling to be examined by an expert, a medical expert's assessment, on the basis of the case file, of the actual state of that person's mental health must at least be sought". The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2019)60</a>	AUT / Standard Verlags GmbH and	34702/07+	10/04/2012 10/01/2012	<b>Freedom of expression:</b> Interference without sufficient and relevant reasons due to the awarding of compensation following	<i>Individual measures:</i> Just satisfaction in respect of pecuniary damage (amount of the compensation) paid. <i>General measures:</i> The judgments were published,

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	Verlagsgruppe News GmbH			<i>the allegedly unlawful disclosure - in reports on criminal investigations into major speculation losses incurred by an Austrian Bank - of the identity of the former head of the bank's treasury. (Article 10)</i>	translated and disseminated. They are used in initial and continued training courses for judges.
<a href="#">CM/ResDH(2019)140</a>	AZE / Akhundov and 12 other cases	39941/07+	03/05/2011 03/02/2011	<b>Access to and efficient functioning of justice and protection of property:</b> <i>Denial of a fair trial due to the non-enforcement of final domestic decisions entailing various obligations and the interference with the applicants' property rights. (Articles 6 §1 and 1 of Protocol No. 1)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. The domestic court decisions in question have been enforced in all cases and the applicants' property rights have been restored. <u>General measures</u> required in response to the shortcomings found continue to be examined within the framework of the Mirzayev, Humbatov and Tarverdiyev groups.
<a href="#">CM/ResDH(2019)70</a>	AZE / Akimova	19853/03	27/12/2007 27/09/2007 (Merits) 09/10/2008 (Just satisfaction)	<b>Protection of property:</b> <i>Unlawful interference due to the Appeals Court decision, while recognising the applicant as lawful tenant, to postpone the execution of an eviction order until the unlawful occupants could go back to their region of origin, Nagorno-Karabakh. (Article 1 of Protocol No. 1)</i>	<u>Individual measures:</u> Just satisfaction on the basis of a friendly settlement covering pecuniary and non-pecuniary damage as well as costs and expenses paid. The applicant regained possession of her apartment following a Supreme Court decision in 2008. <u>General measures:</u> Misapplication of domestic legislation. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2019)71</a>	AZE / Rahmanova	34640/02	10/10/2008 10/07/2008	<b>Access to and efficient functioning of justice:</b> <i>Denial of access to a court due to the quashing by the Supreme Court of a final judicial decision in the applicant's favour and the delivery of a new decision on the merits in an additional (extraordinary) cassation procedure. (Article 1 of Protocol No. 1)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. Concerning pecuniary damage the applicant failed to comply with the Rules of Court. The legal issue became obsolete, as the applicant sold, in 2005, the flat to the third party whose residential rights she had contested in the proceedings. <u>General measures:</u> Isolated case. According to established case-law of the Constitutional Court, the Supreme Court may not vary the cassation-instance court's decision on the merits of the case, which constitutes an adequate safeguard able to prevent similar violations. The judgment was

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<a href="#">CM/ResDH(2019)44</a>	<b>BGR / Angelov Angel Vaskov and 16 other cases</b>	<b>34805/02</b>	<b>25/06/2010</b> 25/03/2010	<p><b>Right to life and protection against ill-treatment:</b> <i>Death or ill-treatment under the responsibility of law-enforcement agencies, ineffective investigation into the alleged abuses and/or lack of an effective domestic remedy. (Articles 2, 3 and 13)</i></p> <p><i>Other violations: Unlawful detention, right to be brought before a judge rapidly after the ordering of detention on remand, excessive length of civil proceedings; excessive length of criminal proceedings. (Articles 5 §§1+3 and 6 §1)</i></p>	<p><u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid as awarded. No further individual measures were possible in these cases as the Prosecutor's Office or the courts had established the expiry of the statute of limitations, the expiry of the time-limit for reopening the proceedings under specific circumstances, the destruction of the criminal file or the impossibility of identifying the perpetrators.</p> <p><u>General measures:</u> General measures required in response to the shortcomings revealed in the present judgments and to prevent further ill-treatment under the responsibility of law-enforcement agencies and to ensure effective investigations into such abuses and domestic remedies continue to be examined within the framework of the Velikova group of cases and in the S.Z. / Kolevi group of cases. Questions regarding Article 5 in the cases of Ognyanova and Choban and Rashid were examined in a number of cases in which supervision has been closed, in particular Assenov and Others (<a href="#">ResDH(2000)109</a>), Nikolov and Shishkov (<a href="#">CM/ResDH(2007)158</a>), Yankov (<a href="#">CM/ResDH(2013)102</a>), Evgeni Ivanov (<a href="#">CM/ResDH(2012)164</a>) and Bochev (<a href="#">CM/ResDH(2017)382</a>). Questions related to the excessive length of civil proceedings before the Sofia courts are examined in the context of the Svetozar Petrov case. Questions related to the excessive length of criminal proceedings due to delays at the investigation stage were examined in the context of the Kitov group of cases in which supervision has been closed (<a href="#">CM/ResDH(2017)420</a>). Questions raised by the shortcomings of investigations concerning officers from special police units in the Krastanov case is examined in the context of the Hristovi case in the Velikova group.</p>

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<a href="#">CM/ResDH(2019)141</a>	<b>BGR / Goranova-Karaeneva and 7 other cases</b>	<b>12739/05+</b>	<b>08/06/2011</b> 08/03/2011	<b>Protection of private life and effective remedy:</b> <i>Lack of sufficient safeguards in domestic law against the risk of abuse inherent to secret surveillance systems – in particular lack of independent control over the implementation of secret surveillance measures in general, as well as over the use of intelligence falling outside the scope of the original application for surveillance; lack of sufficient safeguards in relation to surveillance carried out on national security grounds, lack of regulations on collection, processing, conservation and destruction of the information gathered and lack of notification of the persons subjected to secret surveillance outside criminal proceedings – as well as the lack of an effective remedy to seek redress. (Articles 8 and 13)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid as awarded in one case. In the other cases no just satisfaction was awarded. In one case, the documents and records obtained through secret surveillance have been destroyed. In another case, the material is kept as part of the criminal case file. In other cases, the authorities continue to verify whether any institution keeps information in respect of the applicants. <i>General measures</i> required in response to the shortcomings found continue to be examined within the framework of the <i>Association for European Integration and Human Rights and Ekimdzhiev</i> group of cases.
<a href="#">CM/ResDH(2019)82</a>	<b>BGR / Karzhev</b>	<b>60607/08</b>	<b>07/09/2017</b> <b>Committee</b>	<b>Freedom of expression:</b> <i>Disproportionate interference due to a former prosecutor's conviction for insult of two acting prosecutors in an interview given in a national daily newspaper to pay non-pecuniary damages and expenses. (Article 10)</i>	<i>Individual measures:</i> Just satisfaction in respect of pecuniary damage (amount of the domestic non-pecuniary damages and expenses paid by the applicant) paid. The finding of a violation constitutes in itself sufficient just satisfaction for any non-pecuniary damage. The applicant's criminal liability was waived. <i>General measures:</i> Change of case-law as domestic courts now systematically carry out an analysis of the various interests at stake. The remaining issues of aggravated qualification if the victim is a civil servant and of the severity of sanctions imposed are examined in the context of the <i>Bozhkov and Kasabova and Marinova and Others</i> groups of cases. The judgment was published, translated and disseminated.

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<a href="#">CM/ResDH(2019)56</a>	BGR / M.M. and 2 other cases	75832/13+	08/09/2017 08/06/2017	<b>Protection of rights in detention pending expulsion and deportation and of family life:</b> Shortcomings of the judicial review in respect of the expulsion of foreign nationals on security grounds without adequate procedural safeguards as well as the unjustified length of detention pending expulsion and absence of a review of its lawfulness and lack of an effective remedy. (Articles 8 and 13 as well as 1 of Protocol No. 7, Article 5 §§1f and 4)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The first applicant is no longer detained; the second applicant failed to request the re-examination of the expulsion order; the third applicant's request for re-examination of the measures taken was granted. <i>General measures</i> required to respond to the shortcomings continue to be examined in the context of the C.G. and Others and M. and Others cases.
<a href="#">CM/REsDH(2019)57</a>	BGR / Mulini	2092/08	20/01/2016 20/10/2015	<b>Right to life:</b> Ineffective investigation into the death of the applicants' son due to the investigating authorities' failure to gather relevant evidence and due to their excessive length as well as lack of opportunity for them to participate effectively in the investigation. (Article 2 investigations)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. Following an additional examination of the case-file, the Prosecutor's Office found the absolute statute of limitations had expired and that it is therefore impossible to resume the criminal proceedings. <i>General measures</i> required in response to the shortcomings found continue to be examined within the framework of the S.Z. / Kolevi group.
<a href="#">CM/ResDH(2019)117</a>	BGR / Shalyavski and others	67608/11	15/09/2017 15/06/2017	<b>Protection against ill-treatment / conditions of detention:</b> Failure of authorities to properly assess the specific medical condition of the applicant and to take appropriate measures while pressing charges against him and determining his remand measure and lack of effective remedy. (Articles 3 and 13)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> The judgment was published, translated and disseminated to the specific authorities concerned. Isolated case arising from the particularities of the situation. As concerns the effective remedy, an action under the State and Municipalities Responsibility for Damage Act of 2014 could represent an effective remedy in respect of complaints similar to the ones under examination here, in view of the more recent case law of the Supreme Administrative Court in 2017.
<a href="#">CM/ResDH(2019)116</a>	BGR / Velkova and 3 other	1849/08+	13/10/2017 13/07/2017	<b>Access to and efficient functioning of justice:</b> Failure by different administrative	<i>Individual measures:</i> Just satisfaction for pecuniary and non-pecuniary damage as awarded in each case. In one case, the

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	<b>cases</b>			<i>authorities to comply with final domestic judgments obliging them to deliver a non-substitutable action and lack of effective domestic remedies. (Articles 6 §1, 1 of Protocol No. 1 and Article 13).</i>	applicant purchased the property she was entitled to. <i>General measures:</i> The judgments were published, translated and disseminated. General measures continue to be examined in the Stoyanov and Tabakov group.
<a href="#">CM/ResDH(2019)83</a>	<b>BGR / Yurukova and Samundzhi</b>	<b>19162/03</b>	<b>02/10/2009</b> 02/07/2009	<b>Protection of property:</b> <i>Disproportionate interference in respect of the first applicant as in the restitution proceedings for recovery of property acquired during the communist regime no clear, timely and foreseeable possibility of obtaining adequate compensation was secured. (Article 1 of Protocol No. 1)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. No claim for pecuniary damage submitted. The applicant's request for reopening, submitted in 2010, was rejected by the Supreme Court of Cassation on the ground that such proceedings would not remedy the violation as no compensation could be awarded in them. Later in 2010 the regional governor refused tacitly her request for compensation bonds. Her appeal against this refusal was dismissed by the Supreme Administrative Court as out of time (two months of the final judgment granting the restitution claim of the pre-nationalisation owners of 2008). <i>General measures:</i> see CM/ResDH(2014)198 in Dimitar and Anka Dimitrovi group.
<a href="#">CM/ResDH(2019)61</a>	<b>BIH / Rajic and Others</b>	<b>14430/14</b>	<b>05/09/2017</b> Friendly settlement	<b>Access to and efficient functioning of justice:</b> <i>Excessive length of civil proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid as agreed in the friendly settlement. The domestic proceedings were closed.
<a href="#">CM/ResDH(2019)30</a>	<b>BIH / Roman Catholic Archdiocese of Vrhbosna</b>	<b>40694/13</b>	<b>05/06/2018</b> 05/06/2018	<b>Access to and efficient functioning of justice and protection of property:</b> <i>Disproportionate interference due to non-enforcement of the Human Rights Chamber's decision ordering the Federation of BIH to ensure relocation of the public schools housed in the Archdiocese High School Building and to reinstate the applicant in its premises within one year. (Articles 6 §1 and 1 of</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The applicant was reinstated in its premises and the respective record signed. <i>General measures:</i> Isolated case. The main reason for the non-execution of the domestic decision was a lack of resources for building of a new school once the premises in question are returned to the applicant. The judgment was translated, published and disseminated.



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				<i>Protocol No.1)</i>	
<a href="#">CM/ResDH(2019)72</a>	CRO / Buvac	47685/13	06/09/2018 06/09/2018	<b>Access to and efficient functioning of justice:</b> Denial of access to a court due to an excessively formalistic interpretation of a procedural requirement for bringing a claim on the basis of the Media Act. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The applicant was entitled to request reopening of the impugned proceedings. <i>General measures:</i> Change of case-law of the Constitutional Court in 2013, which declared the dismissal of claims for damages due to the improper submission of the rectification requests as overly formalistic, followed by the Supreme Court in 2017. The judgment was published, translated and disseminated to all judges of first instance and appeal courts.
<a href="#">CM/ResDH(2019)62</a>	CRO / Hoti	63311/14	26/07/2018 26/04/2018	<b>Protection of private and family life:</b> Failure of domestic authorities to provide an effective and accessible procedure to have the stateless applicant's stay and status in the country determined with due regard to his specific situation and his private-life interests. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The applicant was granted permanent residence permit and citizenship. <i>General measures:</i> The isolated case at issue concerned a complex and a very specific factual and legal situation related to the regularisation of the status of aliens residing in Croatia following the break-up of the former SFRY. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2019)84</a>	CRO / Lovric	38458/15	04/07/2017 04/04/2017	<b>Access to and efficient functioning of justice:</b> Denial of access to a court on account of the applicant's inability to contest before the domestic courts a hunting association's decision to expel him from membership following disciplinary proceedings, on the ground that this decision concerned the association's internal affairs and could thus not be reviewed by courts. (Article 6 §1)	<i>Individual measures:</i> No claim for just satisfaction submitted. In reopened proceedings, the applicant's civil claim was granted, his expulsion from the hunting's association declared unlawful and he was reinstated as its member. The hunting association appealed and the appellate proceedings are currently pending before the Supreme Court. <i>General measures:</i> Change of the Supreme Court's case-law ensuring that in similar cases civil courts now examine a civil action on the merits. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2019)20</a>	CRO / Margaretic	16115/13	13/10/2014 05/06/2014	<b>Protection of rights in detention:</b> Failure to review the lawfulness of the applicant's detention due to the inadmissibility of his	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The applicant has been released in 2013.

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				<i>constitutional complaint, the absence of relevant and sufficient grounds provided by domestic courts and their failure to assess the correct amount of bail under the specific circumstances. (Article 5 §3)</i>	<i>General measures:</i> See <a href="#">CM/ResDH(2011)195</a> in the Pesa and <a href="#">CM/ResDH(2018)200</a> in the Krnjak group.
<a href="#">CM/ResDH(2019)85</a>	<b>CRO / Savez crkava "Rijec zivota" and Others</b>	<b>7789/08</b>	<b>09/03/2011</b> 09/12/2010	<b>Discrimination / freedom of religion:</b> <i>Discriminatory treatment due to the authorities' refusal to conclude special agreements with three reformist applicant churches without objective and reasonable justification resulting in their inability to provide religious education in public schools and nurseries and to obtain State recognition of religious marriages. (Article 14 taken in conjunction with Article 9)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. In 2014, a special agreement was concluded with the applicant churches. <i>General measures:</i> Erroneous practice of administrative authorities. Isolated occurrence. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2019)86</a>	<b>CYP / Onoufriou</b>	<b>24407/04</b>	<b>07/04/2010</b> 04/01/2010	<b>Protection of private and family life and against ill-treatment:</b> <i>Disproportionate and unlawful interference due to the limitation of visiting rights and monitoring of correspondence during solitary confinement and the lack of an effective remedy. (Articles 3, 8 and 13)</i>	<i>Individual measures:</i> No claim for just satisfaction submitted. The applicant had been released from solitary confinement in 2003. <i>General measures:</i> In July 2018, Parliament amended the Prison Regulations with regard to the prisoners' correspondence, their telephone communications and with regard to confinement as disciplinary punishment and for purposes other than formal disciplinary punishment. Furthermore, an amendment to the Prisons Law 1996 was adopted whereby the Prisons Board is entirely independent from prison authorities, its members being persons without institutional, administrative, professional or other relation with prison authorities. Its president is the Nicosia District Officer. the Prisons Board hears and investigates any application or complaint lodged by prisoners and notifies the Director of Prisons of its suggestions. It also examines prisoners' conditions of detention and work, material conditions, whether the educational programs available in

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					<p>prison are adequate, whether prison authorities have exceeded their powers in relation to the treatment of prisoners. It cooperates with the Director of Prisons in matters related to the prisoners' well-being. In relation to disciplinary punishment, the Prisons Board has the power to reduce or annul any disciplinary punishment, if the punishment imposed exceeds the punishment allowed by the Prison Regulations for the particular offence or if it considers that the punishment imposed is excessive vis-à-vis the offence committed. The Human Rights Sector of the Law Office of the Republic issued a written legal advice to the Ministry of Justice dated 24/06/10 in which the need for improvements to material conditions of detention during solitary confinement was underlined. The advice was forwarded to the Director of Prisons and prison personnel to follow. The new Prison Regulations and the amendment to the Prisons Law provide safeguards in order to avoid any risk of arbitrariness resulting from a decision to place a prisoner in solitary confinement, either as a formal disciplinary measure or as another measure. The decision is accompanied by procedural safeguards guaranteeing the prisoner's welfare and the proportionality of the measure. Total prohibition on contact with the outside world is not imposed as prisoners in solitary confinement retain the right to send and receive letters in the same manner as all prisoners and have by law minimum visitation and telephone communication rights. The judgment was published, translated and disseminated to the relevant prison authorities.</p>
<a href="#">CM/ResDH(2019)45</a>	CZE / Colloredo Mansfeldova	51896/12	11/01/2018 11/01/2018	<p><b>Access to and efficient functioning of justice:</b> Failure of domestic courts to ensure respect of the adversarial principle. (Article 6 §1)</p>	<p><i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The applicant requested reopening of the impugned proceedings; her request is pending before the Constitutional Court.</p> <p><i>General measures:</i> See <a href="#">CM/ResDH(2018)60</a> in Colloredo-</p>

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					Mannsfeld. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2019)87</a>	CZE / Novotny	16314/13	07/09/2018 07/06/2018	<b>Protection of family life:</b> <i>Unlawful interference on account of the impossibility for him to challenge his legal paternity on the grounds of new biological evidence. (Article 8)</i>	<b>Individual measures:</b> No claim submitted. The applicant could request reopening of the proceedings before the Constitutional Court. <b>General measures:</b> The Special Judicial Proceedings Act was amended in 2017 to include a new provision providing the possibility to file an action for reopening of proceedings on declaration or denial of paternity even after the expiry of the statutory three-year time-limit after the contested decision became final. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2019)50</a>	ESP / Trabajo Rueda	32600/12	30/08/2017 30/05/2017	<b>Protection of private life:</b> <i>Disproportionate interference due to the access of a computer and inspection of its files containing child pornography material without prior judicial authorisation, in a non-emergency situation. (Article 8)</i>	<b>Individual measures:</b> The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. The applicant did not ask for reopening of proceedings. <b>General measures:</b> In 2015, the Criminal Procedure Act was amended to speed up criminal justice and strengthen procedural guarantees, introducing the appeal for review (recurso de revision) of final criminal judgments, which had been impugned in ECHR judgments. Isolated violation due to the special facts of the case. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2019)109</a>	EST / Kalda	17429/10	06/06/2016 19/01/2016	<b>Protection of expression, in particular the right to receive information:</b> <i>Disproportionate interference due to the prison authorities' refusal to grant the applicant access to the CoE Information Office in Tallinn to carry out legal research for court proceedings. (Article 10)</i>	<b>Individual measures:</b> The finding of a violation constituted sufficient just satisfaction for the non-pecuniary damage. In reopened proceedings, the impugned judgment was annulled and the case returned to the administrative courts. No access to the CoE Information Office in Tallinn could be granted as it does not exist any longer. However, the Supreme Court noted that the respective provision of the Imprisonment Act might be contrary to the Constitution. Proceedings before the administrative courts were thus interrupted until the Imprisonment Act was amended in

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					February 2019 and resumed thereafter. <i>General measures:</i> The Imprisonment Act was amended in 2019, enabling prisoners to access under the supervision of the prison service public legislation databases and registers of judicial decisions, the webpages of Parliament and the Chancellor of Justice. Change of case-law of the Supreme Court requesting lower courts to establish the facts justifying denial of access, in particular security risks and costs. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2019)88</a>	<b>FRA / Morel and 7 other cases</b>	<b>25689/10+</b>	<b>10/01/2014</b> 10/10/2013	<b>Freedom of expression:</b> <i>Disproportionate interference due to conviction for defamation of a municipal councillor to pay a fine and compensation after having criticised, in a press conference, the holder of the post of director general in an association providing delegated public services and under contract to the municipality, created on the mayor's decision. (Article 10)</i>	<i>Individual measures:</i> In certain cases, the finding of a violation constitutes sufficient just satisfaction for any non-pecuniary damage; in others just satisfaction in respect of non-pecuniary and/or pecuniary damage (amount of fine and compensation) was paid as awarded. All of the applicants could request review of the impugned proceedings. The criminal convictions were annulled as requested and erased from the criminal records. <i>General measures:</i> The judgments were published and disseminated. They were also used in initial and continued training activities for magistrates. The Court of Cassation case-law shows recently a more explicit consideration of and reference to the ECHR criteria developed in its jurisprudence.
<a href="#">CM/ResDH(2019)49</a>	<b>GEO / Ramishvili</b>	<b>48099/08</b>	<b>31/05/2018</b> 31/05/2018	<b>Electoral rights:</b> <i>General and automatic ban in the parliamentary elections 2008 on all prisoners' convicted of a crime irrespective of the length of the sentence and the nature or gravity of their offence. (Article 3 of Protocol No. 1)</i>	<i>Individual measures:</i> The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. The applicant was released in 2009. <i>General measures:</i> In 2011 the Constitution was amended to allow prisoners convicted of "crimes of little gravity" to vote. The Electoral Code was adapted accordingly. A new constitutional amendment in 2017 excludes voting rights solely of those persons who are in prison on a conviction for particularly serious criminal offence. Respective training activities were organised in the framework of joint projects

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					of the Central Election Commission, the Training Centre of Georgia and the Penitentiary and Probation Training Centre.
<a href="#">CM/ResDH(2019)118</a>	GER / El Khoury	8824/09+	09/10/2015 09/07/2015	<b>Protection of rights in detention:</b> <i>Length of his detention on remand due to the failure of the domestic court to act with the necessary special diligence in conducting the applicant's trial (Article 5 § 3).</i>	<b>Individual measures:</b> Just satisfaction in respect of non-pecuniary damage paid. The applicant is no longer in detention on remand. When fixing the length of the prison sentence, the court took into consideration the long duration of the applicant's detention on remand and the heavy strain it caused to him. <b>General measures:</b> The judgment was published, translated and disseminated. Case of an isolated nature.
<a href="#">CM/ResDH(2019)154</a>	GRC / A.F. and 16 other cases	53709/11+	07/10/2013 13/06/2013	<b>Expulsion/deportation / conditions of detention / protection against ill-treatment:</b> <i>Conditions of detention of irregular migrants, asylum seekers and unaccompanied minors in various detention facilities (such as police stations, premises of authorities in charge of immigration or foreign nationals, border posts or the special holding facility at the Athens International Airport); living conditions resulting from the authorities' inaction in respect of the applicants' actual situation: living on the street, without access to sanitary facilities and without means of providing for their essential needs; lack of an effective remedy against expulsion, due to deficiencies in the examination of the applicants' asylum applications, notably lack of thorough and timely examination of the merits of asylum applications, and the risks incurred in case of expulsion to countries of origin. (Article 3 twice and 3 in conjunction with 13)</i>	<b>Individual measures:</b> Just satisfaction in respect of non-pecuniary damage paid, except in one case. All of the applicants concerned were released. Information concerning the state of the applicant's asylum proceedings and their current residence was submitted. <b>General measures</b> required to resolve the problems related to a) the conditions of detention of the applicants in various detention facilities, b) the living conditions of the applicants in Greece and c) the applicants' right to an effective remedy against expulsion, are examined in the context of the M.S.S and Rahimi group of cases.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
<a href="#">CM/ResDH(2019)131</a>	GRC / Ichtigiarglou	12045/06	01/12/2008 19/06/2008	<b>Access to and efficient functioning of justice and protection of property:</b> <i>Unnecessary interference due to the cancellation of the applicant's right to an old-age pension following a retroactive application by the Council of State of certain legislative measures and excessive length of proceedings. (Articles 1 of Protocol No. 1 and 6 §1)</i>	<b>Individual measures:</b> Just satisfaction for all heads of damage taken together paid. The reopening of administrative proceedings was not possible at the time of the judgment. As regards the Social Security Fund's request for repayment of the sums received, the applicant could have asked for its annulment on the basis of the new Council of State's case-law. <b>General measures:</b> In compliance with the present judgment, the Council of State changed its case-law. As concerns excessive length of administrative proceedings, see CM/ResDH(2015)230 in Athanasiou/Manios group. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2019)90</a>	GRC / Kamvyssis	2735/08	22/07/2010 22/04/2010	<b>Access to and efficient functioning of justice:</b> <i>Denial of access to a court on the ground that the applicant's request to set aside had been rejected as being out of time despite the fact that he had not been informed of the impugned decision before expiration of the deadline and excessive length of the related proceedings. (Article 6 §1 twice)</i>	<b>Individual measures:</b> Just satisfaction in respect of non-pecuniary damage paid. Reopening of proceedings had not been legally possible at the time of the judgment. Moreover, the ECHR judgment recognised that the conditions for the applicant's assignment as associate professor had not been fulfilled at the time of his nomination. <b>General measures:</b> Violation linked to the specific circumstances of the case. Change of case-law following the present judgment: The State Council considers now as starting point for the calculation of the deadline for filing a request for annulment, the moment of notification the contested act. The issue of length of proceedings is supervised in the context of the Vassilios Athanasiou and Others/Manios group. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2019)91</a>	GRC / Kanaginis	27662/09	27/01/2017 27/10/2016 Merits 08/06/2018 08/03/2018 Just satisfaction	<b>Protection of property:</b> <i>Disproportionate interference due to unreasonably high repurchase price (readjusted pursuant to Article 12 of Law No. 2882/2001 in line with the annual average consumer price index) demanded from the applicant for</i>	<b>Individual measures:</b> Just satisfaction awarded in equity in respect of all damages paid. <b>General measures:</b> The legal provision concerning the method for calculating compensation was amended in 2012 taking into account the evaluation criteria elaborated by the ECHR. Appeals against respective decisions may be filed with

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>the reappropriation of expropriated land compared to the compensation paid for the expropriation. (Article 1 of Protocol No. 1)</i>	civil jurisdictions. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2019)92</a>	GRC / Kontalexis	59000/08	28/11/2011 31/05/2011	<b>Access to and efficient functioning of justice:</b> <i>Denial of the right to be heard by an impartial tribunal to the replacement of a judge without explicit reasoning in criminal proceedings. (Article 6 §1)</i>	<b>Individual measures:</b> Just satisfaction in respect of non-pecuniary damage paid. Request for reopening of the impugned proceedings was rejected by the Court of Cassation on the ground of the formal nature of the violation found. With regard to a subsequent (second) complaint by the applicant concerning a denial of a fair hearing on the ground of the Court of Cassation's dismissal of his request for reopening, the ECHR found no violation. <b>General measures:</b> Domestic law contains detailed provisions concerning replacement of judges. In the present case, the violation was due to fact that the absence of an explicit reasoning for the replacement did not result in an annulment. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2019)129</a>	GRC / Paroutsas and Others	34639/09	02/06/2017 02/03/2017	<b>Access to and efficient functioning of justice:</b> <i>Denial of access to a court due to the lacking opportunity for the applicants to rebut the presumption that they had been aware of the contents of a report ordering them to halt the demolition of their building and length of the respective proceedings. (Article 6 §1)</i>	<b>Individual measures:</b> Just satisfaction in respect of non-pecuniary damage paid. The fine imposed on the applicants was annulled. The applicants did not request the reopening of their case as they were legally entitled to. <b>General measures:</b> The provision according to which the owners of a building under demolition were to be presumed to have been aware of the content of a bill posted on their building ordering the cessation of the demolition at the time of the posting of the bill was abolished. The new provision provides that the bill ordering demolition or cessation of demolition has to be serviced or notified to the owners of the building as any other administrative report or decision (communication to the owners of the building if their address is known or posting at the municipal store for 60 days). As concerns excessive length of administrative



Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					proceedings, see CM/ResDH(2015)230 in Athanasiou/Manios group. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2019)130</a>	GRC / Vassilios Stavropoulos	35522/04	27/12/2007 27/09/2007	<b>Access to and efficient functioning of justice:</b> <i>Infringement of the principle of the presumption of innocence due to domestic courts' expression of respective doubts in their decisions on the administrative courts' annulment of the applicant's right to social housing on the grounds of deception and false declaration of his wealth - despite the fact that he had been acquitted in criminal proceedings in the same matter. (Article 6 §2)</i>	<b>Individual measures:</b> Just satisfaction in respect of non-pecuniary damage paid. At the time the judgment, reopening of administrative proceedings was not possible (only after 2016). <b>General measures:</b> In 2016 the Code of Administrative Court was amended on the basis of the present judgment, stipulating that administrative courts are bound by acquitting decisions of criminal courts, unless the acquittal was based on the absence of objective and subjective elements of the criminal liability, which are not relevant for the administrative dispute. Prior to that change, the case-law of administrative courts had complied with the present judgment and took into consideration final judgments acquitting the accused – even for lack of evidence or on the benefit of the doubt - for the same conduct. According to Supreme Administrative Court case-law, divergences of administrative courts must be reasoned in detail. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2019)119</a>	ICE / Westlund Susanna Ros	42628/04	07/07/2008 06/12/2007	<b>Access to and efficient functioning of justice:</b> <i>Unjustified lack of an oral hearing before the Supreme Court in a dispute relating to the sale of the applicant's real estate and subsequent claims for damages by the buyer. (Article 6 §1)</i>	<b>Individual measures:</b> Just satisfaction in respect of non-pecuniary damage paid. The Supreme Court found that the statutory requirements for reopening in civil proceedings had not been met and rejected the request as reopening could affect the principle of legal certainty as well as the legal interests of a third party. <b>General measures:</b> In a general reform of the judicial system a Court of Appeal was established in 2018. It accepts both civil and criminal cases on appeal from the district courts and is able to hear witnesses directly. Furthermore, an amendment of the Code of Civil Procedure in 2019 makes it possible for the Court of Appeal and the Supreme Court to

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					conduct an oral hearing even if a party has not submitted documents within the given time limit. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2019) 2</a>	ISL / Egill Einarsson	24703/15	07/02/2018 07/11/2017	<b>Protection of private life:</b> <i>Disproportionate interference due to the dismissal of defamation proceedings brought by a public figure for the publication of a picture with the caption "Fuck you rapist bastard" on Instagram, following the discontinuation of investigations concerning rape and sexual assault accusations against the applicant; failure by the Supreme Court to explain sufficiently the factual basis that could have justified qualifying the use of the term "rapist" (which is basically objective and factual in nature) as a value judgment in a specific context. (Article 8)</i>	<b>Individual measures:</b> The finding of a violations constitutes sufficient just satisfaction for any non-pecuniary damage. <b>General measures:</b> The violation resulted from the domestic court's reasoning. The judgment was published, translated and disseminated. The Judicial Council and the Judges' Association, the Bar Association and the Lawyers' Association organised training seminars offered useful insights into the ECHR case-law under Article 10 and its connection with rights protected under Article 8. In 2018, a new Act on the Judiciary established an independent agency – the Judicial Administration - one of its tasks being to organise the training and education for judges.
<a href="#">CM/ResDH(2019) 21</a>	ITA / Maggio and Others and 2 other cases	46286/09+	31/08/2011 31/05/2011	<b>Access to and efficient functioning of justice:</b> <i>Unfair proceedings due to the adoption and application of new legislation to on-going court proceedings concerning the calculation of the retirement pensions of Italian nationals who had worked in Switzerland, which effectively decided the outcome of these proceedings in favour of the State. (Article 6 §1)</i>	<b>Individual measures:</b> Just satisfaction in respect of pecuniary for loss of real opportunities and non-pecuniary damage paid. <b>General measures</b> required to ensure that retroactive laws are applied in strict conformity with ECHR requirements is examined in the Agrati and Others group of cases.
<a href="#">CM/ResDH(2019) 120</a>	ITA / Mazzeo	32269/09	05/03/2018 05/10/2017	<b>Access to and efficient functioning of justice and protection of property:</b> <i>Denial of access to a court and violation of the principle of legal certainty due to the impossibility for the applicants to obtain</i>	<b>Individual measures:</b> Just satisfaction in respect of non-pecuniary and pecuniary damage (amount of the recognised debt) paid. <b>General measures:</b> Isolated case. The judgment was published, translated and disseminated.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>the debt collection recognised by a final judgment of the Council of State. (Article 6 §1)</i>	
<a href="#">CM/ResDH(2019)63</a>	ITA / Messina and 4 other cases	26128/04+	09/05/2017 09/02/2017	<b>Protection of property:</b> <i>Unlawful interference due to the occupation and acquisition of land by municipal authorities by way of indirect expropriation, in breach of the rules and safeguards and thus incompatible with the legality principle as well as excessively restrictive rules on compensation for emergency expropriations by local authorities. (Article 1 of Protocol No. 1)</i>	<u>Individual measures:</u> Just satisfaction in respect of pecuniary and non-pecuniary damage paid. <u>General measures:</u> See CM/ResDH(2017)138 in the Belvedere Alberghiera S.R.L. group of cases.
<a href="#">CM/ResDH(2019)121</a>	ITA / Piazzi and 7 other cases	36168/09+	02/02/2011 02/11/2010	<b>Protection of private and family life / access to and efficient functioning of justice:</b> <i>Failure of juvenile courts and social services to make sufficient and adequate efforts to ensure that the applicants can exercise their visiting rights to their children or grandchildren or on account of the excessive length of judicial proceedings, including criminal, which limited these rights (Articles 8 and/or 6§1)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. On the basis of the present judgments, new requests concerning visiting rights may be introduced. Contacts between certain applicants and their children have been re-established; the situation of other applicants has been reassessed by the national courts in the light of the present judgments. In 3 cases, the children concerned reached majority. <u>General measures</u> required in response to the shortcomings found continue to be examined in the Strumia case (No. 53377/13). The issue of the excessive length of criminal proceedings continues to be examined in the framework of the Ledonne group of cases (No. 35742/97). The judgments were published, translated and disseminated. Extensive awareness-raising measures, including the inclusion of the judgments in the programmes of initial and continuous trainings of judges.
<a href="#">CM/ResDH(2019)</a>	LIT /	23532/14	16/10/2018	<b>Access to and efficient functioning of</b>	<u>Individual measures:</u> Just satisfaction in respect of non-

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
<a href="#">132</a>	<b>Daineliene</b>		16/10/2018	<i>justice: Failure to carry out a fair and impartial consideration of an appeal on points of law against a ruling of embezzlement of property before the Supreme Court in criminal proceedings resulting in the applicant's conviction, on the ground that the presiding judge of the three-judge panel was the father of the prosecutor in the case. (Article 6 § 1)</i>	pecuniary damage paid. The applicant did not ask for reopening of proceedings. <u>General measures:</u> Changes in the internal regulations and organisation of the Supreme Court's work aim at better ensuring the impartiality principle in case assignment and panel composition. The assignment of cases to judges in appeals and the composition of panels are automatically generated by a computer program, on the basis of a series of criteria set in the Rules of the Judicial Council of 2015 (judges' specialisation, priority of cases, the closest possible date of hearing, legal prohibitions for judges to hear a certain case, circumstances that require a judge to be removed from a case, holidays, incapacity, potential conflict of interests (added in 2019) or other reasons not to hear a case.) The judges' assignment is decided by the Chair of the Supreme Court Division or the President. The panels' composition is announced on the Supreme Court's website. The Rules on the composition of panels were published in the Register of Legal Acts in 2019. In cases a judge was considered in appeal as biased the judgments were quashed. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2019) 73</a>	<b>LIT / Jankovskis</b>	<b>21575/08</b>	<b>17/04/2017</b> 17/01/2017	<b>Freedom of expression – freedom to receive and impart information:</b> <i>Unjustified restriction by prison authorities of a detainee's access to an internet site providing educational information. (Article 10)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. The applicant was entitled to request reopening of the administrative proceedings. <u>General measures:</u> In 2014, limited internet access LIA to certain websites was granted to inmates and respective guidelines were issued by the Prison Department stipulating that each facility should have a detailed procedure for the use of LIA, approved by the director, including technical instructions. Furthermore, for access to additional websites requests may be submitted. The judgment was published, translated and disseminated, inter alia to the Prison Department.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
<a href="#">CM/ResDH(2019)93</a>	LIT / Manic	46600/11	13/04/2015 13/01/2015	<b>Protection of family life:</b> <i>Interference due to the authorities' failure to enforce the (England) High Court of Justice decision defining the applicant's contact rights with his child residing in Lithuania with his mother. (Article 8)</i>	<b>Individual measures:</b> Just satisfaction in respect of non-pecuniary damage paid. The applicant's request for reopening of the impugned proceedings was rejected by the Supreme Court on the ground that the temporary contact order at issue was no longer valid and because the applicant's right to communicate with his child was not limited in principle and he could have applied to a court to establish a new contact order. <b>General measures:</b> The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2019)142</a>	LIT / Matiosaitis and Others	22662/13+	23/08/2017 23/05/2017	<b>Protection against ill-treatment:</b> <i>Absence of any mechanism providing a possibility for review and release of life prisoners amounts to degrading treatment. (Article 3)</i>	<b>Individual measures:</b> The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. The applicants' individual situation shall be remedied by the introduction of the mechanism for the possibility of effective review of the life imprisonment sentence. <b>General measures:</b> The mechanism for effective review of the life imprisonment sentence required amendments to the Criminal Code, the Code of Criminal Procedure and the Penal Code, which govern the judicial procedure in accordance to which the decision on commutation of a life imprisonment sentence into a fixed-term custodial sentence is taken. Today there are 123 life convicts. Individual social rehabilitation plans are drawn up taking into consideration the degree of risks of a convict's criminal behaviour, criminological factors, forms of the convict's positive occupation, maintenance of social relations as well as factors contributing to the convict's social rehabilitation. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2019)3</a>	LIT / Sekmadienis Ltd.	69317/14	30/04/2018 30/01/2018	<b>Freedom of expression:</b> <i>Unnecessary and disproportionate interference due to the imposition of a fine on a commercial company by the State Consumer Rights Protection Authority, for running an</i>	<b>Individual measures:</b> Just satisfaction in respect of pecuniary damage (amount of the fine) paid. No other negative consequences of the violation. <b>General measures:</b> The relevant legal provision of the Law on Advertising was amended in 2013 clarifying that advertising

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>advertising campaign depicting religious figures, thus violating public morals. (Article 10)</i>	will be banned only if it expresses contempt for religious symbols or communities. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2019)4</a>	LIT / Urbsiene and Urbsys	16580/09	08/02/2017 08/11/2016	<b>Access to and efficient functioning of justice:</b> <i>Unfair civil proceedings due to the denial of legal aid and representation to prepare claims in domestic proceedings. (Article 6 §1)</i>	<b>Individual measures:</b> Just satisfaction in respect of non-pecuniary damage paid. The applicants' request to reopen the proceedings was rejected by the Supreme Court as there was no causal link between the violation found (denial of legal aid in bankruptcy and rent arrears proceedings) and the substance of the domestic courts' decision on the liquidation and de-registration of an entity from the Registry of Legal Entities. <b>General measures:</b> The judgment was published, translated and disseminated. The Law on State-guaranteed Legal Aid was amended in 2018 and grants the right to have one's individual situation assessed taking into consideration one's standard of living and financial status, one's possibilities to represent oneself effectively, the costs for advocate's assistance, the complexity and the scope of pecuniary requests (interests), the procedural status of the applicant and possible negative consequences.
<a href="#">CM/ResDH(2019)144</a>	MDA / Balakin and 22 other cases	59474/11+	09/12/2013 04/07/2013	<b>Protection of rights in detention:</b> <i>Lack of relevant and sufficient reasoning of detention orders, lengthy examination of the lawfulness of detention on remand, refusals by the domestic courts to allow the applicants access to the case files and to hear evidence from defence, and the lack of remedy to obtain compensation in respect of unlawful detention or insufficient amount of compensation. (Article 5)</i> <b>Other violations:</b> <i>Articles 3, 5 §1, 11 and 13 in conjunction with 8.</i>	<b>Individual measures:</b> Just satisfaction in respect of non-pecuniary damage paid. None of the applicants remained detained pending trial. <b>General measures</b> required continue to be examined within the framework of the Sarban group. In May 2016 substantial amendments were introduced in the Code of Criminal Procedure to ensure its compliance with Article 5 requirements. These amendments served inter alia to reinforce the existing limitation of the use of preventive measures involving deprivation of liberty, require the judge to consider applying alternative measures and strengthen the ability of the defence to challenge the legality of detention on remand. General measures adopted to address

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					issues of insufficient compensation awarded by the domestic courts, violations of Article 11, and Article 13 in conjunction with Article 8 were acknowledged by the Committee of Ministers in June 2018. General measures required with regard to conditions of detention shall be examined in the context of the I.D. group.
<a href="#">CM/ResDH(2019)5</a>	MDA / Cazacu	40117/02	23/01/2008 23/10/2007	<b>Protection of property:</b> <i>Unlawful refusal by domestic courts to grant the applicant redundancy payments as stipulated by domestic law. (Article 1 of Protocol No. 1)</i>	<b>Individual measures:</b> Just satisfaction in respect of pecuniary (amount of a one-off compensation equal to the applicant's monthly salary at his dismissal, his salary for two months after his dismissal and payment for unused leave) and non-pecuniary damage paid. As the Court considered that the applicant did not have a "legitimate expectation" of enjoying a property right as concern his further claim, reopening of domestic proceedings is not necessary. <b>General measures:</b> The new Labour Code of 2003 also provided that indemnities and compensation shall be paid to employees made redundant. In 2012, the Supreme Court of Justice issued new guidance on the examination of cases related to the payment of redundancy compensation. Domestic judicial practice shows that the relevant provisions of the Labour Code are properly applied in practice. The judgment was translated, published and disseminated to the relevant authorities, including the Supreme Court of Justice and the Superior Council of Magistracy.
<a href="#">CM/ResDH(2019)143</a>	MDA / Ceaicovschi and 3 other cases	37725/15+	05/06/2018 05/06/2018	<b>Protection against ill-treatment / conditions of detention:</b> <i>Poor conditions of detention in facilities under the authority of the Ministry of Justice, lack of adequate medical care in the detention facility of the National Anti-corruption Centre and lack of an effective domestic remedy to challenge poor conditions of detention. (Articles 3 and 13)</i>	<b>Individual measures:</b> Just satisfaction in respect of non-pecuniary damage paid. The applicants have either been released or transferred to another penitentiary facility in respect of which no further complaints have been received. <b>General measures</b> required in response to the shortcomings found continue to be examined within the framework of the I.D. group. Concerning sufficient reasons for detention, the relevant general measures are reported in the Sarban group of cases.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>Other violation: Lack of relevant and sufficient reasons for detention in the first case. (Article 5 §3)</i>	
<a href="#">CM/ResDH(2019)110</a>	MDA / Sultan	17047/07	05/09/2018 05/06/2018	<b>Access to and efficient functioning of justice:</b> <i>Denial of a fair trial due to the Supreme Court's refusal to examine the applicant's appeal on points of law challenging a decision rendered by an appellate court</i>	<b>Individual measures:</b> Just satisfaction in respect of non-pecuniary damage paid. The applicant did not seek reopening of the proceedings. <b>General measures:</b> Isolated case caused by a mistake made of the Registry of the Supreme Court of Justice in the absence of any legislative deficiencies. The judgment was published, translated and disseminated to all national courts.
<a href="#">CM/ResDH(2019)65</a>	MKD / Selami and Others	78241/13	01/06/2018 01/03/2018	<b>Protection of rights in detention and against ill-treatment:</b> <i>Failure to provide adequate monetary redress following the applicant's father's unlawful detention and ill-treatment. (Articles 5 §5 and 3 procedural limb)</i>	<b>Individual measures:</b> Just satisfaction in respect of non-pecuniary damage (corresponding to the difference between the amount obtained from domestic courts and the amount the ECHR would award in cases of similar degree of seriousness) paid. <b>General measures:</b> The four Courts of Appeal adopted a common binding conclusion, according to which the domestic courts should increase the amount of awarded compensation in similar cases to ECHR level. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2019)64</a>	MON / Lekic	37726/11	09/10/2018 09/10/2018	<b>Access to and efficient functioning of justice:</b> <i>Excessive length of civil proceedings. (Article 6 §1)</i>	<b>Individual measures:</b> Just satisfaction in respect of non-pecuniary damage paid. Domestic proceedings closed in 2010. <b>General measures:</b> See <a href="#">CM/ResDH(2017)38</a> in Stakic. In general terms, the following remedies were introduced and became effective: a request for review in 2013, an action for compensation in 2016 and a constitutional appeal in 2015.
<a href="#">CM/ResDH(2019)22</a>	MON / Vujovic and Lipa D.O.O.	18912/15	02/07/2018 20/02/2018	<b>Access to and efficient functioning of justice:</b> <i>Disproportionate hindrance of access to court due to the Court of Appeal's refusal to examine a company's and its</i>	<b>Individual measures:</b> Just satisfaction in respect of non-pecuniary damage paid. In 2013, the Court of Appeal examined the applicant's appeal against the ordering of insolvency proceedings and rejected it as unfounded.



Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>owner's appeal on the merits with regard to a court decision ordering the opening of insolvency proceedings. (Article 6 §1)</i>	<b>General measures:</b> In 2016 the impugned provision of the Insolvency Act was amended so as to preserve the right of a company's executive director or its representative to file an appeal against a decision to open insolvency proceedings. The judgment was translated, published and disseminated. It was used in training activities of the Training Centre for Judiciary and State Prosecutors.
<a href="#">CM/ResDH(2019)122</a>	MTA / Falzon	45791/13	20/06/2018 20/03/2018	<b>Freedom of expression:</b> <i>Disproportionate interference due to the applicant's conviction to pay damages for defamation of an MP in journalistic statements presented in a question format treated as statements of fact by domestic courts without relevant and sufficient reasons. (Article 10)</i>	<b>Individual measures:</b> Just satisfaction in respect of non-pecuniary and pecuniary (amount of fine) damage paid. <b>General measures:</b> The new Act on Media and Defamation of 2018 repealed and replaced the Press Act and updated Maltese law on libel and slander with the main aim of strengthening the right to freedom of expression. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2019)94</a>	MTA / Penaranda Soto	16680/14	19/03/2018 19/12/2017	<b>Right to individual petition:</b> <i>Unlawful monitoring by the prison authorities of the applicant's correspondence with the ECHR. (Article 34)</i>	<b>Individual measures:</b> Just satisfaction in respect of non-pecuniary damage paid. <b>General measures:</b> The judgment was published, translated and disseminated. The prison authorities reviewed their internal procedures in order to ensure their compatibility.
<a href="#">CM/ResDH(2019)74</a>	POL / Kuchta	58683/08	23/04/2018 23/01/2018	<b>Access to and efficient functioning of justice:</b> <i>Unfair criminal proceedings due to the applicant's inability to sufficiently or appropriately challenge witness statements, without clear reasoning of the domestic courts, resulting in his conviction for complicity in the use of forgeries. (Article 6 §1 and 3 d)</i>	<b>Individual measures:</b> Just satisfaction in respect of non-pecuniary damage paid. The Code of Criminal Procedure provides for the possibility to reopen criminal proceedings. <b>General measures:</b> Erroneous practice by domestic courts in the present case. The standards concerning fair trial and criminal proceedings were among the subjects of trainings for judges of common courts organised by the National School of Judiciary and Public Prosecution. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2019)97</a>	POL / Oleksa	47580/13	12/07/2018 12/07/2018	<b>Conditions of detention / Protection against ill-treatment:</b> <i>Inadequate prison</i>	<b>Individual measures:</b> No claim submitted. Compensation paid on a domestic level. The applicant is placed in cells of 3 m <sup>2</sup>

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>conditions in in Myslowice Remand Centre and in Wojtkowice Prison. (Article 3)</i>	space per one detainee so that the Executive Criminal Code was always respected. <i>General measures:</i> The problem of overcrowding does not currently occur in Polish penitentiary units. The issue of detention in overcrowded conditions is supervised in the context of the Ojczyk case. In 2017, coordinators for international cooperation and human rights were appointed to provide for judges, judicial assessors and assistants of judges, information on ECHR standards. The judgment was published, translated and disseminated; it was used in training activities for judges.
<a href="#">CM/ResDH(2019)95</a>	POL / Wolosowicz	11757/15	12/07/2018 12/07/2018	<b>Conditions of detention / Protection against ill-treatment:</b> <i>Inadequate prison conditions in Siedlce Prison in an overcrowded cells. (Article 3)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> The issue of detention in overcrowded conditions is supervised in the context of the Ojczyk case. In 2017, coordinators for international cooperation and human rights were appointed to provide for judges, judicial assessors and assistants of judges, information on ECHR standards. The judgment was published, translated and disseminated; it was used in training activities for judges.
<a href="#">CM/ResDH(2019)98</a>	POL / Zagalski	52683/15	19/07/2018 19/07/2018	<b>Protection of rights in detention:</b> <i>Excessive length of detention on remand. (Article 5 §3)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The applicant was released. <i>General measures:</i> The issue of excessive length of detention is supervised in the context of Porowski case. In 2017, coordinators for international cooperation and human rights were appointed to provide for judges, judicial assessors and assistants of judges, information on ECHR standards. The judgment was published, translated and disseminated. It was used in training activities for judges.
<a href="#">CM/ResDH(2019)96</a>	POL / Zielinski	43924/12	05/07/2018 05/07/2018	<b>Protection of rights in detention:</b> <i>Excessive length of detention on remand. (Article 5 §3)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> The issue of excessive length of detention

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					is supervised in the context of Porowski case. Statistics show, that there is a declining trend in the number of persons in detention on remand. In 2017, coordinators for international cooperation and human rights were appointed to provide for judges, judicial assessors and assistants of judges, information on ECHR standards. The judgment was published, translated and disseminated and used in training activities for judges.
<a href="#">CM/ResDH(2019)123</a>	PRT / Soares de Melo	72850/14	16/05/2016 16/02/2016	<b>Protection of private and family life:</b> <i>Disproportionate interference due to the placement of a mother's six children for adoption on grounds of mother's poverty and refusal to undergo sterilisation, the prohibition of contact between mother and children and the unfair decision-making process on account of the mother's lack of effective involvement. (Article 8)</i>	<b>Individual measures:</b> Just satisfaction in respect of non-pecuniary damage paid. As from 2016, the mother was allowed to visit her children. Following the annulment of the impugned decision by the Constitutional Court in 2016, the competent tribunal established in re-opened proceedings a plan for re-integration of the minor children into their mother's family. The implementation of the resulting agreement for the promotion and protection with the parents is supervised by the Social Services. <b>General measures:</b> The judgment was published, translated and disseminated to all services concerned with issues relating to the protection of minors. In 2015, the Law on the promotion and protection of children and youth in danger was amended in order to make the parents' legal representation obligatory in proceedings concerning the placement of their children.
<a href="#">CM/ResDH(2019)34</a>	ROM / Astileanu and Axente and 11 other cases	43258/07+	30/11/2017 30/11/2017	<b>Access to and efficient functioning of justice:</b> <i>Excessive length of judicial proceedings. (Article 6 §1)</i>	<b>Individual measures:</b> Just satisfaction in respect of non-pecuniary damage paid. All domestic proceedings are terminated. <b>General measures</b> required will be evaluated in the framework of the group of cases Vlad (No. 40756/06).
<a href="#">CM/ResDH(2019)124</a>	ROM / Barbulescu	61496/08	05/09/2017 Grand Chamber	<b>Protection of private life and of correspondence:</b> <i>Disproportionate interference due to the monitoring of an</i>	<b>Individual measures:</b> The finding of a violation constitutes sufficient just satisfaction in respect of non-pecuniary damage. The applicant had the possibility to request review

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>employee's use of the Internet at his place of work and use of data collected to justify his dismissal. (Article 8)</i>	of the impugned decision. <i>General measures:</i> Violation due to erroneous application of domestic law in the specific case. The judgment was published, translated and disseminated. It is used in training activities of the National Institute for Magistrates.
<a href="#">CM/ResDH(2019)125</a>	ROM / Borşan	25228/09	05/12/2017 05/12/2017	<b>Access to and efficient functioning of justice:</b> <i>Denial of a fair trial due to the infringement of the principle of legal certainty on account of the revision of a final judicial decision. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The applicant submitted a request for revision of the impugned decision which was granted. <i>General measures:</i> See CM/ResDH((2014)153 in Gridan and Others.
<a href="#">CM/ResDH(2019)58</a>	RUS / Abidov and 19 other cases	52805/10+	12/09/2012 12/06/2012	<b>Protection of rights in detention in view of extradition and protection against ill-treatment / conditions of detention:</b> <i>Lack of any mechanism to initiate judicial review of the lawfulness of detention pending extradition to Uzbekistan and poor conditions of detention on remand and in police custody, as well as inadequate medical treatment on remand. (Articles 5 and 3)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The applicants are no longer detained. <i>General measures</i> required in response to the shortcomings found continue to be examined within the framework of the Garabayev group of cases.
<a href="#">CM/ResDH(2019)151</a>	RUS / Baranov and Others and 11 other cases	60993/16+	08/02/2018 08/02/2018	<b>Conditions of detention / protection against ill-treatment:</b> <i>Poor conditions of detention in facilities under the authority of the Ministries of Justice and of the Interior, the lack of adequate medical care, and the lack of an effective domestic remedy. (Articles 3 and 13)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The applicants were released or provided with the necessary medical care. <i>General measures</i> required in response to the shortcomings found continue to be examined within the framework of the Kalashnikov group. Other violations found in some of these cases are or were examined by the Committee in the cases or groups of Klyakhin, Guliyev, and Svinarenko and Slyadnev.
<a href="#">CM/ResDH(2019)66</a>	RUS / Denisova and Moiseyeva	16903/03	04/10/2010 01/04/2010 (Merits)	<b>Protection of property:</b> <i>Disproportionate interference due to the lack of a proper judicial review of the confiscation</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The applicants have not requested reopening of the relevant civil proceedings or lodged other

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
			<b>14/09/2011</b> 14/06/2011 (Just satisfaction)	<i>measures imposed on the applicants' property in the framework of criminal proceedings instituted against a member of their family without global assessment of the family property and without balancing the rights of family members, both required under the applicable domestic law provisions. (Article 1 of Protocol No. 1)</i>	applications following the judgment. The property (a car) was returned in 2005, no steps were undertaken concerning the computers. <u>General measures:</u> Rare occurrence due to the incorrect interpretation of domestic legislation and clarifying rulings of the Supreme Court. Nevertheless, in 2013, the Criminal Procedure Code was amended to allow persons to lodge an appeal directly in the criminal proceedings, thus addressing one of the underlying reasons for the violation in the present case. In 20015, the judicial review over extensions of property seizure (so far decided by investigators without necessity to seek the approval of a domestic court) was introduced granting the participation of the owner of the property in the proceedings. Thus, there is now an additional safeguard against possible abuses in relation to seizure of property within criminal proceedings in which a person otherwise does not participate. In 2018, the Supreme Court highlighted that third parties' property can be confiscated only if these persons knew or should have known that it had been criminally acquired or used (or would have been used) to commit a crime. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2019)145</a>	RUS / Kovyazin and 1 other case	50043/14+	<b>29/05/2018</b> 29/05/2018	<b>Protection against ill-treatment:</b> <i>Confinement of the applicants in a metal cage in the courtroom during criminal proceedings against them. (Article 3)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. The applicants' trials ended. <u>General measures</u> required in response to the shortcomings found continue to be examined within the framework of the Svinarenko and Slyadnev group of cases.
<a href="#">CM/ResDH(2019)100</a>	RUS / Oleynikov	36703/04	<b>09/09/2013</b> 14/03/2013	<b>Access to and efficient functioning of justice:</b> <i>Denial of access to a court on account of the domestic courts' refusal in 2004 to consider the applicant's civil claim concerning the non-repayment of a debt against a trade representation of the</i>	<u>Individual measures:</u> No claim in respect of non-pecuniary damage submitted; the applicant had the opportunity to request the reopening of his case, but did not avail himself of this opportunity. <u>General measures:</u> The Law On Jurisdictional Immunity of Foreign State and of Property of a Foreign State in the

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>embassy of a foreign State without any analysis of the underlying transaction, the applicable legal provisions of the international treaty between the two countries or the applicable principles of customary international law. (Article 6 §1)</i>	Russian Federation (2015) provides that a foreign State shall have no immunity with regard to claims resulting from the activities of its entities which are of a private law nature. Accordingly, the principle of absolute immunity of a foreign State, the application of which was the reason for the present violation, no longer exists. The Code of Civil Procedure was amended in 2015 providing that the jurisdiction of the Russian courts over the foreign State entities is determined in accordance with the principles and provisions of international law, or international treaties. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2019)126</a>	RUS / Putintseva	33498/04	10/08/2012 10/05/2012	<b>Right to life / Action of security forces:</b> <i>Failure to protect the right to life of the applicant's son who was shot dead in 2002 in an attempt to escape the military unit where he was serving as a conscript due to the deficiency of the legal framework regulating the use of force in the armed forces, namely the Statute of Garrison and Sentry Service, in that it called for nondiscretionary use of lethal force to prevent an escape, without making the use of firearms dependent on an assessment of the surrounding circumstances or requiring an evaluation of the nature of the offence committed by the fugitive and of the threat he or she posed. (Article 2 substantive limb)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. <u>General measures:</u> By a Presidential Decree of 2015 the impugned provision in the Statute of Garrison and Sentry Service was repealed and replaced with a new provision in the Military Police Statute, providing that all possible alternative measures must be taken to arrest a person before applying firearms. The judgment has been translated, published and disseminated among the relevant authorities (including the Ministry of Defence, the Investigative Committee, the Chief Military Prosecutor's Office, the Ministry of the Interior and the Supreme Court).
<a href="#">CM/ResDH(2019)67</a>	SLO / Furmann	16608/09	05/05/2015 05/02/2015	<b>Protection of private and family life:</b> <i>Disproportionate interference as a result of the excessive length of proceedings concerning custody and visiting rights relating to the applicant's child. (Article 8)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. The impugned enforcement proceedings were concluded in 2012 and the applicant's daughter reached the age of majority in December 2011. <u>General measures:</u> A new Family Code - applicable as of April

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					2019 - introduced mediation aimed at resolving family-related disputes, which are generally to be addressed as priority. In June 2018 a new Non-Contentious Civil Procedure Act was drafted determining that relations between parents and children will be decided in non-contentious proceedings. As a novelty, in proceedings concerning protection of the child's best interests (including proceedings on determination of custody and contact arrangements) strict deadlines were set for courts and experts. Court decisions concerning contact and access rights are enforced in accordance with the Claim Enforcement and Security Act providing for fines in case of parental obstruction. For measures aimed at reducing length and increasing efficiency of domestic proceedings as well as introducing an effective remedy, see CM/ResDH(2016)354 in Lukenda group. Training activities for judges on the right to family life were organised, including on aspects related to EU mechanisms (Brussels IIa Regulation) of cross border cooperation in custody matters. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2019)68</a>	SLO / S.I.	45082/05	13/01/2012 13/10/2011	<b>Protection of private and family life:</b> <i>Disproportionate interference as a result of the excessive length of proceedings concerning custody and visiting rights relating to the applicant's child. (Article 8)</i>	<b>Individual measures:</b> Just satisfaction in respect of non-pecuniary damage paid. The impugned enforcement proceedings were concluded in 2006 with an agreement on custody and contact rights following which regular contact was re-established. <b>General measures:</b> A new Family Code - applicable as of April 2019 - introduced mediation aimed at resolving family-related disputes, which are generally to be addressed as priority. In June 2018 a new Non-Contentious Civil Procedure Act was drafted determining that relations between parents and children will be decided in non-contentious proceedings. As a novelty, in proceedings concerning protection of the child's best interests (including proceedings on determination of custody and contact

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					arrangements) strict deadlines were set for courts and experts. Special measures were adopted to ensure respect of deadlines for interim orders in custody and access proceedings before the Ljubljana District Court. The judge's refusal to enforce an interim decision in the present case constitutes an isolated occurrence. Court decisions concerning contact and access rights are enforced in accordance with the Claim Enforcement and Security Act providing for fines in case of parental obstruction. For measures aimed at reducing length and increasing efficiency of domestic proceedings as well as introducing an effective remedy, see CM/ResDH(2016)354 in Lukenda group. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2019)47</a>	SUI / Uche	12211/09	17/07/2018 17/04/2018	<b>Access to and efficient functioning of justice:</b> Denial of the right to a reasoned judgment due to the Federal Court's failure to give adequate reasons for not addressing the applicant's complaint alleging a breach of the adversarial principle. (Article 6 § 1)	<b>Individual measures:</b> Just satisfaction for non-pecuniary damage paid in due time. The applicant could have requested the reopening of the domestic proceedings but did not avail himself of this opportunity. <b>General measures:</b> The judgment was published and disseminated to all authorities concerned.
<a href="#">CM/ResDH(2019)102</a>	SVK / Kuc	37498/14	25/10/2017 25/07/2017	<b>Protection of rights in detention:</b> Insufficient justification for the applicant's pre-trial detention failing to take into account the applicant's personal circumstances. (Article 5 §3)	<b>Individual measures:</b> Just satisfaction in respect of non-pecuniary damage paid. The applicant was convicted and is no longer in pre-trial detention. <b>General measures:</b> See CM/ResDH(2011)158 in Kucera. The judgment was published, translated and disseminated to all relevant authorities and judges dealing with criminal matters.
<a href="#">CM/ResDH(2019)25</a>	SVN / Cerovsek and Bozicnik	68939/12	07/06/2017 07/03/2017	<b>Access to and efficient functioning of justice:</b> Denial of a fair trial on account of the fact that the reasons for the applicants' convictions had been given by judges who had not participated in the trial	<b>Individual measures:</b> Just satisfaction in respect of non-pecuniary damage paid. In reopened proceedings in 2018, the sole judge set down the written reasons for her decision. <b>General measures:</b> In 2010 a general IT system for monitoring of criminal proceedings was introduced



Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>proceedings after the initial sole judge's (who had found the applicants guilty by oral verdict three years earlier) retirement. (Article 6 §1)</i>	monitoring the progress made in each case. The present violation resulted from the non-observance of the legal framework and constitutes an isolated occurrence. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2019) 9</a>	SVN / Mirovni Institut	32303/13	13/06/2018 13/03/2018	<b>Access to and efficient functioning of justice:</b> <i>Denial a fair trial due to lacking reasons for the Administrative Court's refusal to hold an oral hearing in proceedings concerning a decision not to award the applicant government funding. (Article 6 §1)</i>	<b>Individual measures:</b> Just satisfaction in respect of non-pecuniary damage paid. The Administrative Disputes Act does not provide for the possibility of reopening of proceedings on the basis of a finding by the ECHR. However, pursuant to Article 15 of the Constitution in case of human rights violations, like in the present case, redress may be obtained, including financial compensation. The Code of Obligations also provides a concrete and practical avenue to claim pecuniary damage. The applicant did not raise any claims for damages before domestic courts. <b>General measures:</b> The violation resulted from inadequate case-law of the Administrative Court in this case. Since 2011, when the impugned decision was taken, the Administrative Court has ensured that refusals of oral hearing were based on legal grounds and adequate. The judgment was translated, published and disseminated to the relevant authorities, including the Supreme Court, Administrative Court and the Ministry of Justice. It was used in training activities, in particular of the Administrative Law Judicial School.
<a href="#">CM/ResDH(2019) 8</a>	SVN / Poropat	21668/12	09/08/2017 09/05/2017	<b>Access to and efficient functioning of justice:</b> <i>Denial a fair trial on account of the courts' refusal to admit evidence the applicant had wished to adduce in criminal proceedings in which he was convicted of threatening his neighbour. (Article 6 §§1 and 3d)</i>	<b>Individual measures:</b> Just satisfaction in respect of non-pecuniary damage paid. After the quashing of the impugned ruling, the applicant's adversary withdrew his charges, proceedings were discontinued and the applicant's conviction was deleted from the criminal offence record. <b>General measures:</b> The violation resulted from inadequate application of legislation in force by the domestic courts; isolated occurrence. The judgment was translated, published and disseminated to the relevant authorities.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
<a href="#">CM/ResDH(2019)59</a>	TUR / Abdurrahman Tekin and 54 other cases in the Ataman group	42899/11+	25/09/2018 25/09/2018	<p><b>Freedom of assembly and protection against ill-treatment:</b> <i>Disproportionate interference due to the prosecution of participants in peaceful assemblies and use of excessive force to disperse peaceful demonstrations, failure to carry out an effective investigation into the applicants' allegations of ill-treatment in custody. (Articles 3 and 11)</i></p> <p><i>Other violations concern:</i>  <i>Failure to provide concrete and sufficient reasoning and to consider alternative measures for the applicants' pre-trial detention (Article 5 §1);</i>  <i>Failure to communicate to the applicants the prosecutor's opinion before the Court of Cassation (Article 6 §1)</i></p>	<p><i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage (and, if awarded, of pecuniary damage) paid. In relevant cases, applicants against whom criminal proceedings had been initiated were eventually acquitted (apart from one applicant who failed to request reopening of proceedings). In the cases concerned, reopening of criminal investigations into allegations of ill-treatment by law enforcement officers was no longer possible as the statute of limitations had expired.</p> <p><i>General measures</i> required in response to the shortcomings found continue to be examined within the framework of the freedom of assembly group (Oya Ataman group). Concerning the failure to communicate the prosecutor's opinion before the Court of Cassation, see <a href="#">CM/ResDH(2011)307</a> in Göç group. As regards the failure to provide concrete and sufficient reasoning and to consider alternative measures for pre-trial detention, this issue is being examined under the Nedim Şener group of cases.</p>
<a href="#">CM/ResDH(2019)75</a>	TUR / Adem Serkan Gundogdu	67696/11	16/04/2018 16/01/2018	<p><b>Protection of rights in detention:</b> <i>Failure to provide the accused applicant a copy of the public prosecutor's opinion on his continued pre-trial detention. (Article 5 §4)</i></p>	<p><i>Individual measures:</i> The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage.</p> <p><i>General measures:</i> see Final Resolution <a href="#">CM/ResDH(2016)332</a> in Demirel group of cases concerning the non-communication of the public prosecutor's opinion to the applicant or his representative in the context of review proceedings of the lawfulness of the detention.</p>
<a href="#">CM/ResDH(2019)51</a>	TUR / Aksoy and 273 cases (including 69 cases concluded by friendly settlements or other solutions)	21987/93+	18/12/1996 18/12/1996	<p><b>Action of security forces: Right to life, protection against ill-treatment; protection of property; lack of an effective remedy:</b> <i>Against the background of the fight against terrorism, mainly in the South-East of Turkey, under the state of emergency between 1987 and 2002, unlawful killing of the applicants' next-of-</i></p>	<p><i>Individual measures:</i> Just satisfaction in respect of pecuniary and/or non-pecuniary damage paid in all cases as awarded by the ECHR. In view of the important shortcomings in the regulatory framework such as the shortness of the relevant prescription periods which prevented the public prosecutors to carry out effective criminal investigations into the actions of the security forces during this period, the issue of individual measures had largely to be integrated into that of</p>

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
	on the basis of undertakings to take remedial measures)			<p><i>kin by members of the security forces; failure to protect the right to life of the applicants' next-of-kin; ill-treatment during police custody; unjustified destruction of property and lack of effective domestic remedies for the applicants' complaints. (Articles 2, 3, 5, 8 and 13 and of Article 1 of Protocol No. 1).</i></p> <p><i>Several cases also concern the failure to cooperate with the Convention organs under Article 38.</i></p>	<p>the general measures necessary to allow for effective investigations.</p> <p>As regards remaining aspects of individual measures, the criminal proceedings in 13 cases are pending before the judicial authorities (E.O. (28497/95), Anter and others (55983/00), Zengin (46928/99), Nesibe Haran (28299/95), Seyhan (33384/96), Ahmet Özkan and others (21689/93), Belkiza Kaya and others (33420/96), Mahmut Kaya (22535/93), Ekrem (75632/01), Wolf-Sorg (6458/03), Özgen and others (38607/97), Akdeniz and others (23954/94), İpek (25760/94)) and will continue to be examined these cases in a separate group (Mahmut Kaya).</p> <p><u>General measures:</u> See also Interim Resolutions DH(99)434, DH(2002)98, ResDH(2005)43 and CM/ResDH(2008)69. Extensive measures adopted so far include the giving of direct effect to the Convention requirements by Constitutional amendment; the introduction of the right of individual application to the Constitutional Court; the removal of any prescription period or requirement for administrative authorisation for investigations and prosecutions of crimes of torture and ill-treatment; the improvement of procedural safeguards in police custody, including the right to access to a lawyer; the alignment of the detention periods and regulations with the Convention standards; the prompt and efficient implementation of the "Law on Compensation of the Losses Resulting from Terrorism and from the Measures taken against Terrorists"; the improvement of professional training for members of the security forces as well as the training of judges and prosecutors.</p> <p>General measures related to the accountability of members of the security forces and the need for administrative authorisation to prosecute certain crimes other than torture and ill-treatment continue to be supervised, in particular in the Bati and Others group of cases. Remaining issues on the</p>

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					overall conduct of police and gendarmerie operations continue to be supervised in the Kasa and Erdoğan and Others groups of cases.
<a href="#">CM/ResDH(2019)10</a>	TUR / Akyazici	43452/02	15/03/2010 15/12/2009	<b>Access to and efficient functioning of justice:</b> Denial of a fair trial on account of the non-communication to the applicant the written opinion submitted by the Principal Public Prosecutor to the Court of Cassation. (Article 6§1)	<b>Individual measures:</b> The finding of a violation constitutes in itself sufficient just satisfaction for non-pecuniary damage. The applicant was acquitted in 2004 and the consequences of his conviction nullified. <b>General measures:</b> Concerning the failure to communicate to the applicants the prosecutor's opinion before the Court of Cassation, see <a href="#">CM/ResDH(2011)307</a> in the Göç group. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2019)69</a>	TUR / Ates Mimarlik Muhendislik A.S.	33275/05	11/02/2013 25/09/2012	<b>Access to and efficient functioning of justice:</b> Denial of access to a court due to the refusal of domestic courts to take into consideration the judgment of a German court finding that the applicant company's claim would only become due after issuance of the final statement of costs and excessive length of proceedings. (Article 6 §1)	<b>Individual measures:</b> Just satisfaction in respect of non-pecuniary damage paid. The applicant company's request for reopening of the impugned civil proceedings following the Court's judgment was granted by the Commercial Court and its claim was partially accepted. <b>General measures:</b> See <a href="#">CM/ResDH(2017)148</a> in Selin Aslı Öztürk concerning measures adopted to enhance efficiency of justice and <a href="#">CM/ResDH(2014)298</a> in the Ormancı and Others group concerning the reduction of excessive length of proceedings.
<a href="#">CM/ResDH(2019)107</a>	TUR / Bil Insaat Taahhut Ticaret Limited Sirketi	29825/03	01/01/2014 01/10/2013	<b>Protection of property:</b> Unlawful interference due to the demolition of the applicant company's construction work on an expropriated site despite a permit to open a "type-2 non-health establishment". (Article 1 of Protocol No. 1)	<b>Individual measures:</b> Just satisfaction in respect of non-pecuniary and pecuniary damage (amount based on an expertise established during domestic proceedings) paid. <b>General measures:</b> Rather isolated exceptional occurrence. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2019)52</a>	TUR / Cihangir Yildiz	39407/03	17/07/2018 17/04/2018	<b>Access to and efficient functioning of justice:</b> Denial of a fair trial on account of the failure of the domestic court to provide sufficient reasoning. (Article 6)	<b>Individual measures:</b> Just satisfaction in respect of non-pecuniary damage paid. No request for reopening of the impugned proceedings submitted. <b>General measures:</b> See <a href="#">CM/ResDH(2018)394</a> in Gereksar and

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					Others. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2019)148</a>	TUR / Ergin No. 6 and 6 other cases	47533/99+	04/08/2006 04/05/2006	<b>Access to and efficient functioning of justice:</b> Denial of a fair trial on account of the lack of independence and impartiality of military courts trying civilians and interference with freedom of expression on account of the applicants' convictions for expressing non-violent opinions critical of the requirement to carry out compulsory military service. (Articles 6 §1 and 10)	<b>Individual measures:</b> Just satisfaction in respect of non-pecuniary damage paid. The applicants were entitled to request reopening of the domestic proceedings. However, no applicant availed themselves of this opportunity. <b>General measures:</b> Liability to incitement of immediate desertion from the armed forces, or abstention from military service was restricted in the new Criminal Code and the respective provision was again amended in 2013, when the conditions to prosecute were restricted. These changes resulted in a considerable reduction in the number of prosecutions and verdicts. Furthermore, the domestic courts' practice regarding the new offence is consistent with ECHR jurisprudence. As regards fair trial, military courts were abolished in 2017 and individual application to the Constitutional Court is considered an efficient remedy since 2012. The Justice Academy training judges and prosecutors provides courses in these matters. The judgments were published, translated and disseminated.
<a href="#">CM/ResDH(2019)105</a>	TUR / Esim and 1 other case	59601/09+	17/12/2013 17/09/2013	<b>Access to and efficient functioning of justice:</b> Denial of access to a court due to the dismissal by the Supreme Military Court of the applicant's claim for compensation as being out of time on the basis of an excessively formalistic interpretation of the time limit. (Article 6 §1)	<b>Individual measures:</b> Just satisfaction in respect of non-pecuniary damage paid. In one case, the applicant requested reopening of the impugned proceedings, which was granted. <b>General measures:</b> The military jurisdiction (including the Military Court of Cassation and the Supreme Military Administrative Court) was abolished by constitutional amendment in 2017. Civil administrative courts acquired the competence to settle the issues under military administration, taking an approach which is in accordance with the ECHR findings. Furthermore, change of case-law of the Constitutional Court with reference to the present ECHR judgment. The judgments were published, translated and disseminated.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
<a href="#">CM/ResDH(2019)54</a>	TUR / Fatih Tas (No. 3)	45281/08	10/09/2018 24/04/2018	<b>Access to and efficient functioning of justice:</b> Excessive length of criminal proceedings and lack of an effective remedy. (Article 6§1)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. Domestic proceedings closed. <i>General measures:</i> See <a href="#">CM/ResDH(2014)298</a> in the Ormanci and Others group of cases. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2019)106</a>	TUR / Goktas	71447/11	09/10/2018 09/10/2018	<b>Access to and efficient functioning of justice:</b> Denial of a fair trial due to the statutory inability to modify, in the light of expert reports, the parties' initial claims submitted in a compensation procedure for pecuniary damage. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The applicants were entitled to submit a request for reopening of the impugned proceedings. <i>General measures:</i> See <a href="#">CM/ResDH(2016)115</a> concerning the Erten group of cases. Subsequent domestic case-law shows that modification of an initial claim is possible in administrative proceedings. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2019)39</a>	TUR / Gulmez	16330/02	29/09/2008 20/05/2008	<b>Access to and efficient functioning of justice and protection of private life:</b> Denial of a fair hearing in disciplinary proceedings brought by the prison authorities during the applicant's detention on remand due to the fact that his objections lodged against disciplinary sanctions were examined in camera on the basis of the case-file without assistance of a lawyer as well as restriction of visiting rights without sufficient legal basis. (Articles 6§1 and 8)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The prison authorities imposed disciplinary sanctions against the applicant 16 times in total. In respect of 11 decisions the applicant appealed before the enforcement court, which examined the appeals by holding public hearings. Furthermore, the applicant had lawyer assistance during the hearings. With respect to decisions of the enforcement judges regarding disciplinary proceedings retrial is legally not possible. <i>General measures:</i> The Law on the Competences of Enforcement Judges of 2001 was amended in 2010 providing that objections filed against disciplinary sanctions imposed by the prison authorities shall be examined by enforcement judges, who shall hear the complainant and collect all the evidence. Furthermore, the applicant could benefit from legal assistance during the hearing. In 2005, a new Law on the Enforcement of Sentences and Preventive Measures

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					defined the disciplinary offences for which the deprivation of visits can be imposed as a disciplinary punishment no longer than three months and included a list of punishable acts, the penalties relating to them and the procedure to be followed. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2019)113</a>	TUR / Irfan Temel and Others and 1 other case	36458/02+	03/06/2009 03/09/2009	<b>Right to education:</b> <i>Disciplinary proceedings against the applicants for having petitioned the university authorities to provide optional Kurdish language courses on the basis of the Disciplinary Regulations of Higher Education 1985. (Article 2 of Protocol No. 1)</i>	<b>Individual measures:</b> Just satisfaction in respect of non-pecuniary damage paid. The disciplinary sanctions imposed were annulled by the Administrative Courts. <b>General measures:</b> New disciplinary regulations were adopted in 2012 without the impugned provisions. To request from a university to provide an optional course for a certain language cannot be regarded as an action which is to be subjected to disciplinary proceedings. Furthermore, students are allowed to petition the university to do so, and it is at the discretion of the university to introduce such courses. The judgments were published, translated and disseminated.
<a href="#">CM/ResDH(2019)103</a>	TUR / Isik	49009/09	27/02/2018 27/02/2018	<b>Access to and efficient functioning of justice:</b> <i>Denial of a fair trial on account of lack of legal assistance available during the preliminary investigation. (Article 6 §1)</i>	<b>Individual measures:</b> Just satisfaction in respect of non-pecuniary damage paid. The applicant's request for reopening of the impugned procedure was granted. <b>General measures:</b> See <a href="#">CM/ResDH(2018)219</a> in the Salduz group of cases. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2019)53</a>	TUR / Kaplan	13807/08	30/01/2018 30/01/2018	<b>Access to and efficient functioning of justice:</b> <i>Denial of a fair trial on account of the lack of legal assistance available during the preliminary investigation. (Article 6 §1)</i>	<b>Individual measures:</b> The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. The applicant's request for reopening of the impugned proceedings had been accepted. <b>General measures:</b> See <a href="#">CM/ResDH(2018)219</a> in the Salduz group of cases. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2019)</a>	TUR / Keskin	16887/09+	10/07/2018	<b>Access to and efficient functioning of</b>	<b>Individual measures:</b> No claim submitted.

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<a href="#">76</a>	and 1 other case		Committee	<i>justice: Unfair domestic proceedings due to the failure by courts to provide the applicants with a copy of the written opinion of the Public Prosecutor before the Council of State. (Article 6 §1)</i>	<i>General measures:</i> see Final Resolution <a href="#">CM/ResDH(2012)226</a> concerning the Meral group of cases concerning the failure by courts to provide the applicants with a copy of the Public Prosecutor's opinion before the Council of State.
<a href="#">CM/ResDH(2019)79</a>	TUR / Magin	58593/09	27/02/2018 Committee	<i>Access to and efficient functioning of justice: Denial of access to a lawyer during questioning at police stations and use of the statements made as evidence in proceedings before State Security Courts. (Article 6 §3c in conjunction with 6§1)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> see Final Resolution <a href="#">CM/ResDH(2018)219</a> in the Salduz group of cases.
<a href="#">CM/ResDH(2019)137</a>	TUR / Mekiye Demirci	17722/02	23/07/2013 23/04/2013	<i>Protection of rights in detention: Unlawful custody for further interrogation under the state of emergency legislation after the applicant's detention on remand and absence of a remedy as well as lack of a right to compensation. (Article 5 §§1c+4+5)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> Concerning unlawful custody under the emergency legislation and lack of a remedy, see <a href="#">CM/ResDH(2007)96</a> in the cases of <i>Dağ and Yaşar</i> and <i>Emrullah Karagoz</i> . Concerning the absence of a right to compensation for unlawful detention on remand see <a href="#">ResDH(2002)110</a> in <i>Sakik and Others</i> group of cases and see <a href="#">CM/ResDH(2016)332</a> in <i>Demirel</i> group. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2019)128</a>	TUR / Nurcan Canpolat	27382/07	04/12/2012 Friendly settlement	<i>Right to life / Action of security forces: Complaint about the failure to protect the applicants' relative's life while in police custody and his subjection to ill-treatment amounting to torture and lack of effective investigations into the allegations. (Articles 2 and 3 as well as 13)</i>	<i>Individual measures:</i> Just satisfaction paid as agreed in the friendly settlement. <i>General measures:</i> The undertaking with regards to carrying out effective investigations into deaths in police custody incidents continue to be examined within the framework of the <i>Bati and Others</i> (Application No. 33097/96) group.
<a href="#">CM/ResDH(2019)104</a>	TUR / Okcu and 2 other cases	39515/03+	21/10/2009 21/07/2009	<i>Protection of property: Disproportionate interference due to the considerable loss in value and insufficient statutory interest</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary and pecuniary damage paid. All proceedings closed.



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				<i>rate of the compensation awarded after excessive length of proceedings. (Article 1 of Protocol No. 1 and of Article 6 §1) Other violation: lack of effective remedy (Article 13)</i>	<i>General measures:</i> See <a href="#">CM/ResDH(2014)298</a> adopted in the Ormanci and Others group of cases. The judgments were published, translated and disseminated.
<a href="#">CM/ResDH(2019)146</a>	TUR / Ovus and 1 other case	42981/04+	13/01/2010 13/10/2009	<b>Protection of family life and access to and efficient functioning of justice:</b> <i>Failure of domestic courts to apply the principles of the Hague Convention on the Civil Aspects of International Child Abduction (“the Hague Convention”) during proceedings relating to divorce, custody or the return of a child in parental abduction cases and to duly notify the applicant in the case of Övüş of the divorce proceedings initiated by her husband and the subsequent decisions taken. (Articles 8 and 6 §1)</i>	<i>Individual measures:</i> Domestic courts ordered the return of the child to the United States of America in the Uyanık case. The applicant’s children in the Övüş case have attained the age of majority. Just satisfaction in respect of non-pecuniary damage paid. <i>General measures</i> required in response to the shortcomings found continue to be examined within the framework of the Özmen case.
<a href="#">CM/ResDH(2019)26</a>	TUR / Saygili and Bilgic	33667/05	20/08/2010 20/05/2010	<b>Freedom of expression:</b> <i>Disproportionate interference due to the closure of a newspaper for a period of 30 days, which was erroneously considered to be the successor of another newspaper for which the order had been issued. (Article 10)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The respective erroneous seizure warrants were revoked. <i>General measures:</i> Legislative amendments were adopted in the context of the “Third Judicial Package” in 2012, providing that previous decisions on seizure, ban, obstruction of distribution and selling printed publications became ipso facto null and void. Relevant provisions of the new Press Law require an objective and impartial evaluation criteria for seizure of printed material and must be based on a judicial decision. The Code of Criminal Procedure provides that seizure warrants may be issued only in case of strong suspicion or a concrete evidence of a crime. Adaptation of the domestic case-law to the new legislation. The judgment was translated, published and disseminated. It is used in training activities for judges and prosecutors organised by

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					the Justice Academy and in seminars of the Ministry of Justice. Information on awareness-raising projects on freedom of expression was submitted. The right to individual application before the Constitutional Court in respect of human rights violations was introduced in 2012 and is considered an effective remedy.
<a href="#">CM/ResDH(2019)77</a>	TUR / Şehmus Ekinci	15930/11	27/06/2018 27/03/2018	<b>Access to and efficient functioning of justice:</b> <i>Unfair domestic proceedings on account of the presence of two military officers on the bench of the Supreme Military Administrative Court. (Article 6 §1)</i>	<b>Individual measures:</b> Just satisfaction in respect of non-pecuniary damage paid. <b>General measures:</b> see Final Resolution <a href="#">CM/ResDH(2018)422</a> in Tanışma group of cases.
<a href="#">CM/ResDH(2019)147</a>	TUR / Soyler and 1 other case	29411/07+	20/01/2014 17/09/2013	<b>Electoral rights:</b> <i>Interference due to automatic loss of the right to vote by persons sentenced to imprisonment for intentional criminal offences for the entire duration of the sentence period, even when the person was not detained on account of suspension of sentence or early release, including conditional release. (Article 3 of Protocol No. 1)</i> <b>Other violation:</b> <i>Interference with freedom of expression on account of a conviction and subsequent custodial sentence for insulting Atatürk's memory and damaging the sentiments of Turkish society under the Law on Offences against Atatürk. (Article 10)</i>	<b>Individual measures:</b> Just satisfaction in respect of non-pecuniary damage paid. The applicants are not in prison. Accordingly, they have the right to vote. <b>General measures:</b> Decisions of the Supreme Election Board and the Constitutional Court ensured that only those serving prison sentences for intentional offences are now excluded from voting. General measures required in response to the violation of Article 10 continue to be examined under the Özçelebi case. The judgments were published, translated and disseminated.
<a href="#">CM/ResDH(2019)27</a>	TUR / Tamer Tanrikulu	36488/08	29/11/2016 29/11/2016	<b>Access to and efficient functioning of justice:</b> <i>Denial of a fair trial on account of the refusal of the Supreme Military Administrative Court to allow the applicant to amend his initial compensation claims.</i>	<b>Individual measures:</b> Just satisfaction in respect of non-pecuniary damage paid. In reopened proceedings, the applicant's request for compensation was accepted. <b>General measures:</b> See <a href="#">CM/ResDH(2016)115</a> in the Erten group. The judgment was translated, published and

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				(Article 6 §1)	disseminated.
<a href="#">CM/ResDH(2019)80</a>	TUR / Tel	36785/03	05/03/2018 17/10/2017	<b>Access to and efficient functioning of justice:</b> Denial of a fair trial due the judicial authorities' failure – caused by lack of coordination and due diligence - to consider that the applicant's dismissal was based on evidence that they had themselves retroactively and permanently annulled on account of illegality. (Article 6 §1)	<b>Individual measures:</b> Just satisfaction in respect of non-pecuniary damage paid. The applicant's request for reopening, filed in 2014 prior to the ECHR's judgment, was accepted. The applicant was employed as a lecturer by the University of Adiyaman in 2008. <b>General measures:</b> Isolated case; manifest error of assessment. At the time of violation, the Constitutional Court did not examine individual complaints as it did following legislative amendments of 2012. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2019)38</a>	TUR / Tum Bel-Sen	38927/10+	18/05/2014 18/02/2014	<b>Freedom of association:</b> Disproportionate interference with the right of local-authority employees to form and to join trade unions for the protection of their interests due to the Audit Court's decision declaring void collective agreements between directly concluded between the administration and the applicant trade union. (Article 11)	<b>Individual measures:</b> Just satisfaction in respect of non-pecuniary damage paid. <b>General measures:</b> See <a href="#">CM/ResDH(2011)308</a> in the Demir and Baykara (34503/97) case. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2019)48</a>	TUR / Yasar Kaplan	56566/00	24/04/2006 24/01/2006	<b>Freedom of expression:</b> Unnecessary and disproportionate interference due to the prosecution of a journalist (and his pre-trial detention) for publishing a series of editorials critical vis-à-vis the armed forces and thus engaging in "conduct liable to undermine soldiers' confidence in superior and commanding officers". (Article 10)	<b>Individual measures:</b> Just satisfaction in respect of non-pecuniary damage paid. After the Court of Cassation had set aside the applicant's conviction, the Military Court deferred judgment for three years, period after which the criminal proceedings were declared at an end. <b>General measures:</b> required to provide sufficient and relevant reasoning for bringing criminal proceedings against journalists is examined in the context of the Öner and Türk group (former Incal group), and in the Nedim Şener and Altuğ Taner Akçam groups of cases (see <a href="#">CM/ResDH(2018)356</a> ).
<a href="#">CM/ResDH(2019)</a>	UKR / Abramov	39491/03	10/10/2008	<b>Access to and efficient functioning of</b>	<b>Individual measures:</b> Just satisfaction in respect of non-

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<a href="#">153</a>	and 351 cases		10/07/2008	<b>justice:</b> <i>Non-enforcement or delayed enforcement of domestic judicial decisions, mostly delivered against entities owned or controlled by the State and lack of an effective remedy in this respect. (Article 6 §1 and 13)</i>	pecuniary damage paid. The domestic judicial decisions at issue were enforced either before or after the date of the judgment. <b>General measures</b> required in response to the shortcomings found continue to be examined within the framework of the Yuriy Nilolayevich Ivanov / Zhovner and Burmych and Others group of cases.
<a href="#">CM/ResDH(2019)149</a>	UKR / Barskyy	62947/16	28/09/2017 28/09/2017	<b>Protection of rights in detention:</b> <i>Excessive length of pre-trial detention. (Article 5 §3)</i>	<b>Individual measures:</b> Just satisfaction awarded inequity in respect of all damages paid. The applicant is no longer in detention on remand. <b>General measures</b> required in response to the shortcomings found continue to be examined within the framework of the Ignatov/Chanyev/Korneychuk group of cases.
<a href="#">CM/ResDH(2019)16</a>	UKR / Bodnar and Others and 3 other cases	10071/11+	06/04/2017	<b>Access to and efficient functioning of justice:</b> <i>Excessive length of civil and criminal proceedings as well as the lack of effective remedy in this respect. (Articles 6 §1 and 13)</i>	<b>Individual measures:</b> Just satisfaction in respect of non-pecuniary damage paid. Domestic criminal proceedings concluded. <b>General measures</b> required in response to the shortcomings revealed in these cases is being examined within the framework of the Merit group of cases
<a href="#">CM/ResDH(2019)12</a>	UKR / Gazeta Ukraina-Tsentr	16695/04	15/10/2010 15/07/2010	<b>Freedom of expression and access to and efficient functioning of justice:</b> <i>Unnecessary interference due to the condemnation of a newspaper company in defamation proceedings for publishing an allegedly defamatory statement made by a third person against a politician and insufficient reasoning of the respective decision; unfair trial due to the lack of independence and impartiality of first instance and appeal judges as the plaintiff - holding the position of the regional council of judges' chairman - could</i>	<b>Individual measures:</b> Just satisfaction in respect of pecuniary (amount of the compensation payment made as ordered in the impugned judgment) and non-pecuniary damage paid. The Supreme Court remitted the case for fresh consideration before a first-instance court, reversed the initial domestic decision. This decision was not appealed against. <b>General measures:</b> Concerning freedom of expression and the need to perform the balancing exercise and to provide sufficient reasons for its results, domestic courts changed their case-law. As concerns the independence of tribunals, after substantive changes of disciplinary liability, the Chairman of the Council of Judges has no power any more to initiate disciplinary proceedings against judges. Broader

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				<i>influence the judges through threats of disciplinary proceedings or other career-related decisions and disregard of the applicant company's submissions to this effect. (Articles 10 and 6 §1)</i>	general measures related to lack of independence and impartiality of the judges of first-instance and appellate courts are examined within the framework of the Oleksandr Volkov/Salov group of cases. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2019)138</a>	UKR / Gukovych	2204/07	20/01/2017 20/10/2016	<b>Protection of rights in detention:</b> <i>Unnecessary detention in a sobering-up centre without clear, accessible and foreseeable legal basis. (Article 5 §1e)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. The applicant is no longer detained. <u>General measures:</u> Isolated occurrence. Violation occasioned by improper practice by a municipal guard. Under the Law "On Citizens' Participation in the Public Order Enforcement and National Border Control" of 2000, the municipal guards' respect of the rule of law is controlled i.a. by the local authorities. Initially, the placement of citizens into sobering-up centres was regulated by a joint ministerial order of 2000. Such placements were terminated in 2009. The current legal framework regarding treatment of persons in a state of alcoholic intoxication in public is a result of police reform and replacement of militia: According to the Law on the National Police of 2015, police officers may apply preventive measure of «police care», i.a. to persons in a state of alcoholic intoxication in public. Such persons must be transferred to a special medical institution or a place of residence and must immediately be informed on the grounds for the measure and their rights to receive medical assistance, to challenge the actions of the police and to notify other persons about his/her place of residence. Safeguards against abuse of power of municipal guards and procedures for challenging corrective measures are available under the Code of Administrative Procedure 2005. The Lviv Medical Sobering-up Centre was converted into a Centre for Record and Night Stay of Homeless Citizens in 2017. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2019)</a>	UKR /	41651/10	15/12/2016	<b>Protection of rights in detention /</b>	<u>Individual measures:</u> Just satisfaction in respect of non-

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
<a href="#">14</a>	<b>Khamroev and Others</b>		15/09/2016	<b>extradition:</b> <i>Unlawful detention of the first applicant pending extradition to Uzbekistan and of two other applicants due to the domestic authorities' failure to conduct the extradition proceedings with the requisite diligence. (Article 5§1)</i>	pecuniary damage paid. All applicants were released; the first was granted asylum in Sweden; the third applicant in the US and the second applicant received recognition as a person in need of complimentary protection. <b>General measures:</b> A new chapter on extradition procedures was added to the Code of Criminal Procedure in 2010. A new Code of Criminal Procedure was adopted in 2012 providing for sufficiently accessible, precise and foreseeable extradition procedures and avoiding the risk of arbitrary detention pending extradition as well as fixing maximum terms for provisional arrest. As concerns the requisite diligence for conducting extradition proceedings, see <a href="#">CM/ResDH(2018)316</a> in Soldatenko. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2019)150</a>	<b>UKR / Korostylyov and 7 other cases</b>	<b>33643/03+</b>	<b>13/09/2013</b> 13/06/2013	<b>Right to individual petition:</b> <i>Refusal by the authorities to provide prisoners with effective access to the documents in their criminal files needed to substantiate their applications before the Court. (Article 34)</i> <b>Other violation:</b> <i>In one case, ill-treatment by police upon arrest. (Article 3)</i>	<b>Individual measures:</b> Just satisfaction in respect of non-pecuniary damage paid, in cases it was awarded. Domestic proceedings were terminated and other complaints made by the applicants were rejected by the Court. <b>General measures</b> required in response to the shortcomings found continue to be examined within the framework of the Naydyon group of cases.
<a href="#">CM/ResDH(2019)13</a>	<b>UKR / Melnychenko</b>	<b>17707/02</b>	<b>30/03/2005</b> 19/10/2004	<b>Electoral rights:</b> <i>Arbitrary refusal by the Central Electoral Commission, upheld by the Supreme Court of the applicant's registration as a parliamentary candidate on the ground that he had submitted untrue information about his place of residence and his absence from Ukraine over full five years, although he had retained a valid registered place of legal residence as denoted in his propiska – internal passport. (Article 3 of Protocol No. 1)</i>	<b>Individual measures:</b> Just satisfaction in respect of non-pecuniary damage paid. In November 2005, the Supreme Court quashed its impugned decision. Finally, in December 2005 the CEC annulled its refusal of 2002 to register the applicant on the 2002 electoral lists. <b>General measures:</b> The institute of “propiska” was repealed with the Law “on Freedom of Travel and Free Choice of Residence” and the Law on Parliamentary elections. Today, to stand in parliamentary elections a citizen must, inter alia, have resided on the territory of Ukraine for at least five years prior to his nomination. Conditions for determining the place of a person's permanent residence are set by the Tax Code.

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					The CEC checks information about the parliamentary candidates' residence. Examples of the administrative courts' compliant judicial practice with regard to complaints about refused registrations were submitted. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2019)11</a>	UKR / Moroz	5187/07	18/09/2017 02/03/2017	<b>Freedom of religion / protection of family life and correspondence:</b> <i>Unlawful interference with freedom of religion due to the seizure of his religious literature and items, as well as a refusal to allow visits to the prison chapel as well as disproportionate interference with family life due to unjustified restrictions of family contacts and correspondence during pre-trial detention. (Articles 9 and 8)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. The applicant is no longer in pre-trial detention. <u>General measures:</u> As concerns freedom of religion, the case constitutes an isolated occurrence. Article 9 of the Pre-Trial Detention Act (1993) provides that individuals detained on remand enjoy the right to perform religious rituals individually and to use religious literature and objects. In 2017 the Pastoral Council on Religious Care in the Penitentiary System was created responsible for the coordination of pastoral care of convicted persons, persons remanded in custody in penitentiary institutions and investigative detention facilities of the State Penitentiary Service. Unjustified restrictions of detainees' contacts with their families continue to be examined in the framework of the Shalimov group of cases, and as regards unlawful interferences with the applicants' right to respect for their correspondence while in detention on remand in the group of Sergey Volosyuk. So far, in 2013, previous regulations for visits by relatives were amended by the Internal Rules of the Pre-trial Detention Centres of the State Penitentiary Service. A draft law amending the pre-trial detention Act of 2015 plans to abolish the general necessity of an investigator's permission for telephone calls, visits and correspondence and to introduce the possibility of only specific prohibitions of calls, visits and correspondence in individual cases. The judgment was translated, published and disseminated.
<a href="#">CM/ResDH(2019)</a>	UKR / Pysatyuk	21979/04+	14/09/2009	<b>Access to and efficient functioning of</b>	<u>Individual measures:</u> Just satisfaction in respect of non-

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
<a href="#">28</a>	<b>and 7 other cases</b>		16/04/2009	<p><b>justice:</b> <i>Excessive length of civil and criminal proceedings and lack of an effective remedy. (Articles 6 §1 and 13)</i></p> <p><i>Other violations:</i></p> <ul style="list-style-type: none"> <li>· <i>failure to enforce a domestic court decision (Articles 6§1 and 1 of Protocol No. 1 in the Chervonets, Chukhas, Shulga and Svetlana Naumenko cases);</i></li> <li>· <i>lack of a fair trial due to the application of the supervisory review procedure (Article 6§1 in the Svetlana Naumenko case);</i></li> <li>· <i>lack of relevant and sufficient grounds for continued detention on remand (Article 5§3 in the Burov and Kolesnikov cases);</i></li> <li>· <i>excessive length of restriction on freedom of movement (Article 2 of Protocol No. 4 in the Zarochentsev case).</i></li> </ul>	<p>pecuniary damage paid. Domestic proceedings closed and where applicable the decision enforced.</p> <p><u>General measures</u> required in response to the problems revealed continue to be examined within the framework of the Svetlana Naumenko group.</p>
<a href="#">CM/ResDH(2019)15</a>	<b>UKR / Yuriy Volkov</b>	<b>45872/06</b>	<b>19/03/2014</b> 19/12/2013	<p><b>Protection of private life and access to an efficient functioning of justice:</b> <i>Unlawful interference on account of the taking of a blood sample by an investigator and not by a qualified medical specialist; absence of a lawyer during the initial questioning by the police. (Articles 8 and 6 §1)</i></p>	<p><u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. The applicant did not request reopening of the impugned criminal proceedings.</p> <p><u>General measures:</u> The violation concerning the unqualified taking of a blood sample was of an isolated nature. In 2000, the Expert Service of the Ministry of Internal Affairs had been created to co-ordinate specialised institutions of forensic expertise. A recommendation “Involuntary blood sampling for forensic examination” regulated, in 2017, issues concerning the biological and non-biological sampling, including the ordering of involuntary samples; the lawfulness of physical and psychological acts influencing a person; actions that can be regarded as causing bodily harm, torture, etc. Particular issues of collecting biological samples during pre-trial proceedings were addressed separately in 2016. General measures required in response to the violation of</p>



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					the right to a fair trial on the basis of self-incriminating statements made in the absence of a lawyer and in circumstances giving rise to a suspicion that the confessions had been given against the applicants' will is being examined in the context of the Balitskiy / Yaremenko group of cases. The judgment was translated, published and disseminated.