

Summaries of Final Resolutions adopted by the Committee of Ministers in 2019
 (with the exception of those concerning Friendly Settlements)

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
CM/ResDH(2019)290	ARM / Aganikyan	21791/12	05/04/2018 05/04/2018	Access to and efficient functioning of justice: Excessive length of criminal proceedings. (Article 6 §1)	<p><i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage is at the applicant's disposal due to lacking information concerning bank account.</p> <p><i>General measures:</i> The district court judge of the applicant's case was subject to disciplinary punishment in 2011. Furthermore, the principle of a fair trial including the "reasonable time"-requirement was enshrined in the Constitution as amended in 2015. The new Judicial Code adopted in 2018 refers to the criteria for assessing the reasonable length of proceedings. Moreover, the prompt delivery of judicial acts is also taken into account in the evaluation of the effectiveness of a judge. The draft Code of Criminal Procedure provides for the possibility of the court president to appoint a reserve judge in case of exceptional delays, contains an exhaustive list of grounds for postponing hearings and enhanced the mechanisms of judicial sanctions in case of obstruction or abuse of rights. Measures were taken to improve the quality and efficiency of prosecution. As concerns the right to compensation for excessive length of proceeding according to the Civil Code, see CM/ResDH(2016)184 in Pogoshian and Baghdaryan. Statistical data were submitted in 2019 in the context of the Ashot Harutyunyan group. The judgment was published and disseminated and used training and awareness-raising activities organised by the Justice Academy.</p>

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CM/ResDH(2019)40	ARM / Arzumanyan	25935/08	11/04/2018 11/01/2018	Protection of rights in detention: 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)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The applicant is no longer held in detention on remand. <i>General measures:</i> required in response to the shortcomings revealed in this judgment are being examined within the framework of the Poghosyan case.
CM/ResDH(2019)287	ARM / Chap Ltd and 1 other case	15485/09+	04/08/2017 04/05/2017	Access to and efficient functioning of justice: Unfair proceedings due to unreasonable restrictions of the applicants' right to examine witnesses whose testimony played a decisive role in securing their conviction. (Article 6 §3d taken together with 6 §1)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The impugned proceedings have been re-opened and remitted to the lower courts for fresh examination. <i>General measures</i> required in response to the shortcomings found are being examined within the framework of the Gabrielyan group of cases.
CM/ResDH(2019)55	ARM / Davtyan	29736/06	30/06/2015 31/03/2015	Protection against ill-treatment / conditions of detention: Denial of medical assistance in a detention facility. (Article 3)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The applicant was released on parole in 2006. <i>General measures</i> required in response to the shortcomings found continue to be examined within the framework of the Ashot Harutyunyan case.
CM/ResDH(2019)114	ARM / Domazyan	22558/07	25/05/2016 25/02/2016	Access to and efficient functioning of justice: 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.	<i>Individual measures:</i> 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. <i>General measures:</i> 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.
CM/ResDH(2019)	ARM / Karen	62356/09	30/06/2016	Protection of property and access to and	<i>Individual measures:</i> The Court of Cassation decided to

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115	Poghosyan		31/03/2016 Merits 29/06/2018 29/03/2018 Just satisfaction	efficient functioning of justice: <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>	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. General measures: 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. Other general measures required in response to the shortcomings found continued to be examined within the framework of the Vardanyan and Nanushyan case.
CM/ResDH(2019)288	ARM / Mher Alikahnyan and 6 other cases	4413/10+	14/02/2019 14/02/2019	Protection of property: <i>Expropriation of land for mining without addressing the issue whether the compensation would cover the applicants' loss of means of subsistence or was sufficient for them to acquire equivalent land. (Article 1 of Protocol No. 1)</i>	Individual measures: Just satisfaction in respect of pecuniary and non-pecuniary damage was awarded on an equitable basis and paid. General measures will be examined in the framework of the Osmanyanyan and Amiraghyan group. The judgments were translated, published and disseminated. They are used in training activities organised by the Justice Academy.
CM/ResDH(2019)289	ARM / Nikoghosyan	75651/11	18/05/2017 18/05/2017	Access to and efficient functioning of justice and protection of property: <i>Delayed enforcement of a final domestic judgment in favour of the applicant regarding job reinstatement and forced absence compensation claims. (Article 6 §1 and 1 of Protocol No. 1)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The domestic judgement was enforced. General measures required in response to the shortcomings found are being examined within the framework of the Avakemyan group of cases.
CM/ResDH(2019)	ARM /	17521/09	15/06/2018	Protection of rights in detention: <i>Lack of</i>	Individual measures: Just satisfaction in respect of non-

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41	Teymurazyan		15/03/2018	<i>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>	pecuniary damage paid. <i>General measures:</i> See CM/ResDH(2016)184 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.
CM/ResDH(2019)42	AUT / Helmut Blum	33060/10	30/01/2017 05/04/2016	Access to and efficient functioning of justice: <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>	<i>Individual measures:</i> 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. <i>General measures:</i> 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 requests it. The judgment was translated, published and disseminated.
CM/ResDH(2019)81	AUT / Kugler	65631/01	14/04/2011 14/10/2010	Access to and efficient functioning of justice: <i>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>	<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.
CM/ResDH(2019)1	AUT / Lorenz	11537/11	20/10/2017 20/07/2017	Protection of rights in detention: <i>Unlawful preventive detention in an institution for mentally-ill offenders lacking factual basis</i>	<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

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				<i>(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>	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. <u>General measures:</u> Concerning excessive length of review proceedings, see CM/ResDH(2018)274 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.
CM/ResDH(2019)60	AUT / Standard Verlags GmbH and Verlagsgruppe News GmbH	34702/07+	10/04/2012 10/01/2012	Freedom of expression: <i>Interference without sufficient and relevant reasons due to the awarding of compensation following 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>	<u>Individual measures:</u> Just satisfaction in respect of pecuniary damage (amount of the compensation) paid. <u>General measures:</u> The judgments were published, translated and disseminated. They are used in initial and continued training courses for judges.
CM/ResDH(2019)334	AUT / Steininger and 1 other case	21539/07+	17/07/2012 17/04/2012	Access to and efficient functioning of justice: <i>Denial of access to court due to the limited power of review of the Administrative Court as regards the applicant companies' criminal conviction passed by an administrative authority, namely the obligation to pay surcharges for failure to pay certain agricultural marketing charges. (Article 6 §1)</i>	<u>Individual measures:</u> Legislation does not provide for the possibility to seek reopening of administrative proceedings on the basis of a ECHR judgment. The applicant companies did not request just satisfaction for non-pecuniary damage. Regarding pecuniary damage, the ECHR held that there was no causal link between the violations found and the pecuniary damage claimed. <u>General measures:</u> In 2014, the administrative courts system was fundamentally reorganized, introducing notably administrative courts of first instance to decide on the

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					alleged unlawfulness of decisions taken by the administrative authorities. The administrative court of first instance is empowered to take evidence and to rule in the relevant authority's stead without limitation of its power of review. The judgments were published, translated and disseminated.
CM/ResDH(2019)333	AUT / Zehentner	20082/02	16/10/2009 16/07/2009	Protection of private life and of property: <i>Disproportionate interference with a legally incapacitated person's right to respect for her home due to the judicial sale of her apartment in enforcement proceedings without sufficient procedural safeguards. (Articles 8 and 1 of Protocol No. 1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. No legal basis for a reopening of the judicial sale proceedings in the present case. Furthermore, the proceeds from the sale of the applicant's apartment were fully used for the applicant's benefit. The applicant died in 2012. General measures: The Enforcement Act was amended in 2014 providing for an ex-post reassessment in exceptional cases and for the debtor's possibility to apply for a lifting of the decision to sell real estate in a judicial sale if they urgently need the property for their accommodation. Moreover, in 2018, the Second Protection of Adults Act modernised the guardianship system for adults with incapacity focusing on autonomy, self-determination and decision-making guidance of those concerned. The judgment was published, translated and disseminated. It is used in training courses for judges and civil servants.
CM/ResDH(2019)140	AZE / Akhundov and 12 other cases	39941/07+	03/05/2011 03/02/2011	Access to and efficient functioning of justice and protection of property: <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>	Individual measures: 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. General measures required in response to the shortcomings found continue to be examined within the framework of the Mirzayev, Humbatov and Tarverdiyev groups.
CM/ResDH(2019)70	AZE / Akimova	19853/03	27/12/2007 27/09/2007 (Merits)	Protection of property: <i>Unlawful interference due to the Appeals Court decision, while recognising the applicant as</i>	Individual measures: Just satisfaction on the basis of a friendly settlement covering pecuniary and non-pecuniary damage as well as costs and expenses paid. The applicant

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			09/10/2008 (Just satisfaction)	<i>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>	regained possession of her apartment following a Supreme Court decision in 2008. <i>General measures:</i> Misapplication of domestic legislation. The judgment was published, translated and disseminated.
CM/ResDH(2019)170	AZE / Hajiyev	5548/03	16/02/2007 16/11/2006	Access to and efficient functioning of justice: <i>Failure to either deal with the applicant's appeal and institute appellate proceedings or formally reject, due to lack of competence, the appeal filed following the introduction of the new Code of Criminal Procedure and the Transitional Law.(Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. In 2004, the applicant was released from prison under a presidential pardon, while his sentence had been reduced by the Plenary Chamber of the Supreme Court. After ECHR judgment delivery in 2007, the applicant's new appeal was rejected due to non-compliance with procedural provisions. Subsequently the applicant did not make use of other remedies available to him: 1) to resubmit his request to restore the time-limit for lodging an appeal, providing valid reasons; or 2) to request re-examination of his conviction on the basis of the violation found. <i>General measures:</i> Misapplication of the Transitional Law, which was in force only for a short period. The judgment was published, translated and disseminated.
CM/ResDH(2019)71	AZE / Rahmanova	34640/02	10/10/2008 10/07/2008	Access to and efficient functioning of justice: <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>	<i>Individual measures:</i> 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. <i>General measures:</i> 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 published, translated and disseminated.
CM/ResDH(2019)	BEL / C.M.	67957/12	13/06/2018	Access to and efficient functioning of	<i>Individual measures:</i> Just satisfaction in respect of non-

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246			13/03/2018	<i>justice: Failure to enforce judicial decisions ordering the applicant's neighbour to carry out rehabilitation work in order to comply with urban planning regulations, in particular due to lack of effective assistance from the administrative authorities as neither the fines procedure nor the option for the applicant himself to have the work performed had proved adequate in practice to remedy the situation. (Article 6 §1)</i>	pecuniary damage paid. A control report by the respective public service concluded that following the required work performed the disputed places have recovered their destination as yard and garden, in accordance with the original judgment. <u>General measures:</u> Violation due to particular circumstances of the case. The judgment was translated, published and disseminated.
CM/ResDH(2019)291	BEL / Ronald Vermeulen	5475/06	17/10/2018 17/07/2018	Access to and efficient functioning of justice: <i>Denial of access to court resulting from the Conseil d'État's dismissal of the applicant's appeal due to its failure to examine in how far the length of the proceedings before itself has contributed to the applicant's loss of standing, in disrespect of the principle of proper administration of justice. (Article 6 §1)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage awarded on an equitable basis and paid. Reopening of administrative proceedings is legally not possible. The issue at stake (possibility to contest the list of results of a competition for a public function in 2001) is meanwhile "consumed". <u>General measures:</u> The judgment was published and disseminated to the Constitutional Court, the Court of Cassation and the Conseil d'État (State Council). As concerns the acceleration of proceedings before the State Council, its chambers, on the basis of priority rules with regard to the establishment of their business order, take into account similar situations in which lengthy proceedings may result in a loss of the claimant's standing. Furthermore, in 2019, the State Council changed its case-law with regard to the importance of the incidence of the length of proceedings on the admissibility of the complaint, referring in particular to the present judgment. The Constitutional Court also referred to the present judgment in four decisions in 2019.
CM/ResDH(2019)245	BEL / RTBF	50084/06	15/09/2011 29/03/2011	Freedom of expression and access to an efficient functioning of justice: <i>Unlawful interference due to the lack of a</i>	<u>Individual measures:</u> The finding of a violation constituted sufficient just satisfaction in respect of any pecuniary and non-pecuniary damage. No other individual measure is

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				<p><i>predictable legal framework as well as clear and constant case-law with regard to an interim injunction preventing the applicant television company from broadcasting the relevant part of a programme pending a decision on the merits in a dispute between it and a doctor named in the programme; lack of access to a court due to the Court of Cassation's excessive formalism when declaring inadmissible an essential limb of the applicant company's appeal. (Articles 10 and 6 §1)</i></p>	<p>necessary (as confirmed by the applicant's counsel) - its damage being "consumed" in proceedings following the preventive ban.</p> <p>General damage: As regards the finding of the excessive formalism of the Court of Cassation, the authorities recalled the reasons for the obligation to invoke Article 584 of the Judicial Code in support of cassation appeals against decisions of judges in interim injunction proceedings adding that this obligation is not a jurisprudential construction. The Court of Cassation consistently declares inadmissible pleas alleging only the infringement of provisions of substantive law. This obligation is therefore largely predictable, moreover, for the lawyers at the Court of Cassation - who are highly specialized.</p> <p>As regards freedom of expression, preventive restrictions of the press are not prohibited and thus neither referrals to judges for interim injunctions, provided procedural rules are sufficiently clear. However, in the current state of legislation, which has remained unchanged since the present judgment, such restrictions appear to be prohibited in the area of audio-visual media, given its direct effect. This was confirmed by decisions of the Court of Cassation in two similar cases.</p>
CM/ResDH(2019)44	BGR / Angelov Angel Vaskov and 16 other cases	34805/02	25/06/2010 25/03/2010	<p>Right to life and protection against ill-treatment: <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>Other violations: <i>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.</i></p>	<p>Individual measures: 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>General measures: General measures required in response to the shortcomings revealed in the present judgments and to prevent further ill-treatment under the responsibility of law-</p>

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				<i>(Articles 5 §§1+3 and 6 §1)</i>	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 (ResDH(2000)109), Nikolov and Shishkov (CM/ResDH(2007)158), Yankov (CM/ResDH(2013)102), Evgeni Ivanov (CM/ResDH(2012)164) and Bochev (CM/ResDH(2017)382). 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 (CM/ResDH(2017)420). 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.
CM/ResDH(2019)294	BGR / Boyadzhieva and Gloria International Limited FOOD	41299/09+	05/10/2018 05/07/2018	<i>Protection of property:</i> <i>Unjustified and disproportionate interference due to the automatic order to return payments the applicants had received from a company which was later subject to insolvency proceeding, without any bad faith on their part and without any assessment of the issue whether the payment had adversely affected the insolvency estate or the interests of the company's creditors. (Article 1 of Protocol No. 1)</i>	<i>Individual measures:</i> Just satisfaction in respect of pecuniary (covering the losses suffered) and non-pecuniary damage paid. <i>General measures:</i> The violation stems from defective provisions in the Commerce Act which regulated avoidance proceedings in the framework of insolvency. These deficiencies were remedied in 2013 by allowing courts discretion in assessing the legitimacy of a payment, by limiting the maximum duration of the “suspect periods”, and by excluding payments made within the insolvent company’s “usual business activity” and for which equivalent goods or services had been received. The judgment was published, translated and disseminated.

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CM/ResDH(2019)218	BGR / Boyan Gospodinov	28417/07	10/09/2018 05/04/2018	Access to and efficient functioning of justice: <i>Unfair criminal proceedings, as the first-instance court, in a second criminal trial against the applicant, had failed to meet the requirements of objective impartiality due to its refusal to accept a change of venue despite the accused's civil action for damages impugning the trial court's conduct of a first trial and the higher courts had not remedied the situation. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The applicant did not submit any request for reopening of proceedings. <i>General measures:</i> Erroneous application of domestic law. In June 2015 the Supreme Court of Cassation gave a binding interpretation in respect of claims under the State and Municipalities Responsibility for Damages Act brought against courts as defendants and excluded this possibility in principle, thus limiting similar cases from occurring. The judgment was published, translated and disseminated.
CM/ResDH(2019)248	BGR / Chengelyan and Others	47405/07	21/07/2016 21/04/2016 Merits 23/02/2018 23/11/2017 Just satisfaction	Access to and efficient functioning of justice and protection of property: <i>Failure by courts to respect the final character of a judgment ordering the restitution of a building to the applicants (classified as a cultural monument) under the Restitution of Property Expropriated under Building Planning Legislation Act. (Articles 6 §1 and 1 of Protocol No. 1)</i>	<i>Individual measures:</i> Just satisfaction in respect of pecuniary and non-pecuniary damage paid. <i>General measures:</i> Information on judicial practice with regard to res judicata of final judicial decisions recognising the right to restitution of a particular property under the Restitution of Property Expropriated under Building Planning Legislation Act was provided. The judgment was translated, published and disseminated.
CM/ResDH(2019)335	BGR / Glas Nadejda EOOD and Elenkov	14134/02	11/01/2008 11/02/2007	Freedom of expression: <i>Unlawful interference due to the non-motivated refusal of the competent authority, the National Radio and Television Committee, to grant a radio broadcasting license, and absence of judicial control of this decision. (Articles 10 and 13)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicant did not lodge another application for a broadcasting licence. <i>General measures:</i> The Council for Electronic Media is an independent specialized body that regulates media services under the Radio and Television Act as amended in 2001. The law provides for a tender procedure for issuing licenses for analogue radio and television broadcasting, and an application procedure. Each CEM member makes an individual and motivated classification of participants in the competition as a basis for the motivated decision on issuing the radio broadcasting license. The meetings of the CEM are public. In 2018, the Supreme Administrative Court issued an

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					opinion that a competitive procedure does not constitute the imposition of a restriction. It also pointed out that the judicial review has expanded its scope to review the validity and the justification of CEM's decisions, including compliance with the procedural rules and national law. Thus, the applicable legal framework and the resulting case-law of the Supreme Administrative Court concerning the licensing of radio and television broadcasting, today, provide sufficient safeguards for the exercise of freedom of expression and an effective remedy in that respect. The judgment was published, translated and disseminated.
CM/ResDH(2019)141	BGR / Goranova-Karaeneva and 7 other cases	12739/05+	08/06/2011 08/03/2011	Protection of private life and effective remedy: <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>	Individual measures: 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. General measures 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 Ekimdzhev</i> group of cases.
CM/ResDH(2019)236	BGR / Hristovi	42697/05	11/01/2011 11/10/2011	Protection against ill-treatment / action of security forces: <i>Lack of effective investigation into allegations of ill-</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. Due to the expiry of the prescription period, as established by the competent domestic courts, no further

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				<i>treatment due, inter alia, to a failure to identify and question masked police officers from special units. (Article 3 procedural limb)</i>	measure is possible. <u>General measures</u> required in response to the shortcomings found continue to be examined within the framework of the Velikova group of cases and of the S.Z. / Kolevi group. The psychological suffering caused by the use of disproportionate force to make an arrest and the existence of an adequate domestic remedy in this respect are examined in the context of the Gutsanovi group. An obligation for police officers who take part in special police operations to display individual identification numbers was introduced.
CM/ResDH(2019)328	BGR / Iordan Petrov	22926/04	24/04/2012 24/01/2012	Protection against ill-treatment and conditions of detention: <i>Stringent custodial regime combined with poor material conditions of detention and the lack of effective remedies; ill-treatment of the applicant while in and the lack of effective investigation into those events. (Article 3 and 13 twice)</i> Other violations: <i>Use of the applicant's confessions obtained in breach of Article 3 and monitoring of his correspondence with his lawyer. (Articles 6 §1 and 8)</i>	<u>Individual measures:</u> The applicant is serving a life sentence at Varna Prison. Following the present judgment, the applicant was accommodated in a renovated cell. Following a second judgment in 2012 on the basis of further complaints, the excessively strict prison regime and material conditions of detention will continue to be examined in the framework of the more recent Petrov and Others judgment. Concerning the applicant's ill-treatment by the police and prison guards, investigations and criminal proceedings became time-barred at the time the case was pending. The impugned criminal proceedings against the applicant were reopened and the confessions obtained in breach of Article 3 were excluded from the case-file. In January 2017 the applicant's conviction was upheld. <u>General measures:</u> The issues concerning ill-treatment during arrest, in police detention or in penitentiary facilities and the lack of an effective investigation into such events are examined in the Velikova group of cases. Preventive and compensatory remedies to complain about conditions of detention and to seek compensation, were introduced in January 2017 with the reform of the Execution of Punishments and Pre-Trial Detention Act 2009. The question of remedies in respect of the poor conditions of detention

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					continues to be examined in the context of the Kehayov group and the Neshkov and Others case. The monitoring of correspondence of prisoners see CM/ResDH(2014)258 in Petrov group.). The judgment was published, translated and disseminated.
CM/ResDH(2019)82	BGR / Karzhev	60607/08	07/09/2017 Committee	Freedom of expression: <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>	Individual measures: 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. General measures: 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 Bozhkov and Kasabova and Marinova and Others groups of cases. The judgment was published, translated and disseminated.
CM/ResDH(2019)270	BGR / Kiril Ivanov	17599/07	11/04/2018 11/01/2018	Freedom of assembly and lack of effective remedy: <i>Unjustified interference due to the prohibition of a rally planned on behalf of the unregistered organisation "Macedonian Initiative Committee" on the ground of the need to protect participants from being exposed to controversial statements on historical issues due to the holding of a parallel municipal event. (Articles 11 and 13)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. As the rally was planned in the same time frame as the rally in the United Macedonian Organisation Ilinden and Ivanov No. 2 cases, see also CM/ResDH(2015)119 . General measures are covered in CM/ResDH(2011)46 in United Macedonian Organisation Ilinden and Ivanov and Others, when the CM considered that sufficient legislative, awareness-raising and other measures had been taken to prevent similar violations resulting in a positive trend concerning the respect of freedom of assembly, the events having taken place between 2004 and 2009. As concerns Article 13, examples of recent national case-law, after 2011, concerning annulments of prohibitions of rallies

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					and the need to carry out a proper balancing of interests were submitted. The judgment was translated, published and disseminated.
CM/ResDH(2019)249	BGR / Krasimir Yankov Kabakchiev	66228/12	14/06/2018 Decision	Access to and efficient functioning of justice and protection of property: Non-enforcement of a final domestic judgment. (Articles 6 §1 and 1 of Protocol No. 1)	<i>Individual measures:</i> Just satisfaction in the amount of the domestic court's judgment paid as agreed.
CM/ResDH(2019)235	BGR / Lenev and 2 other cases	41452/07+	04/03/2013 04/12/2012	Protection against death and ill-treatment: Death, torture or ill-treatment during arrest, due to unjustified use of firearms or force by members of law enforcement agencies, lack of effective investigations as well as lack of an effective compensatory remedy for ill-treatment. (Articles 2 and 3) <i>Other violations: Breaches of the presumption of innocence and the lack of an effective remedy in this respect, unlawful potential placing under secret surveillance and lack of an effective remedy in this respect, unlawful searches and lack of an effective remedy in this respect, and unlawful divulgation to the media of a footage of an arrest and the lack of effective remedy in this respect. (Articles 3, 6 § 2, 8 and 13)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. No further individual measures possible, given that the prescription of the criminal proceedings in the Lenev and Popovi cases concerning the applicants' torture or ill-treatment was established by the Prosecutor's Office and that the first applicant in the Popovi case was acquitted and the seized items were returned to him. In the Vachkovi case the termination of the new investigation was confirmed by the competent courts which noted also the impossibility to carry out some investigative acts due to initial deficiencies. <i>General measures</i> required in response to the shortcomings found with regard to ill-treatment under the responsibility of law-enforcement agencies and to secure effective investigations into such abuses and domestic remedies continue to be examined within the Velikova and in the S.Z. / Kolevi group; concerning disproportionate use of firearms see CM/ResDH(2016)274 in the Nachova group; concerning the presumption of innocence see CM/ResDH(2016)336 in Toni Kostadinov and issues are also raised in the Gutsanovi group; concerning the lack of effective remedy in respect of breaches of the presumption of innocence, issues are being examined in the Petrov and Ivanova case; concerning unlawful searches in the and the lack of an effective remedy, issues are being examined in the Peev and Iliya Stefanov group of cases; concerning unlawful potential secret surveillance issues are being examined in the Association for

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					European Law and Human Rights and Ekimdzhiev group of cases; concerning the unlawful divulgence of a footage of an arrest to the media and the lack of effective remedy, issues are being examined in the context of the Alexey Petrov case.
CM/ResDH(2019)56	BGR / M.M. and 2 other cases	75832/13+	08/09/2017 08/06/2017	Protection of rights in detention pending expulsion and deportation and of family life: 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)	<u>Individual measures:</u> 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. <u>General measures</u> required to respond to the shortcomings continue to be examined in the context of the C.G. and Others and M. and Others cases.
CM/REsDH(2019)57	BGR / Mulini	2092/08	20/01/2016 20/10/2015	Right to life: 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)	<u>Individual measures:</u> 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. <u>General measures</u> required in response to the shortcomings found continue to be examined within the framework of the S.Z. / Kolevi group.
CM/ResDH(2019)308	BGR / National Turkish Union and Kungyun	4776/08	08/09/2017 08/06/2017	Freedom of assembly: Unjustified refusal of courts to register the applicant association "National Turkish Union" promoting the rights of the Muslim minority, based on considerations of national security and on the constitutional prohibition on associations pursuing political goals. (Article 11)	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. The applicant association has not made any new attempts to obtain registration. <u>General measures:</u> The judgment was published, translated and disseminated. In March 2017, the government organised a seminar aimed at clarifying the precise scope of the lawfulness review in the context of an association's registration request. Further measures to secure ECHR-compliant examinations of association's registration requests

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					and issues related to the functioning of the new administrative registration mechanism for associations before the Registration Agency created in 2018 and attached to the Ministry of Justice, remain under supervision in the United Macedonian Organisation Ilinden and Others group.
CM/ResDH(2019)247	BGR / Nikolay Genov	7202/09	13/11/2017 13/07/2017	Access to and efficient functioning of justice: <i>Unfair criminal proceedings due to the lack of sufficiently reasoned judgments as they failed to respond to the applicant's argument that it had not been shown that he had carried out the offence at a time when it had been unlawful.</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The impugned proceedings were reopened, thus allowing the applicant to have his argument addressed. General measures: Violation of an isolated character. The judgment was translated, published and disseminated. The Supreme Court of Cassation sent a circular letter to the relevant courts noting their failure to give sufficient reasoning for their decisions.
CM/ResDH(2019)309	BGR / Petkov and Profirov	50027/08+	17/11/2014 24/06/2014	Protection of rights in detention: <i>Unlawful detention for 24 hours without reasonable suspicion to have committed specific thefts and without purpose to be brought before a competent authority, lack of information on the reasons for the applicant's detention and lack of judicial review as well as lack of possibility to seek compensation. (Article 5 §§1c+2+4+5)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicants are no longer detained. General measures: See CM/ResDH(2018)195 in Didov concerning the new domestic legal framework and judicial practice with regard to police detention orders, in particular the 2014 Ministry of Interior Act which contains the statutory obligations to specify the factual circumstances substantiating the existence of a reasonable suspicion and to inform the arrested person of the reasons for the arrest. Following an amendment of the Act in 2018 and a reorganisation of court competences, the legality of custody can be challenged before district courts. Their decisions may be challenged by cassation reviews before administrative courts. Under the State and Municipalities Responsibility for Damage Act of 1988, compensation may be requested on condition that the police detention was declared unlawful. The judgment was published, translated and disseminated.
CM/ResDH(2019)	BGR /	67608/11	15/09/2017	Protection against ill-treatment /	Individual measures: Just satisfaction in respect of non-

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117	Shalyavski and others		15/06/2017	conditions of detention: 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)	pecuniary damage paid. General measures: 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.
CM/ResDH(2019)295	BGR / Tsvetelin Petkov	2641/06	15/10/2014 15/07/2014	Protection of family life: Disproportionate interference due to the failure to properly summon the applicant in judicial paternity proceedings to a hearing in which he was declared the child's father and the subsequent refusal to allow his request for reopening of those proceedings. (Article 8)	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The applicant did not request reopening of the impugned proceedings. General measures: The violation stemmed from the application of the summons provisions of the Code of Civil Procedure of 1952. In 2008, a new Code of Civil Procedure entered into force providing for more diligent summons procedures ensuring as far as possible the participation of defendants. In particular, the address indicated by the claimant has to be visited 3 times and then the notification should be attached to a front door and, if possible, posted in a post box, unless there is clear that the defendant does not live at the address. The judgment was published, translated and disseminated.
CM/ResDH(2019)336	BGR / Varadinov and 2 other cases	15347/08+	05/01/2018 05/10/2017	Access to and efficient functioning of justice: Denial of access to court due to the inability for the applicant to challenge a penalty for a road-traffic offence before an independent and impartial tribunal established by law. (Article 6 §1)	Individual measures: The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. General measures: In 2012, the Constitutional Court declared unconstitutional the legal basis for the impossibility to file an appeal against certain road-traffic penalties. Thus, the possibility of an appeal against such fines is not restricted any longer. The judgments were published, translated and disseminated.

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CM/ResDH(2019)116	BGR / Velkova and 3 other cases	1849/08+	13/10/2017 13/07/2017	Access to and efficient functioning of justice: Failure by different administrative 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).	Individual measures: Just satisfaction for pecuniary and non-pecuniary damage as awarded in each case. In one case, the applicant purchased the property she was entitled to. General measures: The judgments were published, translated and disseminated. General measures continue to be examined in the Stoyanov and Tabakov group.
CM/ResDH(2019)83	BGR / Yurukova and Samundzhi	19162/03	02/10/2009 02/07/2009	Protection of property: 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)	Individual measures: 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). General measures: see CM/ResDH(2014)198 in Dimitar and Anka Dimitrovi group.
CM/ResDH(2019)337	BGR / Zlinsat, SPOL. S. R.O.	57785/00	15/09/2006 15/06/2006 Merits 10/04/2008 10/01/2008 Just satisfaction	Access to and efficient functioning of justice and protection of property: Unjustified interference due to the suspension of the privatisation of and eviction from the hotel the applicant company had purchased, on prosecutors' decisions based on very general legal provisions and subsequent inability of the applicant company to appeal against these decisions before a tribunal. (Articles 6 §1 and 1 of Protocol No.1)	Individual measures: Just satisfaction for pecuniary damage (deterioration of the property and loss of profits) paid. The property was returned to the applicant company. General measures: The legislative framework, found to be problematic, was partially revoked following the entry into force of the new Code of Criminal Procedure in 2006, in particular the obligation for the investigation authorities to take necessary measures to prevent a criminal offence for which there was reason to believe that it would be committed, which could include the temporary impounding of the means which could be used for committing the offence. Outstanding questions concerning the safeguards in

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					respect of the prosecutors' competence provided for in the Judicial System Act to take measures, if they have information that a publicly prosecutable criminal offence or other illegal act, are being examined in the context the International Bank for Commerce and Development AD and Others case. The judgment was published, translated and disseminated.
CM/ResDH(2019)292	BIH / Kaltak	14099/15	25/09/2018 25/09/2018	Access to and efficient functioning of justice and protection of property: <i>Delayed enforcement of a final judgment ordering payment to the applicant of a sum in respect of general obligations of the Republika Srpska. (Article 6 §1 and 1 of Protocol No. 1)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The domestic judgement was enforced. General measures: See CM/ResDH(2017)29 in Momcic group. The judgment was published, translated and disseminated.
CM/ResDH(2019)172	BIH / Panorama Ltd and Miličić	69997/10	25/10/2017 25/07/2017	Access to and efficient functioning of justice and protection of property: <i>Non-enforcement of final domestic decisions ordering payment of war damages, in particular default interest. (Articles 6 §1 and 1 of Protocol No. 1)</i>	Individual measures: Pursuant to provisions of the War Damage Act of 2001, the respective claims were declared a part of the public debt of the Federation to which default interest did not apply. No just satisfaction claimed or awarded. Default interest ordered by final domestic judgments paid as ordered by the ECHR. General measures: Violation due to inadequate jurisprudence of enforcement courts, upheld by the Constitutional Court. The judgment was published, translated and disseminated. Enforcement courts should thus secure full enforcement of domestic judgments concerning default interest in cases in which civil courts had previously established such an obligation under the general rules of tort law.
CM/ResDH(2019)61	BIH / Rajic and Others	14430/14	05/09/2017 Friendly settlement	Access to and efficient functioning of justice: <i>Excessive length of civil proceedings. (Article 6 §1)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid as agreed in the friendly settlement. The domestic proceedings were closed.

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CM/ResDH(2019)30	BIH / Roman Catholic Archdiocese of Vrhbosna	40694/13	05/06/2018 05/06/2018	Access to and efficient functioning of justice and protection of property: <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 Protocol No.1)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The applicant was reinstated in its premises and the respective record signed. General measures: 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.
CM/ResDH(2019)293	BIH / Zahirović and Others	4954/15+	16/10/2018 16/10/2018	Access to and efficient functioning of justice and protection of property: <i>Delayed enforcement of a final domestic judgment ordering the applicants' employers, two public companies, to pay the applicants work-related benefits due. (Article 6 §1 and 1 of Protocol No. 1)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The domestic judgements were enforced in 2017. General measures: The root cause of the violation in the present case was the lack of sufficient budgetary funds for ensuring the enforcement of court decisions. In response, the government allotted sufficient budgetary funds to secure the payment of its debts arising from final court decisions. As a result, all subsequent decisions have been duly enforced. The judgment was published, translated and disseminated.
CM/ResDH(2019)310	CRO / Begović	35810/14	13/06/2019 13/06/2019	Protection of family life: <i>Failure of authorities to enforce a parent's contact rights with his child. (Article 8)</i>	Individual measures: The applicant did not submit any claim for just satisfaction. The child concerned reached majority in April 2019. General measures: See CM/ResDH(2018)281 in Ribic.
CM/ResDH(2019)72	CRO / Buvac	47685/13	06/09/2018 06/09/2018	Access to and efficient functioning of justice: <i>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.</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The applicant was entitled to request reopening of the impugned proceedings. General measures: Change of case-law of the Constitutional Court in 2013, which declared the dismissal of claims for

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				<i>(Article 6 §1)</i>	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.
CM/ResDH(2019)342	CRO / Glavak	73692/12	05/10/2017 05/10/2017	Access to and efficient functioning of justice: <i>Failure of the Supreme Court to examine a complaint on the merits due to contradictory decisions on its admissibility without any valid explanation. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. General measures: See CM/ResDH(2017)187 in Vusić. The authorities expressed regrets concerning the reoccurrence of the violation in the present case which constitutes an isolated occurrence. The judgments were published, translated and disseminated. It is used in training activities of the Judicial Academy.
CM/ResDH(2019)62	CRO / Hoti	63311/14	26/07/2018 26/04/2018	Protection of private and family life: <i>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: Just satisfaction in respect of non-pecuniary damage paid. The applicant was granted permanent residence permit and citizenship. General measures: 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.
CM/ResDH(2019)296	CRO / Klauz and 1 other case	28963/10	09/12/2013 18/07/2013	Access to and efficient functioning of justice and protection of property: <i>Denial of access to court and disproportionate interference with property rights due to the ordering of the applicant - in compensation proceedings against the State with regard to his ill-treatment by the police - to pay the legal costs of these civil proceedings according to the "loser-pays"-principle, these costs almost amounting to the compensation awarded (44% of the total amount of damages originally claimed by</i>	Individual measures: Just satisfaction in respect of all heads of pecuniary and non-pecuniary damage paid. The first applicant did not request reopening of proceedings. In the second case, reopening was granted, the impugned decision quashed and each party was ordered to bear their own costs for legal representation. General measures: The cases resulted from the automatic application of the "loser pays" principle of the Civil Procedure Code. In particular, the domestic courts failed to take into account specific circumstances of each case when imposing disproportionate financial burden on the applicants. In response to the Court's findings in these cases,

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				<i>the applicant). (Article 6 §1 and 1 of Protocol No. 1)</i>	since 2013 the domestic courts, including the Supreme Court, have aligned their case-law with Convention standards expressly referring to the Court's indications in Klauz. In 2017, the Constitutional Court changed its case-law introducing a possibility of examining complaints regarding reimbursement of costs and expenses of State representation. In July 2019 the impugned provision of the Civil Procedure Code was amended ensuring that, in similar cases, when evaluating parties' success and deciding upon the reimbursement of costs, the domestic courts take into account only the final value of the claim whilst bearing in mind the success in proving the substance of the claim. Thus, as regards apportionment of the costs in cases of partial success, domestic courts shall take a qualitative approach. The judgment was published, translated and disseminated and awareness-raising measures taken.
CM/ResDH(2019)338	CRO / Lisica	20100/06	25/05/2010 25/02/2010	Access to and efficient functioning of justice: <i>Unfair criminal proceedings on account of the fact that domestic courts used certain evidence against the applicants, which was obtained during a search of a vehicle without search warrant and without the applicants' knowledge or presence of their legal representatives. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicants requested reopening of the impugned proceedings, which was granted. The reopened proceedings could not be concluded since 2013 due to repeated requests by the applicants for postponement for various reasons. General measures: Violation resulting from the misapplication of domestic law; isolated occurrence. The Code of Criminal Procedure provides a clear legal framework for searches and the assessment of evidence resulting from a search. Examples of recent case-law of the Constitutional Court and Supreme Court concerning the question of lawfulness in obtaining evidence and its assessment were submitted. The judgment was published, translated and disseminated.
CM/ResDH(2019)84	CRO / Lovric	38458/15	04/07/2017 04/04/2017	Access to and efficient functioning of justice: <i>Denial of access to a court on</i>	Individual measures: No claim for just satisfaction submitted. In reopened proceedings, the applicant's civil claim was

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				<i>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>	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. General measures: 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.
CM/ResDH(2019)340	CRO / Lučić and 1 other case	5699/11+	27/05/2014 27/02/2014	Access to and efficient functioning of justice: <i>Inability for the applicants to examine key witnesses, whose statements were of decisive importance for their convictions in criminal proceedings. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. In the proceedings which had been reopened following the present judgment, the key witness was questioned in the presence of the applicant and his lawyer. Finally, the applicant was found guilty. General measures: Under the amended Criminal Procedure Code of 2013, domestic courts are now forbidden to base a conviction solely or decisively on a statement given by witnesses during criminal investigations, unless the defendants and/or their lawyers were given an opportunity to be present and examine the witnesses. The Supreme and Constitutional Courts aligned their case-law to the ECHR standards accordingly. The judgment was published, translated and disseminated.
CM/ResDH(2019)341	CRO / Maresti and 1 other case	55759/07+	25/09/2009 25/06/2009	Access to and efficient functioning of justice/ Ne bis in idem: <i>The applicant had been prosecuted and tried twice for the same offence before the Minor Offences Court and the Municipal Court. (Article 4 Protocol No. 7)</i> Other violation: <i>Denial of access to courts as the domestic courts dismissed as time-barred the applicant's request for extraordinary review of a final judgment, without assessing the specific</i>	Individual measures: The finding of a violation constitutes sufficient just satisfaction. The impugned criminal proceedings were reopened and discontinued. General measures: The Misdemeanour Act was amended in 2013 preventing misdemeanour prosecution in cases where the prosecution is envisaged under criminal law and explicitly prohibiting the instigation or continuation of misdemeanour proceedings if the criminal prosecution of the same offence has already been instituted. The Constitutional Court changed its previous case-law, which did not exclude the possibility of punishing twice for the same offence. The

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				<i>circumstances in which the impugned judgment was effectively served on him. (Article 6 §1)</i>	Supreme Court also aligned its practice to the ne bis in idem principle. The Supreme Court also changed its case-law ordering lower courts to examine all circumstances of the case thoroughly, when assessing whether the service of court decisions was conducted properly. The judgments were published, translated and disseminated. It is used in training activities of the Judicial Academy.
CM/ResDH(2019)20	CRO / Margaretic	16115/13	13/10/2014 05/06/2014	Protection of rights in detention: <i>Failure to review the lawfulness of the applicant's detention due to the inadmissibility of his 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>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. The applicant has been released in 2013. <u>General measures:</u> See CM/ResDH(2011)195 in the Pesa and CM/ResDH(2018)200 in the Krnjak group.
CM/ResDH(2019)271	CRO / Mateljan	64855/11	12/07/2018 12/07/2018	Protection of private life and home: <i>Disproportionate interference due to a court order to vacate a socially-owned flat with specially protected tenancy deliberately ignoring the applicant's change in housing needs following a divorce. (Article 8)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. Neither the applicant (passed away on 18/07/2018) nor her heirs have availed themselves of the right to request reopening of the impugned proceedings within the prescribed time-limit. <u>General measures:</u> See CM/ResDH(2018)237 in Bjedov, Tijardovic and Skrtic. Notably, the Constitutional Court and the Supreme Court changed their case-law regarding the application of the proportionality test in eviction cases. The judgment was translated, published and disseminated.
CM/ResDH(2019)272	CRO / Mindek	6169/13	30/11/2016 30/08/2016 Merits 11/09/2018 11/09/2018 Revision request	Protection of property: <i>Disproportionate interference due to the domestic court's manifestly unreasonable decisions in enforcement proceedings to sell to the creditor the applicant's share in the real estate, which was his home, even after full payment of the related debt. (Article 1 of</i>	<u>Individual measures:</u> The applicant, relying on the ECHR's finding of a violation of Article 1 of Protocol No. 1, could bring an action for unjust enrichment before the domestic courts, but failed to do so. No claim for non-pecuniary damage submitted. The applicant passed away in December 2018. His heirs reached an agreement with the creditor. <u>General measures:</u> Amendments to the Enforcement Act

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			rejected	<i>Protocol No. 1)</i>	entered into force in July 2017 requiring the application of the principle of a fair balance between the interests of creditor and debtor in enforcement proceedings. In particular, domestic courts must assess the individual circumstances of each case. The judgment was translated, published and disseminated.
CM/ResDH(2019)339	CRO / Remetin	29525/10	11/03/2013 11/12/2012	Protection of private life: Failure by authorities to adequately protect - in criminal and in minor offence proceedings - the physical integrity of a minor who had been attacked by the father of a boy with whom he had had an argument, mainly due to lack of diligence and excessive delays. (Article 8)	Individual measures: Just satisfaction for non-pecuniary damage paid. Both sets of proceedings cannot be reopened due to prescription. General measures: The 2013 amendment to the Criminal Procedure Act introduced a 6-month time-frame for deciding on criminal complaints. In 2015 an adequate electronic tracking system was set up in all state attorney's offices to monitor efficiency of each state attorney. See also CM/ResDH(2017)386 in Beganovic. For measures aimed at preventing domestic court's procrastination in criminal proceedings see CM/ResDH(2018)236 in Jeans. As concerns minor offences proceedings, amendments to the Minor Offences Act were introduced in 2013 broadening the scope of the application of a penalty notice and thereby reducing the number of cases arriving before courts. The judgment was published, translated and disseminated. It was used in training and awareness-raising activities.
CM/ResDH(2019)85	CRO / Savez crkava "Rijec zivota" and Others	7789/08	09/03/2011 09/12/2010	Discrimination / freedom of religion: 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)	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. In 2014, a special agreement was concluded with the applicant churches. General measures: Erroneous practice of administrative authorities. Isolated occurrence. The judgment was published, translated and disseminated.

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CM/ResDH(2019)250	CYP / Kahadawa Arachchige and others	16870/11+	03/12/2018 19/06/2018	Protection of rights in detention: Lack of a speedy review of the lawfulness of the detention for the purposes of deportation of three Sri Lankan nationals. (Article 5 §4)	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The applicants were released from detention. General measures: See Action Plan of 04/10/2018 in the case of M.A.
CM/ResDH(2019)86	CYP / Onoufriou	24407/04	07/04/2010 04/01/2010	Protection of private and family life and against ill-treatment: 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)	Individual measures: No claim for just satisfaction submitted. The applicant had been released from solitary confinement in 2003. General measures: 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 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

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					<p>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>
CM/ResDH(2019)273	CZE / Cervenka	62507/12	13/01/2017 13/10/2017	<p>Protection of rights in detention: <i>Placement in a social care home without sufficient guarantees against arbitrariness and possibility to seek compensation for unlawful detention. (Article §§ 1,4 and 5)</i></p>	<p>Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The applicant had been released in 2011. The applicant could have requested the reopening of the proceedings before the Constitutional Court but did not avail himself of this opportunity.</p> <p>General measures: An amendment to the Act on Social Services and to the Act on Special Court Proceedings entered into force in August 2016 detailing the conditions under which a guardian of a person restricted in her legal capacity can resort to the placement of the person in a social care institution in respect of the principles of necessity and subsidiarity. Prosecutor's offices are newly empowered to enter any social care institution, talk in private with any client of the institution and have access to all documentation in order to ascertain whether the conditions for the initiation of judicial review are met. In November 2016, the Supreme</p>

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					Prosecutor's Office issued methodological guidance for practical implementation. In January 2019, the Ministry of Labour and Social Affairs published methodological guidance for providers of social care services and public guardians to ensure correct implementation of the new legislation. Furthermore, the new Civil Code of 2012 strengthened the legal status of persons suffering from mental illness. It provides for a larger array of support measures for persons with mental disability and defines restrictions of legal capacity as a measure of last resort. The judgment was translated, published and disseminated.
CM/ResDH(2019)45	CZE / Colloredo Mansfeldova	51896/12	11/01/2018 11/01/2018	Access to and efficient functioning of justice: Failure of domestic courts to ensure respect of the adversarial principle. (Article 6 §1)	<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. <i>General measures:</i> See CM/ResDH(2018)60 in Colloredo-Mannsfeld. The judgment was translated, published and disseminated.
CM/ResDH(2019)251	CZE / Kuklik and Others	15493/12+	04/10/2018 04/10/2018	Protection of property: Lack of a legal basis for domestic regulation of rent control due to a temporary legal vacuum. (Article 1 of Protocol No. 1)	<i>Individual measures:</i> Just satisfaction for pecuniary and non-pecuniary and pecuniary damage paid. <i>General measures:</i> See CM/ResDH(2018)178 in R & L, S.R.O. and Others and 3 other cases: New legislation on unilateral rent increases was passed in 2006 allowing landlords to raise controlled rent gradually. The judgment was translated, published and disseminated.
CM/ResDH(2019)87	CZE / Novotny	16314/13	07/09/2018 07/06/2018	Protection of family life: Unlawful interference on account of the impossibility for him to challenge his legal paternity on the grounds of new biological evidence. (Article 8)	<i>Individual measures:</i> No claim submitted. The applicant could request reopening of the proceedings before the Constitutional Court. <i>General measures:</i> 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

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					statutory three-year time-limit after the contested decision became final. The judgment was published, translated and disseminated.
CM/ResDH(2019)231	ESP / Cano Moya	3142/11	11/01/2017 11/10/2016	Cooperation with the ECHR: Denial of a prisoner's right of individual petition by refusing to provide him with a full copy of his case file, for the purpose of lodging an application with the European Court. (Article 34)	Individual measures: The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. As the applicant's claim was satisfied by the judgment, it was not necessary for him to ask for a reopening of the case. General measures: Isolated case due to misapplication of national law. The judgment was published, translated and disseminated, in particular, to the post sentencing judges, to the Constitutional Court, the General Judiciary Body, Supreme Court, Audiencia Nacional, Autonomous Communities, General Criminal Prosecutor; as well as to the Ministries of Justice, Interior and Foreign Affairs.
CM/ResDH(2019)230	ESP / Iglesias Casarrubios and Cantalapedra Iglesias	23298/12	11/01/2017 11/10/2016	Access to and efficient functioning of justice: Denial of a fair hearing in divorce proceedings due to the facts that the eldest daughter had not been heard in person and that the refusal to hear the second minor daughter had not been not motivated. (Article 6 §1)	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicants did not ask for a revision of the final domestic judgment. General measures: Isolated case due to misapplication of national law. The judgment was published, translated and disseminated, in particular, to the post sentencing judges, to the Constitutional Court, the General Judiciary Body, Supreme Court, Audiencia Nacional, Autonomous Communities, General Criminal Prosecutor; as well as to the Ministries of Justice, Interior and Foreign Affairs.
CM/ResDH(2019)229	ESP / Ortuño Ortuño	30305/07	27/12/2011 27/09/2011	Access to and efficient functioning of justice: Excessive length of proceedings relating to the execution of the applicant's marriage regime. (Article 6 §1)	Individual measures: Just satisfaction for non-pecuniary damage paid. Domestic proceedings concerning the separation of the applicant from her husband in which the liquidation of their Marriage Economic Regime was ordered are now final. General measures: See CM/ResDH(2018)35 in Moreno Carmona.

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CM/ResDH(2019)50	ESP / Trabajo Rueda	32600/12	30/08/2017 30/05/2017	Protection of private life: <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>	Individual measures: The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. The applicant did not ask for reopening of proceedings. General measures: 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.
CM/ResDH(2019)252	EST / A.T.	23183/15	13/02/2019 13/11/2018	Protection of private and family life: <i>Interference due to dismissal without examination of the detained applicant's complaints concerning the circumstances of his visit to his seriously ill new-born daughter in hospital in disrespect of the State's positive obligation. (Article 8)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The applicant could have asked for a reopening of the impugned proceedings. General measures: Standalone violation stemming from erroneous application of the Code of Administrative Court Procedure and its requirements. The judgment was translated, published and disseminated.
CM/ResDH(2019)109	EST / Kalda	17429/10	06/06/2016 19/01/2016	Protection of expression, in particular the right to receive information: <i>Disproportionate interference due to the prison authorities' refusal to grant the applicant access to three websites (including the CoE Information Office in Tallinn) to carry out legal research for court proceedings. (Article 10)</i>	Individual measures: 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 limiting internet access might be contrary to the Constitution. Proceedings before the administrative courts were thus interrupted until the Imprisonment Act was amended in February 2019 and resumed thereafter. General measures: 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. Change of case-law of the Supreme Court requesting lower courts to establish the facts justifying

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					any denial of access, in particular security risks and costs. The judgment was published, translated and disseminated.
CM/ResDH(2019)88	FRA / Morel and 7 other cases	25689/10+	10/01/2014 10/10/2013	Freedom of expression: <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>	Individual measures: In certain cases, the finding of a violations 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. General measures: 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.
CM/ResDH(2019)297	FRA / Senigo Longue and Others and 2 other cases	19113/09+	10/10/2014 10/07/2014	Protection of family life: <i>Delays and lack of transparency in family reunification proceedings and failure to give due consideration to the applicants' (who were either granted refugee status or lawfully residing in France) specific circumstances, including their children's best interest, in these proceedings which had thus not offered the requisite protection and procedural guarantees of flexibility, promptness and effectiveness and resulted in the refusal of visas for their children. (Article 8)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. In the first case, the children concerned were granted the requested visas in 2011; they reached majority before the ECHR's judgment. In the second case, the requested visas for the applicant's wife and children were granted in 2010; later they were granted residence or circulation permits. In the third case, the children concerned were major when the ECHR judgment was delivered; one of them does not reside in France, the other holds a residence card until 2020. General measures: The judgment was published and disseminated to the authorities concerned, in particular the Conseil d'État. The violations stem from the specific circumstances of the present cases; the ECHR did not criticise the legal framework for the examination of family reunification requests as such. Thus, measures were adopted to reduce the processing time of applications for family

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					reunification in a qualitative approach, especially those of beneficiaries of international protection (suppression, in 2009, of formalities to be accomplished in France and simplified proof of the family relationship in 2015). The majority of diplomatic or consular posts adopted measures to reduce and control the processing time for family reunification visa applications. In addition, consular officers or officers of the Refugee Families Office received specific training on civil status matters and visa regulations. Information to potential visa applicants was improved (including on the website of the Office of Immigration and Integration).
CM/ResDH(2019)362	GEO / Gegenava and Others	65128/10	20/10/2015 Friendly settlement	Protection against ill-treatment; <i>Shortcomings identified in the course of the investigation of criminal cases concerning the applicants' allegations of ill-treatment. (Article 3)</i>	Individual measures: Investigation into the incident was reopened and that the ensuing criminal trials have been completed, resulting in the conviction of several former high-level officials (see documents DH-DD(2019)1282 , DH-DD(2018)767 , DH-DD(2017)879). General measures: required in response to procedural violations of Articles 2 and 3 found by the Court in similar cases continues to be examined within the framework of the Tsintsabadze group.
CM/ResDH(2019)298	GEO / Mirzashvili and 2 other cases	26657/07+	07/12/2017 07/09/2017	Protection against ill-treatment; conditions of detention: <i>Structural lack of adequate medical treatment in prison. (Article 3)</i>	Individual measures: Just satisfaction in respect of pecuniary (in 2 cases) and non-pecuniary (in all cases) damage paid. Two of the applicants were released (one on probation). In 2017, the third applicant was sentenced in other criminal proceedings to imprisonment until 2023. General measures: See CM/ResDH(2014)209 in Ghvattadze. Recently, the issue of lacking medical care in prisons was also examined by the CPT, which underlined positive trends in prison health care conditions in 2019. Structural changes had been carried out in 2018 and the Ministry of Justice and the Ministry of Corrections were merged. The strategic goals in the recently adopted Strategy and Action Programme are the

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					following: further improve the health and medical care of inmates to match the community standards; identify drug and alcohol misuse and develop harm reduction approach through both medical and rehabilitation services; ensure access to psychiatric services both in penitentiary and probation institutions and improve the quality of the services, etc.
CM/ResDH(2019)49	GEO / Ramishvili	48099/08	31/05/2018 31/05/2018	Electoral rights: <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>	Individual measures: The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. The applicant was released in 2009. General measures: 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 of the Central Election Commission, the Training Centre of Georgia and the Penitentiary and Probation Training Centre.
CM/ResDH(2019)118	GER / El Khoury	8824/09+	09/10/2015 09/07/2015	Protection of rights in detention: <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>	Individual measures: 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. General measures: The judgment was published, translated and disseminated. Case of an isolated nature.
CM/ResDH(2019)156	GER / Wetjen and Others	68125/14+	22/06/2018 22/03/2018 (strike out)	Protection of family life: <i>Unilateral declaration by which the respondent State acknowledged that the length of the interim proceedings with regard to the interlocutory order to withdraw parts of</i>	Individual measures: The compensation for all damages, including non-pecuniary damages, as determined in the State's unilateral declaration, was paid.

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				<i>the applicants' parental custody had violated Article 8.</i>	
CM/ResDH(2019)154	GRC / A.F. and 16 other cases	53709/11+	07/10/2013 13/06/2013	Expulsion/deportation / conditions of detention / protection against ill-treatment: <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>	<i>Individual measures:</i> 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. <i>General measures</i> 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.
CM/ResDH(2019)253	GRC / Dactylidi and 1 other case	52903/99+	09/07/2003 27/03/2003	Effective remedy and protection of property; access to and efficient functioning of justice: <i>Lack of an effective remedy to compel authorities to enforce administrative decisions ordering the demolition of illegal constructions built in the vicinity of and adversely affecting the applicants' houses (Dactylidi); excessive</i>	<i>Individual measures:</i> Just satisfaction in respect of pecuniary and non-pecuniary damage paid as awarded in each case. The impugned constructions had been legalized in the meantime since they had been completed before the revocation of the building permits (Dactylidi). Following the Court's judgment new legislation came into force legalising part of the illegally constructed wall. Demolition of the remaining illegal part became object of further litigation

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				<i>length of two sets of proceedings before the Supreme Administrative Court relating to the applicant's application for annulment of administrative acts relating to her neighbour's building permits (Fotopoulos). (Articles 13 and 1 of Protocol No. 1 as well as 6 §1)</i>	between the applicant and her neighbour. Consequently, the initial demolition decision is not valid any longer. <u>General measures:</u> As concerns the violations of Articles 13 and 1 of Protocol No. 1, recent case-law of the State Council, and the administrative courts with regard to the public authorities' obligation to comply with their decisions was submitted. Legislation entering into force in 2004 provided for the right to compensation for pecuniary and non-pecuniary damage in case of inaction upon applications or claims by the competent administrative authority beyond a deadline of 50 days. In 2002, the General Inspector of Public Administration as an independent institution of the supervision of public bodies was created. Furthermore, a law of 2003 provided that persons affected by acts or omissions of administrations may lodge a complaint with the Ombudsman. Laws of 2011, 2013 and 2017 allowed legalisation of non-permitted constructions by paying special fines, which resulted in these constructions being exempted from demolition. As concerns the excessive length of administrative proceedings, see CM/ResDH(2015)230 in Athanasiou-Manios. The judgments were translated, published and disseminated.
CM/ResDH(2019)344	GRC / Giosakis No. 1 and 7 other cases	42778/05+	12/05/2009 12/02/2009	Protection of rights in detention: Refusal of the applicants' request for leave to appear in person before the Indictment Division and the investigating judge, whilst the prosecutor was granted a hearing and failure of the Indictment Division's to decide "speedily" an application for release from pre-trial detention and on the lawfulness of the applicant's detention. (Article 5 §4)	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. All applicants were either released or transferred to prison. <u>General measures:</u> Isolated occurrence due to the specific circumstances of the case. Moreover, under the new Code of Criminal Procedure of 2019 and its provisions on detention on remand and restrictive measures, the Indictment Division must hear the accused on his request, unless it considers such a hearing unnecessary in a specifically motivated decision. Issues relating to Article 5 §4 on account of the failure by the Indictment Division's to decide "speedily" an application for release from pre-trial detention are being

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					examined in the case of Krassas (No. 45957/11). The judgments were published, translated and disseminated. They were used in training activities for judges.
CM/ResDH(2019)366	GRC / Gjikondi and Others	17249/10	21/03/2018 21/12/2017	Protection against ill-treatment: Failure to carry out effective investigations into the death of an Albanian immigrant resulting in the acquittal of the only person committed for trial; furthermore, failure to associate the applicants with the investigation into their relative's death to the extent required; lack of the examination of the existence of a racist motive. (Article 2 procedural limb)	Individual measures: Just satisfaction for non-pecuniary damage paid. Reopening of the criminal proceedings ending with acquittal is not legally possible. Furthermore, reopened investigations, 14 years after the period of inactivity criticised by the ECHR, will most probably not allow to identify any other possible perpetrator. General measures continue to be examined in the Sakir case
CM/ResDH(2019)131	GRC / Ichtigiaroglou	12045/06	01/12/2008 19/06/2008	Access to and efficient functioning of justice and protection of property: 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)	Individual measures: 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. General measures: Similar cases could have recurred only between 27.08.1992 when law No. 2079/1992 entered into force and 08.02.1994 when the retroactive law No. 2187/1994 entered into force. 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.
CM/ResDH(2019)175	GRC / Kabili and 1 other case	28606/05+	31/10/2008 31/07/2008	Access to and efficient functioning of justice: Infringement of the presumption of innocence on account of the reasoning of judicial decisions rejecting the applicants'	Individual measures: Just satisfaction in respect of pecuniary (real chance to obtain damage on domestic level) and non-pecuniary damage paid. The applicants did not request reopening of proceedings.

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				<i>claims for damages for wrongful incarceration following acquittal. (Article 6 §2)</i>	<i>General measures:</i> In 2010 the Code of Criminal Procedure was amended and provided for the absolute nullity of all criminal proceedings in case of infringement of the defendants' rights. In 2019, the law transposing EU-Directive 2016/343 on the strengthening of certain aspects of the presumption of innocence and right to be present at the trial in criminal proceeding, granted all defendants in regard to whom the presumption of innocence had been breached by public authorities' statements and/or by judicial decisions, a right to compensation. An addition to the Code of Criminal Procedure reinforced the presumption of innocence stipulates. Under the Civil Code, suspects and accused persons may request compensation for non-pecuniary damage. The judgments were published, translated and disseminated.
CM/ResDH(2019)176	GRC / Kampanellis and 2 other cases	9029/05+	21/09/2007 21/06/2007	Access to and efficient functioning of justice: <i>Infringement of the presumption of innocence by the reasoning of judicial decisions reflecting opinions on the applicants' guilt before this being proved. (Article 6 §2)</i> <i>Other violations: Lack of sufficient reasoning of the decision to place the applicant in pre-trial detention. (Article 5 §3)</i>	<i>Individual measures:</i> The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage in the first case. Just satisfaction in respect of non-pecuniary damage paid in the other two cases. <i>General measures:</i> In 2010 the Code of Criminal Procedure was amended and provided for the absolute nullity of all criminal proceedings in case of infringement of the defendants' rights. In 2019, the law transposing EU-Directive 2016/343 on the strengthening of certain aspects of the presumption of innocence and right to be present at the trial in criminal proceeding, granted all defendants in regard to whom the presumption of innocence had been breached by public authorities' statements and/or by judicial decisions, a right to compensation. An addition to the Code of Criminal Procedure reinforced the presumption of innocence stipulates. Under the Civil Code, suspects and accused persons may request compensation for non-pecuniary damage. The judgments were published, translated and disseminated. The violation of Article 5 §3 was an isolated

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					one.
CM/ResDH(2019)90	GRC / Kamvysis	2735/08	22/07/2010 22/04/2010	Access to and efficient functioning of justice: Denial of access to a court on the ground that the applicant's request to set aside the decision revoking his appointment as professor 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; excessive length of the related proceedings. (Article 6 §1 twice)	Individual measures: 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. General measures: Violation linked to the specific circumstances of the case. Change of case-law following the present judgment: The Council of State held that the determination of the time when applicants gained knowledge of contested non-notified administrative acts should be done on a clear and sound basis beyond any doubt, 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.
CM/ResDH(2019)91	GRC / Kanaginis	27662/09	27/01/2017 27/10/2016 Merits 08/06/2018 08/03/2018 Just satisfaction	Protection of property: 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 the reappropriation of expropriated land compared to the compensation paid for the expropriation. (Article 1 of Protocol No. 1)	Individual measures: Just satisfaction awarded in equity in respect of all damages paid. General measures: 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 civil jurisdictions. The judgment was published, translated and disseminated.
CM/ResDH(2019)92	GRC / Kontalexis	59000/08	28/11/2011 31/05/2011	Access to and efficient functioning of justice: 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)	Individual measures: 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

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					<p>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.</p> <p><i>General measures:</i> Domestic law contains detailed provisions concerning replacement of judges. The case at issue concerned the erroneous application of the law regulating replacement of judges. The judgment was published, translated and disseminated.</p>
CM/ResDH(2019)237	GRC / Martzaklis and Others and 1 other case	20378/13+	09/10/2015 09/07/2015	<p>Protection against ill-treatment / conditions of detention / discrimination: <i>Poor physical and sanitary conditions, lack of adequate treatment in the prison psychiatric wing and segregation of HIV-positive prisoners in Korydallos prison as well as lack of an effective remedy. (Article 3 substantive limb alone and in conjunction with 14)</i></p>	<p><i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicants had been released except two, whose detention takes place in conditions significantly improved which can no longer be considered to constitute neither inhuman nor degrading treatment.</p> <p><i>General measures</i> required in response to the issue of the introduction of a domestic remedy to complain about conditions of detention are being examined in the Nisiotis group. Conditions of detention improved considerably in Korydallos prison and adequate treatment of HIV-positive prisoners is ensured by the integration of the Korydallos prison hospital into the national health system in the framework of the overall project on "Strengthening prison healthcare". Overpopulation in the psychiatric wing was reduced.</p>
CM/ResDH(2019)179	GRC / Nastou and Others and 3 other cases	51356/99+	16/04/2003 16/01/2004 Merits 22/07/2004 22/04/2004 Just satisfaction	<p>Protection of property and access to and efficient functioning of justice: <i>Disproportionate interference due to the lengthy dispute over the State's claim of ownership of land in the applicants' possession as a consequence of the absence of a national land registry (cadastre), resulting in unclear demarcation of State and private land and lack of compensation; length of related</i></p>	<p><i>Individual measures:</i> The ECHR considered the applicants owners for the needs of the litigation before it. Just satisfaction in respect of pecuniary and non-pecuniary damage paid. Domestic proceedings relating to ownership and compensation closed.</p> <p><i>General measures:</i> By laws adopted between 1997 and 2013 the national registry (cadastre) was established and started operating. Cadastral surveys were first implemented in 1995-2000 and again in 2008; remaining regions, mainly island, rural, mountain and forestry areas, will soon be</p>

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				<i>proceedings. (Article 1 of Protocol No. 1 and Article 6 §1)</i>	incorporated. The cadaster will be completed by 2021. In case of an inaccurate initial registration, the law provides for the possibility to dispute and correct it partially or entirely within specific time periods. A new Code of Expropriation of 2001, amended in 2002, provide strict deadlines in proceedings and the possibility of additional compensation in cases of delay. The Court of Cassation's case-law on land expropriation changed after 2004 in accordance with the ECHR requirement of a "global evaluation" in such proceedings. Concerning excessively lengthy civil proceedings, legislative measures to accelerate proceedings in civil courts were taken between 2001 and 2005 (see DH(2005)64 on Academy Trading Ltd and others). The issue was also examined in the Glykantzi/Konti-Arvaniti group closed by CM/ResDH(2015)231. The judgments were published, translated and disseminated.
CM/ResDH(2019)178	GRC / Papastavrou and Others and 1 other case	46372/99+	10/07/2003 10/04/2003 Merits 18/02/2005 18/11/2005 Just satisfaction	Protection of property: <i>Disproportionate interference due to the administrative decision of compulsory reforestation of land on the basis of a ministerial decision of 1934 without any fresh reassessment of the situation, in particular taking into account that there was no possibility of obtaining compensation. (Article 1 of Protocol No. 1) Other violation: Length of related proceedings. (Article 6 §1)</i>	Individual measures: Just satisfaction in respect of pecuniary damage paid. The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. General measures: Change of case-law of the Council of State in 2011/12 reaffirming the authorities' obligation for fresh assessment before taking a reforestation decision in case when a long time has elapsed from the old. General measures to accelerate proceedings before all administrative courts: see ResDH(2005)65 on Pafitis and Others and 14 other cases. The judgments were published, translated and disseminated.
CM/ResDH(2019)274	GRC / Paraskevas and Charatsidis and 7 other cases	31023/12+	08/02/2018 08/02/2018	Access to and efficient functioning of justice: <i>Excessive length of criminal and administrative proceedings as well as proceedings before the Court of Audit. (Articles 6 §1 and 13)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. All domestic proceedings closed. General measures: See CM/ResDH(2015)231 in Michelioudakis/Diamantidis No 2 group of cases concerning criminal proceedings, see CM/ResDH(2015)230 in Vassilios

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					Athanasίου Manios group of cases and CM/ResDH(2016)94 in the Papazoglou group of cases as regards proceedings before the Court of Audit.
CM/ResDH(2019)129	GRC / Paroutsas and Others	34639/09	02/06/2017 02/03/2017	Access to and efficient functioning of justice: 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)	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The applicants did not request neither the annulment of the fine or the reopening of their case as they were legally entitled to. General measures: 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 proceedings, see CM/ResDH(2015)230 in Athanasίου/Manios group. The judgment was published, translated and disseminated.
CM/ResDH(2019)220	GRC / Sampsonides and Others and 1 other case	2834/05+	02/06/2008 06/12/2007 Merits 10/05/2010 05/11/2009 Just satisfaction	Access to and efficient functioning of justice and protection of property: Denial of access to court due to dismissal of the applicants' cassation appeals on purely formalistic grounds and failure to award them special compensation for the non-expropriated parts of their land which the applicants were unable to use. (Articles 6 §1 and 1 of Protocol No. 1)	Individual measures: Just satisfaction in respect of pecuniary damage (compensation due to land value lost) awarded in equity and paid. General measures: Concerning excessive formalism of the Court of Cassation see CM/ResDH(2016)178 in Alvanos group; concerning the lack of special compensation for the depreciation of the value of non-expropriated property resulting from the public works see CM/ResDH(2011)217 in Athanasίου and Others group. The judgments were published, translated and disseminated.
CM/ResDH(2019)	GRC /	66602/09+	09/09/2016	Access to and efficient functioning of	Individual measures: Just satisfaction in respect of non-

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
219	Sismanidis and Sitaridis		09/06/2016	justice and ne bis in idem: <i>Infringement of the presumption of innocence as the administrative court adjudicating the lawfulness of the fines imposed on the applicants for contraband did not take into account their prior acquittal in criminal proceedings of the same offence; Infringement of the principle of the not being tried or punished twice due to the imposition of fines for the same set of facts amounting to the offence of contraband for which the applicants had been acquitted. (Articles 6 §2 and 4 of Protocol No.7)</i>	pecuniary damage paid. The applicant's request for reopening was granted in the first case and rejected due to the applicant's lawyer's fault in the second case. <u>General measures:</u> In 2016 the Code of Administrative Procedure was amended to stipulate that administrative courts were bound by acquitting decisions of criminal courts, unless the acquittal was based on the absence of objective and subjective elements of criminal liability and not relevant for the administrative dispute. Previously, the administrative courts had changed their case-law to comply with ECHR case-law: In 2017 and 2018, the Supreme Administrative Court held that administrative courts adjudicating on the lawfulness of acts imposing penalties or pecuniary surcharges were obliged to consider final acquittals –even based on lack of evidence or benefit of the doubt. In case of divergence administrative courts should give their reasons in detail. The judgments were published, translated and disseminated.
CM/ResDH(2019)343	GRC / Tsarpelas	74884/13	26/04/2018 26/04/2018	Protection against ill-treatment / conditions of detention: <i>Poor conditions in the applicant's pre-trial detention in the police station of Omonoia, Athens, and lack of effective remedy. (Article 13 in conjunction with 3)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. The applicant was transferred to the detention facility of Korydallos and then to that of Larissa. He was released in 2014. <u>General measures:</u> See CM/ResDH(2018)224 in Siasios group. The issue of introduction of a domestic remedy to complain about conditions of detention is being examined within the framework of the Nisiotis group of cases.
CM/ResDH(2019)130	GRC / Vassilios Stavropoulos	35522/04	27/12/2007 27/09/2007	Access to and efficient functioning of justice: <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</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. At the time of publication of the judgment, reopening of administrative proceedings was not possible (only after 2016). <u>General measures:</u> In 2016 the Code of Administrative Court was amended on the basis of the present judgment, stipulating that administrative courts are bound by

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>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>	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.
CM/ResDH(2019)363	HUN / Boza and Others and 6 other cases	4956/15+	17/01/2019	Access to and efficient functioning of justice: <i>Excessive length of judicial proceedings and the lack of an effective remedy in this respect. (Article 6 §1)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed. <u>General measures:</u> required in response to the shortcomings found continue to be examined within the framework of the Gázsó group.
CM/ResDH(2019)184	HUN / Dées and 1 other case	2345/06+	09/02/2011 09/11/2010	Protection of private life and home: <i>Authorities' failure to discharge their positive obligation to put an end to the nuisance caused by intensive traffic circulation and a neighbouring train station; excessive length of related proceedings. (Articles 8 and 6 §1)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. Road signs prohibiting access for vehicles exceeding an overall weight of 7,5tons were placed by the public road maintainer along the road section concerned, leading to a significant decrease of traffic. The railway company was dispensed with the obligation to build a protection wall, but to pay the applicant compensation. <u>General measures:</u> The applicable noise limit values were not contested by the applicants. The judgments were published, translated and disseminated. The issue of excessive length of judicial proceedings is examined within the context of the Gazzo group of cases.
CM/ResDH(2019)242	HUN / Ermenyi	22254/14	22/02/2017 22/11/2016	Protection of private life: <i>Unjustified interference due to the premature termination of the applicant's mandate as Vice-President of the Supreme Court in</i>	<u>Individual measures:</u> Just satisfaction for pecuniary and non-pecuniary damages paid. The applicant died before the delivery of the judgment, so no question of reinstatement arose.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>parallel with the dismissal of the President of that court resulted from one-time constitutional reform, encompassing changes also in the competences of the supreme judicial body. (Article 8)</i>	<i>General measures</i> required in response to the shortcomings found continue to be examined within the framework of the Baka case.
CM/ResDH(2019)180	HUN / Hábcnczius	44473/06	21/01/2015 21/10/2014	Access to and efficient functioning of justice and protection of property: <i>Excessive length of criminal proceedings and disproportionate interference due to the seizure and retention of the applicant's laptop during this excessive period. (Article 6 §1 and 1 of Protocol No. 1)</i>	<i>Individual measures:</i> Just satisfaction in respect of pecuniary (laptop costs) and non-pecuniary damage (combined) paid. Criminal proceedings discontinued; the confiscated laptop was finally returned in 2006. <i>General measures:</i> Violation due to erroneous application of domestic provisions. The judgment was published, translated and disseminated. The issue of excessive length of proceedings is being examined in the context of the Gászó group of cases.
CM/ResDH(2019)345	HUN / Kriston	39154/09	24/09/2013 24/09/2013	Freedom of movement and access to and efficient functioning of justice: <i>Maintenance of a travel ban by withdrawal of the applicant's passport between 1995 and 2009 pending excessively lengthy criminal proceedings against him, despite a change of the relevant legislation in 2003. (Article 2 §2 of Protocol No. 4 and Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicant could request a new passport, which he had not done. <i>General measures:</i> Domestic provisions concerning an automatic travel ban against persons against whom criminal proceedings were conducted for an offence punishable by imprisonment of up to five years or more were repealed in 2003. Measures concerning excessive length of judicial proceedings are being examined in the context of the Gászó case. The judgment was published, translated and disseminated.
CM/ResDH(2019)182	HUN / N.K.M. and 32 other cases	66529/11	04/11/2013 14/05/2013	Protection of property: <i>Disproportionate interference due to high taxation (98%) of the upper bracket of the severance pay the applicants were entitled to after termination of their employment in the wider public sector, i.e. as civil servants stricto sensu or as employees of state-</i>	<i>Individual measures:</i> Just satisfaction in respect of pecuniary damage paid to all applicants. The ECHR held that in the absence of the 98% tax rate, the applicants' severance pay would have been in all likelihood subject to the general personal income taxation at the rate of 16%. <i>General measures:</i> In 2014, the impugned special tax rate was lowered from 98% to 75%. Moreover, the Constitutional

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>owned companies or institutions. (Article 1 of Protocol No. 1)</i>	Court established in 2014 that the 98% rate was in breach of international obligations and should not be applied in pending proceedings. In September 2014, the law was amended and introduced a flat-rate public charge of 40% for 2010, 15% for 2011, 20% for 2012 and 25% for 2013. The difference between the amount already paid under the 98%tax rate and the amount to be paid following application of the flat-rate public charge under the new scheme could be claimed back by lodging a request with the National Tax Authority within the limitation period fixed for the tax assessment. The judgments were published, translated and disseminated.
CM/ResDH(2019)346	HUN / Vajnai and 5 other cases	33629/06+	08/10/2008 08/07/2008	Freedom of expression: <i>Unjustified and disproportionate interference due to the applicants' criminal convictions on the basis of a prohibition of the use of totalitarian symbols enshrined in the Criminal Code (and their being subject to police measures, e.g. confiscation of impugned items, identity checks and/or transfer to the police station for interrogation) for having worn a red star symbol in peaceful and lawfully organised demonstrations as members of a registered left-wing political party. (Article 10)</i>	Individual measures: The finding of a violation constituted sufficient just satisfaction for any non-pecuniary damage in 3 cases. Just satisfaction for pecuniary damage (domestic legal costs related to police measures against the applicants) paid as awarded in four cases. The Prosecutor General's Office filed petitions ex officio for the review of the final criminal judgments. The applicants' cases were thus reopened before the Supreme Court, which reversed the judgments and acquitted the applicants for lack of an offence in 2009. General measures: The impugned provision was quashed by the Constitutional Courts in 2013. The new Criminal Code of 2013 contains a reworded provision concerning the use of totalitarian symbols with a scope of application limited to disturbance of public order or violations of the dignity of victims. The judgments were published, translated and disseminated as well as used in training activities for judges and officials.
CM/ResDH(2019)312	IRL / Independent Newspapers (Ireland)	28199/15	15/09/2017 15/06/2017	Freedom of expression: <i>Absence of adequate and effective legal safeguards with regard to a disproportionately high award of damages to the claimant against</i>	Individual measures: Given that the Supreme Court had reduced the original jury award, the violation at appellate level is essentially a procedural one. The applicant company's claim for pecuniary and non-pecuniary damages

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
	Limited			<i>a publishing company in a defamation case. (Article 10 procedural)</i>	was dismissed as the ECHR refused to speculate on the outcome of proceedings had there been no violation. <i>General measures:</i> The legal regime had changed since the events with the adoption of the Defamation Act of 2009, which limited the amounts of defamation damages. It also allowed the trial judge to give more detailed directions to the jury and required the courts to consider a defined set of circumstances when determining damages. The Act also provided a defence for fair and reasonable publication intended to protect public interest in defamation cases. New case-law of the Supreme Court was submitted. The Act is under review and public consultations were finalised in 2016. A report to the Minister for Justice and Equality with options for reform of the 2009 Act will be submitted by the end of 2019. The judgment was published, translated and disseminated.
CM/ResDH(2019)364	IRL / O'Leary	45580/16	14/02/2019 14/02/2019	Access to and efficient functioning of justice: <i>Excessive length of judicial proceedings and the lack of an effective remedy in this respect. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed. <i>General measures:</i> required in response to the shortcomings found continue to be examined within the framework of the McFarlane case.
CM/ResDH(2019)2	ISL / Egill Einarsson	24703/15	07/02/2018 07/11/2017	Protection of private life: <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</i>	<i>Individual measures:</i> The finding of a violations constitutes sufficient just satisfaction for any non-pecuniary damage. <i>General measures:</i> 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.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>"rapist" (which is basically objective and factual in nature) as a value judgment in a specific context. (Article 8)</i>	
CM/ResDH(2019)119	ISL / Westlund Susanna Ros	42628/04	07/07/2008 06/12/2007	Access to and efficient functioning of justice: <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>	Individual measures: 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. General measures: 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 conduct an oral hearing even if a party has not submitted documents within the given time limit. The judgment was published, translated and disseminated.
CM/ResDH(2019)276	ITA / Arras and Others and 7 other cases	17972/07+	14/05/2012 14/02/2012	Access to and efficient functioning of justice: <i>Retroactive legislative interference in litigation between private parties without compelling reason of general interest, thus denial of equality of arms. (Article 6 §1)</i>	Individual measures: Just satisfaction in respect of pecuniary (loss of real opportunities) and non-pecuniary damage paid. General measures required to ensure that retroactive laws are applied in strict conformity with ECHR requirements were examined in the Agrati and Others group of cases in June 2019. In fact, the Constitutional Court consistently applies the relevant principles on retroactive legislation established by the ECHR as shown by two recent decisions (Nos. 12/2018, 147/2017) which declared unconstitutional retroactive legislation on pensions. The present judgments, which are of historical character, were translated, published and disseminated and are used in judicial training activities.
CM/ResDH(2019)185	ITA / Bozza	17739/09	14/12/2017 14/09/2017	Access to and efficient functioning of justice: <i>Failure - in the procedural context</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>of the “Pinto” remedy - to take the execution stage of proceedings into account when determining start of limitation period for length-of-proceedings claims. (Article 6 §1)</i>	<i>General measures:</i> The Court of Cassation changed its approach in 2016 supporting a global assessment of the length of the proceedings instead of the prior strict separation between the proceedings on the merits and the execution proceedings and considering that it was the decision of the enforcement judge that had to be regarded as the “final domestic decision” in the main proceedings. The judgment was published, translated and disseminated.
CM/ResDH(2019)327	ITA / Cirillo and 5 other cases	36276/10	29/04/2013 29/01/2013	Protection against ill-treatment / Conditions of detention: <i>Inadequate medical care and treatment provided to the applicants while in detention, notwithstanding the impossibility to provide them in prison with the medical care and treatment they required. (Article 3)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicants in the cases of Cirillo and G.C., who are still serving prison sentences, have received the necessary medical care and treatment and are now subject to an adequate medical follow-up; four applicants are no longer detained. <i>General measures:</i> In the course of a reform, the competence for penitentiary health care was transferred from the Ministry of Justice to the National Health Service. The latter ensures equivalent levels of health care to detainees and other citizens. Furthermore, the CPT's reports of 2013 and 2017 underline the satisfactory level of care provided to detainees, the good quality of the establishments visited and the sufficient number of medical staff. Moreover, as the ECHR established a link between the lack of regularity of the medical care provided to the applicants in prison and the structural problem of prison overcrowding, see also relevant measures adopted in Torreggiani and Others (pilot judgment) closed by CM/ResDH(2016)28 . The judgments were published, translated and disseminated.
CM/ResDH(2019)238	ITA / Francesco Quattrone and 8 other cases	13431/07+	14/04/2014 26/11/2013	Access to and efficient functioning of justice and protection of property: <i>Length of judicial proceedings and shortcomings of a compensatory remedy (“Pinto” remedy)</i>	<i>General measures:</i> Remaining questions with regard to the functioning of the “Pinto” remedy, namely the 2012 reform which excluded proceedings lasting six years or less or set a cap on the compensation awarded in certain situations, the

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>available since 2001 to victims of excessively long judicial proceedings. (Articles 6§1 and 1 of Protocol No. 1)</i>	ineffectiveness of the remedy in relation to administrative proceedings and its inapplicability to delays in preliminary investigations, continue to be examined in the cases of the Olivieri and Others group.
CM/ResDH(2019)21	ITA / Maggio and Others and 2 other cases	46286/09+	31/08/2011 31/05/2011	Access to and efficient functioning of justice: <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>	Individual measures: Just satisfaction in respect of pecuniary for loss of real opportunities and non-pecuniary damage paid. General measures required to ensure that retroactive laws are applied in strict conformity with ECHR requirements is examined in the Agrati and Others group of cases.
CM/ResDH(2019)120	ITA / Mazzeo	32269/09	05/03/2018 05/10/2017	Access to and efficient functioning of justice and protection of property: <i>Denial of access to a court and violation of the principle of legal certainty due to the impossibility for the applicants to obtain the debt collection recognised by a final judgment of the Council of State. (Article 6 §1)</i>	Individual measures: Just satisfaction in respect of non-pecuniary and pecuniary damage (amount of the recognised debt) paid. General measures: Isolated case. The judgment was published, translated and disseminated.
CM/ResDH(2019)63	ITA / Messina and 4 other cases	26128/04+	09/05/2017 09/02/2017	Protection of property: <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>	Individual measures: Just satisfaction in respect of pecuniary and non-pecuniary damage paid. General measures: See CM/ResDH(2017)138 in the Belvedere Alberghiera S.R.L. group of cases.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2019)221	ITA / Orlandi and Others	26431/12	14/03/2018 14/12/2017	Protection of private and family life: <i>Protection of private and family life: Lack of legal recognition and protection for unions between same-sex partners in the Italian legal system. (Article 8)</i>	Individual measures: Just satisfaction in respect of the non-pecuniary damage paid. General measures: A specific legal framework which guarantees the recognition and protection, in the form of a civil union, of committed and stable same-sex relationships was adopted in May 2016. See CM/ResDH(2017)182 in Oliari and Others. The judgment was published, translated and disseminated.
CM/ResDH(2019)275	ITA / Paudicio and 1 other case	77606/01+	12/11/2007 24/05/2007	Protection of property: <i>Failure by the authorities to comply with an order for the demolition of a building unlawfully built close to the applicant's home despite the neighbours' criminal conviction for violation of the planning regulations. (Article 1 of Protocol No. 1)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The criminal courts had ruled that the applicant had sustained pecuniary damage as a result of the neighbours' illegal building. This meant that the applicant could claim damages through the civil courts. Meanwhile the impugned construction was demolished. General measures: In 1999, the Court of Cassation recognised the right to pecuniary compensation in case of illegal administrative actions. In 2000, this principle was codified for cases of unreasonable delay in the enforcement of judicial decisions. Domestic case-law in application of the Criminal Code with regard to the State officials' responsibility was reinforced. The judgments were translated, published and disseminated.
CM/ResDH(2019)121	ITA / Piazzini and 7 other cases	36168/09+	02/02/2011 02/11/2010	Protection of private and family life / access to and efficient functioning of justice: <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>	Individual measures: 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. General measures 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

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					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.
CM/ResDH(2019)132	LIT / Daineliene	23532/14	16/10/2018 16/10/2018	Access to and efficient functioning of justice: <i>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>	<u>Individual measures:</u> Just satisfaction in respect of non-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.
CM/ResDH(2019)187	LIT / Fridman	40947/11	24/04/2017 24/01/2017	Access to and efficient functioning of justice: <i>Denial of a fair trial due to the improper notification of the oral hearing in a civil case concerning annulment of the</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. The applicant did not request reopening. <u>General measures:</u> According to domestic case-law, before

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>contract whereby the applicant agreed to provide lifetime maintenance in exchange for the person's apartment. (Article 6 §1)</i>	examining the case at the hearing, the courts have to establish whether a party to the proceedings has been duly notified about time and place. The judgment was published, translated and disseminated.
CM/ResDH(2019)73	LIT / Jankovskis	21575/08	17/04/2017 17/01/2017	Freedom of expression – freedom to receive and impart information: <i>Unjustified restriction by prison authorities of a detainee's access to an internet site providing educational information. (Article 10)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The applicant was entitled to request reopening of the administrative proceedings. General measures: 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.
CM/ResDH(2019)256	LIT / Kazlauskas and Nanartonis	234/15 and 22357/15	04/12/2018 04/12/2018	Protection of private life: <i>Disproportionate interference due to prohibition on prisoners receiving electronic items from their friends or charity organisations</i>	Individual measures: The finding of a violation constituted sufficient just satisfaction in respect of any non-pecuniary damage. Legal regulation changed (see below). General measures: The Code for the Execution of Sentences was amended in 2015 to allow convicted inmates to use electronic devices and other items listed in the Inter Rules of Correctional Facilities. The circle of person allowed to bring such items to inmates is not restricted. The judgment was translated, published and disseminated.
CM/ResDH(2019)257	LIT / Kožemiakina	231/15	02/01/2019 02/10/2019	Access to and efficient functioning of justice: <i>Unfairness of civil proceedings due to the failure of domestic courts to protect procedural rights of the applicant, who was unable to question facts established definitively in prior criminal proceeding, in which her minor son had been only a</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The applicant did not request reopening of the impugned proceedings. General measures: Case-law of the Supreme Court was submitted which demonstrates that the protection of procedural rights of parties of civil proceedings, in which relevant facts are related to previous criminal proceedings is

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				<i>witness, and which became the basis for her own civil liability for her minor son's acts.</i>	ensured and that civil liability is to be established by different criteria and burden of proof. The judgment was translated, published and disseminated.
CM/ResDH(2019)313	LIT / Lisovskij and 1 other case	36249/14+	02/08/2017 02/05/2017	Protection of rights in detention: <i>Unjustified and excessively lengthy detention on remand as the authorities did not display requisite diligence in the conduct of the criminal proceedings against the applicants. (Article 5 §3)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicants are now detained post-conviction. General measures: Violation stemmed from the specific circumstances of the case. However, preventive measures were taken: In 2010, amendments to the Code of Criminal Procedure succeeded in speeding-up criminal proceedings, including in the pre-trial phase. Training of judges and prosecutors on the requirements of Article 5 §3 were organised by the Prosecutor's General Office. The number of pre-trial detentions dropped from 7,256 in 2010 to 4,230 in 2015. Further amendments of the Code of Criminal Procedure between 2014 and 2016 aimed at ensuring speediness of judicial proceedings (avoidance of adjournments, adjournment no longer than 1 month, detention for a maximum of 18 months during pre-trial investigation, hearings of detainees via audio and video transmission as well as practical measures concerning the obligation of special diligence in the conduct of proceedings). Moreover, the penal policy regarding the imposition of detention on remand was reviewed and courts must consider the possibility of alternative measures. The judgment was published, translated and disseminated.
CM/ResDH(2019)93	LIT / Manic	46600/11	13/04/2015 13/01/2015	Protection of family life: <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>	Individual measures: 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

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					<p>establish a new contact order.</p> <p><i>General measures:</i> The judgment was published, translated and disseminated.</p>
CM/ResDH(2019)142	LIT / Matiosaitis and Others	22662/13+	23/08/2017 23/05/2017	Protection against ill-treatment: <i>Absence of any mechanism providing a possibility for review and release of life prisoners amounts to degrading treatment. (Article 3)</i>	<p><i>Individual measures:</i> 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.</p> <p><i>General measures:</i> The mechanism for effective review of the life imprisonment sentence was introduced in April 2019 (i.e. 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). This mechanism is supplemented by individual social rehabilitation plans that 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.</p>
CM/ResDH(2019)258	LIT / Naku	26126/07	08/02/2017 08/11/2017	Access to and efficient functioning of justice: <i>Disproportionate restriction of access to court due to the domestic courts' dismissal of the applicant's claim in an employment dispute on the ground of State immunity without giving sufficient reasons. (Article 6 §1)</i>	<p><i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The applicant was granted her request for reopening of the impugned proceedings in 2017. Finally, a friendly settlement was concluded between the applicant and her employer.</p> <p><i>General measures:</i> See also CM/ResDH(2016)194 in Cudak. In general, domestic courts apply the concept of restricted State immunity aligning with the ECHR's case-law and respective examples were submitted. The judgment was translated, published and disseminated.</p>

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CM/ResDH(2019)3	LIT / Sekmadienis Ltd.	69317/14	30/04/2018 30/01/2018	Freedom of expression: <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 advertising campaign depicting religious figures, thus violating public morals. (Article 10)</i>	Individual measures: Just satisfaction in respect of pecuniary damage (amount of the fine) paid. No other negative consequences of the violation. General measures: The relevant legal provision of the Law on Advertising was amended in 2013 clarifying that advertising will be banned only if it expresses contempt for religious symbols or communities. The judgment was published, translated and disseminated.
CM/ResDH(2019)4	LIT / Urbsiene and Urbsys	16580/09	08/02/2017 08/11/2016	Access to and efficient functioning of justice: <i>Unfair civil proceedings due to the denial of legal aid and representation to prepare claims in domestic proceedings. (Article 6 §1)</i>	Individual measures: 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. General measures: 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.
CM/ResDH(2019)299	LVA / Bože	40927/05	13/11/2017 18/05/2017	Protection of private life and home: <i>Lacking adequate and effective safeguards in the supervision of legality and scope of the search of the applicant's apartment and the seizure of his personal belongings in an undercover police investigation into the allegation of unlicensed sale of medicine for treating HIV, hepatitis and</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. Domestic courts acknowledged that in addition to the compensation awarded by the ECHR, the applicant has the right to claim compensation for the shortcomings found. However, the applicant's claims for damage submitted in reopened proceedings were rejected. His appeal is pending. General measures: See CM/ResDH(2018)382 in Holodenko, in particular concerning the improvement of the

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				<i>cancer via the Internet. (Article 8)</i>	prosecutorial supervision of searches and seizures. In August 2010 the Prosecutor General issued a decree to intensify prosecutorial supervision in proceedings concerning alleged offences by State officials. As from 2012 the quality of the prosecutorial supervision has been under continuous assessment. Examples of domestic case-law between 2008 and 2018 were submitted, in which courts acknowledged human rights violation by the police and awarded monetary compensation. The judgments were translated, published and disseminated.
CM/ResDH(2019) 222	LVA / Kirjaenko	39701/11	19/07/2018 19/07/2018	Access to and efficient functioning of justice: <i>Excessive length of administrative proceedings concerning the applicant's disability status. (Article 6 §1)</i>	<u>Individual measures:</u> Just satisfaction in respect of the non-pecuniary damage paid. The domestic proceedings ended before the judgment was delivered. <u>General measures:</u> In 2013 amendments to the Law on Judicial Power in conjunction with the Civil Procedure Law, allowed parties to file motions for the acceleration of proceedings. In 2017-2018 a wide range of further legislative, policy and organisational measures, (such as the introduction of an online monitoring system, the possibility to transfer cases to courts with lesser caseload, a territorial reform of courts and an increased number of judges) ensure faster examination of cases. Statistical data show a decrease in length of proceedings. This progress was acknowledged by the CoE - CEPEJ and European Union bodies. The judgment was published, translated and disseminated.
CM/ResDH(2019) 144	MDA / Balakin and 22 other cases	59474/11+	09/12/2013 04/07/2013	Protection of rights in detention: <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</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. None of the applicants remained detained pending trial. <u>General measures</u> 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

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				<i>respect of unlawful detention or insufficient amount of compensation. (Article 5)</i> <i>Other violations: Articles 3, 5 §1, 11 and 13 in conjunction with 8.</i>	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 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.
CM/ResDH(2019) 5	MDA / Cazacu	40117/02	23/01/2008 23/10/2007	Protection of property: <i>Unlawful refusal by domestic courts to grant the applicant redundancy payments as stipulated by domestic law. (Article 1 of Protocol No. 1)</i>	Individual measures: 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. General measures: 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.
CM/ResDH(2019) 143	MDA / Ceaicovschi and 3 other cases	37725/15+	05/06/2018 05/06/2018	Protection against ill-treatment / conditions of detention: <i>Poor conditions of detention in facilities under the authority of the Ministry of Justice, lack of adequate</i>	Individual measures: 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.

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				<p><i>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></p> <p><i>Other violation: Lack of relevant and sufficient reasons for detention in the first case. (Article 5 §3)</i></p>	<p><u>General measures</u> 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.</p>
CM/ResDH(2019)239	MDA / Genderdoc-M	9106/06	12/09/2012 12/06/2012	<p>Freedom of assembly: <i>Unlawful banning of a demonstration to encourage laws for the protection of sexual minorities from discrimination and lack of clear reasons for the ban; lack of an effective remedy on account of the post-hoc character of the judicial remedy available; unjustified difference in treatment due to the authorities disapproval of the demonstrations considered to promote homosexuality (Articles 11, 13 in conjunction with 11 and Article 14 in conjunction with 11)</i></p>	<p><u>Individual measures:</u> Just satisfaction for pecuniary, non-pecuniary damage and costs and expenses paid. The applicant NGO was able to organise demonstrations (pride marches) without undue restrictions in 2016 – 2019 and with adequate police protection. The Committee encouraged the authorities to continue in the same vein for similar public events in the future.</p> <p><u>General measures:</u> The legislative framework regarding the holding of public assemblies and protection against discrimination was reformed and the relevant administrative practice changed. An Anti-discrimination Council was established in 2016. Legislative proposals to outlaw “propaganda of homosexuality” among minors were not adopted by Parliament and became void. Training and awareness-raising measures directed at the actors concerned were organised. The Committee of Ministers strongly encouraged the authorities to ensure that, prior to any deliberation in Parliament, all draft laws, including those initiated directly by Parliamentarians, are systematically submitted for expert scrutiny of their compatibility with the Convention and the case-law of the Court.</p>
CM/ResDH(2019)303	MDA / Litschauer	25092/15	13/02/2019 13/11/2018	<p>Protection of rights in detention: <i>Unlawful detention pending trial on suspicion of having committed the offence of pimping on account of running an erotic video-chat</i></p>	<p><u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. The applicant was released in April 2015. In December 2016 the District Court found the applicant guilty of the charges but ordered that the criminal proceedings</p>

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				<i>business, as the legal provisions of the Criminal Code did not provide sufficient guidance and were not formulated with sufficient precision. (Article 5 §1)</i>	against him be terminated on the basis of an amnesty law. <i>General measures:</i> In 2018, in amendments to the Code of Minor Offences the offence of prostitution was redefined to include the means of information technology and electronic communication. The judgment was translated, published and disseminated. It is used in training activities for judges and other legal professions.
CM/ResDH(2019)314	MDA / Oferta Plus SRL	14385/04	23/05/2007 19/12/2006 Merits 07/07/2008 12/02/2008 Just satisfaction	Access to and efficient functioning of justice and protection of property / Right to petition: <i>Failure to enforce a judgment as well as subsequent extension without justification of the time-limit for lodging an appeal by the opposite party and quashing the judgment in the applicant company's favour; initiation of criminal proceedings against the applicant company's CEO to discourage him from pursuing the application before the ECHR and refusal to allow the applicant company's counsel to confer its CEO in a detention facility without being separated by a glass partition. (Articles 6 § 1 and 1 of Protocol No. 1 as well as Article 34)</i>	<i>Individual measures:</i> Just satisfaction for pecuniary damage (outstanding debt under the original judgment of 1999 and compensation for the inability to make use of it) and non-pecuniary damage paid. As regards the criminal proceedings initiated against the applicant company's CEO, he was released in 2006, then acquitted in 2007. The prosecutor's appeals were dismissed by the Court of Appeal and the Supreme Court. <i>General Measures:</i> As concerns Article 34, see measures reported in the Muşuc/Guţu/Brega groups (DH-DD(2016)458) as well as the Boicenco group (DH-DD(2016)459). The glass partition in the detention centre concerned was dismantled in 2007. Concerning the initiation of criminal proceedings, the prosecution service underwent a comprehensive reform: The Superior Council of Prosecutors adopted a Code of Ethics in 2015 stating that a prosecutor shall act in compliance with ECHR requirements and ECHR's case-law, respect the rights and legitimate interests of all parties in the judicial process and observe the principles of integrity, responsibility, impartiality. Moreover, a new Law on the Prosecution Service was adopted in February 2016 which aims, inter alia, at improving the guarantees of respect for human rights in criminal proceedings. The law provides for disciplinary sanctions in case of improper performance by prosecutors of their duties and the violation of the Code of Ethics. Disciplinary proceedings are conducted by the Discipline and Ethics

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					Council and can be initiated by any person concerned or prosecutorial self-administration bodies. Moreover, the prosecution of a knowingly innocent person is a crime punishable under the Criminal Code with imprisonment and/or the prohibition to exercise certain functions or perform certain activities. The judgment was published, translated and disseminated. Continuous training for prosecutors, judges and court staff provided on the issue. General measures in response to the violations of Articles 6 §1 and 1 of Protocol No. 1 are examined in the Olaru and Others group (No. 476/07) and Popov (No. 2) group (No.19960/04).
CM/ResDH(2019)110	MDA / Sultan	17047/07	05/09/2018 05/06/2018	Access to and efficient functioning of justice: 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	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The applicant did not seek reopening of the proceedings. General measures: 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.
CM/ResDH(2019)304	MDA / Tiramavia S.R.L. and Others and 1 other case	54115/09+	04/12/2018 04/09/2018	Protection of property: Unlawful interference due to the withdrawal of the four applicant companies' valid air operating certificates issued by the Moldovan Civil Aviation State Authority without sufficient procedural guarantees. (Article 1 of Protocol No. 1)	Individual measures: The applicant companies lodged revision requests with the Supreme Court. In July 2019 it cancelled the order of the Moldovan Civil Aviation State Authority to withdraw their air operator certificates. General measures: Isolated case. Domestic legislation governing the civil aviation has been considerably reformed since the events in question. A new Code of Civil Aviation was adopted in 2017 and entered into force in March 2019. It lists the grounds for suspension and withdrawal of an air operator certificate. It is also planned to set up a Council for the Resolution of Disputes within the Civil Aviation Authority facilitating dialogue with the air operators. The judgments were translated, published and disseminated. They are also used in training activities for judges of the National Institute

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					of Justice.
CM/ResDH(2019)302	MDA / Topal	12257/06	03/10/2018 03/07/2018	Access to and efficient functioning of justice: <i>Unfair proceedings initiated by the applicant for the recovery of a personal retirement pension, the legal basis of which was abrogated by the People's Assembly of Gagauzia pending proceedings. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant did not avail himself of the possibility to seek reopening of the impugned proceedings. General measures: Violation stems from a legislative intervention in pending court proceedings, which is an isolated occurrence. The judgment was translated, published and disseminated. It is used in training activities for judges and other legal professions.
CM/ResDH(2019)301	MKD / Andonoski	16225/08	17/12/2015 17/09/2015	Protection of property: <i>Disproportionate interference due to the confiscation of the applicant's taxi in criminal proceedings against a third person. (Article 1 of Protocol No. 1)</i>	Individual measures: Just satisfaction for pecuniary (value of the car) and non-pecuniary damage paid. General measures: In December 2018, the Criminal Code was amended abolishing the automatic confiscation of means of transport used for smuggling of migrants without any exception. The judgment was translated, published and disseminated. It is used in training activities for judges.
CM/ResDH(2019)316	MKD / Boris Stojanovski	41916/04	06/08/2010 06/05/2010	Access to and efficient functioning of justice: <i>Denial of access to a court due to the lack of decision on the merits in respect of the applicant's compensation claim for an assault in criminal proceedings which became time-barred. (Article 6 §1)</i>	Individual measures: The applicant's claim for non-pecuniary damage was dismissed as being based on the assault he had suffered and not on the violation found. The applicant has not raised any claim for damages before civil courts. No information on the reopening of the impugned proceedings was submitted. Criminal proceedings were terminated in 2004. General measures: A new Act on Courts was adopted in 2006, which introduced specialisation within the courts. Thus, civil claims can only be decided in civil courts or civil court divisions, which are not required to await the outcome of the criminal proceedings as it was the case at the time of the impugned facts of the present case. Today claimants in a similar situation to that of the applicant would have access to a court to decide on the merits of their claim. The criminal court can only decide on compensation claims if guilt has

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					been established. The judgment was published, translated and disseminated.
CM/ResDH(2019)369	MKD / El-Masri	39630/09	13/12/2012 13/12/2012	Protection of rights in detention, protection against ill-treatment, protection of private life: <i>In the context of a secret "rendition" operation the applicant, a German national, was arrested, held in isolation, questioned and subjected to ill-treatment, then transferred to CIA agents at Skopje airport who brought him to a secret detention facility in Afghanistan, where he was further ill-treated; lack of effective investigations in respect of these complaints. (Articles 3 procedural, 3 substantive, 5 procedural, 5 substantive, 8 as well as Article 13 in conjunction with Articles 3, 5 and 8)</i>	<p>Individual measures: Just satisfaction for non-pecuniary damage paid. After a reverse-rendition to Albania, the applicant had been released on 28/05/2004 by unidentified persons near borders with "the former Yugoslav Republic of Macedonia" and Serbia. He is currently living in Germany. The applicant's criminal complaint was rejected in 2008. Later prosecution became time-barred. In 2018, the Foreign Minister issued an apology on behalf of the government to the applicant. In 2018, the applicant's claim for non-pecuniary damage was acknowledged.</p> <p>General measures:</p> <p>Legal framework concerning ill-treatment: The Criminal Code provided penalties up to five years imprisonment for law enforcement officials, who in performing their duties ill-treated victims. In 2004 and 2009 respectively, the Criminal Code was amended and harsher penalties of up to eight years imprisonment were imposed.</p> <p>Furthermore, the Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment was ratified in 2008 and the Ombudsman institution was designated as the National Preventive Mechanism and its powers were strengthened in 2016. In 2008, the Ministry of the Interior introduced inspectors for preventing ill-treatment into the internal structure of all levels and units, including the counter-intelligence service, border police and the special units and in 2009, staff in the Department for Control and Professional Standards within the Ministry of Interior was increased to 60. Members of special force, intelligence services and border police are continuously trained and made aware that ill-treatment, torture and arbitrary detention are intolerable. In 2017, the authorities conveyed a clear message of zero</p>

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					<p>tolerance concerning arbitrary detention, ill-treatment and torture, including within the framework of secret rendition operations.</p> <p><i>Investigations into ill-treatment:</i> In 2010, the new Criminal Procedure Code granted significantly wider powers to the public prosecutor in the investigations against unknown members of the police forces and a separate judicial police accountable to the public prosecutor was established. In April 2016, an external oversight mechanism (specialised unit within the Public Prosecution Service) and a new civil review body comprised of independent external members without any affiliation with the police or other law-enforcement agencies were created. In 2018 amendments to the Law on Internal Affairs, the Law on the Police, the Law on Execution of Sanctions and the Law on the Ombudsman as well as to the Law on Courts, and the Law on Public Prosecution Office were adopted. The role of criminal courts in prosecuting ill-treatment in hands of the law enforcement agents was enhanced and a special new jurisdiction was given to the Department for organised crime and corruption within the Skopje Criminal Court. In 2018/19 several training activities for prosecutors and judges were organised.</p> <p>Concerning the legality of detention, the Ministry of the Interior's Bureau for Public Security developed in 2014 a new standard operative procedure on the treatment of persons whose right to freedom of movement was limited. The right to appeal against a prosecutor's decision to a higher prosecutor was introduced in the Criminal Procedure Code in 2010. The judgment was published, translated and disseminated.</p>
CM/ResDH(2019)193	MKD / Euromak Metal Doo	68039/14	08/10/2018 14/06/2018	Protection of property: Disproportionate interference due to the deprivation of the applicant company of the right to deduct value-added tax it had paid on received	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The applicant company's shareholders were entitled to request reopening of the impugned proceedings. However, they did not avail

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				goods, owing to circumstances beyond its control, namely its' suppliers' failure to meet its tax obligations. (Article 1 of Protocol No. 1)	<p>themselves of this opportunity. Due to lack of funds on the applicant company's account, the Internal Revenues Office had failed to collect any money on the basis of the impugned decisions.</p> <p><u>General measures:</u> In 2014, amendments on the Value Added Tax Act introduced a mechanism "reverse charge" shifting the responsibility for the VAT transaction report from the supplier to the recipient of a good or service. In the invoice issued to the recipient the supplier must indicate "transfer tax liability." The recipient is then required to calculate and report the VAT. This mechanism is applicable, inter alia, for goods and services such as waste, industrial and non-industrial waste materials, waste material that can be recycled, and partially processed waste dealt by the applicant company. The Interdepartmental Commission for the execution of ECHR judgments adopted the recommendations to encourage the Higher Administrative Court, the Administrative Court, the Ministry of Finance and the Public Revenue Office to make decisions in accordance with the present findings as well as to encourage the Academy for Judges and Public Prosecutors to organise trainings on the topics of tax procedure and tax laws. The judgment was published, translated and disseminated.</p>
CM/ResDH(2019)192	MKD / Ljatifi	19017/16	08/10/2018 17/05/2018	Safeguards in expulsion proceedings: <i>Failure to provide the minimum safeguards in asylum proceedings due to the lack of meaningful judicial scrutiny of the Intelligence Agency's assertion based on classified information that the applicant, a Serbian national fleeing from Kosovo, posed a risk to national security, which resulted in an expulsion order. (Article 1 of Protocol No. 7)</i>	<p><u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. Pursuant to the Administrative Disputes Law the applicant was entitled to request reopening of the impugned proceedings; however, he did not avail himself of this opportunity. The applicant is currently residing in North Macedonia and the government gave the assurance that she will not be expelled.</p> <p><u>General measures:</u> Change of case-law of the Higher Administrative Court quashing similar decisions of administrative courts and remitting the cases for fresh consideration. The judgment was published, translated and</p>

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					disseminated. It is used in training and awareness-raising activities for judges and lawyers.
CM/ResDH(2019)190	MKD / Makraduli	64659/11	19/10/2018 19/07/2018	Freedom of expression: <i>Disproportionate interference due to criminal convictions for defamation of a well-known high-ranking State official and a politician. (Article 10)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The applicant's impugned criminal convictions were erased from the register. General measures: In November 2012, the Law on Civil Liability for Insult and Defamation was adopted and the respective provisions of the Criminal Code were repealed. According to the law on civil liability for violation of honor and reputation of physical and legal persons through insults or defamation, restrictions must be in conformity with ECHR jurisprudence. The Academy for Judges and Prosecutors carried out a large number of specific trainings and awareness-raising measures. The Joint EU-CoE Project "Reinforcing Judicial Expertise on Freedom of Expression and the Media in South-East Europe (JUFREX) organised activities on "Limits of the Freedom of Expression – hate speech". The judgment was published, translated and disseminated.
CM/ResDH(2019)195	MKD / Mitkova	48386/09	15/01/2016 15/10/2015	Access to and efficient functioning of justice: <i>Denial of a fair trial on account of a lack of an oral hearing in proceedings before the Administrative Court concerning the reimbursement of expenses for the medical treatment abroad and excessive length of related proceedings. (Article 6 §1)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. Domestic proceedings closed in 2006. The applicant's request for reopening of the impugned proceedings was rejected as time-barred in 2016. The procedural shortcoming found was not of such gravity to cast a serious doubt on the outcome of the domestic proceedings complained of. Today, the new Administrative Disputes Act of 2019 prescribes a time limit of 90 days following the date the ECHR judgment or decision became final. General measures: The new Administrative Disputes Act of 2019 established the principle of oral hearing as one of its core principles. Thus, the Administrative Court is now expressly under an obligation to hold a public and oral hearing before rendering a decision. Concerning the issue of excessive length of administrative proceedings, see

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					CM/ResDH (2011)81 in Dumanovski group. Also, the new Administrative Dispute Act establishes the principle of efficiency as one of the main principles in the administrative disputes. The judgment was published, translated and disseminated.
CM/ResDH(2019)300	MKD / Mitrinovski and 3 other cases	6899/12+	30/07/2015 30/04/2015	Access to and efficient functioning of justice: <i>Unfair trial due to lacking objective and subjective impartiality in misconduct proceedings before the State Judicial Council concerning the applicants' dismissal from their office as a judge. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. In October 2015, the necessary amendments to the State Judicial Council's Rules were introduced to allow reopening of proceedings in case of ECHR violations. In reopened proceedings in 2018, the dismissal of two of the applicants for professional misconduct was repeated and upheld by the Supreme Court. Reopened proceedings with regard to the third applicant are still pending. General measures: In February 2015, the Act on the "Council for establishing facts and initiating proceedings to determine a judge's responsibility for professional misconduct" set up a new independent body composed of nine members with investigative, accusatory and decision-making competences. In 2017, the Act was abrogated and the Council abolished on recommendation of the Venice Commission. In 2018, the State Judicial Council Act and the Courts Act were amended, as recommended by the Venice Commission, to separate the investigation from the decision-making phase and to exclude SCJ members having initiated disciplinary proceedings from participating in decision-making. In May 2019, a new SJC entered into force providing safeguards for a fair trial in disciplinary proceedings involving judges. The judgments were translated, published and disseminated. They are used in training activities for judges.
CM/ResDH(2019)348	MKD / Paunoski	18669/08	06/06/2019 06/06/2019	Access to and efficient functioning of justice: <i>Excessive length of criminal proceedings. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. General measures: See CM/ResDH(2016)35 in Atanasovic group, Nankov subgroup.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2019)315	MKD / Petrović	30721/15	22/09/2017 22/06/2017	Access to and efficient functioning of justice: Excessive length of restitution proceedings before administrative bodies (Article 6 §1)	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed in 2018. <i>General measures:</i> See CM/ResDH(2011)81 in Dumanovski. Furthermore, additional measures were adopted: The new General Administrative Proceedings Act of 2016 established the principle of efficiency in the administrative proceedings and prescribes a time limit of 30 days for the adoption of the relevant decision by the administrative authorities, running from the submission of the claim and all the required evidence. Other measures for efficient, simpler and faster administrative procedures such as development and application of "e-administration" that includes e-assistance and e-administration, were introduced. Moreover, the new Administrative Disputes Act of 2019 obliges all courts and public authorities to cooperate with the Administrative Court and to deliver a complete case file to it, when requested. In case of failure to do so for unjustified reason, the official responsible will be fined. The judgment was published, translated and disseminated. Training activities with special focus on excessive length of administrative proceedings are organised by the Academy for Training of Judges and Prosecutors.
CM/ResDH(2019)65	MKD / Selami and Others	78241/13	01/06/2018 01/03/2018	Protection of rights in detention and against ill-treatment: 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>Individual measures:</i> 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. <i>General measures:</i> 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.
CM/ResDH(2019)	MKD / Taseva	73759/14	11/01/2018	Access to and efficient functioning of	<i>Individual measures:</i> The applicant submitted no claim for

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
197	Petrovska		11/01/2018	<i>justice: Denial of a fair hearing before the High Administrative Court due to the failure to transmit to the applicant the observations submitted by the Ministry of Justice. (Article 6 §1)</i>	just satisfaction. In reopened proceedings, the adversarial principle was respected. <u>General measures:</u> See CM/ResDH(2018)56 in Naumoski concerning civil proceedings. The new Administrative Disputes Act of 2019 provides for an obligation for the administrative courts to forward to an appellant the observations of the other party submitted in reply to his/her appeal. Its provisions furthermore highlight the adversarial principle meaning that administrative courts are put under an obligation to give parties the opportunity to familiarise themselves with and comment on the requests and submissions of the other party in the proceedings. The judgment was published, translated and disseminated.
CM/ResDH(2019)196	MKD / Velinov and Others	16880/08	19/12/2013 19/09/2013	<i>Protection of rights in detention: Unlawful imprisonment to enforce a fine, imposed in misdemeanour proceedings, converted into a prison sentence despite the fact that it had already been paid; failure of the police officers to inform the applicant of the reasons for his arrest; failure to obtain compensation for his unlawful imprisonment; excessive length of the related compensation proceedings and lack of an effective remedy against their length. (Articles 5 §§1b+2+5, 6 and 13)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. In reopened compensation proceedings, the domestic court found that the applicant's damage had been fully redressed by the just satisfaction awarded by the ECHR. <u>General measures:</u> In 2006, a new Misdemeanor Act was adopted. Pursuant to its provisions, it is not possible to convert a fine imposed into a prison sentence. As concerns Article 5 §2, the violation resulted from the non-observance of the clear legislative framework by the police officers. In 2013, the Ministry of the Interior in cooperation with the EU Mission and the CoE started a ten year project "Capacity building of law enforcement institutions for appropriate treatment of persons detained or deprived of their liberty." The right to compensation for unjustified detention through the fault or unlawful conduct of a public body is enshrined in the Criminal Proceedings Act of 1997 and of 2013. As concerns excessive length of proceedings and an effective remedy in this regard, see CM/ResDH(2016)35 in Antanasovic. The judgment was published, translated and disseminated.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2019)122	MLT / Falzon	45791/13	20/06/2018 20/03/2018	Freedom of expression: 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>Individual measures:</i> Just satisfaction in respect of non-pecuniary and pecuniary (amount of fine) damage paid. <i>General measures:</i> 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.
CM/ResDH(2019)94	MLT / Penaranda Soto	16680/14	19/03/2018 19/12/2017	Right to individual petition: Unlawful monitoring by the prison authorities of the applicant's correspondence with the ECHR. (Article 34)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> The judgment was published, translated and disseminated. The prison authorities reviewed their internal procedures in order to ensure their compatibility.
CM/ResDH(2019)64	MON / Lekic	37726/11	09/10/2018 09/10/2018	Access to and efficient functioning of justice: Excessive length of civil proceedings. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. Domestic proceedings closed in 2010. <i>General measures:</i> See CM/ResDH(2017)38 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.
CM/ResDH(2019)189	MON / Milićević	27821/16	06/02/2019 06/11/2018	Protection of private and family life: Lack of sufficient preventive measures taken by the authorities in reaction to a threat by a long-term psychiatric patient resulting in a violent attack of the applicant. (Article 8)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The attacker was arrested, prosecuted and ordered to undergo mandatory inpatient psychiatric treatment. The authorities ensured that the attacker is medically monitored on a regular basis. The last period assessment was carried out on 01/07/2019. The applicant could request reopening of the civil proceedings for compensation on account of the authorities' failure to undertake preventive measures. <i>General measures:</i> Violation linked to the specific facts of the present case. The judgment was published, translated and disseminated. Training and awareness-raising activities were

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					organised by the Centre for Training of Judiciary and Public Prosecutors.
CM/ResDH(2019)22	MON / Vujovic and Lipa D.O.O.	18912/15	02/07/2018 20/02/2018	Access to and efficient functioning of justice: <i>Disproportionate hindrance of access to court due to the Court of Appeal's refusal to examine a company's and its owner's appeal on the merits with regard to a court decision ordering the opening of insolvency proceedings. (Article 6 §1)</i>	Individual measures: 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. General measures: 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.
CM/ResDH(2019)160	POL / Chim and Przywieczerski	36661/07+	12/07/2018 12/04/2018	Access to and efficient functioning of justice: <i>Denial of fair criminal proceedings due to the irregular assignment of a judge to the first instance court, which did however not affect the content of the judgment. (Article 6 §1)</i>	Individual measures: The finding of a violation constitutes in itself sufficient just satisfaction for the non-pecuniary damage sustained. The request for reopening was dismissed as the violation did not affect the content of the domestic judgment. General measures: The judgement was published, translated and disseminated. In 2017, following legislative amendments, 45 coordinators for international cooperation and human rights were appointed in every judicial district in civil and criminal matters to ensure accessibility of the ECHR standards at the level of each domestic court. Furthermore, new rules concerning the allocation of cases were introduced and the Ministry of Justice called upon to supervise common courts in order to detect any irregularities the assignment of cases.
CM/ResDH(2019)199	POL / Frasik	22933/02	05/04/2010 05/01/2010	Right to marry, lack of an effective remedy and protection of rights in detention: <i>Disproportionate interference due to lack of restraint displayed by the</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. In 2002, the applicant was sentenced to 3 years of imprisonment and no longer subject to any restrictions related to his detainee's status.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>national judge in exercising her discretion when refusing the applicant's marriage during his detention on remand; inability to challenge the denial of the right to marry; excessive length and delay in examination of his appeal against his detention on remand. (Articles 12, 13 and 5 §4)</i>	<i>General measures:</i> Violations of Articles 12 and 13 result from the authorities' erroneous practice. See also CM/ResDH(2016)127 in Jaremicz. Change of practice: Currently the authorities no longer consider requests made by detainees as requests for a leave to marry but only as requests for visits in detention with a special purpose of getting married with remedies available in this respect. According to the Executive Criminal Code, a permission for a visit can be refused only if there is a risk that it could be used to commit a crime or cause illegal impediments to the conduct of criminal proceedings, in particular to committing a crime. Detainees and relatives may file an interlocutory appeal against a negative decision. The judgment was published, translated and disseminated. It was used in training and awareness-raising activities. As concerns the issue of length of review of detention on remand, see CM/ResDH(2011)139 in Baranowski. The Code of Criminal Procedure was amended in 2015 to provide clear deadlines for appeal courts to deal with an appeal against a decision concerning a detention on remand which is maximum 7 days.
CM/ResDH(2019)277	POL / Jurasz	48327/09	22/02/2019 22/11/2018	Protection against ill-treatment: <i>Lack of effective investigation into alleged ill-treatment during arrest having regard to the overall time elapsed between the day the ill-treatment by the municipal police officers was reported and their conviction, i.e. 7 years. (Article 3 procedural limb)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The responsible police officers were convicted in domestic proceedings. <i>General measures:</i> See CM/ResDH(2016)148 in Dzwonkowski group of cases. The judgment was translated, published and disseminated.
CM/ResDH(2019)200	POL / Korzeniak	56134/08	10/04/2017 10/01/2017	Access to and efficient functioning of justice: <i>Objectively justified doubts as to the impartiality of the Supreme Court due to the participation on one judge, who had been involved in the decision of the</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The applicant had the possibility to request reopening of proceedings. <i>General measures:</i> The violation resulted from erroneous application of the respective legal provision. The judgment

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				<i>appellate court. (Article 6 §1)</i>	was published, translated and disseminated.
CM/ResDH(2019)74	POL / Kuchta	58683/08	23/04/2018 23/01/2018	Access to and efficient functioning of justice: <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>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The Code of Criminal Procedure provides for the possibility to reopen criminal proceedings. General measures: 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.
CM/ResDH(2019)223	POL / Malek	9919/11	11/01/2018 11/01/2018	Access to and efficient functioning of justice: <i>Infringement of the presumption of innocence in a decision on the applicant's appeal against the extension of pre-trial detention, which referred to his probable guilt. (Article 6 §2)</i>	Individual measures: The finding of a violation constituted sufficient just satisfaction in respect of non-pecuniary damage. The applicant was released in 2013. General measures: Isolated occurrence. The judgment was published, translated and disseminated and is used in training activities for judges.
CM/ResDH(2019)97	POL / Oleksa	47580/13	12/07/2018 12/07/2018	Conditions of detention / Protection against ill-treatment: <i>Inadequate prison conditions in in Myslowice Remand Centre and in Wojtkowice Prison. (Article 3)</i>	Individual measures: No claim submitted. Compensation paid on a domestic level. The applicant is placed in cells of 3 m ² space per one detainee so that the Executive Criminal Code was always respected. General measures: 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.
CM/ResDH(2019)305	POL / Sępczyński	78352/14	26/04/2018 26/04/2018	Protection against ill-treatment; conditions of detention – protection of	Individual measures: Just satisfaction for non-pecuniary damage paid. The period of detention concerned ended in

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				<p>property: <i>Inadequate medical care in prison – disproportionate interference due to the imposition of court fees in a higher amount than the compensation awarded to him in domestic proceedings concerning this inadequate medical care without consideration of the specific situation of the applicant. (Articles 3 and 1 of Protocol No. 1)</i></p>	<p>2011. <i>General measures:</i> Concerning adequate medical care in prison see CM/ResDH(2016)278 in the Kaprykowski group. In addition, the following measures were adopted since: The prison health service reflects the organisational structure of the Prison Service administration in general. Concrete healthcare is provided in basic units, i.e. prisons and remand centres. The Code of the Execution of Criminal Sentences enumerates conditions in which the treatment in healthcare units outside the prison service is needed. In 2018, there were 4715 patients in prison hospital wards and 4 168 in non-prison medical entities. 1.320.423 general practitioner's appointments and specialist consultations took place in prison infirmaries, whereas 33.159 such services took place in the non-prison healthcare institutions. Mental health care and health care for disabled detainees, including rehabilitation, is also provided. As concerns the imposition of court fees without consideration of the applicant's specific situation, the violation stemmed from a misapplication of the law and training activities were organised by the National School of Judiciary and Public Prosecution. The judgment was translated, published and disseminated.</p>
CM/ResDH(2019)261	<p>POL / Szafrński</p>	<p>17249/12</p>	<p>15/03/2016 15/12/2015</p>	<p>Protection against ill-treatment; conditions of detention: <i>Poor sanitary conditions due to lack of separations in the Wronki Prison. (Article 3)</i></p>	<p><i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The applicant was released in 2016. <i>General measures:</i> The standards of sanitary facilities in penitentiary institutions have been improved since 2011 and between 2011 and 2018 in 6113 cells full partition was installed. In 2019 the number of sanitary facilities with only partial separation from the rest of the cell dropped to 666 and renovation of another 333 facilities is planned. According to the authorities the full partition standard in multi-occupancy cells should be achieved by 2021. The judgment was translated, published and disseminated.</p>

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CM/ResDH(2019)260	POL / Walasek	33946/15	18/10/2018 18/10/2018	Protection against ill-treatment; conditions of detention: Detention for 28 days in an overcrowded cell. (Article 3)	<i>Individual measures:</i> No claim submitted. Detention ended. <i>General measures:</i> See CM/ResDH(2016)254 in the Orchowski group. In addition, the authorities submitted information about the current level of prison population and various awareness-raising measures, including the appointment of judges-coordinators for human rights and training activities organised by the Ministry of Justice. The judgment was translated, published and disseminated.
CM/ResDH(2019)278	POL / Witkowski	21497/14	13/03/2019 13/12/2018	Access to and efficient functioning of justice: Lack of access to a court due to the applicant's inability to appeal against a judgment given against him by the first-instance court in criminal proceedings as the court had refused to examine his request to be given the reasons of a judgment in writing which he had submitted only an hour before the judgment's delivery. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. No request for reopening was submitted by the applicant. <i>General measures:</i> The violation stems from an erroneous interpretation by domestic courts of the provisions concerning the time-limit for requesting the preparation of written grounds of a ruling. The judgment was translated, published and disseminated.
CM/ResDH(2019)198	POL / Wizerkaniuk	18990/05	05/10/2011 05/07/2011	Freedom of expression: Disproportionate interference due to the criminal conviction of a chief editor and co-owner of a local newspaper for the publication of an interview with a local MP, quoted verbatim, without having obtained prior authorisation. (Article 10)	<i>Individual measures:</i> Just satisfaction in respect of pecuniary (amount of fine) and non-pecuniary damage paid. Reopening of criminal proceedings is provided for in the Code of Criminal Procedure. <i>General measures:</i> The Press Act was amended in 2017 clarifying the obligation to obtain authorisation and the related procedure and time-limits. Furthermore, criminal liability was replaced by misdemeanour liability, which may be excluded in case of the journalist's acting with due diligence and of consistency of the text with the original statement. The judgment was published, translated and disseminated.
CM/ResDH(2019)95	POL / Wolosowicz	11757/15	12/07/2018 12/07/2018	Conditions of detention / Protection against ill-treatment: Inadequate prison	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>conditions in Siedlce Prison in an overcrowded cells. (Article 3)</i>	<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.
CM/ResDH(2019)98	POL / Zagalski	52683/15	19/07/2018 19/07/2018	Protection of rights in detention: <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.
CM/ResDH(2019)96	POL / Zielinski	43924/12	05/07/2018 05/07/2018	Protection of rights in detention: <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 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.
CM/ResDH(2019)349	PRT / Figueiredo Gonçalves	57422/09	18/02/2014 18/02/2014	Access to and efficient functioning of justice: <i>Failure to enforce a judgment in his favour ordering the applicant's neighbours to demolish the part of their building encroaching on his property. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for pecuniary and non-pecuniary damage combined, awarded in equity, paid. Internal proceedings closed concerning the applicant, who died in 2017 and whose habilitation could not be transferred on the heir.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					<i>General measures:</i> Violation due to the specific circumstances of the case. The judgment was published, translated and disseminated.
CM/ResDH(2019)201	PRT / Medipress Sociedade Jornalística Lda and 2 other cases	55442/12+	30/08/2016 30/11/2016	Freedom of expression: <i>Disproportionate interference due to the conviction of the applicants in civil or criminal proceedings to pay compensation for impugning the other party's honour and reputation following the publication of articles of opinion. (Article 10)</i>	<i>Individual measures:</i> Just satisfaction in respect of pecuniary (amount of compensation or fine) and non-pecuniary damage paid. The second applicant's conviction was erased from his criminal record. He and the third applicant did not request reopening of proceedings. The first applicant's request for reopening was rejected as statu quo ante had been re-established by the just satisfaction payment. <i>General measures:</i> The judgments were published, translated and disseminated and are used in training activities for judges and magistrates. The Supreme Court stated, in 2017, that in similar cases concerning the protection of honour and reputation, domestic courts must decide on the basis of a prognosis on the ECHR's possible decision.
CM/ResDH(2019)123	PRT / Soares de Melo	72850/14	16/05/2016 16/02/2016	Protection of private and family life: <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>	<i>Individual measures:</i> 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. <i>General measures:</i> 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.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2019)34	ROM / Astileanu and Axente and 11 other cases	43258/07+	30/11/2017 30/11/2017	Access to and efficient functioning of justice: Excessive length of judicial proceedings. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. All domestic proceedings are terminated. <i>General measures</i> required will be evaluated in the framework of the group of cases Vlad (No. 40756/06).
CM/ResDH(2019)124	ROM / Barbulescu	61496/08	05/09/2017 Grand Chamber	Protection of private life and of correspondence: Disproportionate interference due to the monitoring of an employee's use of the Internet at his place of work and use of data collected to justify his dismissal. (Article 8)	<i>Individual measures:</i> The finding of a violation constitutes sufficient just satisfaction in respect of non-pecuniary damage. The applicant had the possibility to request review 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.
CM/ResDH(2019)125	ROM / Borşan	25228/09	05/12/2017 05/12/2017	Access to and efficient functioning of justice: 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>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.
CM/ResDH(2019)225	ROM / Dragoş Ioan Rusu	22767/08	31/01/2018 31/10/2018	Protection of private life and correspondence: Unlawful interference due to the use of an urgent procedure for confiscating the applicant's postal correspondence in the context of criminal proceedings without judicial authorisation. (Article 8)	<i>Individual measures:</i> The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. No reopening of proceedings required as the violation did not touch its fairness. <i>General measures:</i> In 2014, the impugned procedure was modified in the new Code of Criminal Procedure and seizures and searches of postal deliveries now require judicial authorisation. . The judgment was published, translated and disseminated.
CM/ResDH(2019)280	ROM / Hulpe and Others	24838/10+	27/02/2018 27/02/2018	Access to and efficient functioning of justice: Lack of access to a court due to the fact that the applicants were summoned only by notices affixed to their	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The applicants were informed of the possibility to submit a request for reopening of the impugned proceedings.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>premises and the failing attempt of the court, despite the applicants' absence, to ensure that they had been informed of the hearing dates and could take part in the proceedings in which their civil rights were at stake. (Article 6 §1)</i>	<i>General measures:</i> See CM/ResDH(2017)248 in SC Raisa M. Shipping SRL. The judgment was translated, published and disseminated.
CM/ResDH(2019)281	ROM / Orăștie Romanian Greek catholic archpriesthood and Oraștie Romanian Greek catholic parish united to Rome	32729/12	17/10/2017 17/10/2017	Access to and efficient functioning of justice: <i>Absence of a fair hearing as a result of the infringement of the principle of legal certainty due to profound and long-standing differences in domestic case-law of the High Court of Cassation and Justice between 2007 and 2012 coupled with the failure to make prompt use of the mechanism foreseen under domestic law for ensuring consistent legal practice, concerning in the present case questions relating to the restitution of places of worship. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The present case is of historical nature and the internal solution found is in line with the case-law of the High Court of Cassation and Justice since 2012. The litigious domestic proceedings having created rights to third parties of good faith, the principle of legal certainty prevents in principle reopening. <i>General measures:</i> See CM/ResDH(2017)351 in Lupeni Greek Catholic Parish and Others.
CM/ResDH(2019)226	ROM / S.C. Textinc S.A.	52018/10	06/02/2018 06/02/2018	Access to and efficient functioning of justice: <i>Infringement of the principle of legal certainty due to the quashing of a final domestic decision in favour of the applicant company by means of an "application to set aside" lodged by a party to the proceedings. (Article 6)</i>	<i>Individual measures:</i> Just satisfaction awarded in respect of non-pecuniary and pecuniary damage in one head was duly paid. The Code of Civil Procedure allows requesting the reopening of domestic proceedings following a ECHR judgment. <i>General measures:</i> See CM/ResDH(2013)69 in Mitrea. The judgment was published, translated and disseminated.
CM/ResDH(2019)224	ROM / Strungariu and 11 other cases	23878/02+	29/12/2005 29/09/2005	Access to and efficient functioning of justice and protection of property: <i>Failure to enforce final judicial decisions ordering the applicants' reinstatement in the posts they previously held with various public bodies and the payment of the salary</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary and/or pecuniary damage (salary and other arrears) paid. Domestic decisions on reinstatement were executed either before or after judgment delivery. In one exceptional case, the question of applicant's reinstatement was finally solved in 2015 in the framework of a friendly

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>arrears for the period they were unemployed. (Articles 6 §1 and 1 of Protocol No. 1)</i>	settlement on domestic level. <i>General measures</i> required to resolve the problem of failure or delay by the State or by legal persons under its responsibility to abide by final court decisions are examined in the framework of the Săcăleanu group of cases. For questions related to the powers of the Prosecutor General to lodge extraordinary appeals in civil disputes: see CM/ResDH(2007)90 in Brumărescu group.
CM/ResDH(2019)227	ROM / Valdhuter	70792/10	27/09/2017 27/06/2017	Access to and efficient functioning of justice: <i>Unfair criminal proceedings due to the inability to question a witness whose statements had been taken into account for the applicant's conviction and excessive length of the proceedings. (Article 6 §§1 and 3(d))</i>	<i>Individual measures:</i> Just satisfaction awarded in respect of non-pecuniary damage duly paid. The applicant was granted review of the impugned proceedings. <i>General measures:</i> See CM/ResDH(2017)8 in Sica with regard to the right of the accused to question witnesses. Issues related to the length of criminal proceedings continue to be examined in the context of the Vlad and Others group.
CM/ResDH(2019)58	RUS / Abidov and 19 other cases	52805/10+	12/09/2012 12/06/2012	Protection of rights in detention in view of extradition and protection against ill-treatment / conditions of detention: <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.
CM/ResDH(2019)240	RUS / Anchugov and Gladkov and 1 other case	11157/04	09/12/2013 04/07/2013	Electoral rights: <i>Automatic and indiscriminate ban on convicted prisoners' voting rights laid down in the Constitution adopted following a nationwide vote. (Article 3 of Protocol No. 1)</i>	<i>Individual measures:</i> Just satisfaction: The Court held that the finding of a violation constituted sufficient just satisfaction for any non-pecuniary damage (Anchugov and Gladkov, § 122; Isakov and Others, § 16). At the same time, the Court awarded just satisfaction for other expenses, including postal costs, in relation to the proceedings before the Court to nine out of the 24 applicants in the Isakov and

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					<p>Others case (§§ 17-19). These sums were paid to four of them.[1] It was not paid to the other five applicants[2] because they failed to provide their bank account details, despite explanations and reminders sent by the authorities.</p> <p>The sums outstanding are 30 EUR to each of these applicants. The authorities assured in their action report that these sums will be paid as soon as they receive the missing bank account details.</p> <p>Voting rights: The applicants in the Anchugov and Gladkov case were released after having served their sentences and are therefore eligible to vote again. As to the applicants in the Isakov and Others case, in the event that any of them are still detained, their eligibility to vote would depend on the type of custodial sentence in their respect at the relevant time (explained further below under general measures).</p> <p>Assessment: It is noted that five applicants in the Isakov and Others case have failed to provide their bank account details, although the judgment has been final for over two years. It is furthermore noted that the authorities have provided assurances to pay the remaining sums (30 EUR to each of these five applicants) as soon as they receive their bank account details. Consequently, in the light of the information provided, no further individual measures are necessary.</p> <p><u>General measures:</u> In 2014, the authorities started consultations with the competent state authorities and the academic community on modalities to solve present issue. In its ruling of 2016, the Constitutional Court confirmed the imperative character of the respective constitutional provision and the particular complex procedure that would be required for its amendment. It noted however that the federal legislator may optimise the criminal punishment system, so that certain forms of deprivation of liberty would not entail a deprivation of the right to vote. In 2017, a provision of the Criminal Code came into force which was in line with the above Ruling introducing a new form of</p>

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					<p>punishment: community work, which may be imposed for the commission of offences of light or medium gravity or in case a grave offence was committed for the first time.</p> <p>It is to be noted in this respect that in Convention terms, a sentence imposing community work appears to amount to a form of deprivation of liberty. In particular, the persons sentenced to community work are not allowed to leave the territory of the correctional centres without permission of the penal authorities. However, inmates of correctional centres for community work are now able to vote as their placement into these centres is not classified as deprivation of liberty under the domestic law <i>stricto sensu</i> (Criminal Code, Chapter 9, Articles 43-59; Penal code, Chapter 8.1).</p> <p>In conclusion, the blanket ban on voting by persons serving a sentence involving deprivation of liberty, as identified by the European Court, is no longer in place.</p> <p>In light of the European Court's repeated emphasis that the margin of appreciation in this area is wide (see, for example, <i>Scoppola v. Italy</i> (No. 3), No. 126/05, § 83; <i>Greens and M.T. v. United Kingdom</i>, No. 60041/08, § 114; <i>Anchugov and Gladkov v. Russian Federation</i>, No. 11157/04, §§ 95, 103), the measures adopted by the authorities appear to be an adequate response to the present judgments.</p> <p>The judgment was published, translated and disseminated to the competent state authorities.</p>
CM/ResDH(2019)151	RUS / Baranov and Others and 11 other cases	60993/16+	08/02/2018 08/02/2018	<i>Conditions of detention / protection against ill-treatment:</i> <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>	<p><i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The applicants were released or provided with the necessary medical care.</p> <p><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.</p>

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2019)165	RUS / Bartik and 1 other case	55565/00+	21/03/2007 21/12/2006	Freedom of movement: <i>Disproportionate restriction due to the authorities' denial of the applicants' right to travel abroad for private purposes on the sole ground that they had had access to classified information ("state secrets") during their professional career. (Article 2 of Protocol No. 4)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. Restrictions expired with regard to both applicants. General measures required in response to the shortcomings found continue to be examined in the Berkovich and Others case.
CM/ResDH(2019)163	RUS / Butorin and 4 other cases	46637/09+	06/02/2018 06/02/2018	Protection of rights in detention: <i>Various irregularities concerning detention pending extradition. (Article 5 §§1+4)</i>	Individual measures: The applicants are no longer detained pending extradition. Just satisfaction in respect of non-pecuniary damage paid. General measures required in response to the shortcomings found continue to be examined within the framework of the Garabayev group.
CM/ResDH(2019)66	RUS / Denisova and Moiseyeva	16903/03	04/10/2010 01/04/2010 (Merits) 14/09/2011 14/06/2011 (Just satisfaction)	Protection of property: <i>Disproportionate interference due to the lack of a proper judicial review of the confiscation 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>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The applicants have not requested reopening of the relevant civil proceedings or lodged other applications following the judgment. The property (a car) was returned in 2005, no steps were undertaken concerning the computers. General measures: 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

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					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.
CM/ResDH(2019)204	RUS / Dunayev	70142/01	24/08/2007 24/05/2007	Access to and efficient functioning of justice: Denial of access to court due to the domestic court's refusal to accept written appeal submissions without reason or formal decision to that effect. (Article 6 §1)	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The applicant's request for supervisory review of the appeal decision at the origin of the violation found was refused as lodged out of time, as was his request to restore the time-limit. The applicant did not avail himself of the possibility to request a review of his case on account of newly discovered circumstances. General measures: Single incident of malpractice. The judgment was published, translated and disseminated.
CM/ResDH(2019)145	RUS / Kovyazin and 1 other case	50043/14+	29/05/2018 29/05/2018	Protection against ill-treatment: Confinement of the applicants in a metal cage in the courtroom during criminal proceedings against them. (Article 3)	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The applicants' trials ended. General measures required in response to the shortcomings found continue to be examined within the framework of the Svinarenko and Slyadnev group of cases.
CM/ResDH(2019)350	RUS / Krivonosov and 6 other cases	3023/03+	27/02/2009 27/11/2008	Access to and efficient functioning of justice: Excessive length of criminal proceedings and, in some cases, lack of effective remedy in that respect. (Article 6 §1)	Individual measures: Just satisfaction for pecuniary and/or non-pecuniary damage paid as awarded except in three cases as no bank details had been submitted. All domestic proceedings ended prior to the judgment. General measures: See CM/ResDH(2017)168 in Smirnova group.
CM/ResDH(2019)329	RUS / Kuksa and 32 other cases	35259/04+	15/09/2006 15/06/2006	Access to and efficient functioning of justice and protection of property: Failure or serious delay by the State in abiding by final domestic judicial decisions awarding housing to the applicants; lack of an	Individual measures: Just satisfaction for non-pecuniary damage (and in one case also for pecuniary damage) paid. All domestic judicial decisions concerned were enforced. General measures: It is recalled that the issues related to the failure or serious delay by the authorities in abiding by final

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>effective remedy. (Articles 6 §1 and 1 of Protocol No. 1 as well as 13)</i>	<p>domestic judgments and violations property rights and the lack of an effective remedy in this respect are examined in the Timofeyev group. The present group concerns non-enforcement of final domestic judgments ordering the authorities to provide the applicants with housing. Former participants in the Chernobyl cleaning-up operations as well as other persons entitled to State-funded housing by law, have been provided with housing since 2007 in the framework of a special-purpose federal housing programme. Members of the judiciary have been provided with State-funded housing in the framework of a special-purpose programme since 2013. In addition, a general governmental housing programme for nationals was established in 2017 and substantial funds were progressively allocated to it.</p> <p><i>Compensatory remedy:</i> Following the Gerasimov and Others pilot judgment, a federal law of 2017 amended the 2010 Compensation Act, thus extending the right to obtain compensation for the lack of speedy enforcement of domestic judicial decisions to the State's pecuniary obligations in kind, at issue in the present group of cases.</p> <p><i>Acceleratory remedy:</i> The power to order punitive damages was introduced in the Civil Code in 2015 and thus courts can award such damages against any debtor failing his or her obligations in kind, including public or municipal bodies. The Code of Administrative Procedure of 2015 provides also for the possibility of complaints for lengthy non-enforcement of judicial decisions. Moreover, a Plenum Ruling of the Supreme Court of 2015 (included in the Review of Judicial Practice of 2018) aimed at increasing the effectiveness in the execution of domestic judgments imposing pecuniary and/or non-pecuniary obligations on State authorities, local self-government authorities and their officials. The judgments were published, translated and disseminated.</p>
CM/ResDH(2019)	RUS /	36703/04	09/09/2013	<i>Access to and efficient functioning of</i>	<i>Individual measures:</i> No claim in respect of non-pecuniary

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
100	Oleynikov		14/03/2013	<i>justice: 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 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>	damage submitted; the applicant had the opportunity to request the reopening of his case, but did not avail himself of this opportunity. <i>General measures:</i> The Law On Jurisdictional Immunity of Foreign State and of Property of a Foreign State in the 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.
CM/ResDH(2019)126	RUS / Putintseva	33498/04	10/08/2012 10/05/2012	<i>Right to life / Action of security forces: 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>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> 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).

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2019)205	RUS / Romanov	63993/00	20/01/2006 20/10/2005	Access to and efficient functioning of justice, protection of rights in detention and against ill-treatment: <i>Domestic court's refusal to allow the applicant to attend his criminal trial on account of his mental condition, poor conditions of detention in the psychiatric ward of the remand centre and the excessive length of his detention on remand. (Articles 6 §1, 3 and 5 §4)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The applicant's conviction was quashed in 2003, and the criminal proceedings against him were discontinued. General measures: The 2002 Code of Criminal Procedure did not set any specific rules concerning the presence of a mentally ill person at trial and appeal hearings and did not require such presence. In 2007, the respective provision was declared unconstitutional by the Constitutional Court and replaced by amendments of 2007 and 2010 granting full procedural participation rights to any person in respect of whom the relevant proceedings are pending, if his or her mental condition so permits. General measures required in response to poor conditions of detention and to excessive length of detention on remand are examined respectively in the Kalashnikov and Klyakhin groups of cases. A summary of the judgment was disseminated among the courts and prosecutors' offices, and within the penitentiary service.
CM/ResDH(2019)368	RUS Aleksey Makarov and 47 other cases	3223/07+	12/09/2008 12/06/2008	Protection of rights in detention: <i>Various irregularities concerning pre-trial detention and lack of effective remedy. (Articles 5 and 13)</i> Other violations: <i>length of criminal proceedings, non-participation in civil proceedings without sufficient grounds, restriction of liberty for reasons other than those permissible under Article 5 and lack of any effective remedy in respect of inadequate conditions of detention (Articles 6, Article 18 in conjunction with 5 and Article 13)</i>	Individual measures: Just satisfaction for the non-pecuniary damage paid as awarded. The applicants are no longer in pre-trial detention. Domestic law allows for the reopening of criminal proceedings that were found unfair. General measures required in response to the shortcomings found as regards the irregularities related to pre-trial detention continues to be examined within the framework of the Klyakhin. General measures required in response to the other violations found in some of these cases are or were examined in the groups <i>Smirnova</i> (see CM/ResDH(2017)168), <i>Kalashnikov</i> and <i>Kovalev</i> .
CM/ResDH(2019)365	SER / Milanović	44614/07	20/06/2011 14/12/2010	Protection against ill-treatment: <i>Failure of authorities to protect a leading Hare</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The police made efforts to protect the

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<p><i>Krishna member from assaults, probably motivated by religious hatred and failure to carry out effective investigations (excessive length, failure to identify the perpetrators, including to follow-up an alleged connection to a far-right organisation. (Articles 3 substantive and procedural as well as 14 in conjunction with 3)</i></p>	<p>applicant, including checking his house and the surrounding area to prevent any further attacks. No further attacks have been reported. Following the present judgment, the prosecution authorities requested the police to carry out new investigation to identify the attackers, in particular with regard to the members of far-right skinhead organisations. Suspects were interviewed, but had appeared not connected with the attacks. In 2013, investigations became time-barred and the prosecutor dismissed the criminal charges. Separate investigations were carried out into allegations of incitement to religious hatred, however, the suspect could not be detected. The applicant's lawyer had been notified regularly about the state of progress.</p> <p><u>General measures:</u> required in response to the shortcomings found continue to be examined within the framework of the Stanimirović group. In 2011, a new Criminal Procedure Code increased the efficiency of criminal proceedings and ensured efficient cooperation between the police and public prosecutors. Victim participation was introduced. The Criminal Code was amended in 2012 in order to introduce the offence of hate crime and hatred as a motivation, including religious hatred, as aggravating circumstance. Furthermore, in 2017, the Chief Public Prosecutor issued Guidelines for Prosecution of Hate Crimes and adopted, in 2018, a binding instruction for appellate, higher and basic public prosecutor's offices to determine a contact person for hate crimes to increase effectiveness and uniformity of the public prosecutors' conduct in hate crime cases. Information offices to victims of hate crimes were set up as recommended by ECRI in its reports. Relevant statistics show the efficiency of the current legislation. As concerns discrimination in general, the Law on Prohibition of Discrimination of 2009 became a key instrument in ensuring efficient protection against discrimination, including based on religious affiliation, introducing the victim's right to seek</p>

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					protection from discrimination in civil courts. A Commissioner for Equality was introduced as an independent institution vested with the competence to investigate cases of discrimination and to propose solutions. Appropriate policy and administrative measures were taken in the context of the Anti-Discrimination Strategy (2013-2018); the Strategy for the Social Inclusion of Roma in the Republic of Serbia (2016-2020); and the National Judicial Reform Strategy (2013-2018). Relevant awareness-raising and educational activities were organised. Complaints indicating alleged discrimination on ground of religious and political beliefs decreased significantly in the period between 2015 and 2018. Moreover, the Constitutional Court banned certain extremist far-right organisations. The judgment was published, translated and disseminated.
CM/ResDH(2019)264	SER / Stojković	24899/15	22/01/2019 22/01/2019	Access to and efficient functioning of justice: Excessive length of administrative proceedings. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> See CM/ResDH(2018)69 in Pejčić.
CM/ResDH(2019)317	SER / Velisavljevic and 5 other cases (Plojovic group)	10283/16+	25/10/2018 Friendly settlement	Access to and efficient functioning of justice: Non-enforcement of domestic judgments. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid as agreed in the friendly settlement.
CM/ResDH(2019)318	SUI / Chambaz	11663/04	05/07/2012 05/04/2012	Access to and efficient functioning of justice: Unfair criminal proceedings on account of the fines imposed on the applicant by the tax authorities on the ground that he refused to produce all the items requested from him and the subsequent upholding of these fines by the courts while an investigation was ongoing into alleged tax evasion concerning	<i>Individual measures:</i> Just satisfaction for pecuniary damage paid (amount of the fine imposed). The Federal Court dismissed the applicant's request for revision of the impugned judgment, concluding that the applicant had failed to explain why the present ECHR-judgment was not sufficient to remedy the violation found and had admitted that after 2003 he had had access to the entire file of the Federal Tax Administration. <i>General measures:</i> The relevant domestic legislation was

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>matters linked to those in respect of which the applicant had exercised his right to remain silent; infringement of the principle of equality of arms on account of the domestic courts' refusal to grant the applicant access to all the items in the file concerning him. (Article 6 §1)</i>	amended in 2006, when a new provision was introduced into the Federal Law on Direct Federal Tax (in force as of 2008) providing that the initiation of criminal proceedings for tax evasion is communicated in writing to the person concerned, who is invited to express him/herself on the charges and is informed on the right to refuse to testify and cooperate with the investigating authority. The evidence gathered during the fiscal proceedings may be used in criminal proceedings only if it has not been collected under the warning of an ex officio taxation with a reversed burden of proof or under the warning of a fine in the event of a breach of a procedural obligation. The judgment was disseminated to all authorities concerned.
CM/ResDH(2019)319	SUI / Glor	13444/04	06/11/2009 30/04/2009	Discrimination and protection of private life: <i>Discriminatory treatment of the applicant on the ground of his disability, being required to pay a tax for exemption from military service from which he had been excused on medical grounds, as legislation did not provide for an exemption from this tax for persons below the 40% disability threshold. (Article 14 in combination with Article 8)</i>	Individual measures: No claim for just satisfaction submitted. The applicant did not submit any request for revision of the Federal Court decision which was at the origin of the violation. General measures: Change of the administrative practice; if called-up persons deemed unfit for military service and subjected to the exemption-tax express their wish to perform their service (military or civil), their files are transmitted to the Federal Department of Defence, Civil Protection and Sport to re-examine the aptitude of these persons for special forms of service, adapted to their needs. Respective figures were submitted. In 2012 the applicable ordinances on the medical evaluation of aptitude for military service were amended to consolidate the established administrative practice. Henceforth, persons willing to perform military service who until now were declared unfit, from a medical point of view, to perform military or civil service, but whose ground for inaptitude was not sufficient to exempt them from paying the contentious tax, can now be declared "Fit for military service in specific functions only, with conditions" by a special commission. The judgment was

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					disseminated to the authorities concerned.
CM/ResDH(2019)232	SUI / Howald Moor and Others	52067/10+	11/06/2014 11/03/2014	Access to and efficient functioning of justice: <i>Restriction of the applicant's access to court on account of the ten-year limitation period for asbestos-related claims, starting to run as soon as the claim became enforceable, irrespective of whether the claimant was aware of the effects of the damage. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. In 2015, the Federal Court admitted the request for revision lodged by the second and third applicants, quashed its judgment of 2010 and sent the case to a lower court which should decide on it without taking into consideration the elapsed prescription period. The first applicant's revision request was struck out by the Federal Court on the basis of the agreement reached between the parties. General measures: In 2018 the general limitation period in cases related to death or bodily injuries (including for asbestos victims) was extended to 20 years. Following a Round Table held in 2015 with the participation of the Swiss National Accident Insurance Fund, the federal administration, people affected by asbestos as well as enterprises, associations and insurance funds dealing directly or indirectly with the asbestos-related issues, the Foundation "Asbestos Victims Compensation Fund" was created and became operative in 2017. It offers asbestos victims rapid access to several types of benefits, including financial compensation. Until 2018, the EFA Foundation has awarded a total of CHF 5.800.000 in 56 cases. The judgment was published and disseminated.
CM/ResDH(2019)47	SUI / Uche	12211/09	17/07/2018 17/04/2018	Access to and efficient functioning of justice: <i>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)</i>	Individual measures: 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. General measures: The judgment was published and disseminated to all authorities concerned.
CM/ResDH(2019)	SUI / Vukota-	61838/10	18/01/2017	Protection of private life: <i>Arbitrary</i>	Individual measures: Just satisfaction for non-pecuniary

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233	Bojić		18/10/2016	<i>interference due to secret surveillance of a social-insurance claimant by private investigators without sufficient legal clarity of the scope and manner of exercise of the discretion conferred on insurance companies acting as public authorities in insurance disputes. (Article 8)</i>	<p>damage paid. The applicant did not avail herself of the opportunity request reopening of domestic proceedings.</p> <p>General measures: In October 2016 the National Accident Insurance Fund announced a stop in the use of private detectives in the fight against insurance fraud. In 2017, the Federal Court delivered two leading judgments according to which the relevance of the present judgment applies to all areas of law.</p> <p>In September 2019 amendments to the Federal Law on Social Insurance entered into force establishing the legal basis for the surveillance of insured persons. In particular, they allow recording of images and videos for investigative purposes and contain a list of measures subject to judicial authorisation and those requiring only an insurance manager's decision. Furthermore, the amendments list the circumstances which justify the surveillance, provide for the obligation to inform the person concerned and establish the general rules for storage/destruction of the data collected. The judgment was published and disseminated.</p>
CM/ResDH(2019)102	SVK / Kuc	37498/14	25/10/2017 25/07/2017	Protection of rights in detention: <i>Insufficient justification for the applicant's pre-trial detention failing to take into account the applicant's personal circumstances. (Article 5 §3)</i>	<p>Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The applicant was convicted and is no longer in pre-trial detention.</p> <p>General measures: See CM/ResDH(2011)158 in Kucera. The judgment was published, translated and disseminated to all relevant authorities and judges dealing with criminal matters.</p>
CM/ResDH(2019)228	SVK / Silášová and Others	36140/10	28/09/2016 28/06/2016 Merits 30/04/2018 30/01/2018 Revision	Protection of property: <i>Disproportionate interference due to the compulsory letting of the applicants' property under the Allotments Act 1997 at a disproportionately low compensation. (Article 1 of Protocol No. 1)</i>	<p>Individual measures: Just satisfaction awarded in respect of non-pecuniary and pecuniary damage duly paid.</p> <p>General measures: See CM/ResDH(2013)87 in Urbárska Obec Trenčianske Biskupice.</p>

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2019)167	SVK / Soltesz and 3 other cases	11867/09+	22/01/2014 22/10/2013	Freedom of expression: <i>Disproportionate interference due to the conviction of journalists and newspaper companies in civil libel proceedings for protection of the personality to pay compensation and/or issue and apology and rejection of the applicant's constitutional complaint for non-violation of applicable procedural rules. (Article 10)</i>	Individual measures: Just satisfaction for pecuniary damage (fine paid and court costs incurred at the domestic level) as well as non-pecuniary damage paid. The applicants had the opportunity to request reopening of proceedings. General measures: Change of case-law of the Constitutional Court in 2015, according to which complaints under Article 10 are now assessed on the merits with reference to the proportionality test. Following awareness-raising measures organised by the Judicial Academy, the case-law of lower courts changed accordingly. The judgments were published, translated and disseminated.
CM/ResDH(2019)210	SVN / Aleksic	57123/10	19/02/2019 19/02/2019	Discrimination and protection of property: <i>Discriminatory refusal without objective and reasonable justification to grant the applicant an old-age pension on the ground that he did not hold Slovenian citizenship. (Article 14 in conjunction with Article 1 of Protocol No. 1)</i>	Individual measures: Just satisfaction in respect of pecuniary and non-pecuniary damage paid. General measures: According to the Agreement on Succession Issues of 2004, signed by all former Yugoslav republics and the Agreement between Slovenia and Serbia on Social Security and Administrative Arrangement of 2010, it is clearly determined which former republic has an obligation to grant an old-age pension. Consequently, a situation in which a person could not be granted an old-age pension exclusively on the grounds of citizenship could no longer occur. The judgment was published, translated and disseminated. Issue of historical nature.
CM/ResDH(2019)25	SVN / Cerovsek and Bozicnik	68939/12	07/06/2017 07/03/2017	Access to and efficient functioning of justice: <i>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 proceedings after the initial sole judge's (who had found the applicants guilty by oral verdict three years earlier) retirement. (Article 6 §1)</i>	Individual measures: 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. General measures: In 2010 a general IT system for monitoring of criminal proceedings was introduced 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.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2019)67	SVN / Furmann	16608/09	05/05/2015 05/02/2015	Protection of private and family life: <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>	<i>Individual measures:</i> 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. <i>General measures:</i> 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 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.
CM/ResDH(2019)9	SVN / Mirovni Institut	32303/13	13/06/2018 13/03/2018	Access to and efficient functioning of justice: <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>	<i>Individual measures:</i> 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

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					claims for damages before domestic courts. <i>General measures:</i> 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.
CM/ResDH(2019)8	SVN / Poropat	21668/12	09/08/2017 09/05/2017	Access to and efficient functioning of justice: 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>Individual measures:</i> 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. <i>General measures:</i> 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.
CM/ResDH(2019)68	SVN / S.I.	45082/05	13/01/2012 13/10/2011	Protection of private and family life: 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>Individual measures:</i> 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. <i>General measures:</i> 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

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					proceedings on determination of custody and contact 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.
CM/ResDH(2019)353	TUR / Abdulkadir Demir and 94 other cases	34459/08+	09/10/2012 09/10/2012	Access to and efficient functioning of justice: <i>Non-enforcement or delayed enforcement of domestic judicial decisions, mostly delivered against entities owned or controlled by the State. (Articles 6 §1 and 1 of Protocol No.1)</i> <i>Other violations: Excessive length of judicial proceedings. (Article 6 §1)</i>	Individual measures: Just satisfaction for pecuniary and non-pecuniary damage paid as awarded by the ECHR. In certain cases, the domestic courts' decisions were implemented thus satisfying the applicants claims for pecuniary damage. Disputed properties were returned to the applicants. General measures: Domestic law makes no difference between private and public debtors. In principle, the present violations were due to the inactivity of the administrative authorities which were parties to the cases involved. Public officials' failure to discharge their duties is a felony under the Penal Code. Accordingly, if non-enforcement of a judgment arose from responsible officials' negligence he/she might be prosecuted and convicted in a prison term from six months to one year. In 2013, the "Law on the Settlement of Applications Lodged with the ECHR" provides that complaints of lengthy proceedings and applications for non-enforcement or delayed enforcement of court decisions are assessed by the Human Rights Compensation Commission. In 2018, the lengthy proceedings before the Constitutional Court were included the commission's scope of competence.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					So far, 7462 applications were lodged with the Commission as regards the lengthy proceedings and non- or delayed enforcement of court decisions; a total of 33.122.108,00 Turkish liras was awarded as a result. To remedy cases of insufficient funds in the municipality budget or of immunity of municipality property, the Law of Municipality was changed in 2014 allowing the confiscation of municipality property to cover its debts. The Court of Cassation changed its case-law accordingly and examples of dismissals of the defendant municipality's objection of non-attachment of the property were submitted. The judgments were published, translated and disseminated. They were used in training activities for judges and prosecutors. Excessive length of judicial proceedings examined under the Ormancı and Others group (see CM/ResDH(2014)298).
CM/ResDH(2019)59	TUR / Abdurrahman Tekin and 54 other cases in the Ataman group	42899/11+	25/09/2018 25/09/2018	<p>Freedom of assembly and protection against ill-treatment: <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 CM/ResDH(2011)307 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>

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2019)75	TUR / Adem Serkan Gundogdu	67696/11	16/04/2018 16/01/2018	Protection of rights in detention: Failure to provide the accused applicant a copy of the public prosecutor's opinion on his continued pre-trial detention. (Article 5 §4)	<i>Individual measures:</i> The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. <i>General measures:</i> see Final Resolution CM/ResDH(2016)332 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.
CM/ResDH(2019)241	TUR / Afet Süreyya Eren and 130 other cases (Bati group)	36617/07+	14/03/2016 20/10/2015	Right to life and protection against ill-treatment / actions of security forces: Ineffectiveness of investigations, criminal prosecutions and disciplinary proceedings in relation to killing, torture and ill-treatment allegedly inflicted by the police and security forces between 1993 and 2010. (Articles 2 and 3)	<i>Individual measures:</i> Just satisfaction paid as awarded. Information with regard to the reopening and of the criminal investigations and prescription periods in these cases was submitted. Regrettably no further individual measures are possible, or required in these cases. <i>General measures:</i> The substantive violations in these cases have mainly been supervised under the Aksoy group (see Final Resolution CM/ResDH(2019)51), the Oya Ataman group (see decision CM/Del/Dec(2016)1259/H46-34) and the Kasa and Erdoğan groups (CM/Del/Dec(2017)1302/H46-33). General measures required in response to ineffectiveness of investigations in respect of allegations of excessive use of force while dispersing peaceful demonstrations continues to be examined within the framework of the ineffectiveness of investigations group (Bati group) of cases. With regard to other violations found in these cases: - Measures aimed at preventing excessive length of pre-trial detention, lack of sufficient reasons to justify it, lack of an effective remedy to challenge its lawfulness and lack of the right to compensation in respect of unlawful pre-trial detention were taken within the framework of the Demirelgroup of cases (see Final Resolution CM/ResDH(2016)332); - Measures aimed at preventing excessive length of police custody were taken within the framework of the Murat Satik and Othersgroup (see Final Resolution ResDH(2005)75); - Measures in relation to excessive length of proceedings

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					<p>and introducing an effective remedy in this respect were taken within the framework of the <i>Ormancı and Others</i> group of cases (see Final Resolution CM/ResDH(2014)298);</p> <ul style="list-style-type: none"> - Measures in relation to the State Security Courts were taken within the framework of the cases of <i>Sertkaya</i> (see Final Resolution CM/ResDH(2008)83), <i>Çıraklar</i> (see Final Resolution DH(99)555) and the <i>Gençel</i> group (see Final Resolution CM/ResDH(2013)256); - Measures relating to the absence of legal assistance in police custody were taken within the <i>Salduz</i> group of cases (see Final Resolution CM/ResDH(2018)219); - Measures concerning the admission to the case file of the statements allegedly obtained under ill-treatment or torture are examined under the <i>Hulki Güneş</i> group of cases.
CM/ResDH(2019)306	TUR / Akar and 15 other cases	28505/04	21/09/2011 21/06/2011	<p>Protection of private life and correspondence: <i>Unjustified interference of prison authorities with the applicants' correspondence in general due to the lacking clarity of the respective provision of the Regulation on the Management of Prisons and the Enforcement. (Article 8)</i></p>	<p>Individual measures: Just satisfaction for non-pecuniary damage paid. Most of the applicants have been released. The detained applicants' correspondence has not been interfered with following the judgement.</p> <p>General measures: The Law on the Execution of Sentences and Preventive Measures of 2005 and the Regulation on Management of Prisons and Enforcement of Sentences of 2006 provide sufficient clarity regarding interference with the correspondence of the detainees, which is allowed only in exceptional circumstances, if it poses a threat to order and security in the prison, singles out serving officials as targets, establishes communication between terrorist or criminal organisations, contains false or misleading information likely to cause panic in individuals or institutions, or contains threats or insults. The related decision of the disciplinary commission can be appealed against before the Enforcement Court. The specific issue of unjustified interference of prison authorities with prisoners' correspondence with their lawyer continues to be examined within the context of the Fazil Ahmet Tamer group.</p>

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2019)51	TUR / Aksoy and 273 cases (including 69 cases concluded by friendly settlements or other solutions on the basis of undertakings to take remedial measures)	21987/93+	18/12/1996 18/12/1996	<p>Action of security forces: Right to life, protection against ill-treatment; protection of property; lack of an effective remedy: <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-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>Individual measures: 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 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>General measures: 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";</p>

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					<p>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 overall conduct of police and gendarmerie operations continue to be supervised in the Kasa and Erdoğan and Others groups of cases.</p>
CM/ResDH(2019)355	TUR / Aksoy and 4 other cases	37546/08+	30/01/2018 30/01/2018	Freedom of expression: <i>Unjustified interference due to the imposition of solitary confinement as a disciplinary punishment by the Prison Disciplinary Boards for having used the honorific "sayın" (esteemed) referring to the imprisoned ringleader of the PKK terrorist organization in their letters while in prison. (Article 10)</i>	<p>Individual measures: Just satisfaction for non-pecuniary damage paid. The applicants are no longer in solitary confinement.</p> <p>General measures required in response to the shortcomings found continue to be examined within the framework of the Adiyaman group of cases.</p>
CM/ResDH(2019)10	TUR / Akyazici	43452/02	15/03/2010 15/12/2009	Access to and efficient functioning of justice: <i>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)</i>	<p>Individual measures: 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.</p> <p>General measures: Concerning the failure to communicate to the applicants the prosecutor's opinion before the Court of Cassation, see CM/ResDH(2011)307 in the Göç group. The judgment was translated, published and disseminated.</p>
CM/ResDH(2019)212	TUR / Akyuz	35837/02	31/03/2008 29/11/2007	Protection of property: <i>Inability to obtain compensation for the loss of a property title under the Law on Expropriation of 1983, which provided that claims</i>	<p>Individual measures: Just satisfaction in respect of pecuniary damage paid. The finding of a violation constitutes sufficient just satisfaction for non-pecuniary damage.</p> <p>General measures: See CM/ResDH(2007)98 in I.R.S. – In April</p>

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>concerning property occupied for purposes of public use lapse 20 years after occupation, as this time-limit had already expired on entry into force. (Article 1 of Protocol No. 1)</i>	2003 the Constitutional Court declared Article 38 of the Law on Expropriation unconstitutional. See also CM/ResDH(2008)89) in Akilli. The judgment was published, translated and disseminated.
CM/ResDH(2019)286	TUR / Alcatay and Others	14299/05	23/10/2018 23/10/2018	Freedom of assembly: <i>Unjustified interference due to the domestic courts' decision to dissolve an association on account of its president's and several of the board members' allegedly unlawful activities without verifying if the allegations were established or whether the conditions required by law were fulfilled. (Article 11)</i>	Individual measures: The finding of a violation constituted sufficient just satisfaction in respect of any non-pecuniary damage. The applicants could request reopening of the impugned civil proceedings to ensure that the association in question could regain its legal personality. However, they did not avail themselves of this opportunity. General measures: See CM/ResDH(2010)116 in Tunceli Kültür ve Dayanışma Derneği, notably the replacement of the impugned Associations Act. The judgment was translated, published and disseminated.
CM/ResDH(2019)69	TUR / Ates Mimarlik Muhendislik A.S.	33275/05	11/02/2013 25/09/2012	Access to and efficient functioning of justice: <i>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)</i>	Individual measures: 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. General measures: See CM/ResDH(2017)148 in Selin Aslı Öztürk concerning measures adopted to enhance efficiency of justice and CM/ResDH(2014)298 in the Ormancı and Others group concerning the reduction of excessive length of proceedings.
CM/ResDH(2019)354	TUR / B.I. and 1 other case	18308/10+	06/05/2019 11/12/2018	Access to and efficient functioning of justice: <i>Unfair trial due on account of the presence of two military officers on the bench of the Supreme Military Administrative Court. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. Following the abolition of the Supreme Military Administrative Court in 2017, the applicants could have applied to the administrative courts for the reopening of proceedings, their cases still pending before the ECHR. General measures: See CM/ResDH(2018)422 concerning the Tanışma group of cases. The judgments were published,

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					translated and disseminated.
CM/ResDH(2019)356	TUR / Basa	18740/05+	15/04/2019 15/01/2019	Access to and efficient functioning of justice and protection of property: Excessive length of proceedings concerning an impugned registration of the plots of land in respect of the Treasury. (Articles 6 §1 and 1 of Protocol No. 1)	Individual measures: just satisfaction in respect of pecuniary and non-pecuniary damages as awarded in equity paid. Domestic proceedings had ended in 2004. General measures: Excessive length of judicial proceedings examined under the Ormanci and Others group (see CM/ResDH(2014)298). The judgment was published, translated and disseminated.
CM/ResDH(2019)330	TUR / Bayar and Gürbüz and 21 other cases	37569/06+	27/05/2013 27/11/2012	Access to and efficient functioning of justice: Unfair criminal proceedings in 2004 on account of the inadmissibility of the applicants' appeal on points of law on grounds that level of fine was below the statutory minimum for appeal. (Article 6) Other violations concerning convictions under the Anti-Terrorism Law and the lack of adequate reasoning of domestic court decisions are examined under the Oner and Türk group and under the Asan group, respectively. (Articles 10 and 6 §/1)	Individual measures: Just satisfaction for non-pecuniary and/or pecuniary damage awarded as requested. In 2009, the Constitutional Court had abolished the provisions relating to the criminal responsibility of publishing company owners for articles allegedly legitimating terrorist violence, published in their newspapers. Subsequently, the judicial records of some of the applicants were erased ex officio. Certain other applicants were acquitted in reopened proceedings and their records erased. The records of those applicants who had failed to request reopening of the impugned proceedings, were not deleted. Authorities are of the opinion that the ex officio erasure of the criminal records should not be a requirement as an individual measure. General measures: The new Code of Criminal Procedure of 2005 provides that convictions involving fines commuted from imprisonment sentences can be appealed before the Regional Criminal Courts regardless of the amount of the judicial fine and taking into consideration the nature and gravity of the concrete offence, except in case of a fine for a petty offence, which had been imposed directly. The judgments were published, translated and disseminated and are used in training of judges and prosecutors.
CM/ResDH(2019)107	TUR / Bil Insaat Taahhut	29825/03	01/01/2014 01/10/2013	Protection of property: Unlawful interference due to the demolition of the	Individual measures: Just satisfaction in respect of non-pecuniary and pecuniary damage (amount based on an

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
	Ticaret Limited Sirketi			<i>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)</i>	expertise established during domestic proceedings) paid. <i>General measures:</i> Rather isolated exceptional occurrence. The judgment was published, translated and disseminated.
CM/ResDH(2019)267	TUR / Ceki and 3 other cases	50070/10	10/07/2018 10/07/2018	Protection of rights in detention: <i>Non-communication of the public prosecutor's opinion to the applicant or his representative in the context of review proceedings of the lawfulness of detention; lack of an effective remedy to challenge the lawfulness of detention; excessive length of detention on remand. (Article 5 §§3+4+5)</i>	<i>Individual measures:</i> In 2 cases, the finding of a violation constituted sufficient just satisfaction in respect of any non-pecuniary damage. In 1 case, just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> See Final Resolution CM/ResDH(2016)332 in the Demirel group of cases.
CM/ResDH(2019)52	TUR / Cihangir Yildiz	39407/03	17/07/2018 17/04/2018	Access to and efficient functioning of justice: <i>Denial of a fair trial on account of the failure of the domestic court to provide sufficient reasoning. (Article 6)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. No request for reopening of the impugned proceedings submitted. <i>General measures:</i> See CM/ResDH(2018)394 in Gereksar and Others. The judgment was published, translated and disseminated.
CM/ResDH(2019)169	TUR / Dogan Altun and 3 other cases	7152/08+	26/08/2015 26/05/2015	Freedom of association: <i>Disproportionate interference on account of disciplinary measures imposed on public officers for participating in trade union activities and lack of an effective remedy. (Article 11 and 13)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. In one case, the finding of a violation constituted sufficient just satisfaction. Pursuant to Article 53 of Administrative Procedure Act, the applicants were entitled to make a request for reopening of the impugned administrative proceedings within one-year time-limit. According to Article 133 of Civil Servants Act, the applicants may introduce a request for revocation of the impugned administrative sanctions imposed. The Amnesty Law of 2006 introducing ex officio removal, from personal files, of disciplinary sanctions imposed between 1999 and 2005 could only be applied in one case on account of its applicability time-frame.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					<i>General measures</i> required in response to the shortcomings found continue to be examined under the Kaya and Seyhan case.
CM/ResDH(2019)331	TUR / Eğitim ve Bilim Emekçileri Sendikası and Others and 2 other cases (part of Oya Ataman group)	20347/07+	05/10/2016 05/07/2016	Freedom of assembly: <i>Disproportionate interference, including use of excessive force to disperse peaceful demonstrations and prosecution of participants, failure to carry out effective investigations into allegations of ill-treatment by security forces and/or lack of an effective remedy. (Articles 2, 3, 10, 11 and 13)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. In all cases, prosecution after a review following the ECHR judgement, decided that investigations had become time-barred. <i>General measures:</i> necessary to prevent similar violations are examined within the framework of the freedom of assembly group (Oya Ataman group)
CM/ResDH(2019)282	TUR / Erbek and 3 other cases	49232/12+	19/06/2018 19/06/2018	Protection of rights in detention: <i>Non-communication of the public prosecutor's opinion to the applicants or their representative; non-appearance of the applicants before a court in the proceedings to challenge the lawfulness of their continued detention and lack of compensation for unlawful detention. (Article 5 §§4+5)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The applicants were released. In one case, the applicant lodged a claim for pecuniary damage according to the Criminal Procedure Law. <i>General measures:</i> See Final Resolutions CM/ResDH(2017)91 concerning the Karaosmanoglu and Ozden case and CM/ResDH(2016)332 concerning the Demirel group of cases concerning, inter alia, the non-appearance of the applicants in proceedings challenging the lawfulness of their detention ; the non-communication of the public prosecutor's opinion to the applicant or his representative in the context of such review proceedings and the right to compensation for unlawful detention.
CM/ResDH(2019)148	TUR / Ergin No. 6 and 6 other cases	47533/99+	04/08/2006 04/05/2006	Access to and efficient functioning of justice: <i>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</i>	<i>Individual measures:</i> 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. <i>General measures:</i> 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

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>military service. (Articles 6 §1 and 10)</i>	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.
CM/ResDH(2019)217	TUR / Erkol and 5 other cases	50172/06	19/07/2011 19/04/2011	<i>Access to and efficient functioning of justice:</i> <i>Infringement of the presumption of innocence in civil or administrative proceedings in which domestic courts casted doubt on the applicants' innocence with regard to offences for which they had previously been acquitted or the respective criminal proceedings suspended. (Article 6 §2)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. Reopening of civil and administrative proceedings upon the finding of a violation by the ECHR is possible. <i>General measures:</i> Violation due to judicial malpractice. Domestic case-law (including the Court of Cassation's) after 2014 shows that civil courts, despite not being bound by criminal courts' conclusions, consider themselves bound by the facts found. In 2012, the possibility of filing an individual application was introduced as an effective remedy also in cases concerning the presumption of innocence. With regard to one case, the Constitutional Court declared the disciplinary regulations null and void failing a legal statutory basis. The judgments were published, translated and disseminated.
CM/ResDH(2019)105	TUR / Esim and 1 other case	59601/09+	17/12/2013 17/09/2013	<i>Access to and efficient functioning of justice:</i> <i>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)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. In one case, the applicant requested reopening of the impugned proceedings, which was granted. <i>General measures:</i> 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

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					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.
CM/ResDH(2019)268	TUR / Fatih Taş (No. 2)	6813/09	10/01/2018 10/10/2017	Freedom of expression: <i>Unjustified interference due to the criminal conviction of the owner and editor-in-chief of a magazine for publishing an article. (Article 10)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The applicant requested reopening of the impugned proceedings and was acquitted. His criminal records were deleted. General measures: will continue to be examined in the Öner and Türk group. The judgments were translated, published and disseminated.
CM/ResDH(2019)54	TUR / Fatih Tas (No. 3)	45281/08	10/09/2018 24/04/2018	Access to and efficient functioning of justice: <i>Excessive length of criminal proceedings and lack of an effective remedy. (Article 6§1)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. Domestic proceedings closed. General measures: See CM/ResDH(2014)298 in the Ormancı and Others group of cases. The judgment was published, translated and disseminated.
CM/ResDH(2019)352	TUR / Fener Rum Erkek Lisesi Vakfi and 4 other cases	34478/97+	09/04/2007 09/01/2007	Protection of property: <i>Unforeseeable interference due to case-law of the Court of Cassation established in 1974 resulting in the annulment by court order, more than thirty years after their lawful acquisition, of titles to properties belonging to the applicant foundations set up by religious minorities. (Article 1 of Protocol No. 1)</i>	Individual measures: Just satisfaction for pecuniary damage (failing re-registration of the properties concerned) paid in four cases. In one case, the properties in question were restituted and entered in the land registry in the applicant foundation's name. General measures: In 2002/03 first legislative steps were taken to allow religious foundations to acquire property. In 2008, a new Law on Foundations was enacted allowing religious minorities a delay of 18 months to register properties acquired on the same basis as the applicant foundations. To date, 181 immovable properties have been transferred to religious minority foundations. The law was amended in 2011 to further improve the situation of non-Muslim community foundations in relation to the

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					registration of their immovable properties and to cover foundation properties which were previously excluded from the scope. It also provides compensation in case the property had been registered in the name of third parties. Compensation in market value of 21 immovable properties which had been registered in the name of third parties as well as of the Treasury or Directorate General of Foundations was paid. The judgments were published, translated and disseminated.
CM/ResDH(2019)358	TUR / Girişen and 5 other cases	53567/07+	13/06/2018 13/03/2018	Access to and efficient functioning of justice: Denial of a fair trial due to the absence of legal assistance during police custody. (6 §§ 1 and 3c) <i>Other violation: Excessive length of criminal proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> Either the finding of a violation constituted sufficient just satisfaction for non-pecuniary damage or the sum awarded for non-pecuniary damage was paid. Three applicants did not request reopening of proceedings; one request with dismissed on formal grounds and two cases were reopened and are still pending. <i>General measures:</i> See CM/ResDH(2018)219 in Saduz. The judgments were published, translated and disseminated. Excessive length of judicial proceedings: see CM/ResDH(2014)298 in Ormancı and Others group.
CM/ResDH(2019)106	TUR / Goktas	71447/11	09/10/2018 09/10/2018	Access to and efficient functioning of justice: 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 CM/ResDH(2016)115 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.
CM/ResDH(2019)285	TUR / Görkan	13002/05	16/06/2010 16/03/2010	Freedom of expression: Unjustified interference with the right to impart information due to the arrest of an itinerant newspaper vendor for checking at	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> Violation of an isolated nature. Conditions and aims of arrest and placement in custody were

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>the police station. (Article 10)</i>	revised in the new Code of Criminal Procedure of 2004. Custody may be imposed only in respect to an investigation and on the basis of concrete evidence confirming the suspicion that a person has committed a crime. As a rule, the public prosecutor's authorisation is necessary for taking an individual under the police custody. Furthermore, the Law on the Duties and Competence of the Police which was amended in 2007, 2015 and 2017 governs the duties of law enforcement officers and sets out their power to stop and ask for identity. In September 2010, individuals were granted the right to apply to the Constitutional Court in cases where their rights under the ECHR had allegedly been violated. The judgment was translated, published and disseminated.
CM/ResDH(2019)39	TUR / Gulmez	16330/02	29/09/2008 20/05/2008	Access to and efficient functioning of justice and protection of private life: <i>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: 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. General measures: 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 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.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					The judgment was translated, published and disseminated.
CM/ResDH(2019)359	TUR / Hulki Güneş and 2 other cases	28490/95+	19/09/2003 19/06/2003	<p>Access to and efficient functioning of justice: <i>Unfair criminal proceedings on account of statements taken under duress and admitted in evidence at trial, leading to the applicants' conviction and sentencing to life imprisonment, ill-treatment of applicants while in police custody, lack of independence and impartiality of state security courts, excessive length of criminal proceedings, the excessive period of detention throughout trial and the absence of effective remedy to challenge the lawfulness of the detention. (Articles 3 substantive and procedural, 5 §§3+4, 6 §1+3c+3d as well as 13)</i></p> <p><i>Other violations: lack of independence and impartiality of the state security courts; excessive length of criminal proceedings; lack of legal assistance in police custody; inhuman and degrading treatment while in police custody and the ineffectiveness of the subsequent investigations into these allegations.</i></p>	<p>Individual measures: just satisfaction in respect of pecuniary and non-pecuniary damages paid as awarded. Due to a legal lacuna, reopening of the impugned criminal proceedings could not be granted to the applicants before the adoption of a law closing the lacuna in 2013. In reopened proceedings, the conviction was upheld in one case. One request was dismissed as out of time; one applicant did not file any request for reopening.</p> <p>General measures: The judgments were published, translated and disseminated. They were used in training activities for judges and prosecutors. Measures taken with regard to the lack of independence and impartiality of the state security courts (see CM/ResDH(2013)256 in Gencil); to excessive length of criminal proceedings (see CM/ResDH(2014)298 in Ormanci); the lack of legal assistance in police custody (see CM/ResDH(2018)219 in Salduz). The issue of inhuman and degrading treatment while in police custody and the ineffectiveness of the subsequent investigations into these allegations is being examined under the Bati group of cases.</p>
CM/ResDH(2019)113	TUR / Irfan Temel and Others and 1 other case	36458/02+	03/06/2009 03/09/2009	<p>Right to education: <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></p>	<p>Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The disciplinary sanctions imposed were annulled by the Administrative Courts.</p> <p>General measures: 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,</p>

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					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.
CM/ResDH(2019)103	TUR / Isik	49009/09	27/02/2018 27/02/2018	Access to and efficient functioning of justice: Denial of a fair trial on account of lack of legal assistance available during the preliminary investigation. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The applicant's request for reopening of the impugned procedure was granted. <i>General measures:</i> See CM/ResDH(2018)219 in the Salduz group of cases. The judgment was published, translated and disseminated.
CM/ResDH(2019)53	TUR / Kaplan	13807/08	30/01/2018 30/01/2018	Access to and efficient functioning of justice: Denial of a fair trial on account of the lack of legal assistance available during the preliminary investigation. (Article 6 §1)	<i>Individual measures:</i> The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. Just satisfaction in respect of costs and expenses paid. The applicant's request for reopening of the impugned proceedings had been accepted. <i>General measures:</i> See CM/ResDH(2018)219 in the Salduz group of cases. The judgment was published, translated and disseminated.
CM/ResDH(2019)76	TUR / Keskin and 1 other case	16887/09+	10/07/2018 Committee	Access to and efficient functioning of 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>Individual measures:</i> Just satisfaction in respect of costs and expenses paid. <i>General measures:</i> see Final Resolution CM/ResDH(2012)226 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.
CM/ResDH(2019)357	TUR / Kolu and 11 other cases	35811/97+	02/11/2005 02/08/2005	Access to and efficient functioning of justice: Unfair criminal proceedings resulting in the applicants' convictions on the basis of self-incriminating statements made in the absence of a lawyer and subsequent failure of domestic courts to make an assessment on the admissibility of	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The first applicant was released in 2002. In some cases, the applicants' convictions were abolished or reduced (following the adoption of the Reintegration of Offenders into Society Act or other legislative amendments or requests for retrial in accordance with the Code of Criminal Procedure, etc.). In three cases, reopened

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				<p><i>evidence. (Article 6 §1)</i> <i>Other violations: Excessive length of police custody; excessive length of proceedings; absence of legal assistance in police custody; failure to communicate to the applicants the prosecutor's opinion before the Court of Cassation; inhuman treatment in police custody and the absence of an effective remedy.</i></p>	<p>proceedings are still pending. <i>General measures:</i> The judgments were published, translated and disseminated. They were used in training activities for judges and prosecutors. The issue of the applicants' convictions on the basis of statements made in the absence of a lawyer and subsequent failure of domestic courts to make an assessment on the admissibility of evidence is being examined under the case of Omer Guner. General measures in respect of other violations have been or are being examined in the context of other groups of cases, namely:</p> <ul style="list-style-type: none"> - Measures aimed at preventing excessive length of police custody were taken within the framework of the <i>Murat Satik and Others</i> group (Final Resolution ResDH(2005)75); - Measures in relation to excessive length of proceedings and introducing an effective remedy in this respect were taken within the framework of the <i>Ormancı and Others</i> group of cases (Final Resolution CM/ResDH(2014)298); - Measures in relation to the State Security Courts were taken within the framework of the cases of <i>Sertkaya</i> (see Final Resolution CM/ResDH(2008)83), <i>Çıraklar</i> (see Final Resolution DH(99)555) and the <i>Gençel</i> group (Final Resolution CM/ResDH(2013)256); - Measures relating to the absence of legal assistance in police custody were taken within the <i>Salduz</i> group of cases (Final Resolution CM/ResDH(2018)219); - Measures concerning the failure to communicate to the applicants the prosecutor's opinion before the Court of Cassation were taken under the <i>Göç</i> group of cases (Final Resolution CM/ResDH(2011)307); - Measures in relation to unfair proceedings due to the accused's inability to appear at the hearing in the trial court were examined under the <i>Zana</i> case (18954/91) (Final Resolution CM/ResDH(2011)305); - Measures concerning inhuman treatment in police custody

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					and the absence of an effective remedy are being examined under the <i>Batı</i> group of cases.
CM/ResDH(2019)79	TUR / Magin	58593/09	27/02/2018 Committee	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)	Individual measures: Just satisfaction in respect of costs and expenses paid. The applicant's request for retrial was accepted. General measures: see Final Resolution CM/ResDH(2018)219 in the Salduz group of cases.
CM/ResDH(2019)213	TUR / Mehmet Gunay and Gullu Gunay	52797/08	20/05/2018 20/02/2018	Access to and efficient functioning of justice: Excessive length of proceedings.(Article 6 §1)	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. General measures: See CM/ResDH(2014)298 in Ormanci. The judgment was published, translated and disseminated.
CM/ResDH(2019)137	TUR / Mekiye Demirci	17722/02	23/07/2013 23/04/2013	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)	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. General measures: Concerning unlawful custody under the emergency legislation and lack of a remedy, see CM/ResDH(2007)96 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 ResDH(2002)110 in <i>Sakik and Others</i> group of cases and see CM/ResDH(2016)332 in <i>Demirel</i> group. The judgment was published, translated and disseminated.
CM/ResDH(2019)128	TUR / Nurcan Canpolat	27382/07	04/12/2012 Friendly settlement	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)	Individual measures: Just satisfaction paid as agreed in the friendly settlement. General measures: 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</i> and <i>Others</i> (Application No. 33097/96) group.
CM/ResDH(2019)	TUR / Nusret	43750/06+	08/09/2014	Protection of private and family life:	Individual measures: Just satisfaction for non-pecuniary

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320	Kaya and Others and 1 other case		22/04/2014	<i>Disproportionate interference due to restrictions imposed on the applicants' telephone communications with their families in Kurdish language while in prison. (Article 8)</i>	damage paid. The restrictions were lifted. General measures: The Regulation on the Administration of Penitentiary Institutions and the Execution of Penalties and Security Measures was amended in 2009 giving the convicted and remand prisoners the opportunity to use another language without having to prove that the inmate himself or the other party does not understand Turkish. An individual complaint procedure to the Constitutional Court in case of alleged human rights violations was introduced in 2010. The judgment was published, translated and disseminated.
CM/ResDH(2019)104	TUR / Okcu and 2 other cases	39515/03+	21/10/2009 21/07/2009	Protection of property: <i>Disproportionate interference due to the considerable loss in value and insufficient statutory interest rate of the compensation awarded after excessive length of proceedings. (Article 1 of Protocol No. 1 and of Article 6 §1)</i> Other violation: <i>lack of effective remedy (Article 13)</i>	Individual measures: Just satisfaction in respect of non-pecuniary and pecuniary damage paid. All proceedings closed. General measures: See CM/ResDH(2014)298 adopted in the Ormanci and Others group of cases. The judgments were published, translated and disseminated.
CM/ResDH(2019)146	TUR / Ovus and 1 other case	42981/04+	13/01/2010 13/10/2009	Protection of family life and access to and efficient functioning of justice: <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>	Individual measures: 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. General measures required in response to the shortcomings found continue to be examined within the framework of the Özmen case.
CM/ResDH(2019)	TUR / Ozcan	4728/07+	10/07/2018	Protection of rights in detention: <i>Non-</i>	Individual measures: Just satisfaction in respect of non-

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216	and 1 other case		10/07/2017	<i>appearance of the applicants before a court in proceedings to challenge the lawfulness of their continued detention; length of detention on remand, non-communication of the public prosecutor's opinion to the applicants or their representative and lack of compensation. (Article 5 §§3,4,5)</i>	pecuniary damage paid. Pre-trial detention ended with two applicants' convictions and one applicant's release. General measures: Concerning the lack of a hearing and the non-communication of the public prosecutor's opinion to the applicants or their representative in the context of proceedings concerning the lawfulness of the detention as well as the absence of an effective remedy to challenge the lawfulness of the detention and excessive length of detention on remand and the right to compensation for unlawful detention: See CM/ResDH(2016)332 in <i>Demirel</i> group of cases.
CM/ResDH(2019)284	TUR / Parsil	39465/98	26/07/2005 26/04/2005	Access to and efficient functioning of justice: <i>Absence of a fair trial on account of the failure to disclose Principal Public Prosecutor's written opinion concerning the validity of the applicant's appeal on a point of law before the Court of Cassation in an embezzlement case. (Article 6 §1)</i>	Individual measures: The finding of a violation constituted sufficient just satisfaction in respect of any non-pecuniary damage. The applicant's request of reopening of the criminal proceedings was rejected on the ground that the conviction had not been based on the facts giving rise to the violation, notably the non-communication of the public prosecutor's written observations. General measures: See also CM/ResDH(2011)307 in <i>Göç</i> . The new Code of Criminal Procedure of 2004 requires notification of written opinions of the Principle Public Prosecutor to parties by the competent chamber of the Court of Cassation. The judgment was translated, published and disseminated.
CM/ResDH(2019)211	TUR / Satik (No. 2)	60999/00	08/10/2008 08/07/2008	Freedom of expression and access to and efficient functioning of justice: <i>Disproportionate interference due to the applicant's conviction for expressing non-violent opinions inciting to conscientious objection and denial of a fair trial before the military courts which were lacking independence and impartiality. (Articles 10 and 6 §1)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The applicant had not requested reopening. Criminal records concerning all the applicants were deleted from the criminal registry. General measures: In 2013, an amendment of the Criminal Code limited the scope of the impugned provision, which now criminalises the act of inciting men who are/who will be performing their military service to evade military service instead of incitement of the general public to evade military

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					service. Consequently, the number of prosecuted cases as well as the number of convictions decreased. Furthermore, domestic courts in their respective case-law adopted a convention-compliant practice. Military courts, including the Military Court of Cassation and the Military High Administrative Court were completely abolished by constitutional amendment in 2017. The constitutional amendment of 2010 introduced the possibility of individual complaint, which had been considered as an effective remedy since 2012. The judgments was published, translated and disseminated and it used in training courses of the Judicial Academy.
CM/ResDH(2019)26	TUR / Saygili and Bilgic	33667/05	20/08/2010 20/05/2010	Freedom of expression: <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>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The respective erroneous seizure warrants were revoked. General measures: 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 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.

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CM/ResDH(2019)77	TUR / Şehmus Ekinci	15930/11	27/06/2018 27/03/2018	Access to and efficient functioning of justice: <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>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> see Final Resolution CM/ResDH(2018)422 in Tanışma group of cases.
CM/ResDH(2019)147	TUR / Soyler and 1 other case	29411/07+	20/01/2014 17/09/2013	Electoral rights: <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> <i>Other violation: 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>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The applicants are not in prison. Accordingly, they have the right to vote. <i>General measures:</i> 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.
CM/ResDH(2019)27	TUR / Tamer Tanrikulu	36488/08	29/11/2016 29/11/2016	Access to and efficient functioning of justice: <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. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. In reopened proceedings, the applicant's request for compensation was accepted. <i>General measures:</i> See CM/ResDH(2016)115 in the Erten group. The judgment was translated, published and disseminated.
CM/ResDH(2019)215	TUR / Tarman and 1 other case	63903/10+	21/02/2018 21/11/2017	Protection of private life: <i>Failure of authorities to protect the applicant's reputation due to the dismissal of her claims for damages against the editor-in-chief and journalists following the</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The applicants did not avail themselves of the opportunity to request reopening. <i>General measures:</i> Violation due to domestic courts' erroneous practice. Change of case-law in particular of the

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>publication of newspaper articles presenting her as suicide bomber with name and photograph, although investigations had been discontinued. (Article 8)</i>	Court of Cassation and of the Constitutional Court, which became accessible to applicants in respect of alleged human rights violations in 2012. The judgments were published, translated and disseminated and used in training courses of the Justice Academy.
CM/ResDH(2019)80	TUR / Tel	36785/03	05/03/2018 17/10/2017	Access to and efficient functioning of justice: <i>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)</i>	Individual measures: 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. General measures: 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.
CM/ResDH(2019)38	TUR / Tum Bel-Sen	38927/10+	18/05/2014 18/02/2014	Freedom of association: <i>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)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. General measures: See CM/ResDH(2011)308 in the Demir and Baykara (34503/97) case. The judgment was translated, published and disseminated.
CM/ResDH(2019)48	TUR / Yasar Kaplan	56566/00	24/04/2006 24/01/2006	Freedom of expression: <i>Unnecessary and disproportionate interference due to the prosecution of a journalist under provision of the Military Code by a military court 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</i>	Individual measures: 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. General measures: Isolated case; no criminal proceedings were initiated against a journalist under these articles since 2009. Furthermore, military courts were abolished in 2017. A

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				<i>officers". (Article 10)</i>	similar incident therefore can no longer take place. Freedom of expression cases are examined under the Oner and Turk group (former Incal group) in a broader context.
CM/ResDH(2019)307	UK / MGN Limited	39401/04	18/04/2011 18/01/2011 Merits 12/09/2012 12/06/2012 Just satisfaction	Freedom of expression: <i>Disproportionate interference due to the applicant publishing company's obligation, as a defendant in domestic privacy proceedings it had lost, to pay excessive 'success fees' of the opposing party's lawyer, resulting in a chilling effect if inflated fees could pressure defendants to settle cases which could have been defended. (Article 10)</i>	Individual measures: Just satisfaction for pecuniary damage (reimbursement of the success fees paid following the two appeals to the House of Lords and settlement of the base costs) paid. General measures: The Legal Aid, Sentencing and Punishment of Offenders Act (entering into force for its major parts in April 2013) implemented reforms to civil litigation funding and in particular to "conditional fee agreements" (agreement between a client and a legal representative which provides for all or part of the legal representative's fees to be payable only in specific circumstances) and success fees (abolishing the same). Under the fundamental reforms, the losing party is no longer liable to pay the winning party's success fees. The aim was to control the costs of litigation and in particular the costs of the adversary, losing party. Judges should be proactive to limit costs and ensure compliance with rules and orders. However, as concerns defamation and privacy cases, the entry into force of parts of the Act was delayed until April 2019 after the introduction of a proposed costs protection regime following recommendations made in the context of the Leveson Inquiry: Lawyers' excessive "success fees" are no longer recoverable from the losing party. A general review of the impacts of the Act in 2019 concluded that the reforms met their objectives, including cost control. Earlier changes introduced by the Defamation Act 2013 had already helped to reduce costs in defamation cases. The judgment was widely published and disseminated.
CM/ResDH(2019)361	UK / Miller and Others	70571/14+	11/04/2019 11/04/2019	Electoral rights: <i>Statutory automatic ban on convicted prisoners voting during</i>	Individual measures: The finding of a violation constituted sufficient just satisfaction for any non-pecuniary damage.

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				<i>elections to the European Parliament in 2014; the Scottish Parliament in 2016; and the parliamentary election in 2017. (Article 3 of Protocol No. 1)</i>	<i>General measures:</i> Historical repetitive case. See CM/ResDH(2018)467 in Hirst (No. 2) and 4 other cases. In 2018, a package of administrative measures included a change in the policy and guidance to the prison service to make it clear that two categories of previously effectively disenfranchised convicted prisoners – those on temporary licence and on home detention curfew – are now able to vote.
CM/ResDH(2019)153	UKR / Abramov and 351 cases	39491/03	10/10/2008 10/07/2008	Access to and efficient functioning of justice: <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>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The domestic judicial decisions at issue were enforced either before or after the date of the judgment. <i>General measures</i> 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.
CM/ResDH(2019)149	UKR / Barskyk	62947/16	28/09/2017 28/09/2017	Protection of rights in detention: <i>Excessive length of pre-trial detention. (Article 5 §3)</i>	<i>Individual measures:</i> Just satisfaction awarded inequity in respect of all damages paid. The applicant is no longer in detention on remand. <i>General measures</i> required in response to the shortcomings found continue to be examined within the framework of the Ignatov/Chanyev/Korneychuk group of cases.
CM/ResDH(2019)370	UKR / Benyaminson and 12 other cases	31585/02	26/10/2007 26/07/2007	Access to and efficient functioning of justice: <i>Excessive length of criminal/civil proceedings as well as the lack of effective remedy in this respect. (Articles 6 §1 and 13)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. All criminal/civil proceedings have been terminated. <i>General measures:</i> required in response to the shortcomings found continue to be examined in the framework of the Merit and Svetlana Naumenko groups.
CM/ResDH(2019)16	UKR / Bodnar and Others and 3 other cases	10071/11+	06/04/2017	Access to and efficient functioning of justice: <i>Excessive length of civil and criminal proceedings as well as the lack of</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. Domestic criminal proceedings concluded.

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				<i>effective remedy in this respect. (Articles 6 §1 and 13)</i>	<i>General measures</i> required in response to the shortcomings revealed in these cases is being examined within the framework of the Merit group of cases
CM/ResDH(2019)12	UKR / Gazeta Ukraina-Tsentr	16695/04	15/10/2010 15/07/2010	Freedom of expression and access to and efficient functioning of justice: <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 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>	<i>Individual measures:</i> 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. <i>General measures:</i> 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 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.
CM/ResDH(2019)138	UKR / Gukovych	2204/07	20/01/2017 20/10/2016	Protection of rights in detention: <i>Unnecessary detention in a sobering-up centre without clear, accessible and foreseeable legal basis. (Article 5 §1e)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The applicant is no longer detained. <i>General measures:</i> 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

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					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.
CM/ResDH(2019)321	UKR / Intersplav	803/02	23/05/2007 09/01/2007	Protection of property rights: <i>Disproportionate interference on account of systematic delays, from 1998 onwards, in payment of VAT refunds and of compensation for the delays due to the failure of Tax Administration to confirm the amounts involved and to issue VAT refund certificates in due time; denial of compensation for delayed refund of VAT in more than 140 sets of proceedings brought before the Commercial Court. (Article 1 of Protocol No. 1)</i>	<i>Individual measures:</i> Just satisfaction for pecuniary damage (material loss on an equitable basis) paid. In 2013 the applicant company was recognised as bankrupt. In 2018, according to the applicant company's integrated payer card, there are no outstanding applications or reimbursements relating to the delays in VAT refunds. <i>General measures:</i> In 2010, a new Tax Code was adopted and, in 2014, a clear VAT refund notification and reimbursement procedure as well as an electronic system of VAT administration were introduced. A further amendment of 2017 simplified the VAT refunding procedure and introduced a Unified Public Register of Applications for VAT Refunding from the State Budget, thus enhancing transparency and time-sensitivity. The Supreme Court established a coherent approach for the examination of compensation request for delays in VAT refunding. The judgment was published, translated and disseminated.
CM/ResDH(2019)	UKR /	41651/10	15/12/2016	Protection of rights in detention /	<i>Individual measures:</i> Just satisfaction in respect of non-

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14	Khamroev and Others		15/09/2016	extradition: <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. General measures: 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 CM/ResDH(2018)316 in Soldatenko. The judgment was translated, published and disseminated.
CM/ResDH(2019)150	UKR / Korostylov and 7 other cases	33643/03+	13/09/2013 13/06/2013	Right to individual petition: <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> Other violation: <i>In one case, ill-treatment by police upon arrest. (Article 3)</i>	Individual measures: 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. General measures required in response to the shortcomings found continue to be examined within the framework of the Naydyon group of cases.
CM/ResDH(2019)234	UKR / Maksimenko and 3 other cases	39488/07+	20/03/2012 20/12/2011	Access to and efficient functioning of justice: <i>Denial of the right to free legal assistance in cassation proceedings before the Supreme Court due to the absence of respective mandatory provisions under the Code of Criminal Procedure. (Article 6 §3c)</i> Other violations: <i>Unfair proceedings due to the rejection of the applicant's requests for additional time to familiarise himself with the case file and ensure his representation by a lawyer in cassation proceedings; poor material conditions of detention in the</i>	Individual measures: The finding of a violation constitutes sufficient just satisfaction for the non-pecuniary damage. In 3 cases, just satisfaction for non-pecuniary damage paid as awarded. In reopened proceedings in the Maksimenko and Iglin cases, the applicants were provided with legal aid and verdicts were changed in their favour. In the Nikolayenko case, the applicant was represented by a lawyer in reopened proceedings. In the Fortunskiy case, the applicant did not avail himself of the possibility to apply for review. In the Iglin case, the applicant is serving his sentence in Zamkova Correctional Prison No.58 in adequate living conditions. General measures: The new Code of Criminal Procedure of

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				<i>Dnipropetrovsk pre-trial detention facility No. 3 and lack of effective remedies in this respect. (Articles 6 §3b+c, 3 and 13)</i>	2012 now provides an obligation on the authorities to ensure free legal aid at all stages of criminal proceedings. The right to free legal assistance is also contained in the "Law on Free Legal Aid" of 2011. General measures as regards poor material conditions of detention and lack of effective remedy are examined in the framework of Nevmerzhitsky group of cases. The judgment was published, translated and disseminated.
CM/ResDH(2019)322	UKR / Malenko	18660/03	19/05/2009 19/02/2009	Protection against ill-treatment and conditions of detention: <i>Degrading treatment due to regular strip-searches as well as overcrowding, bad nutrition and insufficient medical care in prison. (Article 3)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant was transferred to other correctional facilities in 2004 and 2010, where conditions were compatible with human dignity. Strip searches were discontinued. General measures: The Prison Rules were modified (latest changes of August 2018) with regard to the conduct of strip searches to comply with the relevant CPT standards and UN Standard Minimum Rules for the Treatment of Prisoners. Issues pertaining to poor conditions of detention and lack of adequate medical treatment continue to be examined within the framework of the Nevmerzhitsky (54825/00) and the Melnik groups (72286/01) respectively.
CM/ResDH(2019)323	UKR / Marchenko	4063/04	19/05/2009 19/02/2009	Freedom of expression: <i>Disproportionate interference due to the conviction for defamation and the sentencing of a civil servant to a suspended prison term for publicly accusing his superior of misappropriation and requesting an official investigation. (Article 10)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant did not avail himself of the opportunity to request reopening of the impugned proceedings. General measures: The Constitution guarantees judicial protection against libel. The Criminal Code of 2001 no longer classified defamation and insults as criminal offences. In 2009, the Supreme Court changed its practice in cases concerning the protection of the honour, dignity and reputation of a person and legal entity considering that defamation cases shall be considered following the civil procedure. The judgment was published, translated and

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					disseminated.
CM/ResDH(2019)13	UKR / Melnychenko	17707/02	30/03/2005 19/10/2004	Electoral rights: <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>	Individual measures: 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. General measures: 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. 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.
CM/ResDH(2019)11	UKR / Moroz	5187/07	18/09/2017 02/03/2017	Freedom of religion / protection of family life and correspondence: <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>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The applicant is no longer in pre-trial detention. General measures: 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

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					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.
CM/ResDH(2019)324	UKR / Nataliya Mikhaylenko	49069/11	30/08/2013 30/05/2013	Access to and efficient functioning of justice: Denial of access to a court due to the applicant's inability to have her legal incapacity reviewed and restored and lacking safeguards to the effect that the matter of restoration of legal capacity was to be reviewed by a court at reasonable intervals. (Article 6 §1)	Individual measures: Just satisfaction for non-pecuniary damage paid. The Supreme Court quashed the impugned decision and remitted the case for fresh examination. General measures: Following amendments to the Code of Civil Procedure in 2017, direct access to courts to request the restoration of their legal capacity was granted to incapacitated persons, who could thus legally challenge previous court rulings. Moreover, the term of validity of such judicial decision declaring a person incapacitated cannot exceed two years. Examples of case-law was submitted. The judgment was published, translated and disseminated.
CM/ResDH(2019)28	UKR / Pysatyuk and 7 other cases	21979/04+	14/09/2009 16/04/2009	Access to and efficient functioning of justice: Excessive length of civil and criminal proceedings and lack of an effective remedy. (Articles 6 §1 and 13) Other violations: · 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);	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. Domestic proceedings closed and where applicable the decision enforced. General measures required in response to the problems revealed continue to be examined within the framework of the Svetlana Naumenko group.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<ul style="list-style-type: none"> · lack of a fair trial due to the application of the supervisory review procedure (Article 6§1 in the Svetlana Naumenko case); · lack of relevant and sufficient grounds for continued detention on remand (Article 5§3 in the Burov and Kolesnikov cases); · excessive length of restriction on freedom of movement (Article 2 of Protocol No. 4 in the Zarochentsev case). 	
CM/ResDH(2019)325	UKR / Shestopalova	55339/07	21/12/2017 21/12/2017	Access to and efficient functioning of justice: Denial of access to a court due to contradictory instructions of the Higher Administrative Court and the Supreme Court regarding their jurisdiction to determine the merits of the applicant's labour dispute. (Article 6 §1)	<p><u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. In proceedings reopened by the Supreme Court, the appellate court and the cassation court refused the applicant's appeal and upheld the trial court's original decision of 2008.</p> <p><u>General measures:</u> Isolated incident of 2006 due to the judicial misapplication of the rules on jurisdiction, which have been clarified since. Examples of higher courts' recent judicial decisions dealing with issues of the jurisdiction between the administrative and civil courts in labour disputes were submitted. The judgment was published, translated and disseminated and is used in training activities for judges.</p>
CM/ResDH(2019)326	UKR / Sorokin	3450/09	18/12/2018 18/12/2018	Access to and efficient functioning of justice: Denial of a fair trial due to the Supreme Court's refusal to examine the applicant's appeal in cassation on the erroneous ground that he had not previously appealed against the first instance court's judgment. (Article 6 §1)	<p><u>Individual measures:</u> The applicant's claim for pecuniary damage was dismissed. He did not avail himself of the opportunity to request reopening of the impugned proceedings.</p> <p><u>General measures:</u> Violation of an isolated nature caused by deficiencies in the administrative practice. Additional measures for improving the practical processes of submission of appeals to domestic courts have been taken, including the digitalisation of domestic courts. Currently, all the incoming correspondence to the national courts must be registered in the Automated System of Court's</p>

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					Documentation on the same day. The judgment was published, translated and disseminated.
CM/ResDH(2019)243	UKR / Sovtransavto Holding	48553/99	06/11/2002 25/07/2002 Merits 24/03/2004 02/10/2003 Just satisfaction	Access to and efficient functioning of justice and protection of property: Breach of the principle of legal certainty due to the objection (“protest”) procedure carrying the risk of final judgments being set aside; denial of a fair hearing in public by an independent and impartial tribunal due to interventions of the State’s executive branch in court proceedings; arbitrary deprivation of “bona fide” owners of their possessions due to the loss of control of the applicant company on its activity and assets following the reduction of its shareholding in that company. (Articles 6 §1 and 1 of Protocol No. 1)	Individual measures: Just satisfaction for pecuniary and non-pecuniary damages paid. In review proceedings, the impugned judgment was quashed and the case remitted for fresh consideration. In 2005, the applicant company’s claim was partly satisfied. New requests for review were rejected in 2006. In view of the just satisfaction award, no further measures are required. General measures: The supervisory review (protest) procedure was abolished through a comprehensive judicial reform in 2001, see Interim Resolution ResDH(2004)14. Outstanding issues related to independence of the judiciary will be examined within the framework of the Oleksandr Volkov group; issues pertaining to violations of Article 1 of Protocol No. 1 will continue to be examined within the framework of the Ukraine-Tyumen group. The judgment was published, translated and disseminated.
CM/ResDH(2019)15	UKR / Yuriy Volkov	45872/06	19/03/2014 19/12/2013	Protection of private life and access to an efficient functioning of justice: 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)	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The applicant did not request reopening of the impugned criminal proceedings. General measures: 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.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					General measures required in response to the violation of 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.
CM/ResDH(2019)360	UKR / Yushchenko and Others	73990/01	22/11/2010 15/07/2010	<i>Access to and efficient functioning of justice: Infringement of the principle of legal certainty due to the re-determination by a criminal court of matters which had already been decided upon in civil proceedings and excessive length of criminal and civil proceedings. (Article 6 §1 twice)</i>	<u><i>Individual measures:</i></u> No claim for just satisfaction submitted. In 2018, the Supreme Court refused to open proceeding as to the reason that the (first) applicant requested for the reopening under the newly established circumstances, not under the exceptional circumstances. <u><i>General measures:</i></u> The re-determination by a criminal court of matters which have already been decided upon in civil proceedings is of an isolated nature and requires no legislative changes. The Supreme Court brought its practice in compliance with the principle of legal certainty. Issues pertaining to the excessive length of civil and criminal proceedings continue to be examined within the framework of the Svetlana Naumenko and Merit groups. The judgment was published, translated and disseminated.