

Summaries of Final Resolutions adopted by the Committee of Ministers in 2018
(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(2018)173	ALB / Bajrami	35853/04	12/03/2007 12/12/2006 (Merits) 18/03/2008 18/12/2007 (Revision)	Protection of family life: Failure to take necessary measures to reunite a divorced father with his child abducted abroad and lack of an effective remedy for preventing or punishing child abduction resulting in the non-enforcement of a custody award. (Article 8)	Individual measures: Just satisfaction for non-pecuniary damage paid to the deceased applicant's heir. The applicant's daughter reached majority. General measures: The Hague Convention "On Civil Aspects of International Child Abduction" was ratified in 2005. The Ministry of Justice as the central authority applied the Convention in 38 return cases of which 9 could be closed. The Agency for the Protection of the Rights of the Child was created in 2011 to implement the UN Convention on the protection of children's rights. The School of magistrates organised training seminars for judges and prosecutors on these instruments. Furthermore, the rules and procedures for border crossing of minors were revised. Finally, the judgment was translated, published and disseminated.
CM/ResDH(2018)349	ALB / Manushaqe Puto and Others and 13 other cases	604/07+	17/12/2012 31/07/2012 Merits 23/03/2015 04/11/2014 Just satisfaction	Access to and efficient functioning of justice and effective remedy: Lack of an adequate mechanism to honour the commitment made by the State to compensate for property nationalised under the communist regime and to enforce final domestic judicial and administrative decisions recognising the right to compensation (pecuniary or in kind). (Articles 6 §, Article 1 of Protocol No.	Pilot judgment Individual measures: Just satisfaction for pecuniary covering the property value and the loss of use and non-pecuniary damage paid. The final domestic decisions in the cases where no just satisfaction was awarded in respect of pecuniary damage were enforced. General measures: Structural problem. A new compensation mechanism was established in 2015, positively evaluated by the Venice Commission and accepted by the Constitutional Court. There were significant results in the process of

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				<i>1 and Article 13)</i>	evaluation of claims and in the number of final decisions issued and enforced. Significant resources were allocated from the State budget to cover payment of all compensation claims (with a Financial Fund and a Land Fund estimated at a total of about 1.2 billion Euros). A national mechanism was set up to monitor the implementation of respective legal provisions and relevant deadlines. For general measures required in response to the lack of legal certainty and the absence of impartiality of the Supreme Court, see CM/ResDH(2017)417 in the framework of the Caka group of cases.
CM/ResDH(2018)73	ALB / Mishgjoni	18381/05	07/03/2011 07/12/2010	Access to and efficient functioning of justice: <i>Excessive length of proceedings concerning a judge's dismissal and lack of an effective remedy. (Articles 6 §1 and 13 in conjunction with 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The Supreme Court, in 2009, decided to reinstate the applicant to her former duty. General measures: In 2016, the judiciary underwent a major reform: rights and duties of judiciary officials were strengthened, the functioning of the system was streamlined and new management institutions for the judiciary and prosecution were created. These reforms were based on amendments of the Constitution. In particular, the Law "On the governance of the justice system" of 2016 established the High Judicial Council as main institution for the judicial system's administration and management (except concerning information technology of the courts). Disciplinary proceedings against judges require particular diligence and impartiality and the new Law "On the status of judges and prosecutors" of 2016 created the function of a High Justice Inspector responsible for the oversight of careers and performance of the members of the judiciary. If an investigation reveals reasonable grounds to believe in a judge's misconduct, the High Justice Inspector initiates disciplinary proceeding by submitting the investigation report and file to the High Judicial Council with explicit time limits for actions of relevant institutions. In case of excessive

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					lengths in disciplinary proceedings, the judge under review may appeal to the High Judicial Council. Moreover, recent amendments of the Code of Civil Procedure in 2017, with which acceleratory and compensatory remedies for excessive length of proceedings were put in place, provide for a possibility to obtain compensation for too lengthy administrative proceedings. The judgment was translated, published and disseminated.
CM/ResDH(2018)374	ARM / Adyan and Others	75604/11	12/01/2018 12/10/2017	Freedom of religion: Failure of authorities to make appropriate allowances for Jehovah's Witnesses' conscience and their beliefs on the basis of which they refused to perform either military or "alternative labour service" and to guarantee a system of alternative service. (Article 9)	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicants were released from prison following a general amnesty in 2013 and their criminal records deleted in 2016. General measures: See CM/ResDH(2014)225 in the Bayatyan group of cases. The judgment was translated, published and disseminated. It is used in training activities of the Justice Academy and the Centre for Legal Education.
CM/ResDH(2018)405	ARM / Avetysian	13479/11	10/02/2017 10/11/2016	Access to and efficient functioning of justice: Unfair criminal proceedings due to restriction of the right to examine witnesses whose testimony played a decisive role in securing their conviction in court proceedings. (Article 6 § 3 (d) taken together with Article 6 § 1)	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant was acquitted in reopened proceedings. General measures: The Constitution 2015 regulates the right to a fair trial in detailed manner, in particular the right to question witnesses. The Code of Criminal Procedure in force guarantees the right of an accused to examine a person testifying against him in pre-trial and trial stages. The new draft Code of Criminal Procedure will provide new mechanisms for securing the right to confrontation both during pre-trial and judicial stages. In exceptional cases, a special procedure of remote questioning of witnesses by means of telecommunication is also stipulated. Since 2011, the Court of Cassation has gradually developed its case law regarding the right of the accused to examine a person testifying against him. The Collegium of the Prosecutor's Office decided that at the suspect's or the accused's

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					initiative, the witnesses' cross-examination should be ensured consistently and without exceptions. In case such witnesses are outside the country, their whereabouts should be explored via international legal aid instruments to ensure their presence or their questioning by technical means of telecommunication. The judgment was translated, published and disseminated.
CM/ResDH(2018)191	ARM / Malkhasyan and 6 other cases	6729/07	26/09/2012 26/06/2012	Protection of rights in detention: <i>Unlawful detention on remand, the unreasonable length of pre-trial detention, the lack of relevant and sufficient reason by national courts when reviewing the lawfulness of the applicants' detention and its extension and the refusal by domestic courts to examine one applicant's appeal on grounds not envisaged by domestic law. (Article 5 §§1+3+4)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. None of the applicants remain in pre-trial detention, having been either sentenced or released <u>General measures:</u> remain under supervision of the CM.
CM/ResDH(2018)375	AUT / Arbeiter	3138/04	25/04/2007 25/01/2007	Freedom of expression: <i>Unnecessary restriction without sufficient and relevant reason by an injunction of domestic courts in the context of a political debate on the regional health system reform. (Article 10)</i>	<u>Individual measures:</u> Just satisfaction for pecuniary damage (reimbursement of the plaintiffs' costs incurred in the domestic proceedings) paid. No claim for non-pecuniary damage specified. The applicant could ask for the formal setting aside of the injunction, which is not relevant any longer. <u>General measures:</u> See CM/ResDH(2011)41 in <i>Wirtschafts-Trend Zeitschriften-Verlags GmbH v. Austria</i> (No. 2) and other cases. The judgment was translated, published and disseminated.
CM/ResDH(2018)192	AUT / Fuchshuber	15813/13	09/11/2017 09/11/2017 (Committee)	Access to and efficient functioning of justice: <i>Excessive length of criminal proceedings. (Article 6 §1)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed. <u>General measures:</u> See CM/ResDH(2015)222 in <i>Rabauske</i> . The judgment was translated, published and disseminated.

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CM/ResDH(2018)272	AUT / Goldnagl and 3 other cases	6822/12 +	07/09/2017 07/09/2017	Access to and efficient functioning of justice: Excessive length of civil proceedings. (Article 6 §1)	<i>Individual measures:</i> WECL – cases. Domestic proceedings in Ritz and Schwabel closed. In Hauptmann and Goldnagl, proceedings are closely monitored by the Federal Ministry for Constitutional Affairs, Reforms, Deregulation and Justice. <i>General measures:</i> Relevant general measures were already adopted in the context of the Schreder group (see Resolution CM/ResDH(2009)118). The Code of Civil Proceedings was amended in 2003 with a view to streamlining and accelerating civil proceedings.
CM/ResDH(2018)274	AUT / Kuttner and 1 other case	7997/08 +	16/10/2015 16/07/2015	Protection of rights in detention: Delay in dealing with an application for release from an institution for mentally-ill offenders in order to serve the sentence in an ordinary prison and, in the second case, unlawful preventive detention due to the failure to examine the question of the applicant's transfer to an institution in which he could receive the necessary treatment and the excessive length of related review proceedings. (Article 5 §§1+4)	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. <i>General measures:</i> Isolated incidents in both violation aspects. The judgments were translated, published and disseminated.
CM/ResDH(2018)42	AUT / Leitner	55740/10	08/06/2017 08/06/2017	Discrimination with regard to private and family life: Discriminatory treatment during custody proceedings of fathers of children born out of wedlock. (Article 8)	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicant could apply for custody under the new legislation below. <i>General measures:</i> See CM/ResDH(2015)19 in Sporer. The Law amending the Child Custody Law and Law on Names entered into force in 2013. The judgment was translated, published and disseminated.
CM/ResDH(2018)273	AUT / M.A.	4097/13	15/04/2015 15/01/2015	Protection of family life: Lack effective protection of the right to family life in the context of return proceedings under the Brussels IIa Regulation following the	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicant conceded that an enforced return to execute his right of custody would expose the child to psychological harm. Thus, the Juvenile Court of Venice

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				<i>removal of the applicant's child from Italy to Austria, due to the authorities' failure to act swiftly; lack of appropriate means at the authorities' disposal to ensure that contact between the applicant father and his daughter, which had broken off in mid-2009. (Article 8)</i>	decided to repeal its return order and restored full parental responsibility to the mother. Visiting rights of the father were granted in Austria once per month, accompanied by an Italian speaking person. <u>General measures:</u> The Law on the Return of Children of 2017 provides for a new national procedure in Hague return proceedings. This Law incorporated the procedural rules for child abduction cases into the Non-Contentious Proceedings Act of 2003 as an important part of child-centred proceedings. The law simplifies and accelerates the return of wrongfully removed or retained children and stipulates the immediate enforceability of the return order and the concentration of proceedings. In order to avoid the alienation between the child and the left behind parent, contact has to be (re)established during return proceedings, unless this would jeopardise the child's best interest. The 2017 Law on the Return of Children builds upon the previous reforms of 2003, see CM/ResDH(2010)84 in Sylvester. Awareness-raising and training activities for judges were organised, in particular by the Ministry of Justice as the Central Authority in return matters. The judgment was translated, published and disseminated.
CM/ResDH(2018)376	AUT / Mohammed	2283/12	06/09/2013 06/06/2013	Protection against ill-treatment / expulsion / lack of effective remedy: <i>Lacking suspensive effect of a Sudanese national's second asylum application in relation to a transfer order to Hungary under the EU Dublin II Regulation. (Article 13 in conjunction with 3)</i>	<u>Individual measures:</u> The finding of a violation constituted sufficient just satisfaction for the non-pecuniary damage. The applicant left Austria voluntarily in 2013 and the asylum procedure is closed. <u>General measures:</u> The relevant provision of the asylum-law was repealed on the basis of a Constitutional Court's judgment and subsequently amended. It now provides for an appropriate consideration of legally protected interests by Article 3 and 8 in each individual case. The judgment was translated, published and disseminated.
CM/ResDH(2018)	AUT /	39534/07	28/02/2014	Freedom of expression: <i>Unnecessary</i>	<u>Individual measures:</u> No claim for just satisfaction damage

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424	Österreichische Vereinigung zur Erhaltung, Stärkung und Schaffung eines wirtschaftlich gesunden land- und forstwirtschaftlichen Grundbesitzes		28/11/2013	<i>interference due to the insufficiently reasoned refusal by a regional authority of the applicant association's requests to provide copies of all its decisions issued since 2000 in anonymised form, to enable the applicant to study the impact of property transfers on agricultural and forest land. (Article 10)</i>	submitted. The applicant association did not request the release of the decisions any more. However, should the applicant or other associations with the relevant legal interest request access to certain of the older decisions in anonymised form, such access will in principle be granted. General measures: The regional authority in question was replaced by the Independent Administrative Panel. This Panel published a part of its decisions in the Austrian Legal Information Service RIS. The judgment was translated, published and disseminated.
CM/ResDH(2018)25	AUT / Padlewski	11553/11	16/05/2017 16/05/2017	Access to and efficient functioning of justice: <i>Excessive length of disciplinary proceedings against a civil servant at the then Ministry of Economics and Labour. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. General measures: WECL-case. See CM/ResDH(2016)334 in Goriani. The judgment was translated, published and disseminated.
CM/ResDH(2018)275	AUT / Palushi	27900/04	22/02/2010 22/12/2009	Protection against ill-treatment in prison: <i>Ill-treatment in detention awaiting expulsion established by medical reports and placement in solitary confinement despite hunger strike and refusal of access to a doctor. (Article 3)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid on an equitable basis. The applicant was released and his asylum request was granted. Criminal proceedings against the police officers concerned were not reopened due to statute of limitation. General measures: The Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment entered in to force in 2013 and the Ombudsman Board was designated as the National Prevention Mechanism. From 1999 to 2012, the Human Rights Advisory Board advised the Federal Ministry of the Interior on aspects related to Human Rights. In 2013, the explicit prohibition of torture was introduced in the Criminal Code. Previously, in 2010, the Ministry of the Interior had issued several circulars and instructions to regulate the use of force in detention facilities. The judgment was translated,

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					published and disseminated. It is also used in the continuous training of the security administration. The CPT on its last visit in 2014 found no indication of ill-treatment in detention facilities.
CM/ResDH(2018)322	AUT / Pfeifer	12556/03	15/02/2008 15/11/2007	Protection of private life: Failure by domestic courts to protect the applicant's reputation against defamatory statements published by the chief editor in a domestic newspaper, finding that the statements at stake had not been excessive. (Article 8)	Individual measures: The Supreme Court rejected the applicant's request to reopen criminal proceedings against the chief editor and the publishing company, finding that the request for reopening against a previously acquitted person would infringe the principle of the prohibition of reformatio in peius applicable in criminal proceedings. Just satisfaction for non-pecuniary damage paid. General measures: The judgment was translated, published and disseminated. It is used in training of judges and judge-trainees.
CM/ResDH(2018)26	AUT / Schwab	1068/12	08/06/2017 08/06/2017	Access to and efficient functioning of justice: Lack of an oral hearing before the Supreme Administrative Court in proceedings concerning the determination of the right to emergency aid. (Article 6 §1)	Individual measures: The finding of a violation constituted in itself sufficient just satisfaction for the non-pecuniary damage. No application to initiate a reopening of the proceedings was filed. General measures: WECL-case. See CM/ResDH(2017)199 in Koottummel. The judgment was translated, published and disseminated.
CM/ResDH(2018)276	BEL / Miessen and 1 other case	31517/12+	18/01/2017 18/10/2016	Access to and efficient functioning of justice: Lack of access to court due to excessive formalism of the Conseil d'État in rejecting an appeal on points of law in the first case and, in the second case, in declaring inadmissible a complaint against a by-law adopted by three municipalities concerning a ban on the wearing in public places of clothing that conceals the face. (Article 6 §1)	Individual measures: Just satisfaction for non-pecuniary damage paid. In the second case, no request for just satisfaction for non-pecuniary damage was submitted. No other individual measure required. General measures: Change of case-law by the chamber concerned of the Conseil d'État after 2011. The second case was an isolated one. Concerning the question of excessive formalism of the Conseil d'État, see also CM/ResDH(2013)224 in L'Erablière A.S.B.L. and the information submitted on recent decisions of the Conseil d'État underlining the case-law evolution.

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CM/ResDH(2018)233	BEL / B.	4320/11	10/07/2012 19/11/2012	Protection of family life: <i>Unnecessary interference due to an appeal court's decision on a forced return to an allegedly abusive father of a child well integrated in the host country. (Article 8 conditional)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The authorities concerned were informed on the state's obligation not to execute the appeal court's decision. General measures: Domestic courts' case-law examples show the importance attached to determining the best interest of the child in abducted children's cases. Related training activities were organised. The judgment was published and disseminated.
CM/ResDH(2018)277	BEL / De Landsheer and 5 other cases	50575/99+	15/10/2005 15/07/2005	Access to and efficient functioning of justice: <i>Excessive length of proceedings. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. General measures: See CM/ResDH(2015)245 in Dumont. Further measures necessary to respond to the short-coming identified by the Court will continue to be examined in the context of the <i>Bell</i> judgment.
CM/ResDH(2018)350	BEL / Dufourt and 8 other cases	43653/09+	10/04/2013 10/01/2013	Protection of rights in detention: <i>Unlawful prolonged detention in prison psychiatric wings not offering care appropriate to their mental health disorders as well as lack of an effective remedy. (Articles 5 §1 in all cases and 5 §4 in some cases)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicants in these cases are no longer in a prison psychiatric wing, one being definitively released and the others having been placed in a forensic psychiatric centre. General measures required in response to the shortcomings found continue to be examined in the framework of the W.D. pilot judgment and the L.B. group.
CM/ResDH(2018)58	BEL / Riahi	65400/10	14/09/2016 14/06/2014	Access to and efficient functioning of justice: <i>Denial of a fair trial due to the applicant's conviction on the basis of a single prosecution witness' testimony resulting from an interrogation by police and the examining magistrate without any possibility for the applicant to question this witness or to have him questioned failing the latter's appearance before court.</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant did not did not avail himself of the possibility to request reopening of proceedings. General measures: The judgment was translated, published and disseminated, in particular to the Court of Cassation, the Court of Appeal and the Magistrates' College.

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				(Article 6 §§1 and 3 d)	
CM/ResDH(2018)460	BEL / Trabelsi	140/10	06/02/2015 04/09/2014	Extradition / deportation – protection against ill-treatment: <i>Extradition in 2013 to the United States notwithstanding a risk of being sentenced for terrorist activities to an irreducible life sentence (constituting ill-treatment under Article 3) there, without consistent diplomatic assurances that such a sentence would not be imposed or that, if imposed, it would be accompanied by adequate possibilities of a reduction or commutation; disrespect of an interim measure indicated by the ECHR. (Article 34)</i>	Individual measures: Questions related to the payment of the just satisfaction settled (repayment of unduly seized amounts and payment of default interest). The Belgian authorities have taken all measures that could be expected to avoid or reduce the risk of an irreducible life sentence: obtention of guarantees from the USA prosecution authorities to try to reach a plea agreement with the applicant and in case of failure, that they will not seek such a sentence combined with an undertaking by the Belgian authorities themselves to intervene in the proceedings in the USA, at the appropriate time, if a risk of such a sentence would nevertheless materialise. In addition, new information suggests wider possibilities of presidential pardon, including commutation or reduction of sentences, than earlier indicated. General measures: Article 2bis of the Extradition Act contained already a prohibition on extradition in case of a serious risk of being subjected to acts of torture or inhuman or degrading treatment. The events were exceptional and constituted an isolated incident. The judgment was published and disseminated to the relevant administrative and judicial authorities, together with a reminder that the extradition of an individual at risk of being sentenced to an irreducible life sentence was contrary to Article 3. As regards the violation of Article 34, the authorities adopted awareness-raising measures and reaffirmed to the Committee of Ministers their general commitment to respect the Court's interim measures.
CM/ResDH(2018)104	BGR / Alexov and 18 other cases	54578/00+	22/08/2008 22/05/2008	Protection of rights in detention: <i>Poor detention conditions and/or restrictive penitentiary regimes applied in respect of the applicants, lack of effective remedy</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicants were either released or transferred to other prisons and/or their penitentiary regime reviewed. Applicants who are still detained now have at their

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				<p><i>and absence in practice of a real possibility to obtain reduction of a life sentence as well as irregularities as regards detention on remand and lack of enforceable right to compensation; excessive length of criminal proceedings and lack of effective remedy in this respect; infringement of the right to free assistance from an interpreter; unlawful search of a home and unjustified monitoring of correspondence in prison. (Articles 3 and 13; Article 5 §§1+3+4+5; Article 6 and 13; Article 6 §3e; Article 8)</i></p>	<p>disposal preventive and compensatory remedies introduced in response to the Neshkov and Others pilot judgment. <u>General measures</u> related to poor conditions of detention, overcrowding, lack of adequate health care and restrictive penitentiary regimes, to the functioning of the domestic remedies as well as to the possibility to obtain reduction of sentence are examined in the context of the cases Kehayov, Neshkov, Gavazov, Harakchiev and Toloumov. For general measures concerning violations of Article 5 see CMResDH(2000)109 in Assenov and Others, CM/ResDH(2007)158 in Nikolov and Shishkov, CM/ResDH(2013)102 in Yankov, CM/ResDH(2012)164 in Evgeni Ivanov and CM/ResDH(2017)382 in Bochev. For general measures related to excessive length of criminal proceedings and the lack of effective remedies, raised by the cases Shahanov and Iovchev, see CM/ResDH(2015)154 in Finger and Dimitrov and Hamanov and CM/ResDH(2017)420 in Kitov. For general measures related to the infringement of the right to free assistance by an interpreter raised see CM/ResDH(2012)157 in Hovanesian. For general measures concerning unjustified monitoring of correspondence in prison see CM/ResDH(2014)258 in Petrov. Questions raised by the unlawful searches are being examined in the context of the Peev group of cases.</p>
CM/ResDH(2018)196	BGR / Angelov and 4 other cases	44076/98+	22/07/2004 22/04/2004	<p>Protection of property and protection of rights in detention: <i>Impossibility to obtain enforcement of State debts (Article 6§1and/or Article 1 of Protocol No. 1) and different shortcomings pre-trial detention. (Article 5 §§3+4)</i></p>	<p><u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. Domestic court judgments were enforced except in one case where compensation for the unpaid debt was awarded as pecuniary damage. The applicant concerned was released.</p> <p><u>General measures:</u> Cases of a relatively isolated nature. Change of case law as administrative courts started in 2012 to decide on the merits of complaints about delayed enforcement of state debts. Questions raised by the lack of</p>

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					effective remedies for speeding up or redressing the negative consequences of delayed enforcement concerning claims against the State remain under supervision of the CM in the Chorbov case. The questions raised by the violations of the right of the first applicant in the Rahbar-Pagar case, see in particular Assenov and Others CM/ResDH(2000)109 , Nikolov and Shishkov CM/ResDH(2007)158 , Evgeni Ivanov CM/ResDH(2012)164 and Bochev CM/ResDH(2017)382 .
CM/ResDH(2018)358	BGR / Baltaji	12919/04	12/10/2011 12/07/2011	Expulsion / deportation –Protection of private life and lack of effective remedy; lack of procedural safeguards against expulsion: <i>Arbitrariness in expulsion proceedings based on national security grounds; failure of the authorities to ensure independent supervision of the measures taken against the applicant; lack of effective possibility to challenge the deportation order. (Articles 8 and 13 as well as Article 1 of Protocol No. 7</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. In 2015, the Administrative Court rejected after re-examination the applicant's appeal against expulsion. <u>General measures:</u> See CM/ResDH(2015)44 in El Nashif. The judgment was translated, published and disseminated.
CM/ResDH(2018)74	BGR / Barborski	12811/07	26/06/2013 26/03/2013	Protection of rights in detention: <i>Unlawful detention of the applicant due to the lack of clarity in the regulations governing situations in which different types of detention are running in parallel – a prison sentence and a pre-trial detention. (Article 5 §1a)</i>	<u>Individual measures:</u> The finding of a violation constituted sufficient just satisfaction, as the period of unlawful detention was subsequently deducted from the remainder of the sentence. The applicant is no longer in detention. <u>General measures:</u> Legislative amendments were made in the Execution of Punishments and Pre-trial Detention Act in 2009 to clarify the rules in situation when different types of detention are applicable in parallel. The judgment was translated, published and disseminated.
CM/ResDH(2018)195	BGR / Didov	27791/09	17/06/2016 17/03/2016	Protection of rights in detention: <i>Police custody without “reasonable suspicion” of having committed an offence and lack of an enforceable right to compensation in</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. The applicant was released. <u>General measures:</u> remain under the supervision of the CM in the case of Petkov and Profirov

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				<i>this respect. (Article 5 §§1+5)</i>	
CM/ResDH(2018)194	BGR / M.G.	59297/12	25/06/2014 25/03/2014	Protection against ill-treatment / deportation: Domestic court's decision on the extradition of a Russian national of Chechen origin, to the Russian Federation based exclusively on reassurances of the Russian authorities without sufficiently scrutinising the existence of a serious and real risk of ill-treatment. (Article 3 conditional)	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicant was released and left the country. The extradition was not executed. <i>General measures:</i> Isolated case. The judgment was translated, published and disseminated.
CM/ResDH(2018)234	BGR / Stefanovi	65688/12	30/03/2017 30/03/2017	Protection of property: Unjustified deprivation of property on the basis of restitution laws concerning expropriations during the communist regime due to State administration irregularities resulting in the applicants' titles having been annulled and lack of adequate compensation. (Articles 1 of Protocol No. 1)	<i>Individual measures:</i> Just satisfaction for pecuniary damage paid. <i>General measures:</i> See CM/ResDH(2017) in Velikovi and Others and CM/ResDH(2014)198 in Dimitar and Dimitrovi. Adjustment of judicial practice. Meanwhile, the problem has become historical.
CM/ResDH(2018)174	BGR / Stoyanov-Kobuladze	25714/05	25/06/2014 25/03/2014	Access to and efficient functioning of justice: Unlawful refusal by the Supreme Court of Cassation to reopen criminal proceedings resulting in a conviction in absentia, the decision being based on the argument of the case-file destruction. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage was awarded also with regard to the impossibility of reopening. The applicant was released after serving part of his sentence. <i>General measures:</i> New rules on Court Administration of 2016 defined the absolute prescription period also as limitation period for the destruction of the case file. The Supreme Court of Cassation granted both requests for reopening of criminal proceedings which had been submitted to it in cases where case-files had been destroyed in breach of domestic legislation. The judgment was translated, published and disseminated.

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CM/ResDH(2018)105	BGR / Vasil Hristov	81260/12	16/09/2015 16/06/2015	Protection against ill-treatment: Failure of authorities to identify and punish private parties responsible for a violent attack against the applicant resulting in the impossibility of prosecution and civil redress. (Article 3 – positive obligation)	Individual measures: The applicant did not submit a claim for just satisfaction. General measures required in response to the shortcomings found in this judgment are being examined within the framework of the S.Z. group.
CM/ResDH(2018)116	BIH / Colic and Others and 8 other cases	1218/07+	28/06/2010 10/11/2009	Access to and efficient functioning of justice, protection of property: Non-enforcement of final domestic court decisions ordering payment of certain sums in respect of war damages due to a statutory suspension of the enforcement of an entire category of final judgments on account of the size of public debt arising from them. (Article 6 §1 and 1 of Protocol No.1)	Individual measures: In six out of these nine cases just satisfaction in respect of non-pecuniary damage was awarded and paid. All judgments were enforced. General measures: - Measures taken in the Federation of Bosnia and Herzegovina: In 2011 FBH Parliament adopted amendments to the FBH Internal Debt Law and Government adopted a decision on the settlement of final judgments concerning war-related claims. In 2017 the FBH Ministry of Finance recorded 341 final domestic judgments concerned. The authorities secured the necessary funds and ensured that the payments were made to settle the debts in line with the abovementioned mechanism and legal framework in 319 cases. The remaining debts will be paid once the necessary documentation received. - Measures taken in Republika Srpska: The number of civil actions brought under the ordinary rules of tort law for war damages was much larger than in FBH. The National Assembly adopted the domestic Debt Act 2012 and government introduced the 2012 settlement plan for the payment of war damages. In 2016, the Republika Srpska Minister of Finance issued a new settlement plan. It envisaged the enforcement of final judgments ordering payment of war damages in cash within 13 years starting from 2016. The cash payment scheme is available to those creditors who are unwilling to accept the settlement of their claims through the government bonds scheme. Payments

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					from the budget were made in respect of all judgments intended for payment in 2016 provided the creditors presented the required documentation to the Ministry of Finance. Enforcement of the outstanding judgments will continue according to the terms of the legal framework established.
CM/ResDH(2018)279	BIH / Covic	61287/12	03/01/2018 03/10/2017	Protection of rights in detention: <i>Constitutional Court's failure to decide on a constitutional appeal challenging the lawfulness and length of detention. (Article 5 §4)</i>	Individual measures: The Constitutional Court re-examined the applicant's complaint and found his detention not based on relevant and sufficient reasons. Just satisfaction for non-pecuniary damage awarded on an equitable basis paid. General measures: See CM/ResDH(2015)170 in Avdic.
CM/ResDH(2018)406	BIH / Damjanovic and Euromag D.O.O.	17248/11	31/10/2017 31/10/2017	Access to and efficient functioning of justice: <i>Excessive length of administrative proceedings. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid as awarded in the second case. In the first case, the owner of the applicant company renounced in writing to take possession of the sum awarded. Domestic proceedings closed. General measures: The judgments were translated, published and disseminated. No other judgment finding excessive length of administrative proceedings was rendered in respect of Bosnia and Herzegovina.
CM/ResDH(2018)427	BIH / Hamidovic	57792/15	05/03/2018 05/12/2017	Freedom of religion: <i>Punishment for contempt of court of a witness belonging to the Wahhabi/Salafi version of Islam in a criminal trial for refusing to remove his skullcap. (Article 9)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. No criminal conviction recorded. General measures: Violation resulted from inadequate practice of the domestic court. The judgment was translated, published and disseminated.
CM/ResDH(2018)115	BIH / Ibrahim Imsirovic	59298/16	14/03/2017 Decision with undertakings	Access to and efficient functioning of justice: <i>Excessive length of civil proceedings in property matters. (Article 6 §1)</i>	Payment according to the terms of the friendly settlement made.
CM/ResDH(2018)	BIH / Kahrman	4867/16+	17/10/2017	Access to and efficient functioning of	Individual measures: Just satisfaction for non-pecuniary

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
323	and Doric		17/10/2017	justice: Excessive length of civil proceedings. (Article 6 §1)	damage paid in one case; no claim submitted in the other. Domestic proceedings closed. General measures: Besides the present judgments, there is no other judgment finding excessive length of civil proceedings and no application communicated. In 2018, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina was tasked to take continuous measures to strengthen the capacity of the judiciary and the Ministry of Justice was tasked to analyse the possibility of introducing an efficient remedy in the domestic legislation to address excessive length of civil proceedings. The judgments were translated, published and disseminated.
CM/ResDH(2018)278	BIH / Mandic and Popovic	73944/13	19/12/2017 19/12/2017	Access to and efficient functioning of justice and protection of property: Delayed enforcement of final domestic court decisions ordering payment of certain sums in respect of general State obligations. (Article 6 §1 and 1 of Protocol No. 1)	Individual measures: Just satisfaction for non-pecuniary damage paid. The judgments were fully implemented in cash. General measures: See CM/ResDH(2017)29 in Momic.
CM/ResDH(2018)280	BIH / Nurfeta Talovic	29849/16	16/01/2018 (Decision)	Access to and efficient functioning of justice: Excessive length of civil proceedings. (Article 6 §1)	Individual measures: Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed.
CM/ResDH(2018)114	BIH /Hadzic and Suljic	39446/06+	07/09/2011 07/06/2011	Protection of rights in detention: Detention of mental health patients in the Psychiatric Annex of Zenica Prizon, which had been inappropriate for mental health patients. (Article 5 §1)	Individual measures: Just satisfaction for non-pecuniary damage paid. Both applicants are no longer detained in the Psychiatric Annex of Zenica Prizon. General measures: An action plan was adopted to provide for an adequate facility for detention of mental health patients and the Sokolac Forensic Psychiatry Institution was opened in 2016. Gradual transfer of mental health patient from all inappropriate institutions. Training activities for judges and prison staff were organised. The judgments were translated, published and disseminated.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2018)78	CRO / Macinkovic and 6 other cases	29759/04+	07/03/2007 07/12/2006	Access to and efficient functioning of justice: Excessive length of enforcement proceedings and the lack of an effective remedy. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed. <i>General measures</i> required in response to the shortcomings found are examined in the context of the Kvartuč group of cases (Application No. 4899/02).
CM/ResDH(2018)77	CRO / Alagic and 21 other cases	17656/07+	11/05/2010 11/02/2010	Access to and efficient functioning of justice: Excessive length of civil proceedings and the lack of an effective remedy. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed. <i>General measures</i> required in response to the shortcomings found are examined in the context of the Jakupović group (Application No. 12419/04) and the Raguž group of cases (Application No. 43709/02).
CM/ResDH(2018)197	CRO / Alešić and 2 other cases	12422/10+	05/12/2013 (Committee)	Access to and efficient functioning of justice: Excessive length of proceedings before the Constitutional Court. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed. <i>General measures</i> will be examined within the framework of the Šikić group.
CM/ResDH(2018)407	CRO / Bajić and 3 other cases	41108/10	13/02/2013 13/11/2013	Right to life: Lack of an adequate, prompt and effective investigation into the applicants' claims that their relatives' death resulted from medical malpractice. (Article 2 in its procedural limb)	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. No request for reopening was submitted, except in one case; this request was rejected as the adversary construction company did no longer exist due to bankruptcy and failing the finding of a violation of Article 2 in its substantive limb. In Bajić the applicant's constitutional complaint was dismissed as time-barred. <i>General measures:</i> The issues of the excessive length of domestic proceedings are examined in the following cases: excessive length of civil proceedings in the Ragui group; excessive length of criminal proceedings in the Jeans group; excessive length of administrative proceedings in the Pocuca group; excessive length of proceedings before the Constitutional Court in the Sikić group. The Civil Procedure Act was amended in 2008 and 2013 introducing procedural measures capable of preventing unreasonable delays when obtaining expert reports in civil proceedings. In 2008 the

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					<p>amendments of the Civil Procedure Act prescribed a fine to be imposed on an expert witness who fails to appear at the hearing without justification thus causing its adjournment. In 2008 a new legal framework was set up to ensure that domestic authorities examine all relevant allegations in disciplinary proceedings concerning medical negligence: the Law on Health Care and the Rules on Disciplinary Proceedings. In 2009 the new Criminal Procedure Code provided that an expert witness who is employed by the same institution as the plaintiff, the accused, the victim or the injured party shall be disqualified from participating in the proceedings. In 2013 further amendments were introduced to the Criminal Procedure Code providing that victims, injured parties and persons who filed a criminal complaint have the right to request information on the status of the case from the State Attorney's Office and setting the timeframe for deciding on criminal complaints. The judgments were translated, published and disseminated.</p>
CM/ResDH(2018)176	CRO / Becirovic and 3 other cases	45379/10+	18/12/2012 (Committee)	<p>Access to and efficient functioning of justice: <i>Excessive length of civil proceedings. (Article 6 §1)</i> <i>Other violations: One case also concerns the lack of an effective remedy. (Article 13)</i></p>	<p><u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid and domestic proceedings closed. <u>General measures</u> required in response to the shortcomings found are examined within the framework of the Raguž group (43709/02).</p>
CM/ResDH(2018)237	CRO / Bjedov and 2 other cases	42150/09+	29/08/2012 29/05/2012	<p>Protection of private life and home: <i>Disproportionate interference on account of the domestic courts' decisions ordering the applicants to leave State-owned flats, failing procedural safeguards in eviction proceedings. (Article 8)</i></p>	<p><u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. In reopened civil proceedings, the State claims for eviction were dismissed. <u>General measures:</u> In 2014, the Constitutional Court and the Supreme Court changed their case-law regarding the application by domestic courts of the proportionality test in eviction cases. The ECHR acknowledged in recent inadmissibility decision the impact of the change of case-law. The judgments were translated, published and disseminated</p>

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					and awareness-raising measures taken.
CM/ResDH(2018)118	CRO / Brletic and 1 other case	42009/10+	16/04/2014 16/01/2014	Access to and efficient functioning of justice: Breach of the principle of <i>res judicata</i> by a second set of civil proceedings related to salary arrears owed which resulted in the applicants being ordered to pay back the sum awarded in the first set of proceedings. Subsequent appeals and a constitutional complaint were dismissed. (6 § 1)	Individual measures: In the first case, in reopened proceeding, the first domestic judgment was upheld. In the second case, the applicant did not request reopening. Both applicants were awarded pecuniary (in the amount of the impugned payment order) and non-pecuniary damage. General measures: The violations stem from manifest errors of domestic courts. The <i>res judicata</i> principle is normally respected in domestic case-law. The Constitutional Court developed new case-law relying on the present findings. The judgments were translated, published and disseminated. Training activities for judges were organised by the Judicial Academy.
CM/ResDH(2018)175	CRO / Caric and 1 other case	58650/12+	24/04/2014 (Committee)	Access to and efficient functioning of justice: Excessive length of civil proceedings due to the comparatively low level of compensation awarded by the Constitutional Court. (Article 6 §1)	Individual measures: Just satisfaction for non-pecuniary damage paid and domestic proceedings closed. General measures: Both judgments are examined in the context of the Jakupović group (12419/04).
CM/ResDH(2018)177	CRO / Culi and 4 other cases	29481/13+	10/07/2014 (Committee)	Access to and efficient functioning of justice: Excessive length of enforcement proceedings and lack of an effective remedy. (Article 6 §1 and 13) Other violations: One case also concerns protection of property. (Article 1 of Protocol No. 1)	Individual measures: Just satisfaction for non-pecuniary damage paid and domestic proceedings closed. General measures required in response to the shortcomings found are examined in the context of the Kvartuč group (Application No. 4899/02).
CM/ResDH(2018)235	CRO / D.J.	42418/10	24/10/2012 24/07/2012	Protection against ill-treatment and of private life: Failure to conduct an effective and adequate investigation into the applicant's allegations of rape; in particular concerning the securing of evidence and the investigation of the	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant did not request reopening of the impugned proceedings. General measures: Under the new Code of Criminal Procedure of 2011, criminal proceedings are conducted under the order of the State Attorney's Office. The victim's

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>judges' alleged bias. (Article 3 procedural limb and 8)</i>	position was strengthened. The Protocol of Procedure in Sexual Violence cases of 2012 serves as a practical national policy tool, mandatory for authorities dealing with sexual violence cases, introducing standardised operating procedures that relevant authorities are obliged to follow in order to ensure a victim-oriented approach and prevent ineffective investigations in sexual violence cases. In 2013, the Ministry of the Interior issued an Instruction to the police as to how to conduct investigative actions in cases of sexual violence. The Instruction further reinforced the standards set up by the above-mentioned Protocol. In 2009, the Constitutional Court found that a judge's description of a defendant's actions in a rape case was inappropriate to the point of unacceptable derision of rape and thereby introduced new case-law. Training for judges, State attorneys and police officers was organised. The judgment was translated, published and disseminated.
CM/ResDH(2018)198	CRO / Dervishi and 1 other case	67341/10+	25/12/2012 25/09/2012	Protection of rights in detention: <i>Excessive length of pre-trial detention and failure to apply alternative measures. (Article 5 §3)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. The applicants were released. <u>General measures:</u> Change of domestic courts' case-law to ensure special diligence in criminal proceedings and with regard to the application of alternative preventive measures and introduction of an electronic case management system. Awareness-raising measures were taken. The judgment was translated, published and disseminated.
CM/ResDH(2018)121	CRO / Guberina	23682/13	12/09/2016 22/03/2016	Discrimination: <i>Failure of authorities to provide objective and reasonable justification for their lack of consideration of the inequality related to the needs of a child with disabilities when determining applicant father's eligibility for tax relief on the purchase of suitably adapted property. (Article 14 in conjunction with Article 1 of</i>	<u>Individual measures:</u> In reopened tax proceedings, the applicant was to be exempt from real estate tax. The tax paid on the basis of the earlier decision was repaid together with the statutory default interest. Just satisfaction for non-pecuniary damage paid. <u>General measures:</u> Violation caused by misapplication of domestic law. The new Real Estate Transfer Tax 2017 no longer provides for any possibility of tax relief on real estate

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>Protocol No. 1)</i>	purchases as this possibility in combination with other taxation regulations and relevant EU legislation leads to unequal treatment of citizens in practice. Furthermore, the system of administrative adjudication was significantly altered by introducing the two-level system of jurisdiction. Judgments of first instance administrative courts may be challenged in appellate proceedings before the High Administrative Court. Under the Code on Administrative Disputes of 1991, there was only one level of judicial jurisdiction - the Administrative Court having no competencies for conducting hearings and adducing evidence. Also the Supreme Court's case-law with regard to extraordinary remedies demonstrates that each case is examined taking into account its specific circumstances. The judgment was translated, published and disseminated to all authorities concerned, including tax authorities.
CM/ResDH(2018)80	CRO / Ivinovic	13006/13	18/12/2014 18/09/2014	Protection of private and family life: <i>Institution and conduct of proceedings divesting the applicant of her legal capacity without proper representation, proper establishment of all relevant facts and without valid reasoning. (Article 8)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. In domestic proceedings the applicant's full legal capacity was restored. General measures: An instruction on the institution and conduct of incapacitation proceedings was issued to all social welfare centres and their subsidiaries. Specific powers for judges and procedural safeguards were inserted in the new Family Act 2015 and the independence of representation was ensured by the establishment of the new Center for Special Guardianship. Domestic case-law, including the Constitutional Court's jurisprudence, changed accordingly. The judgment was translated, published and disseminated and used in training-activities for judges.
CM/ResDH(2018)409	CRO / Jakupovic and 1 other case	12419/04	31/10/2007 31/07/2007 (Merits) 10/10/2008	Access to and efficient functioning of justice: <i>Excessive length of civil proceedings and insufficient compensation on domestic level. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed in both cases. General measures: As concerns excessive length of proceedings, see CM/ResDH(2018)408 in the Raguz group.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
			03/07/2008 (Just satisfaction)	<i>In the second case, lack of an effective remedy. (Article 13)</i>	As concerns the insufficient compensation and the lack of an effective remedy, three significant reforms were introduced: From 2002 to 2005, the constitutional complaint constituted a remedy as the Constitutional Court could set a time-limit for the competent court to terminate the proceedings and award compensation. In the 2005 Courts Act, the competence of the Constitutional Court was restricted to cases pending before the Supreme Court. In general, ordinary higher courts could decide on time-limits for termination of proceedings and on compensation. The new 2013 Courts Act introduced two remedies, one acceleratory and one compensatory. The Constitutional Court remained competent as a last resort. The Judicial Inspection of the Ministry of Justice supervises the lawfulness, efficiency and diligence of court administration concerning protection of the right to trial within reasonable time. In 2013, the Ministry of Justice furthermore introduced the Integrated Court Case Management System (ICMS) in municipal and county courts. It operates as an electronic tracking system aimed at ensuring that proceedings are conducted effectively. It is currently being implemented at the Civil Department of the Supreme Court. Non-compliance with decision rendered in proceedings for the protection of the right to trial within reasonable time constitutes a disciplinary offence. As concerns the compensation amounts, the Constitutional Court developed its case-law. Impact assessment: Since 2014, the number of request of acceleration has constantly been decreasing. The Council of Europe bodies like CEPEJ also evidenced the progress made in the efforts to bring the length of domestic proceedings in line with Convention requirements and ensure appropriate compensation if necessary. The judgments were translated, published and disseminated. The Judicial Academy held workshops for judges on their basis.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2018)236	CRO / Jeans	45190/07	13/01/2011	Access to and efficient functioning of justice: Excessive length of criminal proceedings and lack of an effective remedy. (Articles 6 §1 and 13)	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed. <i>General measures:</i> In 2013, the Ministry of Justice introduced the Integrated Court Case Management System (ICMS) allowing easy detection of excessive length of proceedings. In addition, the new Courts Act was adopted establishing inter alia the Judicial Inspection to supervise the judges' quality of work. Inefficiency in conducting criminal proceedings constitutes a disciplinary offence. In 2015, a comprehensive reform of the judicial system was undertaken. As a result, the principle of territorial jurisdiction of second instance courts was abandoned and county courts now have the competence to deal with any appeal against first instance decisions of municipal courts. Domestic courts changed their case-law concerning the impact of a decision to stay civil proceedings pending the outcome of criminal proceedings on the injured party's civil rights and award compensation for excessive length of proceedings. Impact assessment made by national authorities and by CEPEJ show that the measures taken have reduced the backlog and accelerated criminal proceedings. The judgment was translated, published and disseminated.
CM/ResDH(2018)76	CRO / Jovicic and 3 other cases	23253/07+	21/06/2011 21/06/2011 (Committee)	Access to and efficient functioning of justice: Excessive length of proceedings before administrative courts and the lack of an effective remedy. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed. <i>General measures</i> required in response to the shortcomings found are examined in the context of the Pocuca group.
CM/ResDH(2018)199	CRO / Knezevic	55133/13	19/10/2017 (Committee)	Protection of rights in detention: Unlawful and excessively lengthy pre-trial detention without assessment of the specific circumstance by the courts. (Article 5 §1+3)	<i>Individual measures:</i> No claim for just satisfaction submitted. The applicant was released. <i>General measures:</i> The impugned provision of the Office for the Suppression of Corruption and Organised Crime Act was repealed. Change of case-law of the Supreme and the Constitutional Court with regard to the sufficient reasoning of decisions to extend pre-trial detention and the application

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					of alternative preventive measures. The judgment was translated, published and disseminated.
CM/ResDH(2018)200	CRO / Krnjak and 8 other cases	11228/10+	28/11/2011 28/06/2011	Protection of rights in detention: Failure to review the lawfulness of detention and failure to respect the principle of equality of arms in appeal proceedings concerning detention, failure to provide sufficient grounds for detention and failure to consider alternative measures; in one case breach of the presumption of innocence. (Articles 5 §§3+4 and 6 §2)	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid, where awarded. The applicants were released. <i>General measures:</i> An amendment of the Criminal Procedure Code in 2017 obliges the authorities to specify the particular circumstances which warrant the extension of detention. Change of relevant case-law of the Supreme and the Constitutional Courts. The Constitutional Court's practice of declaring constitutional complaints inadmissible on the grounds that a fresh decision extending detention had been adopted or because the defendant had been released before the Constitutional Court gave its ruling was abolished. Furthermore, the Constitutional Court changed its case-law finding that a reference to other pending criminal proceedings could not justify extension of detention and constituted a breach of the presumption of innocence. A new State attorneys' Manual was prepared. The judgment was translated, published and disseminated. It was also used in training activities for judges.
CM/ResDH(2018)29	CRO / Ljaskaj	58630/11	20/03/2017 20/12/2016	Protection of property: Sale of property in enforcement proceedings for less than one-third of its established value due to domestic legislation allowing a third auction sale without restrictions regarding the lowest price. (Article 1 of Protocol No. 1)	<i>Individual measures:</i> The house was sold in 2011. Just satisfaction in respect of pecuniary damage (difference between sale price and one-third of its value) paid. <i>General measures:</i> According to the new Enforcement Act of 2012, amended in 2017, immovable property cannot be sold in enforcement proceedings at the first public auction for less than four-fifths, at the second auction for less than three-fifths of its value as established by the court appointed expert. Immovable property may not be sold, if the creditor's claim is less than 20.000 HRK. The new legislation thus enhanced protection of debtors in proceedings of enforcement on immovable property. The judgment was translated, published and disseminated.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2018)81	CRO / M.S.	36337/10	25/07/2013 25/04/2013	Protection of private and family life: <i>Inadequacy of criminal proceedings concerning an alleged attack against the applicant as well as shortcomings in the proceedings to divest her of her legal capacity, requested solely on the basis of a report by a psychiatrist who had never had any contact with her. (Article 8 twice)</i>	Individual measures: No claims for just satisfaction made. Proceedings for disinvesting the applicant of her legal capacity were terminated upon suggestion of an expert witness in view of the applicant's improved medical condition. As regards the impugned criminal proceedings, the applicant had not requested their reopening. General measures: The new Family Act 2015 limited the possibilities to institute proceedings to divest a person of legal capacity and subjected relevant decisions to a review. An instruction on the institution and conduct of incapacitation proceedings was issued to all social welfare centres and their subsidiaries concerning the collection and presentation of evidence. Specific powers for judges and procedural safeguards were also inserted in the new Family Act 2015 and the independence of representation was ensured by the establishment of the new Center for Special Guardianship. The Family Act also stipulates that the expert witness must personally examine the person concerned. Domestic case-law, including the Constitutional Court's jurisprudence, changed accordingly. The judgment was translated, published and disseminated and used in training-activities for judges by the Judicial Academy and for employees of social welfare centres by the State School for Administration. As concerns the termination of criminal proceedings by the applicant's appointed guardian, relevant domestic law was applied erroneously as a one-off occurrence.
CM/ResDH(2018)428	CRO / Maric	50132/12	12/09/2014 12/06/2014	Protection of private and family life: <i>Disposal by the State-run hospital of the applicant's stillborn child together with clinical waste, leaving no trace of the remains or their whereabouts. (Article 8)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. General measures: In 2016 the Ministry of Health addressed a binding instruction to State-run hospitals on the procedure to follow in similar situations on the basis of binding documents and consent forms to be obtained from parents of stillborn children before their burial. The judgment was

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					translated, published and disseminated.
CM/ResDH(2018)378	CRO / Petar Matas	40581/12	04/01/2017 04/10/2016	Protection of property: <i>Disproportionate restrictions imposed by the authorities on the use of a commercial building, pending the assessment whether it has any cultural heritage value and o various failures of the competent administrative courts involved. (Article 1 of Protocol 1)</i>	Individual measures: The restrictive preventive measures are no longer in force. The applicant failed to submit and specify his just satisfaction claim within the time-limit. According to the applicable provisions of the Civil Obligations Act, any individual has the possibility to bring proceedings against the State seeking damages. The applicant files a request for peaceful settlement of the dispute, which was rejected. He did however not bring civil proceedings for damages against the State before domestic courts. General measures: According to amendments to the Protection and Preservation of Cultural Heritage Act of 2017, prolonged preventive measures beyond the maximum period for which they may be imposed is no longer possible. Furthermore, the Ministry of Culture issued a set of instructions to all Departments for the Conservation of Cultural Heritage regarding the judgment's implementation in future protective measures proceedings. The new Administrative Procedure Act of 2010 provides for measures ensuring that the parties' views are taken into account and that their decisions are served on the parties. A new organisational structure of administrative jurisdiction was established in 2012 comprising two levels of jurisdiction allowing review first instance decisions. Also, according to recent case-law of the Constitutional Court, failures of administrative courts similar to the present one provide grounds for finding a violation of constitutional rights. The judgment was translated, published and disseminated.
CM/ResDH(2018)79	CRO / Pilcic and 3 other cases	33138/06+	17/04/2008 17/01/2008	Protection against ill-treatment in detention: <i>Lack of adequate medical care for various health problems in prison. (Article 3)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicants are no longer held in detention. General measures required in response to the shortcomings found are examined in the context of the Cenbauer group of cases (Application No. 73786/01).

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2018)429	CRO / Pocuca and 1 other case	38550/02+	29/09/2006 29/06/2006	Access to and efficient functioning of justice and lack of effective remedy: <i>Excessive length of pension proceedings before administrative authorities and courts as well as Constitutional Court's exclusion of the period of proceedings before administrative authorities when considering the overall length of administrative disputes. (Articles 6 §1 and 13)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The impugned proceedings were brought to an end. <i>General measures:</i> In 2010, a new Administrative Procedure Act introduced acceleratory remedies and the possibility of electronic communication. Between 2016 and 2018, the Ministry of Public Administration developed an IT system for the supervision of the Administrative Procedure Act monitoring the length of proceedings before administrative authorities. As concerns pension matters, the Central Office of the Pension Fund intensified its non-remittal practice and created standards for assessing staff productivity. It also established and electronic document management system. In 2012, a reform of the administrative judiciary was carried out establishing four first-instance administrative courts and one appellate administrative court (the High Administrative Court). In 2012, a new Administrative Disputes Act abolished the possibility of remittals of appellate cases. The 2013 Courts Act introduced deadlines for the delivery of court's decisions. Furthermore, a compensatory remedy allows higher courts to set out time-limits and to award compensation. In 2015, capacities of administrative judiciary were increased. The Constitutional Court adapted its case-law and includes in its calculation of proceedings duration the period in which the case was pending before administrative authorities. The judgments were translated, published and disseminated. As of 2012, the National School for Public Administration organised awareness-raising and training programmes. Clearance rate indicators for administrative disputed and proceedings rose and remain above 100% from 2016 onwards. The Croatian Pension Fund settled the majority of its cases within the statutory limit of two months.
CM/ResDH(2018)	CRO / Popara	11072/03	15/06/2007	Access to and efficient functioning of	<i>Individual measures:</i> Just satisfaction for non-pecuniary

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
59	and 7 other cases		15/03/2007	justice: Denial of the right to a court due to the automatic stay of civil proceedings brought against the State for damages resulting from terrorist acts pending the enactment of new legislation. (Article 6 §1)	damage paid. All the impugned domestic proceedings had been brought to an end following the adoption of the 2003 Liability Act. <u>General measures:</u> The Supreme Court instructed domestic courts to continue ex officio all the civil proceedings concerned in 2003. The importance of special diligence in these cases was underlined by the president of the Supreme Court in 2005. For further general measures, see CMResDH(2006)3 in Kutic. The judgment was translated, published and disseminated.
CM/ResDH(2018)238	CRO / Radanovic and 4 other cases	9056/02+	21/03/2007 21/12/2006	Protection of property: Disproportionate interference due to the applicants' inability to repossess property for a prolonged period of time as a result of the domestic authorities' failure to provide alternative accommodation for temporary occupants of flats taken over under the 1995 Temporary Takeover of Certain Property Act; lack of a remedy to obtain eviction of the occupants and satisfactory compensation for lack of flat use; length of eviction proceedings in some cases. (Article 1 of Protocol No. 1, Article 13 and 6 §1)	<u>Individual measures:</u> Just satisfaction for pecuniary and non-pecuniary damage paid. The applicants consequently regained possession of their properties. <u>General measures:</u> Considerable financial resources (around EUR 76 million) were devoted in the past 17 years to provide temporary occupants with alternative accommodation, thus creating necessary conditions for the repossession of the properties concerned by their owners. Currently, there are no more pending eviction proceedings under the 1995 Takeover Act. As concerns compensation for damages resulting from dispossession, the Constitutional Court and Supreme Court adapted their case-law. The judgments were translated, published and disseminated.
CM/ResDH(2018)75	CRO / Radobuljac	51000/11	28/09/2016 28/06/2016	Freedom of expression: Unnecessary interference due to the decision to fine a lawyer in civil proceedings for contempt of court without relevant and sufficient justification. (Article 10)	<u>Individual measures:</u> The finding of a violation constituted sufficient just satisfaction in respect of any non-pecuniary damage. Pecuniary damage in the amount of the fine was paid as awarded. <u>General measures:</u> Isolated malpractice by domestic courts. The judgment was translated, published and disseminated.
CM/ResDH(2018)408	CRO / Raguz and 1 other case	43709/02+	11/02/2006 11/10/2006	Access to and efficient functioning of justice / right to marry: Excessive length of civil (including divorce and paternity)	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed. <u>General measures:</u> The amendments to the Civil Procedure

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<p><i>proceedings and interference with the right to marry due to excessively length divorce proceedings. (Article 6 §1)</i></p>	<p>Code of 2013 set tight deadlines and streamlined the civil proceedings to curtail any possibility of protractions requiring experts to deliver their reports within 60 days. They abolished the possibility of temporary suspension of civil proceedings. The number of civil cases that can be conducted by a court advisor was increased. Judges may determine facts and consider evidence by applying the margin of appreciation principle in a wide array of situations, when the determination of those facts would be difficult or would cause disproportionate costs and expenses. Incentives for parties to be proactive in civil proceedings were introduced. Parties to civil proceedings now have an obligation to disclose the contested facts and evidence at the preparatory hearing at the latest. The domestic courts have an obligation to inform the parties about the possibility to resolve their dispute by mediation. Appeal courts can now remit a case only once. Delivery of judgments has also been expedited and must be scheduled during the last hearing on the merits. If the party does not attend, the judgment is immediately published on the court's e-notice board. As capacity building measures, in 2013, the Ministry of Justice introduced the Integrated Court Case Management System (ICMS) in municipal and county courts. Non-compliance of the deciding judge with decisions rendered in proceedings for the protection of the right to a trial within a reasonable time constitutes a disciplinary offence. The new 2013 Courts Act established the Judicial Inspection within the Ministry of Justice with the competence to supervise the court administration of all domestic courts. The positive impact of these measures is evidenced by statistics. As concerns labour cases, the workload was distributed on various courts more evenly (before 2012, 50% of the labour cases were pending at the Zagreb municipal court). Further measures aimed at ensuring effective domestic remedies for excessive length of civil proceedings are examined within the</p>

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					Jakupovic (12419/04) group of cases. The violation of the right to marry was based on the excessive length of divorce proceedings and does as such not require special general measures. The Judicial Academy organised workshops for judges on civil law aspects with regard to the ECHR jurisprudence. The judgments were translated, published and disseminated.
CM/ResDH(2018)281	CRO / Ribic and 1 other case	27148/12+	02/07/2015 02/04/2015	<i>Protection of family life: Failure of authorities to enforce a parent's contact rights with his child. (Article 8)</i>	<p><i>Individual measures:</i> In the first case, the son had reached majority. In the second case, domestic proceedings were closed. However, the children expressed their unwillingness to have contact with their mother. Family counselling was provided to all parties to overcome resistance, so far to no avail. Just satisfaction for non-pecuniary damage paid.</p> <p><i>General measures:</i> A new Family Act of 2015 establishes strict procedural guidelines, provides for the possibility of ex officio decision in matters relating to contact rights and their ex officio execution. Ex officio provisional measures concerning contact rights may be taken during pending divorce or custody proceedings. Furthermore, the system of appellate jurisdiction was reformed in 2015, introducing special jurisdiction for appeals in cases relating to family matters. Furthermore, the Family Act introduced the obligation to maintain contacts with one's child for the non-custodial parent and the obligation to enable and encourage such contacts for the custodial parent. Obstructing parents are held liable for damage. Modern technologies are used as means of contact. Procedural discipline in proceedings concerning the return of children taken from the custodial parent was strengthened. The judgments were translated, published and disseminated. They are used in training activities organised by the State school for Public Administration and the Judicial Academy for social welfare centre employees and judge.</p>

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2018)120	CRO / S.L. and J.L.	13712/11	19/10/2015 07/05/2015 (Merits) 30/01/2017 06/10/2016 (Just satisfaction)	Protection of property: Failure of the state to protect the property rights of minors under a real-estate swap agreement on the grounds that the Social Welfare Centre in approving the swap had omitted to consider the real value of the properties and the nature of their family circumstances and failure to afford the minors a reasonable opportunity to effectively challenge the measures interfering with their rights. (Article 1 of Protocol No. 1)	Individual measures: Just satisfaction for pecuniary damage in the amount of the difference in the value of properties which were swapped by the impugned agreement awarded and paid. No claim for non-pecuniary damage made. No request for reopening of the impugned proceedings submitted. General measures: According to the Family Act 2015, Social Welfare Centres are no longer competent in matters concerning disposal of property owned by children. They are decided by courts in non-contentious proceedings in the best interests of the child. The Centre for Special Guardianship may be appointed by court to represent the best interest of vulnerable persons such as a child in property related matters. The judgments were translated, published and disseminated. Workshops for judges were organised by the Judicial Academy.
CM/ResDH(2018)410	CRO / Sebalj	4429/09	28/09/2011 28/06/2011	Protection of rights in detention and access to and efficient functioning of justice: Unlawful detention after expiration of the maximum statutory period prescribed for in the detention order; failure to review the lawfulness of detention by lower courts and the Constitutional Court; conviction based on the applicant's confession obtained in police questioning in the absence of a lawyer. (Articles 5 §§1+4 and 6 §§1+3c)	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant is no longer in detention on remand. In reopened proceedings, the applicant was convicted for those counts of theft, the evidence of which was not based on his confession. General measures: Unlawful detention was the result of unlawful practice in the case at hand. In 2013 the Ministry of Justice introduced the Integrated Court Case Management System (eSpis) for criminal cases in municipal and county courts (in 2017, in the Supreme Court). The electronic case management enables domestic courts to check whether another detention order has already been issued against the same defendant in another set of criminal proceedings. If the domestic court issues a second order the appellate court will set it aside. Change of case-law of the Constitutional Court with regard to the examination on the merits of a decision the effects of which have ceased, with special reference to the ECHR's findings in the present case. According to the

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					new Code of Criminal Procedure of 2011, pre-trial investigations including the first questioning of the suspect is no longer conducted by the police. The competencies have been transferred to the State Attorney. In less severe crimes, the State Attorney may instruct the police to carry out the first questioning of the suspect. The police are however bound by the State Attorney's instructions and are under an obligation to provide a report. The first questioning of a suspect has to be recorded with an audio-video camera positioned in a way that the suspect and the clock are visible at all times. The subsequent record must contain in particular: (i) the date of the questioning and the time when it commenced and finished, (ii) information that the suspect was informed in writing of the right to a defence lawyer, (iii) whether a suspect chose to exercise the right to a defence lawyer or waived this right, (iv) whether attorney defence lawyer has proper qualifications and the time of the defence lawyer's arrival. Domestic courts changed their case-law and order retrial in cases of use of unlawful evidence during trial stage. The judgment was translated, published and disseminated. The Judicial Academy held workshops for judges on the issue of detention and on ECHR standards in pre-trial proceedings, in particular defence rights.
CM/ResDH(2018)377	CRO / Slava Jurisic	79584/12	08/02/2018 08/02/2018	Freedom of expression: <i>Disproportionate interference due to the applicant's conviction to a prison sentence for defamation of a mayor and a private individual in the context of a political debate. (Article 10)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. No claim for pecuniary damage submitted. The applicant's criminal record was erased. General measures: In the new Criminal Code entering into force in 2013 imprisonment for defamation was abolished. The judgment was translated, published and disseminated.
CM/ResDH(2018)411	CRO / Smolic	51472/12	15/03/2018 15/03/2018	Access to and efficient functioning of justice: <i>Denial of a fair trial due to the dismissal of the applicant's civil claim by the court for failure to pay the fees for an</i>	Individual measures: The applicant did not submit any claim for just satisfaction and did not request reopening of proceedings. General measures: In 2013 the new Legal Aid Act laid down

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>expert's report without consideration of his financial situation. (Article 6 §1)</i>	exemption conditions, such as revenue thresholds, transparent criteria for assessing a party's financial condition etc. Domestic courts are no longer competent to decide on cost exemptions, but administrative authorities. In 2013 amendments to the Civil Procedure Act ensured an unambiguous free legal aid system and the set out the procedure of exemption from payment of costs and expenses decided by administrative authorities. The judgment was translated, published and disseminated.
CM/ResDH(2018)82	CRO / X. and 1 other case	11223/0+	01/12/2008 17/07/2008	Protection of private and family life: <i>Exclusion of the applicants (in the case of X the applicant was divested of her capacity to act, while in the case of A.K. and L. the applicant had a mild mental disability and was divested of her parental rights) from proceedings resulting in the adoption of their children. (Article 8)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. According to domestic law it is not possible to reopen the non-contentious proceedings such as adoption proceedings. Thus no fresh assessment whether it is in the best interest of the child to continue to live within the adoptive family is required. Contacts between biological parents and children may be re-established after the children's majority. <u>General measures:</u> The new Family Act 2015 introduced significant changes in respect of adoption proceedings, divestment of paternal rights and legal capacity. The divestment of the capacity to act under new legislation does not automatically result in divestiture of parental rights, but the exercise of parental rights may be stayed. Parents divested of capacity to act are informed on adoption proceedings beforehand and are able to participate in such proceedings. The consent of a parent divested of his/her legal capacity to act would be always required for adoption provided he/she is able to understand the meaning and consequences of the consent. Prior to that and as a provisional measure, the Ministry of Health and Social Welfare had therefore issued a binding instruction to all welfare centres in this regard. The judgments were translated, published and disseminated. Training-activities were organised for judges by the Judicial Academy and for

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					employees of social welfare centres by the State School for Administration.
CM/ResDH(2018)117	CRO / X. and Y. and 2 other cases	5193/09	03/02/2012 03/11/2011	Access to and efficient functioning of justice and protection of private life: <i>Denial of a fair hearing due to lack of procedural safeguards in proceedings divesting the applicants of their legal capacity and unwarranted institution of these proceedings. (Articles 6 §1 and 8)</i>	Individual measures: Considering the possibility of reopening of proceedings, the finding of a violation constituted sufficient just satisfaction of any non-pecuniary damage for the first applicant, the second applicant was awarded just satisfaction for non-pecuniary damage. The first applicant passed away and the second applicant retained her legal capacity. General measures: Possibilities to initiate proceedings to divest a person of his/her legal capacity were limited in a new Family Act in 2015, thus preventing cases of unnecessary divestiture. The judge shall hear the person concerned. According to the new Family Act, all final decisions on full or partial divestment shall be subjected to review. The Centre of Special Guardianship was created to ensure independent representation of i.a. disabled adults. The Ministry of Demographics, Family, Youth and Social Policy issued an instruction to the social welfare centres on the relevance of evidence, aspects of the proportionality test, the need of personal contact and of examination by an expert witness as well as the representation of the person in divestiture proceedings. Domestic courts including the Constitutional Court aligned its case-law with the present judgment. The judgments were translated, published and disseminated. Training-activities for judges and employees at social welfare centres organised by the Judicial Academy.
CM/ResDH(2018)119	CRO / Zagrebacka Banka D.D.	39544/05	12/03/2014 12/12/2013	Access to and efficient functioning of justice: <i>Unfairness of enforcement proceedings leading to the seizure of a substantial amount of money, due to the inability to comment on the final statutory default interest, calculated by the domestic</i>	Individual measures: The 1978 Enforcement Procedure Act did not allow reopening of proceedings. The applicant bank did not request any pecuniary or non-pecuniary damage before domestic authorities following the judgment. No claim for non-pecuniary damage was submitted to the ECHR, the claim for pecuniary damage in the amount seized was

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>payment agency (FINA) at the request of the first-instance court, which had never been communicated to the bank. (Article 6 §1)</i>	dismissed as no causal link to the violation could be established. <i>General measures:</i> The Supreme Court and the High Commercial Court stressed in several decisions and in an elaborated manner the importance of the adversarial principle. The judgment was translated, published and disseminated. Awareness-raising measures were organised.
CM/ResDH(2018)461	CYP / A.H. AND J.K. and 4 other cases	41872/10+	21/10/2015 21/07/2015	Protection of rights in detention / deportation and protection of life and against ill-treatment: <i>Various stages of unlawful detention of Syrian asylum-seekers without legal basis following protests against the government's asylum-policy and lack of a speedy detention review; lack of an effective remedy with automatic suspensive effect against an erroneous decision to deport one of the applicants while his asylum claim was still pending. (Articles 5 §§1+4 and 13 in conjunction with 2 and 3)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicants were released from detention. <i>General measures</i> required in response to the shortcomings found continue to be examined within the framework of the M.A. case.
CM/ResDH(2018)359	CYP / Nicholas	63246/10	09/04/2018 09/01/2018	Access to and efficient functioning of justice: <i>Objectively justified doubts on impartiality of the judge deciding on an appeal (in-law relationship with the managing partner of the applicant's adversary and lack of disclosure of this fact). (Article 6 §1)</i>	<i>Individual measures:</i> No claim for just satisfaction submitted. Reopening not possible due to the dissolution of the adversary airline. <i>General measures:</i> The Code of Judicial Practice was amended to stipulate that an "in-law" relationship constitutes a ground for the withdrawal of a judge from a case. In cases where lawyers appear before a judge and these lawyers are employers, employees, partners or have a professional relationship with lawyers-members of the judge's family, (including trainee lawyers) the judge in question must disclose the relevant facts of the employment connection to the parties. If one of the parties objects to the judge's participation in the proceedings, the judge decides

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					whether to recuse himself or not, taking into account the Court's case-law. The judgment was published and disseminated.
CM/ResDH(2018)239	CZE / Beranek	45758/14	05/10/2017	Access to and efficient functioning of justice: <i>Lack of access to court due to erroneous dismissal of the applicant's constitutional appeal following the Constitutional Court's incorrect assessment of compliance with the statutory time-limit. (Article 6 §1)</i>	Individual measures: The finding of a violation constitutes sufficient just satisfaction for any non-pecuniary damage. The impugned proceedings were reopened. General measures: Isolated incident. The judgment was translated, published and disseminated
CM/ResDH(2018)430	CZE / Bures	37679/08	18/01/2013 18/10/2013	Protection against ill-treatment: <i>Restraint and fastening of the applicant to a bed at Brno-Černovice psychiatric hospital's sobering-up centre and insufficiently thorough investigation. (Article 3 substantive and procedural limb)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The Regional prosecutor considered that it would not be possible to elucidate the event more than it had already been done and thereby to prove, beyond any reasonable doubt, that a specific person acted contrary to law and so decided not to reopen the investigation. The applicant had the possibility to ask for reopening of the proceedings before the Constitutional Court. General measures: In the years 2013/14, the Mediator's Office as "National Prevention Mechanism" of the UN Convention of the Prevention of Ill-treatment undertook systematic visits to sober-up centres. According to the Medical Care Act as amended in 2017, the application of a severe restraint measure depends on the principle of subsidiarity and must be recorded in the patient's medical record together with the specific reasons for its application. Providers of medical care must keep a central register with data on the overall number of cases of application of the restriction measures, broken down by type of measure and calendar year. The hospital concerned adjusted its internal guidelines to the judgment. The Ministry of Health prepared a new methodical instruction on the use of restrictive measures in health facilities specifying the care

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					required for restrained patients; inspection intervals of the patient's state; limits on the maximum duration of uninterrupted application of restrictive measures and the methods to control aggressive patients with due respect to his/her dignity. The instruction was discussed with the representatives of the Mediator's Office, professional associations and civil society. With a view to strengthen the capacity of regional authorities to carry out checks in health institutions, the Ministry of Health issued a methodical instruction on control procedures in 2016. In 2017, the Ministry of Health issued new decrees defining minimum material, technical and human resources standards for detox centres. Concerning the procedural violation, the Constitutional Court, after a discussion in the plenary in 2013, changed its case-law and conducts a strict and rigorous review of the effectiveness of investigations into allegations of ill-treatment. The judgment was translated, published and disseminated.
CM/ResDH(2018)60	CZE / Colloredo Mannsfeld	15275/11	15/03/2017 15/12/2016	Access to and efficient functioning of justice: <i>Unfair restitution proceedings due to the lack of the opportunity for the parties to comment on the documentary evidence, which formed the basis of the domestic courts' decision. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. Proceedings on the applicant's requests for reopening are pending before the plenary of the Constitutional Court. General measures: Awareness-raising in the courts that had dealt with the case, including the Supreme Court and the Constitutional Court should prevent the occurrence of similar violations. The judgment was translated, published and disseminated.
CM/ResDH(2018)178	CZE / R & L, S.R.O. and Others and 3 other cases	37926/05+	03/10/2014 03/07/2014 (Merits) 11/06/2015 (Just	Protection of property: <i>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: Just satisfaction for non-pecuniary and pecuniary damage paid according to the terms of the friendly-settlements reached. General measures: New legislation on unilateral rent increases was passed in 2006 allowing landlords to raise

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
			satisfaction)		controlled rent gradually. Furthermore, an amendment to the Civil Code in 2011 boosted the landlords' position in tenancy relationships. These liberal elements were further developed in a new Civil Code in 2014.
CM/ResDH(2018)202	CZE / Zakova	2000/09	20/01/2014 03/10/2013 (Merits) 18/09/2017 06/04/2017 (Just satisfaction)	Protection of property: <i>Inability to challenge the loss of land ownership to the municipality in the land register; the property had been confiscated as the result of criminal proceedings brought against her for leaving communist Czechoslovakia in 1968, a decision which was retrospectively declared null and void in 1991. (Article 1 of Protocol No. 1)</i>	Individual measures: Just satisfaction for pecuniary and non-pecuniary damage paid. The Constitutional Court Act of 2013 permits to request reopening of the proceedings before the Constitutional Court also in civil proceedings. The applicant has not filed such a request. General measures: Case due to its very specific circumstances. The judgment was translated, published and disseminated.
CM/ResDH(2018)155	DNK / Biao	38590/10	24/05/2016 Grand Chamber	Discrimination: <i>Refusal of the applicants' request for spousal reunification without compelling or weighty reasons in comparison to the more favourable conditions for family reunion applying to persons who had held nationality for at least 28 years resulting in indirect discrimination on the ground of ethnic origin. (Article 14 in conjunction with 8)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. In 2016, the family reunification case was reopened and referred to the Immigration Service for reconsideration at first instance. In 2017, the applicants' new lawyer asked the case to be closed. The family resides in Sweden. General measures: The discrimination against Danish citizens of foreign ethnic origins resulted from the so-called 28-years rule (converted to a 26-year rule by a later amendment) in the Aliens Act. In May 2017, the impugned provisions were repealed. Prior to that, the Minister of Immigration and Integration published a memorandum to Parliament regarding the legal consequences of the Court's judgment and the Immigration Service applied the Aliens Act in accordance with the interpretation described in the memorandum. The judgment was translated, published and disseminated to all relevant authorities. According to an agreement reached among the majority of political parties the rules on family reunification will undergo in-depth reform soon.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2018)369	ESP / Flores Qhiros	75183/10	19/10/2016 19/07/2016	Access to and efficient functioning of justice: <i>Non-enforcement of a judgment cancelling the auctioning of commercial premises which she jointly owned with her former husband. (Article 6 §1)</i>	<u>Individual measures:</u> No claim for just satisfaction submitted. The law on the contentious administrative procedure provides a remedy that allows, in case of material or legal impossibility to execute a judgment, to request compensation. <u>General measures:</u> Isolated case due to misapplication of relevant legal provisions. The judgment was translated, published and widely disseminated.
CM/ResDH(2018)343	ESP / Garcia Mateos	38285/09	19/05/2013 19/02/2013	Discrimination on the ground of gender: <i>Failure to enforce a Constitutional Court judgment acknowledging gender discrimination against a working mother. (Article 14 in conjunction with Article 6 §1)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. <u>General measures:</u> Non-compliance with a Constitutional Court judgment constitutes an isolated occurrence. In general, the possibility to obtain compensation for a judicial error is provided for in Spanish legislation. The judgment was translated, published and disseminated.
CM/ResDH(2018)421	ESP / Gutierrez Suarez	16023/07	01/09/2010 01/06/2010	Freedom of expression: <i>Disproportionate interference due to the imposition of a fine and the ordering to publish the respective domestic judgment on the ground of defamatory statements made against the Moroccan royal family in the headline of a newspaper article. (Article 10)</i>	<u>Individual measures:</u> No claim submitted. No payment was ever made by the applicant in the execution of the domestic court's judgment. <u>General measures:</u> Isolated case concerning a civil judgment. Recent jurisprudence of the Supreme and Constitutional Courts show its accordance with ECHR case-law. The judgment was translated, published and disseminated.
CM/ResDH(2018)35	ESP / Moreno Carmona and 4 other cases	26178/04	09/09/2009 09/06/2009	Access to and efficient functioning of justice: <i>Excessive length of judicial proceedings. (Article 6 §1)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed. <u>General measures:</u> Several legislative measures improved the efficiency of civil, labour, criminal, enforcement, administrative and bankruptcy proceedings: the 2011 law on the acceleration of proceedings; the 2012 law on mediation in civil and commercial cases; progress was made concerning the legal framework for granting free legal aid. In 2015, amendments of the Constitutional Law on the Judiciary, the Civil Procedure Code and the Criminal Procedure Code made

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					judicial organisation more flexible and user-friendly. With regard to criminal proceedings, the victim's status was strengthened by law in 2015. A common administrative procedure of public administrations was introduced in 2015. The use of communications and information technologies in the administration of justice were regulated by a law in 2011, improving case-management and administration of justice in general. Statistical data show a positive trend concerning the average length of criminal, civil and administrative proceedings. The judgments were translated, published and disseminated.
CM/ResDH(2018)402	ESP / Roman Zurdo and Others	28399/09+	08/01/2014 08/10/2013	Access to and efficient functioning of justice: <i>Unfair proceedings due to the applicants' conviction on appeal by the Audiencia Provincial to prison sentences and prohibition from exercising their function as municipal councillors, without their questioning and dismissal of their amparo appeals before the Constitutional Court. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicants may request reopening of the impugned proceedings. General measures: See CM/ResDH(2017)69 in Igual Coll group. The judgments were translated, published and disseminated.
CM/ResDH(2018)150	ESP / Saleck Bardi and 1 other case	66167/09+	24/08/2011 24/05/2011	Protection of family life: <i>Procedural shortcomings in proceedings ending with the granting of guardianship of a child from the Sahrawi refugee camps in Tindouf to a Spanish host family, after a long period of uncertainty, in the first case; failure of authorities to ensure respect for the applicant's right to be reunited with his biological son, declared abandoned after his mother's expulsion and whose adoption was authorised despite the father's opposition, in the second case. (Article 8)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The children in both cases are major. General measures: In 2009, the Supreme Court established a list of criteria to guide national judges in matters of family reintegration in the superior interest of minors. The former Law for Legal Protection of Minors was replaced in 2015 by new legislation improving the legal system for the protection of childhood and adolescence, referring to the European Convention on the Adoption of Children, the CoE Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse as well as the European Convention on the Exercise of Children's Rights. The law addresses in particular the situation of non-accompanied foreign minors in search of

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					their families or renewed family life. A central national organism was created focussing exclusively on child protection. In the Murcia region, where both cases of Mrs Saleck Bardi and Mr. K.A.B were decided, a Family Observatory was established. The judgments were translated, published and disseminated.
CM/ResDH(2018)149	ESP / Sociedad Anónima del Ucieza	38963/08	23/03/2015 04/11/2014 (Merits) 24/04/2017 20/12/2016 (Just satisfaction)	Protection of property and access to an efficient functioning of justice: <i>Disproportionate interference with property rights due to the arbitrary and barely foreseeable registration of a church in the Diocese's name without granting the applicant company, registered owner of the plot of land concerned including the church, compensation or basic procedural safeguards for defending its interests; dismissal by the Supreme Court of the applicant's appeal on points of law due to excessive formalism. (Articles 1 of Protocol No. 1 and 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary and pecuniary damage paid. Cost and expenses not granted for lack of proof. General measures: Concerning the excessive formalistic interpretation of procedural rules by the Supreme Court, see CM/ResDH(2012)100 in Stone Court Shipping Company, S.A.. Concerning the registration of the church in the Diocese's favour, the underlying law on mortgages 1946 was replaced by a new law abolishing this possibility in 2015. The judgment was translated, published and disseminated.
CM/ResDH(2018)344	ESP / Tendam and 1 other case	25720/05+	13/10/2010 13/07/2010 Merits 28/11/2011 28/06/2011 Just satisfaction	Access to and efficient functioning of justice and protection of property: <i>Infringement of the presumption of innocence resulting in refusal to award compensation for pre-trial detention following the applicants' acquittal due to lack of evidence in decisions casting doubt on their innocence as well as disproportionate interference with property rights due to the non-compensation for the loss in value caused by the damaging and disappearance of the items seized by judicial authorities. (Article</i>	Individual measures: Just satisfaction for non-pecuniary damage (and pecuniary damage in the first case) paid. The possibility to request reopening of judicial proceedings following a ECHR judgment was introduced in 2015. General measures: As regards the presumption of innocence, see also CM/ResDH(2010)183 in Puig Panella. In its rulings in 2017, the Constitutional Court took account of the ECHR's recent jurisprudence with regard to the presumption of innocence and the right to compensation of preventive detention. It stated in particular, that requiring a person to provide proof of his innocence in the framework of compensation proceedings is unreasonable and constitutes and attack against the presumption of innocence. These

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				6 §2)	rulings are binding on domestic courts, including the Supreme Court. The judgments were translated, published and disseminated.
CM/ResDH(2018)360	EST / Leuska and Others	64734/11+	07/02/2018 07/11/2017	Access to and efficient functioning of justice: Failure to adjudicate the victims' claim for reimbursement of their legal costs in criminal proceedings which were terminated by settlement. (Article 6)	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicants did not request reopening of the impugned proceedings, nor did they file an action with an administrative court to claim compensation for the alleged damage on the basis of the State liability Act. General measures: Amendments to the Code of Criminal Procedure in 2015, 2016 and 2017 concern the participation of the victims in hearings in settlement proceedings; the granting to victims by the Prosecutor's Office of a reasonable term for filing a civil action or an application for compensation for procedural expenses and the obligation that a settlement shall set out also the compensation of expenses relating to the criminal proceeding by the accused, i.e. including the procedural expenses of the victim. The judgment was translated, published and disseminated.
CM/ResDH(2018)43	EST / Tolmachev	73748/13	09/10/2015 09/07/2015	Access to and efficient functioning of justice: Domestic court's refusal to examine the applicant's complaint against a misdemeanour fine imposed by the police on the ground of his absence from the hearing despite his counsel's presence. (Article 6 §§1 and 3 (c)).	Individual measures: The finding of a violation constitutes sufficient just satisfaction for any non-pecuniary damage. The applicant did not submit any request for reopening of the impugned proceedings. General measures: According to amendments to the Code of Misdemeanour Procedure adopted in 2017 the counsel may request the appeal hearing to take place without the presence of the appellant. The judgment was translated, published and disseminated.
CM/ResDH(2018)324	FIN / Eckholm	68050/01	24/10/2007 04/07/2007	Access to and efficient functioning of justice: Excessive length of administrative proceedings and failure to enforce final judicial decisions. (Article 6 §1)	Individual measures: Just satisfaction for non-pecuniary and pecuniary damage paid. General measures: Concerning length of proceedings, see CM/ResDH(2018)325 in Vilho Eskelinen group. Concerning the lack of implementation, the case is isolated. The

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					judgment was thus translated, published and disseminated.
CM/ResDH(2018)326	FIN / Gronmark and 3 other cases	17038/04+	06/10/2010 06/07/2010 Merits 12/10/2011 12/07/2011 Just satisfaction	Protection of private life: <i>Disproportionate interference due to the absolute nature of the limitation period for bringing an action to establish paternity. (Article 8)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. As concerns the applicants' possibilities to establish paternity see below. General measures: A new Paternity entering into force in 2016 introduced a general right to bring an action for the establishment of paternity, thus retroactively also for children born out of wedlock before 1 October 1976. To ensure the protection of property of heirs and the related legitimate expectations as well as general legal security, the rights of inheritance of children born out of marriage before 1 October 1976 were restricted. The judgments were translated, published and disseminated.
CM/ResDH(2018)431	FIN / M.P.	36487/12	15/03/2017 15/12/2016	Freedom of expression: <i>Unnecessary interference due to the conviction of defamation for voicing concerns in a confidential conversation with a social worker about the possible abuse of the applicant's child by the other parent and the order to pay a fine as well as compensation for damages and costs to the other parent. (Article 10)</i>	Individual measures: Just satisfaction for non-pecuniary and pecuniary damage paid. Reopening of criminal proceedings is possible. Fines are not entered in the person's criminal record. General measures: An amendment to the Criminal Code concerning the dissemination of information violating personal privacy and defamation entered into force in 2014 introducing additional guarantees similar to standards developed in ECHR case-law. The judgment was translated, published and disseminated.
CM/ResDH(2018)325	FIN / Vilho Eskelinen and Others and 6 other cases	63235/00+	19/04/2007 Grand Chamber	Access to and efficient functioning of justice: <i>Excessive length of administrative proceedings and lack of an effective remedy. (Articles 6 §1 and 13)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed. General measures: Concerning length of proceedings, see CM/ResDH(2012)75 in Kangasluoma group. Furthermore, the Administrative Judicial Procedure Act of 1996 was amended in 2013 to oblige an authority processing an appeal to give a respective time estimate. The Act on Compensation for Excessive Duration of Judicial Proceedings of 2010 provides for reasonable compensation from the State budget. The Act

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					was amended in 2013 to apply also to administrative courts, courts of special jurisdiction and to administrative appeals boards. Complaints about the duration of proceedings before a lower authority may be submitted to a higher authority or to the supreme legal guardians, the Parliamentary Ombudsman or the Chancellor of Justice. Excessive length of proceedings may also be taken into account when ordering an administrative sanction. Finally, compensation for excessive length of proceedings may be requested under the Tort Liability Act of 1974.
CM/ResDH(2018)179	FRA / A.P., Garçon et Nicot	79885/12+	06/07/2017 06/04/2017	Protection of private life : <i>Disproportionate interference with regard to the second and third applicants due to refusal of transgender persons' requests to have amended the entries on their birth certificates indicating their sex and first names, on the ground of the obligation to establish the irreversible nature of the change in their appearance. (Article 8)</i>	Individual measures: The finding of a violation is sufficient in itself in respect of non-pecuniary damage. The second applicant obtained the rectification of his birth certification and civil status. The third applicant did not submit any such request following the judgment. General measures: Conditions for transgender people to obtain recognition of their new identity and procedures for the change of their first name and sex in the acts of civil status were changed by the Law of modernisation of justice of the 21st century of 2016 and a supplementary decree in 2017. So, if transgender persons demonstrate that the sex mentioned in their civil status does not correspond to that with regard to which they are perceived and present themselves, the entries can be modified. A refusal may not be motivated by the fact of not having undergone medical treatment, surgery or sterilization. The judgment was published and disseminated.
CM/ResDH(2018)84	FRA / Beausoleil	63979/11	06/01/2017 06/10/2016	Access to and efficient functioning of justice: <i>Lack of impartiality of the Court of Audit when determining the final balance of accounts in a case concerning the de facto management of public funds following earlier statements made in a</i>	Individual measures: The applicant's claim for just satisfaction for pecuniary damage was dismissed. General measures: Violation due to the very specific circumstances of the case and of the specificity of the respective proceedings of the Court of Audit. The judgment was translated, published and disseminated.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>public report. (Article 6 §1)</i>	
CM/ResDH(2018)156	FRA / Brunet	21010/10	18/12/2014 18/09/2014	Protection of private life: <i>Disproportionate interference due to the lack of a real possibility for seeking deletion of information recorded in a crime database despite the discontinuation of criminal proceedings against the applicant, for 20 years. (Article 8)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant asked the prosecutor for deletion of the recorded information in 2016 and received confirmation that his request was granted and the information deleted. General measures: The retention period of recorded data was not modified, however decisions of discontinuation are systematically mentioned in the record since 2011. In addition, the law of 2016 on the fight against organised crime, terrorism and their financing, allows the prosecutor to grant an application for early deletion if the case concerned was dismissed for another reason than insufficiency or absence of charges. The public prosecutor's decision on the erasure or rectification of personal data may be appealed before courts. The judgment was translated, published and disseminated.
CM/ResDH(2018)83	FRA / Fakailo (Safoka) and Others	2871/11	02/01/2015 02/10/2014	Protection against ill-treatment in detention – <i>conditions of detention in police custody in the cells of the police headquarters in Nouméa (New Caledonia), notably lack of space, poor lighting and ventilation, had caused the applicants both physical and mental suffering as well as a strong sense of their dignity being undermined. (Article 3)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicants are no longer detained. General measures: Violation due to the particular circumstances of the case (bad state of maintenance of police custody cells in Nouméa). In 2009, the authorities had already initiated measures to bring the police detention cells concerned up to standard. Renovation work was completed in 2011. The former cells of custody were demolished and replaced. The judgment was translated, published and disseminated.
CM/ResDH(2018)379	FRA / Goetschy	63323/12	08/02/2018 08/02/2018	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(2007)39 in Etcheveste and Bidart, taking into account that proceedings in the present case took place before the adoption of the measures

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					set out in this resolution. The judgment was published and disseminated to the Ministry of Justice.
CM/ResDH(2018)351	GEO / Surmanidze and Others	11323/08	24/06/2014 Decision	Right to life: <i>Ineffective investigation into the applicants' sons' deaths. (Article 2 procedural limb)</i>	Individual measures: The 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.
CM/ResDH(2018)412	GEO / Tchankotadze	15256/05	12/09/2016 12/06/2016	Protection of rights in detention and access to and efficient functioning of justice: <i>Unlawful detention on remand of the chairperson of the Civil Aviation Agency of Georgia without judicial decision and insufficiently reasoned conviction for abuse of official authority. (Article 5 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant's heir did not request reopening of the impugned proceedings. General measures: As concerns unlawful detention on remand, see CM/ResDH(2011)105 in the Patsuria group. In 2010, the Code of Criminal Procedure had been amended accordingly. In 2011 the detention on remand was used in 49.3% of cases. In 2012 the figures decreased to 41.9%. In 2013 the percentage of cases involving detention on remand has been only 26.8%. In 2014 the number amounted to 32 % whilst in 2015 it equalled to 29.6%. In 2016, the application of detention on remand corresponded to 29.1%. As concerns the quality of reasoning of court decisions, the Council of Europe Action Plan for Georgia 2016-2019 envisages as one of the objectives bringing the legislation and practices of Georgia closer to the Council of Europe standards in the area of human rights and to enhance the reasoning of the court decisions. In 2015 the Supreme Court of Georgia published "Manual Suggestions on Criminal Cases Concerning the Form of the Judgment, Substantiation and Stylistics of the Judgment designated for the judges of the common courts. Furthermore, under the joint Programme between the European Union and the Council of Europe highly important research was conducted on the "Application of the Standards of the ECHR by the Common Courts of Georgia", which clearly demonstrated that the application of the standards of ECHR, as well as, reasoning of judgements has

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					significantly improved. The High School of Justice organised respective training for judges and candidate judges.
CM/ResDH(2018)432	GEO / Vashakidze	41359/08	02/02/2014 28/01/2014 (Friendly settlement)	Protection against ill-treatment and access to and efficient functioning of justice: <i>Ineffective investigations into the applicant's stabbing and insufficient reasoning provided by the domestic courts for the applicant's conviction of aggravated murder and failure to examine the witnesses requested by the defence. The violations were acknowledged by the Government in their unilateral declaration. (Articles 6 §1+3d and 3)</i>	Individual measures: Just satisfaction for pecuniary/non-pecuniary damage paid according to the terms of the friendly settlement. The applicant's request for reopening of the case was granted by the national court. On 05/09/2017, the Tbilisi Court of Appeals upheld the guilty verdict of 2007. General measures: see CM/ResDH(2017)202 in Gamsakhurdia (Friendly settlement).
CM/ResDH(2018)448	GER / Cleve	48144/09	15/04/2015 15/01/2015	Access to and efficient functioning of justice: <i>Infringement of the presumption of innocence due to certain statements made by a regional court in the reasoning of its judgment acquitting the applicant of the charges of sexual abuse of his daughter, expressing however a determination of guilt. (Article 6 § 2)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. As the applicant had been acquitted, reopening of the impugned proceedings is not possible. Rectifying only the reasoning of the judgment is legally not possible due to the absence of an evident error in it. General measures: The judgment was translated, published and disseminated. In addition, it is to be pointed out that the Federal Court of Justice, in 2015, held in an obiter dictum that an appeal on points of law may be exceptionally based on the fact that the reasoning of an acquittal judgment is detrimental to the defendant. According to the Federal Court of Justice's constant jurisprudence up to this decision, an appeal on points of law was only possible if the judgment's operative part was detrimental to the applicant.
CM/ResDH(2018)32	GER / Koch	497/09	17/12/2012 19/07/2012	Protection of private life: <i>Procedural violation due to domestic courts' refusal to examine the merits the applicant's motion to declare unlawful the rejection by the</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. In reopened proceedings, the Federal Administrative Court found on 02/03/2017 that the Federal Institute for Drugs and Medical Devices' denial of the

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>Federal Institute for Drugs and Medical Devices of his quadriplegic wife's request to obtain a lethal dose of a drug enabling her to commit suicide at home. (Article 8)</i>	evaluation whether the applicant's wife was in extreme distress due to severe and terminal illness, which would allow the acquisition of a narcotic drug for suicide, was unlawful. <i>General measures:</i> In view of the above Federal Administrative Court's judgment, actions in comparable cases must now be viewed as admissible, so that subsequent cases would become the subject of an assessment under substantive law by the domestic courts. The judgment was translated, published and widely disseminated.
CM/ResDH(2018)447	GER / Kuppinger	62198/11	15/04/2015 15/01/2015	Protection of family life and effective remedy: <i>Failure to make adequate and effective efforts to execute an interim decision ordering contact meetings between the applicant and his son and lack of an effective acceleratory remedy against the excessive length of the respective proceedings before family courts. (Articles 8 and 13 in conjunction with Article 8)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. According to the latest information available, the applicant's contact rights were suspended in 2013 until October 2015 as jeopardising the child's well-being. <i>General measures:</i> In 2016, a new rule regarding the procedural law applicable to parent and child matters was introduced in the Act on Proceedings in Family Matters and in Matters of Non-contentious, providing for an additional preventive legal remedy applicable to access and certain custody rights proceedings. The request to expedite the relevant proceedings has to be heard and decided within a month. The judgment was translated, published and disseminated.
CM/ResDH(2018)61	GER / Neziraj	30804/07	08/02/2013 08/11/2012	Access to and efficient functioning of justice: <i>Denial of access to court and of the right to defend oneself through a lawyer in criminal proceedings due to the appellate court's failure to consider the merits of an appeal on the grounds that the applicant had not attended a hearing despite his counsel's presence and readiness to defend him. (Article 6 §3c)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicant did not exercise his right to apply for reopening of proceedings. <i>General measures:</i> An appeal on fact and law can no longer be dismissed if an authorized counsel, who is prepared to represent the defendant, appears at the main appeal hearing in the defendant's place, following an amendment of the Code of Criminal Procedure in 2015. The judgment was translated, published and disseminated.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2018)46	GRC / Aggelakis and 8 other cases	25932/09+	10/12/2015 10/07/2015	Access to and efficient functioning of justice: Excessive length of administrative proceedings and lack of an effective remedy. (Articles 6 §1 and 13)	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed. <i>General measures:</i> See CM/ResDH(2015)230 in the Manios group of cases.
CM/ResDH(2018)204	GRC / Apostolakis	39574/07	01/03/2010 22/10/2009	Protection of property: Automatic deprivation of pension rights for lifetime after a criminal conviction, involving total exclusion social coverage, including health insurance, leading to the loss of means of subsistence of a person who has reached retirement age. (Article 1 of Protocol No. 1)	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The impugned decision was revoked by the Court of Auditors and the applicant was paid the pension he was entitled to retroactively. <i>General measures:</i> Change of case-law of the Court of Auditors. The impugned provision in the Civil and Military Pension Act was repealed in 2017. The judgment was translated, published and disseminated.
CM/ResDH(2018)462	GRC / Georgoulis and Others and 4 other cases	38752/04+	21/09/2007 21/06/2007	Access to and efficient functioning of justice and protection of property: Non-compliance or delayed compliance with final domestic court judgments ordering the lifting of land expropriation orders and the subsequent modification of the district boundary plan; lack of an effective remedy through which the applicants could pursue the enforcement of judgments ordering the lifting of their land expropriation or burden, and lack of effective means of challenging the re-expropriation of land immediately after the lifting of the prior expropriation order. (Articles 6 §1 and of Protocol No. 1)	<i>Individual measures:</i> Just satisfaction for pecuniary and/or non-pecuniary damage paid as awarded in each case. All judgments of domestic courts concerning lifting of expropriation orders and modification of district boundary plans have been executed. <i>General measures:</i> General measures required to resolve the identified problems continue to be examined in the <i>Beka-Koulocheri</i> group of cases.
CM/ResDH(2018)206	GRC / Kolonja	49441/12	19/08/2016 19/05/2016	Protection of family life: Disproportionate interference due to a life-long expulsion from Greece and subsequent lifelong prohibition to re-enter, as result of the criminal conviction for drug-trafficking of	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicant was allowed to return to Greece. <i>General measures:</i> The impugned provision of the Law of Drugs was repealed. The Criminal Code was amended granting domestic courts a margin of appreciation when

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>an Albanian national married to a Greek national and father of two children. (Article 8)</i>	deciding on the deportation of a foreigner as a security measure. Expulsion can last for up to ten years while under previous legislation it was mandatorily life-long as regards conviction for drugs related crimes. Re-entry permission is granted on request by the misdemeanours council of the seat of the court which imposed deportation. The judgment was translated, published and disseminated.
CM/ResDH(2018)85	GRC / Korkolis and 1 other case	63300/09+	15/04/2015 15/01/2015	Access to and efficient functioning of justice: Denial of access to a court and length of criminal proceedings resulting in the offences complained of by the applicants having become time-barred. (Article 6 §1)	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. Reopening of proceedings not possible as they had become time-barred. <u>General measures:</u> In the Korkolis case, the violation was due to the delayed change of the initial charge in pre-trial proceedings. The possibility of appeal in cassation against indictments was abolished in 2010 thus shortening considerably the length of pre-trial proceedings. In the second case, the violation was an isolated occurrence due to delayed investigation before suspending the case in which the applicant was a civil party. The judgment was translated, published and disseminated.
CM/ResDH(2018)203	GRC / N.T. Giannousis & Kliafas Brothers S.A.	2898/03	23/05/2007 14/12/2006	Access to and efficient functioning of justice: Discontinuation of proceedings by the Supreme Administrative Court preventing the examination of the lawfulness of an order terminating the applicant company's operation. (Article 6 §1)	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. Domestic courts awarded compensation for pecuniary damage caused by the administrative acts the applicant had challenged before the Council of State. <u>General measures:</u> The legislation concerning termination of proceedings was amended in 2009 providing that applicants may lodge requests for non-termination. The Supreme Court established that such a request constitutes a new remedy. The judgment was translated, published and disseminated.
CM/ResDH(2018)380	GRC / Papavasilakis	66899/14	15/12/2016 15/09/2016	Freedom of religion: Failure, in the circumstances of the case, to ensure that interviews of conscientious objectors are conducted by the competent committee in	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. In a second examination, the applicant's request to perform alternative service was finally accepted in 2017 and the previous fine imposed on him was cancelled.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				conditions guaranteeing procedural efficiency and adequate representation of the religious community concerned. (Article 9)	<i>General measures:</i> Violation occurred in the specific circumstances of the case. The judgment was translated, published and disseminated.
CM/ResDH(2018)205	GRC / Perlala and 1 other case	17721/04+	22/05/2007 22/02/2007	Access to and efficient functioning of justice: Denial of access to court due to the refusal of the Court of Cassation to examine appeals in cassation because they solely relied on a violation the Convention without being linked to the grounds for cassation enumerated in the Code of Criminal Procedure. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. Reopening of proceedings possible. <i>General measures:</i> Following an amendment of the Code of Criminal Procedure concerning causes for absolute nullity of proceedings, which include the violation of the rights of the accused under Article 6. The Court of Cassation adapted its case-law accordingly. The judgment was translated, published and disseminated.
CM/ResDH(2018)327	GRC / Poulimenos and Others	41230/12	20/10/2017 20/07/2017	Protection of property: Inappropriate calculation of the amount of compensation for the expropriated land of the applicants due to the time taken by the judicial authorities as reference point for the evaluation of said expropriated land resulting in a lowering of the estimated value of the land and of the corresponding compensation. (Article 1 of Protocol No. 1)	<i>Individual measures:</i> Just satisfaction for pecuniary (difference in value of the land between 1999 and 2012) and non-pecuniary damage paid. <i>General measures:</i> According to the new Expropriation Code of 2001, the provisional determination of the compensation falls within the jurisdiction of the one-member court of Appeals, whilst the final determination of the compensation falls within the jurisdiction of the three-member Court of Appeals. The judgment of the latter can be appealed only in cassation. If the contested judgment is annulled the case is referred back to the Court of Appeals which is bound to calculate the final compensation on the basis of the value of the expropriated property at the time of the new hearing of the case before it. It is noted that there are no applications for determination of compensation for expropriation regulated by the earlier legislation. All applications requesting determination of compensation filed after 6 May 2001 are regulated by the New Code of Expropriations even if they concern expropriations declared before that. The judgment was thus translated, published and disseminated.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2018)224	GRC / Siasios and Others and 14 other cases	30303/07+	04/09/2009 04/06/2009	Protection of rights in detention: Conditions of detention and lack of effective remedy: <i>Detention on remand in police stations under conditions of overcrowding, lack of outdoor space for walking, poor sanitary conditions and the poor quality of the food. In some cases extension of detention on remand without sufficient reasons and failure of a speedy review of the applicant's detention. (Articles 3 and 13 – furthermore 5 §§3+4))</i>	Individual measures: Just satisfaction for pecuniary damage paid. All of the applicants were released. General measures: In order to address urgently the problem of overcrowding in prisons, measures for the decongestion of the detention facilities were adopted in 2 laws of 2015. Detention of criminal detainees in police stations for a period of more than one month has stopped. Detention of persons remanded or detained pending trial or expulsion in various police stations does not exceed the absolutely necessary period, i.e. 3-4 days. The issue of a domestic remedy to complain about conditions of detention and claim compensation is examined in the Nisiotis group of cases. The issue of the speediness of the proceedings concerning applications to lift pre-trial detention or replace it with alternative measures is examined in the Giosakis group of cases. The judgments were translated, published and disseminated.
CM/ResDH(2018)45	GRC / Theodoropoulos and Ventouris and 5 other cases	35950/09+	23/07/2015 23/07/2015	Access to and efficient functioning of justice: <i>Excessive length of criminal proceedings and lack of an effective remedy. (Articles 6 §1 and 13)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed. General measures: See CM/ResDH(2015)231 in the Diamantides No. 2 group of cases.
CM/ResDH(2018)157	GRC / Thymiatis and 6 other cases	71999/12+	20/04/2017 (Committee)	Access to and efficient functioning of justice: <i>Excessive length of civil and administrative proceedings and the absence of an effective remedy. (Articles 6§1 and 13)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed. General measures: The issue of excessive length of judicial proceedings was examined in the Manios group, 70626/01, closed by CM/ResDH(2015)230 as regards administrative proceedings and in the Glykantzi/Konti Arvaniti group, 70626/01, closed by CM/ResDH(2015)231 as regards civil proceedings.
CM/ResDH(2018)44	GRC / Vathiotou and Others and 7	55240/09+	23/07/2015 23/07/2015	Access to and efficient functioning of justice: <i>Excessive length of civil proceedings and lack of an effective</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. Domestic proceedings may be accelerated by the litigants.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
	other cases			<i>remedy. (Articles 6 §1 and 13)</i>	<i>General measures:</i> See CM/ResDH(2015)231 in the Glykantzi/Konti Arvaniti group.
CM/ResDH(2018)283	HUN / Ferencne Kovacs	19325/09	20/03/2011 20/12/2011	Protection of rights in detention: <i>Unlawful pre-trial detention ordered on the basis of a legal provision which had previously been abrogated in its relevant part by the Constitutional Court. (Article 5 §1c)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicant was released. <i>General measures:</i> Isolated occurrence due to a manifest error by the domestic judge. The judgment was translated, published and disseminated.
CM/ResDH(2018)334	HUN / Monory	71099/01	05/07/2005 05/04/2005	Access to and efficient functioning of justice: <i>Excessive length of proceedings for divorce and child custody. (Article 6 §1)</i>	<i>Individual measures:</i> The child, born in 1995, is living in Romania. Her mother was granted custody in 2003, in divorce and child custody proceedings before the Hungarian courts. In 2004, the father was granted visiting rights, which he did not exercise. <i>General measures</i> required in response to the shortcomings found are examined within the framework of the Gázsó v. Hungary group of cases.
CM/ResDH(2018)468	HUN / Tardi and Others and 8 other cases	19478/03+	23/01/2008 23/10/2007	Access to and efficient functioning of justice: <i>Excessive length of civil and criminal proceedings and lack of effective remedy. (Articles 6 §1 and 13)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. All domestic proceedings closed. <i>General measures:</i> General measures required in response to the shortcomings found continue to be examined within the framework of the pilot judgment in the case of Gázsó group.
CM/ResDH(2018)381	HUN / Turan	33068/05	06/10/2010 06/07/2010	Protection of private life and home: <i>Unlawful search of a lawyer's law office by the police and seizure of documents concerning one of her clients who had been suspected of involvement in illegal financial activities. (Article 8)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The seized documents, which were unrelated to the case of the applicant's client, were returned. The documents related to the criminal proceedings were excluded by the domestic court from evidence. <i>General measures:</i> The violation resulted from the erroneous application of existing law. The judgment was translated, published and disseminated.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2018)352	IRL / C. and 4 other cases	24643/08	01/03/2012 01/03/2012	Access to and efficient functioning of justice: Excessive length of judicial proceedings and the absence of an effective domestic remedy. (Article 6 §1 and 13)	<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 <i>McFarlane</i> group of cases.
CM/ResDH(2018)243	ISL/ Traustason and Others and 1 other case	44081/13+	04/08/2017 04/05/2017	Freedom of expression: Disproportionate interference due to conviction to fines of journalists in defamation proceedings. (Article 10)	<i>Individual measures:</i> No claims for just satisfaction submitted. The applicant did not request reopening of proceedings. <i>General measures:</i> See CM/ResDH(2016)26 in Björk Eidsdottir and 3 other cases. The judgments were translated, published and disseminated.
CM/ResDH(2018)86	ITA / Battista	43978/09	02/03/2015 02/12/2015	Freedom of movement: Disproportionate interference due to domestic courts' automatic refusal to issue the applicant with a passport and the decision to invalidate his identity card for foreign travel owing to his failure to pay child maintenance. (Article 2 of Protocol No. 4)	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. In 2015, the applicant was granted the right to obtain a passport for a period of three months by the guardianship judge's decision. The applicant did not avail himself of such possibility and his following request addressed directly to the "questore" was rejected for lack of jurisdiction. <i>General measures:</i> The violation found constituted an isolated occurrence. In 2015, the Court of Cassation clarified the elements to be taken into account when deciding on a request to obtain a passport, in particular the child's best interest: The decision must be the result of a detailed assessment of all interests at stake in every specific case at hand. No automatic refusal is possible. The judgment was translated, published and disseminated.
CM/ResDH(2018)126	ITA / G.N. and Others	43134/05	01/03/2010 01/12/2009 (Merits) 15/03/2011 (Just satisfaction)	Right to life and discrimination: Excessive length of compensation proceedings for persons contaminated with HIV during blood transfusions and different treatment with regard to compensation possibilities for thalassemia sufferers or their heirs,	<i>Individual measures:</i> Just satisfaction for pecuniary damage was determined in a friendly settlement approved by the ECHR. Just satisfaction for non-pecuniary damage was paid as awarded by the ECHR. <i>General measures:</i> The possibility of compensation by out-of-court settlements was extended to thalassemia sufferers

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>compared to haemophilia sufferers, who benefitted of the out-of-court settlements offered by the Ministry of Health. (Article 2 procedural limb and Article 14 in conjunction with 2)</i>	in 2009 according to the criteria applied to haemophilia sufferers. General measures with regard to the problem of excessive length of the judicial proceedings dealing with an arguable complaint under Article 2 will be followed in the framework of the cases G.G. and Others (No. 3168/11) and D.A. and Others (No. 68060/12).
CM/ResDH(2018)361	ITA / Grossi and Others and 4 other cases	18791/03+	06/10/2006 06/07/2006 (Merits) 20/06/2011 14/12/2010 (Just satisfaction)	Protection of property and access to and efficient functioning of justice: <i>Insufficient safeguards and/or excessively restrictive rules on compensation for emergency expropriations by local authorities ("indirect expropriation"); insufficient amount of the compensation awarded by the national courts in the framework of the "Pinto" remedy open since 2001 to victims of excessively lengthy proceedings. (Article 6 §1 and of Protocol No.1)</i>	Individual measures: Just satisfaction for pecuniary (compensation for illegal expropriation and loss of chances) and non-pecuniary damage paid. General measures: As concerns Article 1 of Protocol No. 1, see CM/ResDH(2017)138 in Belvedere Alberghiera S.R.L. group of cases; as concerns the insufficient amount of compensation awarded under the "Pinto" Act see CM/ResDH(2015)155 in the Giuseppe Mostacciolo (No. 1) group.
CM/ResDH(2018)353	ITA / Ledonne and 161 other cases	38414/97+	12/08/1999 12/05/1999	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. Steps have been taken to accelerate the proceedings which were still pending at the time of the CM Decision or the ECHR judgment. General measures required in response to the shortcomings found continue to be examined within the framework of the case of Ledonne (No. 1).
CM/ResDH(2018)328	ITA / Salvatore Coppola and Others	5179/05+	29/04/2013 18/12/2012	Protection of private life and effective remedy: <i>Unjustified restrictions to correspondence in bankruptcy proceedings due to the inscription of the applicants on the lists of bankruptcy; and absence of remedy. (Articles 8 and 13)</i>	Individual measures: The finding of a violation constitutes sufficient just satisfaction for non-pecuniary damage. General measures: See Interim Resolution ResDH(2007)27 on "Bankruptcy proceedings in Italy: progress achieved and problems remaining in the execution of the judgments of the European Court of Human Rights" and Final Resolution ResDH(2008)45 in Albanese.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2018)124	ITA / Schipani and Others	38369/09	21/10/2015 21/07/2015	Access to and efficient functioning of justice: <i>Unfair proceedings with regard to 15 applicants due to the unmotivated refusal of the Court of Cassation to refer a question concerning the tardy transposition into domestic law of European Union directives, to the Court of Justice. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. General measures: An explicit motivation for a refusal of domestic courts to transfer a preliminary question to the ECJ is preferable. However, as confirmed by the ECJ in recent jurisprudence, if the reasoning provided in the judgment establishes that the question was considered "non-pertinent", an implied motivation of rejection seems acceptable. In addition, the reform of the law on the magistrates' responsibility in 2015 makes it possible to claim compensation for non-compliance with the obligation to raise a preliminary question of interpretation before the ECJ.
CM/ResDH(2018)125	ITA / Taddeucci and McCall	51362/09	30/09/2016 30/06/2016	Discrimination on the ground of sexual orientation: <i>Refusal to grant a residence permit for family reason to a same-sex foreign partner due to the treatment of stable homosexual couples in the same way as unmarried heterosexual couples. (Article 14 in conjunction with 8)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. Following legislative changes and adaptation of case-law, the applicants could today obtain a residence permit for family purpose. General measures: A Law on a civil union of committed and stable same-sex relationships was adopted in 2016 allowing for legal recognition and for a foreign partner to obtain a residence permit for family purpose. After 2010, the Constitutional Court recognised marriage of homosexual couples concluded in other EU countries. The Court of Cassation confirmed in 2012 the legal possibility of homosexual couples to invoke the same rights as granted to heterosexual couples. The judgment was translated, published and disseminated.
CM/ResDH(2018)364	LIT / Cesnulevicius	13462/06	10/04/2012 10/01/2012	Right to life and lack of effective investigation: <i>Death of the applicant's son in prison, following repeated attacks by other inmates, due to the authorities' failure to detect, prevent and monitor violence from other inmates and, once aware of it, their failure to respond to it</i>	Individual measures: Just satisfaction for pecuniary (funeral-related expenses) and non-pecuniary damage paid. General measures: The regulations governing the execution of prison sentence were improved in 2003. Preventive measures against violence and spread of criminal subculture among the detainees and the use of physical or psychological violence were taken; the measures also provide for a stricter

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>with prompt, diligent and effective coordination between security staff, medical practitioners and prison management and related ineffective investigations. (Article 2 substantive and procedural limb)</i>	procedure of investigation of injuries suffered by detainees. In 2012, the Instruction on the Prevention and Procedure of Investigation of Bodily Injuries Suffered by Arrested and Convicted Persons in Detention Institutions were approved (subsequently amended in 2013 and 2017), describing in detail the actions that any employee of a detention institution must take upon having noticed an injured detainee as well as specific features of preventive, investigative and analytical work. In 2014, the Prison Department and concrete prison facilities were granted the status of "intelligence institutions", which enabled the prison authorities to guarantee more effective investigation and better prevention of criminal acts within the prisons' system. In 2017, a dynamic security model was introduced at the correctional facilities of Marijampolė and Panevėžys and at the Kaunas Remand Prison in order to enhance the effectiveness of the control of prison behaviour, to reduce uncontrolled movement of prisoners outside the area of their sections, to prevent violence more effectively. The possibility to claim redress for damage caused by unlawful actions of public institutions invoking the State's liability under the Civil Code is constantly developed by in domestic case-law, including situations where the damage is caused by the State's failure to adequately protect one's safety while imprisoned. Respective case-law examples by the administrative and civil courts were submitted. The Training Centre of the Prison Department organises regularly training courses for prison staff. The judgment was translated, published and disseminated.
CM/ResDH(2018)291	LIT / Gedrimas and 1 other case	21048/12+	12/10/2016 12/07/2016	Protection against ill-treatment/action by security forces: <i>Ill-treatment by the police and lack of effective investigations. (Article 3 substantive and procedural limb)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. Reopening of investigations was time-barred in one case; in the second case reopened investigations were again terminated. General measures: In 2017, the Law on Police was revised

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					and the legal basis for coercion changed. Governmental guidelines on the approval of special coercive measures were adopted. Excessive use of coercion is subject to disciplinary proceedings. Victims of inhuman treatment have access to compensatory remedies. The judgments were translated, published and disseminated.
CM/ResDH(2018)180	LIT / Jelcovas	16913/04+	19/10/2011 19/07/2011	Access to and efficient functioning of justice: <i>Unfair criminal proceedings due to the failure to allow the applicant to participate in the Supreme Court hearing and failure to provide him with legal assistance to prepare his appeal on points of law in other proceedings. (Article 6 §1 (twice and §3)</i>	Individual measures: Just satisfaction for non-pecuniary and pecuniary damage paid. No request for reopening of the impugned proceedings was submitted. General measures: Wrongful application of domestic law providing that a convicted person has a right to be present when the Supreme Court decides an appeal on points of law. The Supreme Court's practice changed to ensure the presence of the detained convict and/or his lawyer also in cases of appeals in cassation after the judgment. The convicted person is requested in the hearing notification to state clearly if he/she wishes to attend the hearing. The second violation constituted an isolated incident addressed by the reform of the legal aid service of 2005. The judgment was translated, published and disseminated.
CM/ResDH(2018)181	LIT / Kavaliauskas and Others	51752/10	18/09/2017 14/03/2017	Protection of property: <i>Interference due to excessive length of the process of restitution of property nationalised during the former communist regime. (Article 1 of Protocol No. 1)</i>	Individual measures: Just satisfaction for non-pecuniary damage awarded on an equal basis paid. General measures: The legal ambiguities causing the excessive delays in the restitution process were eliminated by amendments to the Law on Restitution. The judgment was translated, published and disseminated.
CM/ResDH(2018)290	LIT / Kraulaidis and 2 other cases	76805/11+	08/02/2017 08/11/2016	Protection against ill-treatment: <i>Ineffectiveness of the pre-trial investigation into the circumstances of a traffic accident which had left the applicant disabled; of an accident at work in the second case and following an attack in the third case.</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. Reopening of pre-trial investigations in all 3 cases was time-barred. General measures: New regulations/guidelines on the effective and prompt pre-trial investigations into alleged ill-treatment were introduced in 2017: In case of delays, the

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>(Article 3 procedural limb)</i>	senior prosecutor may himself adopt the necessary decisions. He also must control refusals to open investigations. Specific training sessions for prosecutors were organised. In 2016, the Constitutional Court declared the dismissal of a case upon expiry or a statutory limitation period to be partly in conflict with the Constitution. Compensatory remedies are available. The judgments were translated, published and disseminated.
CM/ResDH(2018)8	LIT / Misiukonis and Others	49426/09	15/02/2017 15/11/2016	Protection of property: <i>Disproportionate interference due to a court's order to pay the market value of plots of land restored to the applicants by the State following the cancellation of respective administrative decisions acknowledging the applicants' right of restoration, after the plots' sale by the applicants. (Article 1 of Protocol No.1)</i>	<u>Individual measures:</u> The finding of a violation constituted in itself sufficient just satisfaction for the non-pecuniary damage. In reopened proceedings, the Supreme Court stated in 2017 that the applicants shall pay back only the sums received under the purchase agreement. <u>General measures:</u> Isolated incident. Thus the translation, dissemination and publication of the judgment are sufficient.
CM/ResDH(2018)247	LIT / Sidlauskas	51755/10	11/10/2017 11/07/2017	Protection of property: <i>Insufficient compensation awarded by domestic courts following the unlawful sale of the applicant's flat in a public auction for recovery of unpaid utility bills. (Article 1 of Protocol No. 1)</i>	<u>Individual measures:</u> Just satisfaction for pecuniary and non-pecuniary damage paid. <u>General measures:</u> Isolated incident. The judgment was translated, published and disseminated.
CM/ResDH(2018)207	LIT / Simkus	41788/11	13/09/2017 13/06/2017	Ne bis in idem: <i>Duplication of administrative and criminal proceedings for an altercation with police officers after a border control procedure. (Article 4 §1 of Protocol No. 7)</i>	<u>Individual measures:</u> The finding of a violation constitutes sufficient just satisfaction for non-pecuniary damage. <u>General measures:</u> Isolated case. The judgment was translated, published and disseminated.
CM/ResDH(2018)433	LVA / Äbele	60429/12+	29/01/2018 05/10/2017	Protection against ill-treatment / conditions of detention: <i>Living conditions in Brasa Prison for a deaf/mute person. (Article 3)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. The applicant was transferred to a prison complying with Convention standards. As from early 2018, the applicant is eligible for early release.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					<p><i>General measures:</i> The violation resulted from prison overcrowding and lack of special diligence towards the disabled inmate's complaints. Following its visit to Latvia in April 2016, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) noted with satisfaction that, in line with its long-standing recommendation, the minimum standard of living space per prisoner has been raised to 4 square meters. Several measures were taken by government to improve living conditions in all prisons. See also CM/ResDH(2018)382 in Holodenko. Resocialisation activities for inmates with disabilities were set out in the Code on the Execution of Sentences and respective training of prison staff was organised. The administrative courts' practice in assessing inmates' complaints about the material conditions of detention and with regard to interim measures to ensure an imprisoned person's right comparable to the present case changed and proved to be effective as underlined by examples submitted. The judgment was translated, published and disseminated.</p>
CM/ResDH(2018)362	LVA / Andrejeva	55707/00	18/02/2009 Grand Chamber	<p><i>Discrimination in conjunction with the right to property and access to and efficient functioning of justice:</i> Refusal of authorities to take the applicant's years of employment in the former Soviet Union into account when calculating her entitlement to a retirement pension on the ground that she did not have Latvian citizenship and lack of an opportunity to participate in the hearing on appeal on points of law before the Supreme Court, lodged by the prosecutor. (Article 14 in conjunction with Article 1 of protocol No. 1 and Article 6 §1)</p>	<p><i>Individual measures:</i> Just satisfaction in respect of all damages sustained paid as awarded. A ruling delivered by the Senate of the Supreme Court is not subject to the possibility of reopening of proceedings.</p> <p><i>General measures:</i> On 19/01/2011, the Agreement between Latvia and the Russian Federation on Co-operation in the Field of Social Security entered into force, providing that the retirement pension concerning periods of work that were acquired on the territory of one Contracting Party by 31 December 1990, is granted and paid by that Contracting Party on the territory of which the person applying for the retirement pension resides. The data provided demonstrate that following the recalculation of retirement pensions based on the Agreement, the average period of work taken</p>

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					<p>into account for calculating the pension increased by 5 years. In May 2018, there were 8,800 non-citizens, who had been granted retirement pension or recalculation of rights due to working periods accrued in the Russian Federation. Examples of recent case-law of administrative courts concerning claims for recalculation of retirement pensions ex tunc or pecuniary damages were submitted, showing that each individual situation is carefully examined.</p> <p>As concerns the prohibition to participate in a hearing: Isolated incident resulting both from a clerical error and an overly formalistic approach by domestic courts. Thus the judgment was translated, published and disseminated.</p>
CM/ResDH(2018)400	LVA / Dimitrijevs	49037/09	16/03/2015 16/12/2014	Effective remedy: National courts' failure to award a convict compensation for the period in which he had unlawfully served his sentence under a stricter prison regime than the one he had been entitled to and lack of jurisdiction over the supervision of prison regimes by the domestic judiciary. (Article 13)	<p>Individual measures: Just satisfaction for non-pecuniary damage paid. In 2010, the applicant was released after having served his term.</p> <p>General measures: The violation resulted from a gap in the legal framework concerning transfer modalities of inmates between different prison regimes. In 2017, the Constitutional Court concluded that issues pertaining to the transfer between different prison regimes concern important aspects of the fundamental rights of inmates, and hence require judicial supervision. Subsequently, amendments to the Code of the Execution of Sentences ensured that the administrative commissions' decisions of on transfers of inmates between different prison regimes are subject to judicial supervision by administrative courts. The judgment was translated, published and disseminated.</p>
CM/ResDH(2018)285	LVA / Dzirnīs	25082/05	26/04/2017 26/01/2017	Protection of property: Disproportionate interference due to deprivation of the applicant by domestic courts of his property title without compensating him for the loss that he had sustained.	<p>Individual measures: Just satisfaction for pecuniary and non-pecuniary damage paid.</p> <p>General measures: Isolated incident resulting from mistakes by several national authorities and misinterpretation of applicable Civil Law at the material time. The judgment was translated, published and disseminated and is used in</p>

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					training activities for judges.
CM/ResDH(2018)363	LVA / Forlovs	13289/06	10/04/2012 10/01/2012	Access to and efficient functioning of justice: <i>Unfair criminal proceedings due to the appellate court's refusal to examine the applicant's appeal lodged by the applicant's lawyer against the first-instance judgment in his absence. (Article 6 §1 and 6 §3c)</i>	Individual measures: The finding of a violation constitutes sufficient just satisfaction for non-pecuniary damage. No request for reopening was submitted. The applicant was released on parole in 2013. General measures: The violation resulted from the insufficient awareness of Convention-standards of the judicial authorities. The judgment was translated, published and disseminated and is used in training activities for judges.
CM/ResDH(2018)382	LVA / Holodenko and 6 other cases	17215/07+	04/11/2013 02/07/2013	Protection against ill-treatment / action of security forces: <i>Alleged ill-treatment by police officers and lack of effective investigations. (Article 3)</i> Other violations: <i>In the case of Djundiks there was no legal basis for administrative apprehension (isolated case); in the case of Sorokins and Sorokina criminal proceedings were unreasonably lengthy. (Articles 5 §1 and 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid in all cases. Reopening of investigations is time-barred in all cases. General measures: In 2015, in the framework of legislative and institutional reforms, the State Police established the Internal Control Bureau, whose main task is to ensure service discipline and legality in structural units of the State Police, and to analyse, plan, coordinate and implement measures aimed at preventing and detecting offences committed by State Police officials and employees. In its 2016 report, the CPT underlined that a positive trend with regard to the prevention of ill-treatment by the police was maintained. In 2010, the Prosecutor General issued the Decree On Duties of the Supervising Prosecutor, requesting to intensify prosecutorial supervision in respect of criminal proceedings concerning alleged offences by State officials. As of 2010, criminal proceedings concerning criminal offences committed by the state officials are continuously being assigned the priority status for enhanced supervision. The judgments were translated, published and disseminated. Concerning length of criminal proceedings see CM/ResDH(2017)122 and 123 in Kornakovs and Cernikovs respectively.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2018)129	LVA / J.L. and 1 other case	23893/06+	17/07/2012 17/04/2012	Protection against ill-treatment in detention: <i>Ineffective investigations into allegations of violence in prison by fellow inmates in reprisal for cooperating with the police. (Article 3 procedural limb)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid in both cases. One applicant was released; the second one was transferred to another prison. Fresh investigations would not give tangible result due to impossibility to gather evidence. General measures: Rules concerning investigation of inter-prisoner violence were improved in 2015. The Code on Enforcement of sentences was amended in 2011 and 2013 to ensure a better assessment of risks for and needs of convicts. In 2010, an Act on mutual cooperation between Prison Administration and the State Police was adopted to prevent risks for inmates after their collaboration with law enforcement agencies. Additional education for prison guards was ensured. The judgments were translated, published and disseminated.
CM/ResDH(2018)289	LVA / Jurijs Dmitrijevs and 1 other case	37467/04+	02/01/2013 02/10/2012	Protection against ill-treatment in prison and access to and efficient functioning of justice: <i>Excessive length of criminal proceedings brought against the applicants, "permanently resident non-citizens", as well as the civil proceedings brought against the prison officers of Riga central prison as well as ill-treatment and lack of effective investigations into respective allegations. (Articles 3 - substantive and procedural - and 6 §1 twice)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. Both applicants were released after having served their sentences. The applicants did not submit any request for reopening of proceedings against the prison officers, the statutory limit for abuse of power being 10 years. No civil proceedings pending. General measures: As concerns investigations into ill-treatment, the Internal Security Bureau was established in 2015 in order to ensure efficient, objective and independent investigations of criminal offences committed by officials inter alia in places of deprivation of liberty. In the pre-trial criminal proceedings investigated by the Bureau, both institutional and hierarchic independence between investigators and suspects is guaranteed, as the Bureau is no longer a structural unit of the State Police, but is under supervision of the Minister of the Interior. The CPT, in its reports following prison visits in 2013 and 2016, did not mention any allegation of ill-treatment. As concerns length of proceedings, see CM/ResDH(2017)123 in Svipsta and

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					Cernikovs.
CM/ResDH(2018)288	LVA / Kaleja and 1 other case	22059/08+	05/01/2018 05/10/2017	Access to and efficient functioning of justice: Excessive length of criminal proceedings due to deficiencies in pre-trial investigations. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. <i>General measures:</i> See CM/ResDH(2017)123 in Svipsta and Cernikovs.
CM/ResDH(2018)245	LVA / Kirins	34140/07	12/04/2017 12/01/2017	Access to and efficient functioning of justice and lack of an effective remedy: Excessive length of criminal and civil proceedings resulting in inadequate compensation for the applicant's blindness occurred as a consequence of excessive use of force by a police officer. (Articles 6 §1 and 13 in conjunction with 3)	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicant's request for reopening of civil proceedings was dismissed on the ground of the award for non-pecuniary damage by the ECHR. <i>General measures:</i> Concerning length of criminal proceedings, see CM/ResDH(2017)123 and CM/ResDH(2017)122 in the context of the Cernikovs and Kornakovs groups of cases. Measures concerning the length of civil proceedings are examined in the framework of the Veiss group (No. 15152/12). Concerning the lack of domestic remedy to claim compensation for unlawful acts of the State, a Civil Law amendment of 2006 explicitly provides for the possibility to claim compensation for non-pecuniary damage caused by any unlawful act of the State. When the unlawful act takes the form of, inter alia, a criminal offence against life and health, it is presumed that the victim suffered mental harm as a result of such an act. In 2016, the Supreme Court published two case-law compilations on the examination of claims for non-pecuniary damage caused by unlawful or unfounded action of the investigating authority, the prosecutor's office or courts and for infringement of rights, bodily injuries or death of next of kin. The judgment was translated, published and disseminated.
CM/ResDH(2018)284	LVA / Lutova and 1 other case	37105/09+	09/11/2017 09/11/2017	Access to and efficient functioning of justice: Excessive length of administrative and civil proceedings. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction for non-pecuniary (and in the second case also pecuniary) damage paid. Domestic proceedings were closed before the ECHR judgment. <i>General measures:</i> See Action Report submitted in the Veiss

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					case. Amendments to the Law on Judicial Power of 2013 taken in conjunction with provisions of the Civil Procedure Law, allow acceleratory complaints. Presidents of the court determine the average period of time to complete a case and supervise the compliance by the judges with these standards. In the period 2017-2018 further legislative, policy and organisational measures were adopted, such as the introduction of an online system to monitor the length of proceedings, the possibility to transfer cases to balance the courts' caseload and ensure faster examination, the territorial reform of courts and the increase in the number of judges. Statistical data show a decrease in the duration of court proceedings. This progress was acknowledged by the European Commission for the Efficiency of Justice (CEPEJ) and European Union bodies. The judgments were translated, published and disseminated.
CM/ResDH(2018)286	LVA / Mihailovs	35939/10	22/04/2013 22/01/2013	Protection of rights in detention: <i>Unlawful involuntary detention of a person divested of his legal capacity in a social care institution without objective medical opinion to justify his detention, and without possibility under Latvian law to have the detention reviewed by courts. (Article 5 §§1+4)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant was placed in an open social care institutions in 2010. General measures: In 2013, a new system of partial restriction of the legal capacity of individuals was adopted providing for a court to review the respective decision on request. Moreover, according to a new Law on social services and social assistance (2003), the placement and stay in long-term social institutions is based on the voluntary and contractual principle. An amendment in 2006 provided explicitly that a person may request to leave the long-term social care and assistance institutions. Detailed procedural provisions were inserted in 2008. In 2012 the procedure for submitting such requests was simplified and the local municipalities were put under the obligation to ensure a place of residence to persons leaving institutions and unable to return to their previous place of residence. The Ministry of Welfare controls the quality of social rehabilitation services

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					and decides on complaints. Its decisions may be challenged before administrative courts. Complaints may also be brought before the Ombudsman. The judgment was translated, published and disseminated.
CM/ResDH(2018)6	LVA / Mitkus	7259/03	02/01/2013 02/10/2012	Access to and efficient functioning of justice, protection against ill-treatment and of private life: <i>Lack of an adequate investigation, notably by the Office of the Prosecutor General, into the allegation of an HIV and hepatitis C infection during the taking of a blood sample by medical staff at Central Prison; failure to protect the applicant's private life from interference by a daily newspaper's disclosure of his HIV infection and identity; unfair trial due to his absence from the hearings of the appeal courts in civil proceedings between him and Central Prison and between him and the newspaper's publisher, despite explicit request. (Article 3 procedural limb, Article 8 §1 and 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damages paid. Reopening of civil proceedings possible; however, no respective request submitted by the applicant. A possible re-examination of the applicant's criminal complaint against the prison medical staff was time-barred. General measures: The inactivity of the Prosecutor General Office in the present case constituted an isolated incident. However, instructions were issued to strengthen supervision by public prosecutors and to improve procedures for dealing with detainees' complaints. As concerns the lack of co-operation among competent authorities with regard to the applicant's transfer to the court hearings, training of judges was organised. After amendments of the Civil Procedure Law in 2012, the majority of cases before the Supreme Court are examined in writing. Furthermore, due to the modernisation of the courts' equipment, hearings may also be organised by video-conference. Concerning the disclosure of a person's identity and photo in public media, domestic courts aligned their case-law and practice to the ECHR's jurisprudence. The judgment was translated, published and disseminated.
CM/ResDH(2018)383	LVA / Oderovs	21979/08	15/06/2017 15/06/2017	Protection of private life and correspondence: <i>Unlawful interference due to covert interception of a suspect's telephone conversations within the framework of the criminal proceedings against him and the fact that several of the intercepted conversations were between him and his defence counsel O.S. (Article 8)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant was fully acquitted of the criminal charges against him. General measures: See CM/ResDH(2017)213 in Santare and Labaznikovs. The current legal framework provides sufficient safeguards for effective ex post facto judicial review of surveillance measures. The Law on Operational Activities and the Law on Bar Association prohibits the interception of telephone conversations protected by the lawyer-client

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					privilege. The judgment was translated, published and disseminated. It is used in training activities of the Judicial Training Centre.
CM/ResDH(2018)244	LVA / Petrova and 1 other case	4605/05+	24/09/2014 24/06/2014	<i>Protection of private life and against ill-treatment:</i> <i>Removal of organs for transplantation of the applicant's son and husband respectively, without knowledge or consent of closest relatives due to lack of clarity of domestic law and, in one case, ill-treatment due to related emotional suffering. (Article 8 and 3)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. <i>General measures:</i> The amendments to the Law on Protection of the Body of a Deceased Person and Use of Human Tissues and Organs of 2004 provides the closest relatives with the right to inform a medical institution, in writing, about the respective wishes of the deceased person expressed during his/her life, before removal of organs and tissues. Objections to the removal of organs and tissues are excluded. The Law on the Rights of Patients of 2010 guarantees the right of the patient's closest relatives to take a decision on medical treatment or to refuse it, if the patient is unable to take such a decision. These provisions are applied by medical institutions also for the procedure of informing the closest relatives about possible removal of tissues and organs of the deceased and establishing her/his wishes in this respect. Complaints by relatives may be addressed to the Health Inspectorate supervising the performance of the health services. Decisions of the Health Inspectorate may be appealed against before administrative courts. Cabinet of Ministers' Regulations of 2011 settle the modalities of exchange of information between the Office of Citizenship and Migration Affairs, collecting the persons' written prohibition or permission of removal and the medical institutions carrying out the removal and use of tissues and organs. A Practical Guide of the Quality Control System on the Selection and Verification of the Identity for the Transplantation of Organs of the Deceased Donor was issued by the Transplantology Centre in 2017. The CoE Convention against Trafficking in Human Organs was signed in 2017. The judgments were translated, published and disseminated.

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CM/ResDH(2018)287	LVA / Schmidt	22493/05	27/07/2017 27/04/2017	Access to and efficient functioning of justice: <i>Unfair proceedings due to the failure by the divorce court to take reasonable steps to establish the defendant's place of residence of their own motion and thus adequately to ensure that proceedings had been served on the defendant. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The party to the proceedings had passed away before the ECHR judgment. General measures: In 2009, relevant provisions of the Civil Procedure Law were harmonised with the requirements of the European Parliament and Council concerning the service of judicial and extrajudicial documents in civil or commercial matters and provided the basis for the right to submit a request to a foreign competent authority regarding the service of judicial documents, including court summons, abroad. If the place of residence of a defendant is unknown, the court, upon a request of the plaintiff, is entitled to search for the defendant. As a matter of last resort, the court publishes the court summons in the Official Gazette. The judgment was translated, published and disseminated.
CM/ResDH(2018)246	LVA / Sharma	28026/05	24/06/2016 24/03/2016	Expulsion/extradition and protection of rights in detention: <i>Unlawful expulsion on the basis of a decision which had not yet become final and lack of judicial review of the lawfulness of the applicant's detention with a view to expulsion. (Article 1 of Protocol 7 and Article 5 § 4)</i>	Individual measures: Just satisfaction for non-pecuniary damage deposited with State treasury due to non-information on bank details. The applicant's name was removed from the list of persons prohibited from entering in Latvia. The applicant was provided with the relevant contact details of the Office of Citizenship and Immigration Affairs as well as information on applying for a residence permit. General measures: Isolated incident. Concerning the review of detention of third-country nationals, an amendment of the Immigration Law established the rights to challenge the decision before national courts and to lodge an appellate complaint. The judgment was translated and published.
CM/ResDH(2018)7	LVA / Taraneks	3082/06	02/03/2015 02/12/2014	Access to and efficient functioning of justice, protection of private life: <i>Unfair criminal proceedings due to the domestic court's failure to properly address the incitement plea raised by a court bailiff convicted for bribery; unlawful interference</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. Reopening of the criminal proceedings not necessary as the conviction had not been based on inadmissible evidence, and that the applicant had sufficient opportunities to cross-examine all evidence against him. General measures: General measures concerning incitement

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				<i>with his private life due to the recording of his conversations and the search of his office without written authorization due to lacking judicial safeguards in the Code of Criminal Procedure. (Article 6 §1 and 8 §2)</i>	pleas see CM/ResDH(2016)191 in Baltins. In particular, in May 2014 amendments to the Criminal Procedure Law enhanced the competence of the judiciary when dealing with the admissibility of evidence obtained as a result of special operative measures. Furthermore, law-enforcement authorities currently need an authorization from a prosecutor to record a private conversation. The use of covert recording equipment even requires a separate authorization from a Supreme Court judge. The new Criminal Procedure Law from October 2005 provides for a system of <i>ex post factum</i> judicial assessment of the lawfulness of and justification of a search warrant: within 24 hours after the search the investigator must present all relevant materials to the investigative judge who examines the necessity and the legality of the search. The judgment was translated, published and disseminated.
CM/ResDH(2018)128	LVA / Vaschenkovs	30795/12	15/03/2017 15/12/2016	Protection of rights in detention: <i>Lack of justification for the suspicion at the basis of continued pre-trial detention. (Article 5 §3)</i>	Individual measures: Just satisfaction for non-pecuniary damage was paid to the applicant's heir. The applicant died. General measures: Isolated case. The judgment was translated, published and disseminated. Training sessions were organised by the Judicial Training Centre (see also CM/ResDH(2016)318 in Urtans). In 2017, the Practice Guide on recent case-law of the ECHR against Latvia was updated.
CM/ResDH(2018)87	MCO / Scavetta	33301/13	30/08/2017 30/05/2017	Access to and efficient functioning of justice: <i>Unfair criminal proceedings due to failure to communicate to the Review Court a report by the reporting judge and the written conclusions of the representative of the prosecutor's office. (Article 6 §1)</i>	Individual measures: The finding of a violation constituted sufficient just satisfaction in respect of any non-pecuniary damage. Reopening of proceedings possible. General measures: Isolated case in contradiction with the practice followed generally in Review Court proceedings. The judgment was published and disseminated.
CM/ResDH(2018)414	MDA / Balan	19247/03	29/04/2008 29/01/2008	Protection of property: <i>Disproportionate interference as a result of the unlawful use</i>	Individual measures: Just satisfaction for non-pecuniary and pecuniary damage paid. The use of the applicant's

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				<p><i>as a background for the identity cards issued by the Ministry of Internal Affairs of a photograph taken by the applicant and protected by copyright, and of the domestic courts' refusal to grant appropriate compensation. (Article 1 of Protocol No. 1)</i></p>	<p>photograph ceased in 2000. The impugned proceedings were reopened. The case was re-examined and decided in the applicant's favour.</p> <p><u>General measures:</u> The Law on Copyright and Related Rights of 1994 was repealed and replaced by a new law of 2011 providing that a court may issue an injunction prohibiting the continuation of the infringement. The holder of copyright may request the court or other competent bodies to acknowledge his/her rights and the fact of the infringement, to order the re-establishment of the situation before the infringement, cessation of actions and compensation for pecuniary and non-pecuniary damage incurred. The State Agency on Intellectual Property was established in 2004. It is responsible for promoting and implementing activities in the field of legal protection of intellectual property related to industrial property rights, copyright and related rights. In particular, it develops and applies policies for protection, exercise and enforcement of copyright, receives and examines applications for the registration of objects of copyright and issues registration certificates on behalf of the State. The Mediation and Arbitration Body and the Appeals Board operate in the framework of the State Agency. Their role is to ensure the extra-judicial settlement of disputes in the field of intellectual property as well as of disputes in the field of collective management of copyright and related rights. The National Institute of Justice continuously carries out training activities for judges and judicial assistants in order to instruct them on the Convention standards in the field of protecting human rights, including on matters related to protection of property.</p>
<p>CM/ResDH(2018)63</p>	<p>MDA / Ceachir</p>	<p>50115/06</p>	<p>10/03/2014 10/12/2013</p>	<p>Protection against ill-treatment: <i>Ineffective investigation into acts of violence by a private person against the applicant owing to the lack of due diligence</i></p>	<p><u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. The applicant's aggressor had been found guilty but exempted from criminal liability due to the expiration of the limitation period. The reopening of the</p>

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				<i>on behalf of the authorities resulting in the expiry of the statute of limitations. (Article 3 - positive obligation)</i>	criminal proceedings in the present case was not possible. <i>General measures:</i> Isolated incident. The judgment was translated, published and disseminated.
CM/ResDH(2018)107	MDA / Ciorap and 26 other cases	12066/02	19/09/2007 19/06/2007	Protection against ill-treatment and of rights in detention, protection of private and family life as well as correspondence, access to and efficient functioning of justice: <i>Poor conditions of detention in the detention facilities under the authority of the Ministries of Justice and of the Interior, lack of adequate medical care and lack of an effective domestic remedy, censorship by prison authorities, ; lack of respect of private life, family life; failure to comply with the ECHR's indications under Article 39 (Articles 3 and 13, Article 8 and 34)</i> <i>Other violations found in some cases of the group: allegations of ill-treatment by police; excessively long detention on remand and lack of effective judicial review of its lawfulness; excessive length of criminal proceedings; lack of access to court and insufficient reasoning of court decisions. (Articles 3, 5 §1+3+4, 6 §1)</i>	Article 46 indications in the case Shivanov: Respondent State required to take general measures regarding conditions of detention and absence of effective preventive and compensatory remedy. <i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The CM was also informed on the different situations of the applicants: Some of the applicants are no longer detained, others were transferred. <i>General measures</i> required in response to the shortcomings found continue to be examined within the framework of the I.D. v. Republic of Moldova case (No. 47203/06).
CM/ResDH(2018)463	MDA / Corsacov and 18 other cases	18944/02	04/07/2006 04/04/2006	Protection against ill-treatment / action of security forces and lack of an effective remedy: <i>Ill-treatment or torture mostly in police custody, lack of effective investigations in this respect and lack of an effective remedy. (Articles 2, 3 and 13)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. Those responsible for ill-treatment were convicted by the domestic courts, dismissed and prohibited from engaging in law enforcement. In some cases, even after a new inquiry/investigation, it was not possible to identify those responsible or to collect evidence that could confirm the applicants' allegations. <i>General measures:</i> Reforms adopted to set up the necessary legal and organisational structures to prevent and combat

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					police ill-treatment and ensure the effectiveness of investigations and their results continue to be examined within the framework of the Levința group.
CM/ResDH(2018)295	MDA / Dan and 1 other case	8999/07+	05/10/2011 05/07/2011	Access to and efficient functioning of justice: <i>Unfairness of criminal proceedings resulting in convictions of the applicants on the basis of statements of witnesses, who had not been heard during the appellate hearings. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. In the first case, reopening was granted and witnesses were heard during re-trial. In the second case, no request for reopening was submitted. General measures: In 2012, an amendment to the Criminal Procedure Code introduced the obligation to hear, before pronouncing a conviction, the defendant as well as witnesses requested by parties in appeal proceedings against the acquittal sentence. The judgments were translated, published and disseminated. Training activities were organised by the National Institute of Justice.
CM/ResDH(2018)413	MDA / Dolneanu	17211/03	13/02/2008 13/11/2007	Protection of property and lack of an effective remedy: <i>Belated payment of an amount due to him, on the basis of a decision of Parliament adopted in 1994 for the partial recovery of the depreciation of his deposits at the State Savings Bank. (Article 1 of Protocol No. 1 and Article 13)</i>	Individual measures: Just satisfaction for non-pecuniary and pecuniary (result of the failure to pay him compensation within a reasonable time) damage paid. General measures: For measures adopted on the indexation and the modality of payment of indexed amounts for depreciated deposits in the Savings Bank, see CM/ResDH(2018)266 in the Luntre group. The authorities regularly allocate financial resources to pay compensations for depreciated savings. Thus, in 2003-2015 a total of MDL 690 million (over EUR 40 million) were allocated for the payment of depreciated savings. MDL 40 million (about EUR 1,91 million) were allocated in 2017. These measures were examined by the CM in June 2018, which noted that regular budgetary allocations are being made for enforcement of these obligations and no new complaints are being lodged with the European Court. It concluded, therefore, that this issue is solved. As concerns the existence of an efficient remedy: In 2003 a new Civil Code entered into force setting out legal provisions for the compensation of damages caused

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					by public authorities or officials. The National Institute of Justice continuously carries out training activities for judges and judicial assistants in order to instruct them on the Convention standards in the field of protecting human rights, including on matters related to the right to an effective remedy and protection of property. The judgment was translated, published and disseminated.
CM/ResDH(2018)415	MDA / Fomin	36755/06	11/01/2012 11/10/2011	Access to and efficient functioning of justice: Denial of a fair trial due to the court's failure to give sufficient reasons for the applicant's conviction for an administrative offence. (Article 6 §1)	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. No request for reopening submitted. <u>General measures:</u> The Code of Administrative Offences of 1985 was replaced in 2008 with a new Contravention Code stipulating that a court's ruling shall be well-founded and reasoned. Subsequently, the domestic judicial practice changed accordingly. The National Institute of Justice continuously organizes courses and seminars for judges and judicial assistants, in order to instruct them on the Convention standards in the field of protecting human rights.
CM/ResDH(2018)131	MDA / Fusu Arcadie and Others	22218/06	17/10/2012 17/07/2012	Freedom of religion: Unlawful interference due to the authorities' failure issue a document required for registering the applicants' church, a religious denomination of the Christian Orthodox Church subordinate to the Metropolitan Church of Bessarabia. (Article 9)	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. According to a legislative amendment in 2007 (see below), a confirmation by the local authorities of the existence of a religious denomination was no longer necessary for its registration. <u>General measures:</u> See CM/ResDH(2010)8 in the Metropolitan Church of Bessarabia group, in particular concerning the adoption of the new Law on Religious Denominations 2007. The judgment was translated, published and disseminated.
CM/ResDH(2018)249	MDA / Gumeniuc	48829/06	16/08/2017 16/05/2017	Protection of rights in detention: Arbitrary and unjustifiable administrative detention following the applicant's failure to pay a minimal fine for speeding in the framework of a trial in absentia for which he had not	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. <u>General measures:</u> The Code of Administrative Offences of 1985 was replaced in 2008 by a new Contravention Code, which provides that in case of non-payment of a fine in bad

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				<i>been summoned. (Article 5 §1a)</i>	faith or on account of lack of resources the competent authorities can request a court to convert it into another administrative sanction, such as prohibition to drive for a certain period of time, community work or administrative detention for up to 30 days. The new Code includes procedural safeguards. In 2017, a Prosecutor's Guide on Applying Detention on Remand was published. The judgment was translated, published and disseminated and used in training activities of the National Institute of Justice.
CM/ResDH(2018)329	MDA / Ialamov	65324/09	12/12/2017 12/12/2017	Protection of rights in detention: <i>Unlawful pre-trial detention due to extension of the detention despite the prosecutor's respective belated request. (Article 5 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant was acquitted and released. General measures: In May 2016, the Code of Criminal Procedure was amended providing that the investigative judge shall reject by a reasoned decision the request for the extension of detention on remand, without holding a court hearing if the deadline has not been observed. In 2017, the Constitutional Court held that the deadline of 5 days was a peremptory term. It reiterated that the non-observance of this deadline causes the loss of the right to request an extension of the detention on remand. In 2017 the General Prosecutor approved the Prosecutor's Guide on Applying Detention on Remand, published in cooperation with the Norwegian Mission Experts of Rule of Law Advisers to Moldova. It describes the means of assessing different legal components regarding the detention on remand. The judgment was thus translated, published and disseminated.
CM/ResDH(2018)294	MDA / Igor Pascari	25555/10	30/11/2016 30/08/2016	Access to and efficient functioning of justice: <i>Unfairness of criminal proceedings in the course of which a bus driver was found responsible for a road accident without his personal involvement in these proceedings. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. No request for reopening was submitted. General measures: Isolated case. The judgment was translated, published and disseminated.

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CM/ResDH(2018)226	MDA / Luntre and Others and 25 other cases	2916/02+	15/09/2004 15/06/2004	Access to and efficient functioning of justice and protection of property: <i>Failure or substantial delay in the enforcement of final domestic judicial decisions, the lack of an effective remedy in this respect and interference with property rights. (Articles 6 §1, 13 and 1 of Protocol No. 1)</i>	Individual measures: Just satisfaction for non-pecuniary and/or pecuniary damage paid as awarded. In the most of the cases the domestic judgments were enforced or the just satisfaction awarded by the Court covered all pecuniary damages making the domestic enforcement no longer required. General measures: Outstanding issues continue to be examined within the framework of the Olaru and Others (476/07), in particular concerning the overall effectiveness of the reformed enforcement system and the functioning of the domestic remedy introduced in case of prolonged enforcement proceedings.
CM/ResDH(2018)227	MDA / Musuc and 4 other cases	42440/06+	06/02/2008 06/11/2007	Protection of rights in detention: <i>Unlawful arrest and detention on remand in criminal and administrative proceedings not based on a reasonable suspicion that the applicants committed an offence. (Article 5 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. All applicants were released. General measures: The requirement of reasonable suspicion was introduced in the domestic legislation in 2006 as a fundamental condition for opening and carrying out criminal proceedings. In 2014-2015 the Ministry of Justice prepared a set of major amendments to the Code of Criminal Procedure aimed at fulfilling one of the objectives set out in the Strategy for the Justice Reform 2011-2015, as to exclude non-compliance with the ECHR standards concerning Article 5. In 2015, the Ministry of Internal Affairs adopted mandatory guidance for police officers to be applied in case of arrest. Development of judicial practice: In 2013, the Supreme Court adopted an explanatory ruling on detention on remand and house arrest. Thus, significant legislative amendments, changes in court practice and training and awareness measures, appear capable of preventing similar violations from occurring in the future. Other issues pertaining to various Article 5 violations, including adequate reasoning of detention orders, continue to be examined within the framework of the Sarban.

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CM/ResDH(2018)449	MDA / N.P.	58455/13	06/01/2016 06/10/2015	Protection of family life: <i>Unjustified and unnecessary deprivation of the applicant's parental rights as well as restrictions of her visiting rights during the period when the child was under national guardianship. (Article 8)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The child still lives with her appointed guardian family. The applicant did not request the reopening of the national proceedings on the restoration of her parental rights. General measures: Amendments to the Family Code as well as amendments to the Law on social assistance regarding the territorial and local guardianship authorities' duties and responsibilities aimed at preventing risks, supporting families in educating children as well as protecting vulnerable children. The Government's 2014-2020 Strategy on protecting children and families set general objectives, based on best international practices in the field, including the provisions of the Council of Europe Strategies on protection of children rights for 2012-2015 and 2016-2021. In order to support families in need, social community assistants support individuals, families, and social groups to prevent and overcome difficult situations. An important objective of the Social assistance service consists in identifying individuals in difficult situations and facilitating their access to social benefits and services. The judgment was translated, published and disseminated and is used in training of civil servants.
CM/ResDH(2018)417	MDA / Prigala	36763/06	13/02/2018 13/02/2018	No punishment without law: <i>Imposition of a fine on a notary for wrong calculation and payment of social insurance contributions despite contradictions between various legal provisions, which made it difficult to foresee the possibility of a sanction. (Article 7)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. Under the law of tax amnesty, the applicant was freed from his tax debt. The violation had not resulted in a criminal record. General measures: Isolated case. The judgment was translated, published and disseminated. Every year a new Law on Social Insurance Budget is adopted. It establishes mandatory state social insurance contributions that have to be paid, the deadlines for their transfer to the state social insurance budget and the types of insured social payments for each category of payers and ensured persons, including

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					notaries. Thus, the laws referred to in the Court's judgment no longer produce legal effects. The national authorities continuously carry out training activities in the human rights area for the professionals concerned, including on the matters related to the rule of lawful incrimination provided by Article 7.
CM/ResDH(2018)12	MDA / Sandu and 2 other cases	16463/08	14/05/2014 14/02/2014	Access to and efficient functioning of justice: <i>Unfair trials resulting in convictions for crimes committed upon incitement during undercover operation without appropriate examination of the incitement plea. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. Reopened criminal proceedings ended with acquittals in all three cases. General measures: A new law on special investigation activities entered into force in 2012 providing that such measures shall be authorised only if the purpose of criminal proceedings cannot be achieved differently or for reasons of state security. Entrapment techniques are prohibited and evidence obtained by them is inadmissible. Undercover investigators may be heard as witnesses in the criminal proceedings, unlike under the previous law of 1994. Thus pleas of incitement to crime commission are thoroughly assessed by domestic courts in reasoned judgments. Professional training of judges, prosecutors and criminal investigators with regard to incitement by State agents in the framework of special investigation activities was organized. The judgment was translated, published and disseminated.
CM/ResDH(2018)296	MDA / Sara	45175/08	20/01/2016 20/10/2015	Protection of rights in detention: <i>Arbitrary arrest and detention of the applicant in criminal proceedings, without him having a formal procedural status of a suspect or accused. (Article 5 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant was charged and formally detained on remand. Later, he was released and fled. National courts issued an arrest warrant. General measures: In 2016, the Code of Criminal Procedure was amended to provide that only accused/indicted persons may be arrested. Detention on remand must not exceed 12 months and shall only be applied when non-custodial measures are ineffective; the court order regarding the custodial measure must be reasoned. In 2017 the

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					Prosecutor's Guide on Applying Detention on Remand draws special attention to the new provisions. The judgment was translated, published and disseminated. The National Institute of Justice organised training courses and seminars for prosecutors, judges and judicial assistants.
CM/ResDH(2018)130	MDA / Savotchko	33074/04	28/06/2017 28/03/2017	Protection of private life and correspondence: <i>Interference due to the disclosure of the applicant's telephone records provided by the national landline telephone operator to the adversary party in the context of civil inheritance proceedings, and used by the court for dismissing, in part, the applicant's claim for exoneration from court fees. (Article 8)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. Reopening of proceedings not necessary. The specific case file is going to be destroyed on 21 January 2019 upon expiry of the 15-year archiving period. General measures: In 2011, the law on the protection of personal data created an authority to control personal data processing, i.e. the National Centre for the Protection of Personal Data with the duty to monitor the respect for the legislation on protection of information, in particular the right to information, data access and interference. A National Data Protection Strategy was adopted for 2013-2018, and an Action Plan for its implementation. Training activities for judges and other professionals were organised by the National Institute of Justice. Within the framework of the Council of Europe Project "Supporting the Criminal Justice Reform in the Republic of Moldova" 2017, the Supreme Court of Justice and the NIJ elaborated a commentary on ECHR case-law. The judgment was translated, published and disseminated.
CM/ResDH(2018)416	MDA / Sobieski-Camerzan	3792/05	13/02/2018 13/02/2018	Protection of private life and home and lack of effective remedy / protection of property: <i>Disproportionate interference due to unlawful seizure by police officers of the applicant's, the lack of an effective domestic remedy in this regard and lack of a possibility to recover his movable belongings from the sealed office. (Articles 8, 13 in conjunction with 8 as well as 1 of</i>	Individual measures: Just satisfaction for non-pecuniary and pecuniary (loss of movable belongings situated in his office) damage paid. General measures: Taking into account the particularities of this case and the considerable amount of time that has passed since the events, i.e. 14 years, the violations may be seen as isolated. Thus the judgment was translated, published and disseminated. The new Law on the police activity and the status of police officers of 2012 introduced

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>Protocol No. 1)</i>	the right to challenge the actions of police officers before the Ministry of Internal Affairs, other bodies competent to control police activities or in a court of law. The national authorities continuously carry out training activities in the human rights area for the professionals concerned, including on the matters related to the right to respect for home, the right to an effective remedy and protection of property.
CM/ResDH(2018)464	MDA / Taraburca and 2 other cases	18919/10+	06/03/2012 06/12/2011	Protection against ill-treatment / action of security forces and lack of an effective remedy: <i>Ill-treatment of and injuries caused to the applicants in the context of police actions taken in response to violent demonstrations following the parliamentary elections 2009; lack of effective investigations into the causes of injuries sustained and, in one case, inability to obtain compensation for the ill-treatment. (Articles 3 substantive and procedural limb and 13)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. Fresh investigatory steps were taken by the prosecution bodies to remedy the shortcomings identified in the initial investigations. Government and Parliament expressed their regrets for the inappropriate reaction of the national law enforcement bodies and the judiciary following the impugned events and compensation was granted at national level to identified victims. General measures: The legislative and regulatory framework for policing public assemblies, including safeguards regarding the use of force, was reformed. Prosecutorial and judicial control is available, the quality of services by legal-aid lawyers was improved and training and awareness-raising measures were organised.
CM/ResDH(2018)293	MDA / Vasiliciuc	15944/11	02/08/2017 02/05/2017	Protection of rights in detention: <i>Arbitrary detention abroad on the basis of an international arrest warrant issued by Interpol at the request of the authorities for the purpose of enforcing a domestic court's detention order on the ground that the applicant had failed to appear before the investigating authorities within the criminal proceedings initiated against her, as the authorities had failed to attempt to inform the applicant of the criminal proceedings and the necessity to appear</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The request to extradite the applicant was rejected. The criminal proceedings were discontinued and the international arrest warrant annulled. General measures: Isolated case. In 2012 the Code of Criminal Procedure was completed with additional guarantees related to the summoning of suspects, accused and/or defendants. If the suspect, accused or defendant failed to appear before the prosecution authorities after the first legal summoning, they may be also summoned at the office of their lawyers. In 2017 the Prosecutor's Guide on Applying Detention on Remand recommended methods of

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>before them. (Article 5 §1(c))</i>	assessing the necessity of detention on remand in case of an imminent risk of flight or absconding. The judgment was translated, published and disseminated. Training activities were organised by the National Institute of Justice.
CM/ResDH(2018)262	MKD / Balazoski	45117/08	25/07/2013 25/04/2013	Access to and efficient functioning of justice: <i>Unfair proceedings due to the Supreme Court's dismissal of an appeal on point of law contrary to its earlier judgments upholding such appeals lodged by the adversary party, thereby creating a source of legal uncertainty. (Article 6 §1)</i>	<u>Individual measures:</u> The ECHR considered the most appropriate form of relief would be to ensure that the applicant, if he so requests, is granted a retrial. Thus no just satisfaction awarded. The impugned domestic proceedings were reopened. <u>General measures:</u> The Supreme Court discussed and considered the judgment, which was also translated, published and disseminated and used in training activities.
CM/ResDH(2018)263	MKD / Centre for the Development of Analytical Psychology	29545/10	15/09/2017 15/06/2017	Access to and efficient functioning of justice: <i>Lack of access to a court in proceedings concerning claims related to a contract with the State Health Insurance Fund. (Article 6 §1)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. The applicant company had not requested reopening of the impugned civil proceedings within the statutory deadline. <u>General measures:</u> Violation due to excessively formalistic approach of domestic courts. The judgments were translated, published and disseminated and used in training activities of the Academy for Judges and Public Prosecutors.
CM/ResDH(2018)403	MKD / Gorgiev	26984/05	19/07/2012 19/04/2012	Protection against ill-treatment / action of security forces: <i>Lack of effective investigation into the applicant's allegations that State officials were responsible for his injuries inflicted by a bull while serving a prison sentence. (Article 3 procedural limb)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. No claim for pecuniary damage submitted. The applicant underwent surgery following the incident and was subsequently released for good behaviour. The reopening of domestic civil proceedings for compensation became time-barred in 2012. According to the domestic legislation any prosecution or disciplinary proceedings became also time-barred. <u>General measures:</u> In 2006 a new Law on execution of sanctions was adopted (amended in 2013) improving the system for disciplinary responsibility of the professional prison staff. The amendments define types of disciplinary

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					violations (severe and minor disciplinary violations), the procedure and types of disciplinary sanctions. The decision on disciplinary sanction is adopted by the director of the institution, following a disciplinary procedure carried out by a commission established to that purpose. In 2012, the Director of the Department for execution of sanctions adopted Guidelines for internal control in the Penitentiary Correctional and Educational-Correctional Institutions. The judgment was translated, published and disseminated. It is used in training activities of the Academy for Judges and Public Prosecutors in cooperation with the Bar Association.
CM/ResDH(2018)72	MKD / Jasar and 3 other cases	69908/01+	15/07/2007 15/02/2007	Protection against ill-treatment: Lack of an effective investigation into the allegations of ill-treatment of Roma applicants in the hands of the police preventing them from taking over the investigation as subsidiary complainants. (Article 3 procedural limb)	Individual measures: Just satisfaction for non-pecuniary damage paid. The possibility to launch fresh investigations was legally time-barred in all four cases. General measures: Pursuant to the provisions of the 2007 the Public Prosecution Law, public prosecutors must take procedural steps within 30 days after a complaint was filed and pursuant to the 2010 Code of Criminal Proceedings they have to take a decision on a criminal complaint within three months. If a public prosecutor fails to do so, he must inform the complainant and a superior prosecutor. In one case (Trajkoski) the violation was due to the trial court's excessive formalism representing an isolated occurrence. The judgment was translated, published, disseminated and used in awareness-raising activities.
CM/ResDH(2018)311	MKD / Karajanov	2229/15	06/07/2017 06/04/2017	Access to and efficient functioning of justice and protection of private life: Unfair lustration proceedings due to the lack of an oral hearing and the domestic authorities' failure to provide sufficient reasons for their decisions on the lustration as well a publication of the authorities' finding of the applicant's collaboration	Individual measures: Just satisfaction for non-pecuniary damage paid. In reopened proceedings the decision of the Lustration Commission establishing that the applicant had collaborated with State security bodies was quashed and the information on its website deleted. The applicant is no longer restricted from applying for or exercising any public office. General measures: See CM/ResDH(2017)428 in Ivanovski.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>with the former regime security services on the website of the Lustration Commission before it had become final. (Articles 6 §1 and 8)</i>	
CM/ResDH(2018)215	MKD / Kitanovska Stanojkovic and Others	2319/14	13/01/2017 13/10/2016	Right to life: <i>Delayed enforcement of a custodial sentence for an aggravated robbery in which the applicants' husband and father had been killed and the first applicant had sustained life-threatening injuries. (Article 2 procedural limb)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. The custodial sentence was enforced. <u>General measures:</u> Violation results from non-application of domestic rules and regulations and constitutes an isolated case. The judgment was translated, published and disseminated. It is also used in workshops for judges.
CM/ResDH(2018)313	MKD / Krstanoski and Others	38024/08	07/12/2017 07/12/2017	Access to and efficient functioning of justice: <i>Excessive length of administrative (restitution) proceedings. (Article 6 §1)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed. <u>General measures:</u> See CM/ResDH(2011)81 in Dumanovski.
CM/ResDH(2018)444	MKD / Lazoroski	4922/04	08/01/2010 08/10/2009	Protection of rights in detention and access to and efficient functioning of justice: <i>Unlawful detention in police custody without reasonable suspicion of having committed an offence, failure to inform the applicant of the reasons for his arrest and denial a fair trial in that he was prevented from participating effectively in the proceedings for a review of the lawfulness of his arrest. (Articles 5 §§1c+2 and 6 §1)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. The applicant was released in 2003. The applicant did not avail himself of the opportunity to request reopening of the impugned proceedings. Neither did he raise any claim for pecuniary damage before domestic courts. <u>General measures:</u> The violation resulted from non-observance of the legal framework by the judicial authorities in this particular case. Isolated occurrence. The judgment was translated, published and disseminated. Training activities and workshops for police and intelligence services were carried out by the Ministry of the Interior. Concerning information on reasons for arrest, see Vasilkoski group of cases. Measures aimed at ensuring the respect of the principle of equality of arms within the context of proceedings for a review of lawfulness of detention: see CM/ResDH(2018)52 within the context of the Mitreski case.
CM/ResDH(2018)312	MKD / Miladinov and	46398/09+	24/07/2014 24/04/2014	Protection of rights in detention: <i>Successive prolongation of the applicants'</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. In 2008, prison custody was changed to house

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
	Others			<i>detention without assessing their individual situation, in particular the risk of absconding. (Article 5 §3)</i>	arrest. After the quashing of the applicants' conviction on appeal, proceedings are still pending. <u>General measures</u> required are examined within the framework of the Vasilkoski and Others case (28169/08).
CM/ResDH(2018)54	MKD / Mitreski	11621/09	25/06/2010 25/03/2010	Protection of rights in detention: <i>Infringement of the principle of equality of arms by not serving on the applicant the appeal filed by the public prosecutor against the decision to place him under house arrest and by replacing the house arrest order with an order for his detention in prison in the absence of an oral hearing. (Article 5§4)</i>	<u>Individual measures:</u> The finding of a violation was sufficient to compensate non-pecuniary damage. The applicant was released. <u>General measures:</u> Procedural shortcoming. Judges aimed at raising awareness and unifying their practice regarding the principle of equality of arms in the proceedings for review of the lawfulness of the initial house arrest/detention order. The judgment was translated, published and disseminated.
CM/ResDH(2018)56	MKD / Naumoski	25248/05	27/02/2013 27/11/2012 (Merits) 14/04/2014 05/12/2013 (Just satisfaction)	Access to and efficient functioning of justice: <i>Denial of a fair trial, in particular the right to adversarial proceedings due to the domestic court's failure to communicate to him the observations submitted by the opposing party in reply to his appeals and excessive length of labour proceedings.(Article 6 §1 – twice)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid to the deposit account of the Ministry of Justice as the applicant had not submitted the necessary bank details. Domestic proceedings closed in 2006. The applicant's request for the reopening of the impugned proceedings had been dismissed since the violation had no serious consequences on the merits of the impugned domestic judgment. <u>General measures:</u> Pursuant to amendments of the Civil Procedure Code in 2015, domestic courts are now under an obligation to communicate to the opposing party a copy of belated observations of the other party. Awareness raising activities were organized for the members of the judiciary. The judgment was translated, published and disseminated.
CM/ResDH(2018)55	MKD / Petrovski and Others	27736/03	05/06/2009 08/01/2009	Access to and efficient functioning of justice: <i>Denial of access to a court by the rejection of a cooperative members' claim due to subsequent statutory provisions, which excluded the domestic court's</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. The applicants' request for the reopening of the impugned proceedings had been dismissed because the debtor company had been erased from the corporate register and ceased to exist. The

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>jurisdiction over disputes concerning cooperative property. (Article 6§1)</i>	applicants did not raise any claim for pecuniary damage before domestic courts. General measures: According to the new Courts Act of 2008, a court cannot reject a request related to the exercise of a particular right on the ground of a legal gap and shall thus be obliged to decide on the merits by invoking the general principles of law, unless explicitly prohibited by law. The judgment was translated, published and disseminated.
CM/ResDH(2018)216	MKD / Selmani and Others	67259/14	09/05/2017 09/02/2017	Freedom of expression and access to and efficient functioning of justice: <i>Removal of journalists by the parliamentary security service from the Parliament gallery and failure of the Constitutional Court to hold an oral hearing in the case. (Articles 10 and 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. No claim before domestic courts submitted. General measures: The violations resulted from the inadequate practice of the Constitutional Court and of the parliamentary security services. A respective change of practice was agreed and promoted by training and awareness-raising measures. A Memorandum of Cooperation was signed by the Associations of Journalists and the Ministry of the Interior. The judgment was translated, published and disseminated.
CM/ResDH(2018)225	MLT / Fleri Soler and Camilleri	35349/05	26/12/2006 26/09/2006 (Merits) 17/10/2008 17/07/2008 (Just satisfaction)	Protection of property: <i>Disproportionate interference due to the requisition of buildings under the Housing Act, imposing a landlord-tenant relationship on the applicants and constituting a de facto expropriation. (Article 1 of Protocol No.1)</i>	Individual measures: Just satisfaction for non-pecuniary and pecuniary damage paid. The requisitioned property was returned to the applicants General measures required in response to the shortcomings found are being examined within the framework of the Apap Bologna group of cases.
CM/ResDH(2018)384	MON / Alkovic	66895/10	05/03/2018 05/12/2017	Discrimination and protection of private life, family and home: <i>Failure to protect the applicant, a Roma and a Muslim, from a series of apparently ethnically and/or religiously motivated attacks by his neighbours and to investigate them. (Article 8 in conjunction with 14)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The competent public prosecutor re-examined the case-file and established new investigations are time-barred. The applicant is currently living in Belgium. General measures: A new practice with regard to the investigation of criminal complaints relating to the incitement of violence or hatred on the basis of race, skin,

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					colour, religion, origin, or nationality lodged with the State Prosecution Office was established and the relevant case-law submitted. The judgment was translated, published and disseminated. It is used in training activities of the Centre for Training of the Judiciary and Public Prosecution. The Constitutional Court organised a workshop on the prohibition of discrimination
CM/ResDH(2018)385	MON / Antovic and Mirkovic	70838/13	28/02/2018 28/11/2017	Protection of private life: <i>Interference due to the unlawful installation and use of video surveillance equipment in the university auditoriums where the applicants held classes and lack of redress by domestic courts. (Article 8)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicants did not submit any request for reopening of domestic compensation proceedings. The surveillance equipment was removed. General measures: Erroneous application of law by domestic courts despite the Personal Data Protection Agency's finding on the unlawfulness of the interference. The judgment was translated, published and disseminated. It is used in training activities of the Centre for Training of the Judiciary and Public Prosecution.
CM/ResDH(2018)365	MON / Arcon and Others and 3 other cases	15495/10+	03/04/2018 03/04/2018	Access to and efficient functioning of justice: <i>Excessive length of civil proceedings. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed. General measures: See CM/ResDH(2017)38 in the Stakic group. A set of effective remedies in respect of the complaints relating to length of proceedings became effective: request for review in 2013; action for fair redress in 2016 and constitutional complaint in 2015.
CM/ResDH(2018)435	MON / Brajović and Others	52529/12	30/04/2018 30/01/2018	Access to and efficient functioning of justice: <i>Failure of the Court of Appeal to rule on the applicants' appeal about the legal costs of criminal proceedings in which they were injured parties. (Article 6 §1)</i>	Individual measures: No claim for just satisfaction submitted. General measures: Violation results from non-compliance of domestic court with legal framework. The judgment was translated, published and disseminated. The Training Centre for the Judiciary and State prosecutors also carried out extensive workshops for judges
CM/ResDH(2018)	MON / Jasavic	32655/11	19/06/2018	Access to and efficient functioning of	Individual measures: Just satisfaction for non-pecuniary

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
450			19/06/2018	<i>justice: Excessive length of civil proceedings. (Article 6 §1)</i>	damage paid. The impugned proceedings are closed. <i>General measures:</i> See CM/ResDH(2017)38 in Stakic group.
CM/ResDH(2018)387	MON / Keselj and Others	33264/11	13/02/2018 13/02/2018	Access to and efficient functioning of justice and protection of property: <i>Unfair trial on account of the authorities' failure to enforce a final court settlement in the applicant's favour against a company owned by State. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The amounts due on the basis of the court settlement were paid by the Ministry of Finance. <i>General measures:</i> See CM/ResDH(2016)201 in Mijanovic. A number of additional measures aimed at increasing efficiency of enforcement proceedings in cases concerning socially-owned companies were taken including awareness-raising measures. The judgment was translated, published and disseminated.
CM/ResDH(2018)165	MON / Nedic and 1 other case	15612/10+	10/10/2017 (Committee)	Access to and efficient functioning of justice: <i>Excessive length of administrative proceedings and lack of effective remedy. (Articles 6 §1 and 13)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed. <i>General measures:</i> See CM/ResDH(2017)37 in the Živaljević case as well as CM/ResDH(2018)51 in Stanka Mirković.
CM/ResDH(2018)64	MON / Radunovic and Others	45197/13+	25/01/2017 25/10/2016	Access to and efficient functioning of justice: <i>Denial of access to a court on account of the courts' refusal, based on State immunity, to examine the merits of their civil claims for compensation for loss of earnings lodged against the USA Embassy in Montenegro. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for pecuniary (as the ECHR did not find unreasonable to regard the applicants as having incurred a loss of real opportunities).and non-pecuniary damage paid. The applicants did not request reopening of proceedings. <i>General measures:</i> The facts of the present case are an isolated occurrence. The judgment was translated, published and disseminated. Training and awareness-raising activities were carried out i.a. by the Training Centre of the judiciary and state prosecutors, the Supreme Court of Montenegro, and the AIRE Centre.
CM/ResDH(2018)331	MON / Randelovic and Others	66641/10	19/12/2017 19/09/2017	Right to life: <i>Lack of effective investigations into the disappearance of the applicant's two family members following a boat accident due to the investigation's excessive length. (Article 2</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The impugned criminal proceedings were closed and 4 defendants were found guilty and sentenced. <i>General measures:</i> The new Code of Criminal Procedure of 2009 provided that accused persons shall have the right to

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>in procedural limb).</i>	be brought before the court in the shortest possible time and that the court is under an obligation to conduct proceedings without delay. Prosecutors are now under an obligation to gather evidence and data which are necessary to decide as to whether to lodge an indictment or to discontinue the investigation. They may propose resorting to the institute of plea bargaining, which is a novelty in the national legal system and contributes, to a great extent, to significant discharge of work of the criminal courts. As concerns the remedy: in 2015, the Constitutional Court Act introduced significant novelties in respect of constitutional complaints, in particular it expressly provides for a possibility of lodging a constitutional appeal in respect of not only a decision but also an action or an omission. The judgment was translated, published and disseminated.
CM/ResDH(2018)51	MON / Stanka Mirkovic and Others	33781/15+	07/06/2017 07/03/2017	Access to and efficient functioning of justice: <i>Excessive length of administrative proceedings concerning the expropriation of land from the applicants' legal predecessor due to multiple remittals and lack of an effective remedy. (Articles 6 §1 and 13)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The impugned administrative proceedings were closed. General measures: See CM/ResDH(2017)37 in Zivaljevic. Furthermore, a number of legislative novelties with a view to accelerating administrative proceedings were taken in 2014 and 2016 (adoption of the Administrative Proceedings Act and Administrative Disputes Act), in particular to prevent multiple remittals. Fast-track, ex officio, procedures for the exchange of data between public law bodies as well as electronic communication between administrative bodies and parties to these procedures were introduced. Concerning an effective remedy, the new legislation provides that if an administrative authority fails to take a decision within the timeframe imparted by the laws, the request concerned will be considered as upheld. The judgment was translated, published and disseminated.
CM/ResDH(2018)	MON /	80104/13	07/02/2018	Access to and efficient functioning of	Individual measures: The applicant's claim for just

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
386	Tripkovići		07/11/2017	<i>justice: Unfair trial on account of the domestic court's decision to declare a civil claim out of time for two days without explaining why the relevant legal provision had not been applied. (Article 6 §1)</i>	satisfaction was submitted out of time. No request for reopening of the impugned proceedings was submitted on time. <i>General measures:</i> Isolated occurrence. The judgment was translated, published and disseminated. It is used in training activities for judges.
CM/ResDH(2018)132	MON/ Dimitrijević and 1 other case	17016/16+	12/12/2007 (Committee)	<i>Access to and efficient functioning of justice: Excessive length of civil proceedings concerning contractual issues. (Article 6§1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed. <i>General measures</i> aimed at preventing excessive length of civil proceedings and introducing an effective remedy: see CM/ResDH(2017)38 in the Stakić group.
CM/ResDH(2018)451	NLD / Gillissen	39966/09	15/06/2016 15/03/2016	<i>Access to and efficient functioning of justice: Denial of a fair hearing due to the appeals tribunal's refusal to hear witnesses in proceedings concerning the applicant's disability benefits, which placed the applicant at a disadvantage vis-à-vis his adversary, the Employee Insurances Schemes Implementing Body who had decided to retroactively reduce the applicant's disability benefits under the Labour Disablement Insurance Act. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. Claim for pecuniary damages dismissed due to lacking causal link to violation. The applicant did not submit any application requesting reconsideration of the impugned domestic proceedings. A claim for liability with compensation based on a violation of the Convention may be submitted to the Council for the Judiciary. No such claim was lodged by the applicant. <i>General measures:</i> The violation occurred as a result of the broad discretion that administrative tribunals enjoy when deciding whether to hear witnesses. The judgment was translated, published and disseminated. It was discussed in-depth by the Central Appeals Tribunal.
CM/ResDH(2018)47	NLD / Jaloud	47708/08	20/11/2014 Grand Chamber	<i>Right to life. Actions of the security forces in Iraq: Ineffectiveness of investigation into the circumstances surrounding the death of the applicant's son, an Iraqi civilian, who died of gunshot wounds in Iraq in an incident involving Netherlands Royal Army personnel. (Article 2 procedural limb)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The Public Prosecution Service analysed that the shortcomings in the investigation as established by ECHR do not alter the considerations for the public prosecutor's decision not to prosecute in 2004 and saw no reason to reopen the case. The applicant did not appeal against this decision. However, in 2014 and 2017, he lodged further criminal complaints against investigating officers which are

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					<p>still pending.</p> <p><i>General measures:</i> As a result of an evaluation of the Dutch system of administration of military criminal justice with regard to operations involving Dutch military personnel in high-risk areas in the period 2000-2005, a number of measures were taken with regard to training and consultation. An investigation manual which includes an overview of key issues and possible courses of action for investigations during military operations was established by the Public Prosecution Service. The judgment was translated, published and disseminated.</p>
CM/ResDH(2018)438	NLD / M.	2156/10	25/10/2017 25/07/2017	<p>Access to and efficient functioning of justice: <i>Unfair criminal proceedings due to the General Intelligence and Security Service's decisive control over the evidence, restricting the applicant's and the domestic courts' access to information contained in documents, making it impossible for him to instruct his defence counsel as he would have needed to, and preventing him from offering witness evidence effectively; unfair trial on account of the fact that, as a former member of the General Intelligence and Security Services, the applicant's communication with his legal counsel was not free and unrestricted due to the threat of prosecution should he disclose state secrets in the context of his defence. (Article 6 §§1+3b+c+d)</i></p>	<p><i>Individual measures:</i> The finding of a violation constituted in itself sufficient just satisfaction for the non-pecuniary damage. The applicant did not file an application for review of his case.</p> <p><i>General measures:</i> Isolated occurrence limited to the particular circumstances of the case. The judgment was translated, published and disseminated.</p>
CM/ResDH(2018)436	NLD / Vidgen	29353/06	10/10/2012 10/07/2007	<p>Access to and efficient functioning of justice: <i>Unfair criminal proceedings due to the applicant's conviction on the sole basis of the statements of his co-accused, whose</i></p>	<p><i>Individual measures:</i> The applicant's request for reopening was granted. The applicant was re-convicted after examination of the witness concerned. Upon the applicant's appeal for cassation, the Supreme Court quashed the court</p>

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>silence made questioning by the applicant futile without effective counterbalancing procedural measures. (Article 6 §§1+3d)</i>	of appeal's judgment in so far as it concerned the length of the sentence imposed. <u>General measures:</u> With reference to the present judgment, the Supreme Court, in 2013, set out more detailed rules on the use of evidence and the exercise of a defendant's right of examination. It concluded in 2017 that if the defence witness refused at the trial to answer the questions posed by the defence, the defendant had been unable to exercise his defence rights. The judgment was translated, published and disseminated.
CM/ResDH(2018)437	NLD / Voskuil and 2 other cases	64752/01+	22/02/2008 22/11/2007	Protection of private life / Freedom of information / freedom of expression: <i>Detention of a journalist as a measure aiming at disclosure of his journalistic sources, order of compulsory surrender of journalistic material, surveillance measures used to identify journalistic sources within the context of criminal proceedings against third parties. (Articles 8 – and Article 5 §1 in the first case as well as 10 in the third case)</i>	<u>Individual measures:</u> The applicants did not submit any claims for pecuniary or non-pecuniary damage. The seized material was restored. <u>General measures:</u> According to an amendment of the Code of Criminal Procedure in 2018, witnesses to whom information was entrusted within the framework of the professional reporting of news or the gathering of information for that purpose, or the reporting of news within the framework of participation in public debate, were granted the right to refuse to give evidence or identify sources of information, subject to the investigating judge finding that no disproportionate harm to an overriding public interest will result from such a refusal. Journalists may refuse to comply with an order to surrender an object if such surrender would violate their duty to maintain confidentiality in connection with the protection of sources. A journalist's invocation of that provision may be dismissed by the investigating judge if he takes the view that leaving the questions unanswered would be disproportionately prejudicial to a more compelling interest. According to the new Intelligence and Security Services Act 2017, intelligence and security services intending to use special powers against journalists in order to identify their journalistic sources directly or indirectly, must obtain the consent of The Hague

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					district court in advance. As regards Article 5 §1, the violation resulted from an erroneous application of the Code of Criminal Procedure. The judgments were translated, published and disseminated.
CM/ResDH(2018)366	NOR / Becker	21272/12	05/01/2018 05/10/2017	Freedom of expression: <i>Insufficient reasons given by domestic court to compel a journalist to give evidence in criminal proceedings against her source, who had already come forward and imposition of a fine. (Article 10)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. As the fine imposed by domestic court had never been claimed by the authorities, the pecuniary damage awarded in this amount was not paid. General measures: Violation due to the specific interpretation in disrespect of convention standards by the Supreme Court majority in the present case. The judgment was translated, published and widely disseminated.
CM/ResDH(2018)332	POL / Artur Pawlak	41436/11	05/10/2017 05/10/2017	Protection against ill-treatment in detention: <i>Prolonged imposition of the "dangerous detainee" regime on the applicant and unjustified regular routine strip-searches throughout this whole period. (Article 3)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The "dangerous detainee"-regime was lifted in 2015 and the applicant has not been classified as dangerous ever since. General measures: See CM/ResDH(2016)128 in the Horych group of cases and the information submitted. Amendments to the Code of Execution of Criminal Sentences entered into force in 2015, in particular concerning the classification of a prisoner as dangerous and the restrictions to be applied. These amendments eliminate automatic application of the regime to certain categories of detainees. The judgment was translated, published and disseminated.
CM/ResDH(2018)465	POL / Beata Boguslav and 34 other cases	34105/03	29/10/2008 29/07/2008	Access to and efficient functioning of justice: <i>Excessive length of proceedings before administrative bodies and courts and lack of an effective remedy in this respect. (Articles 6 and 13)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. All domestic proceedings closed. General measures: General measures necessary to ensure the expeditiousness of proceedings before administrative bodies and courts and the effectiveness of the domestic remedy continue to be examined in the framework of the cases of the <i>Beller</i> group.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2018)298	POL / Budnik	61928/13	07/09/2107 07/09/2107	Protection against ill-treatment in and conditions of detention: <i>Insufficient compensation awarded by domestic courts for detention in overcrowded conditions and solitary confinement in poor sanitary conditions. (Article 3)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicant was released in 2013. <i>General measures:</i> Concerning inadequate conditions of detention, in particular overcrowding, see CM/ResDH(2016)254 in the Orchowski group. The sanitary conditions in solitary confinement cells are examined in the Szafranski case. The judgment was translated, published and disseminated.
CM/ResDH(2018)167	POL / Bujak	686/12	21/06/2017 21/03/2017	Protection against ill-treatment in detention: <i>Inadequate medical care in prison for serious neurological and orthopaedic problems amounting to ill-treatment following a car accident. (Article 3)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicant was released. <i>General measures</i> are examined in the context of the Kaprykowski group. In principle medical services to inmates are provided in prison and remand centres medical institutions. The Code of the Execution of Sentences enumerates conditions for treatment in health care units outside the prison taking also into account the needs disabled inmates. In the field of neurology and orthopaedics, only outpatient services are provided in prison medical entities, and all hospital procedures are performed in medical institutions outside the prison service. The Minister of Justice Ordinance of 2012 on specific requirements of medical entity's premises and equipment for inmates provides for the adaptation of prison medical units and also of cells to the needs of disabled people. Disabled inmates should be transferred to cells adapted to their needs. The judgment was translated, published and disseminated.
CM/ResDH(2018)368	POL / Chojnacki	62076/11	20/07/2017 20/07/2017	Access to and efficient functioning of justice: <i>Disrespect of the presumption of innocence due to the wording used by the domestic court in the reasoning of its decision on the prolongation of the applicant's detention on remand, which could be regarded as a statement that the</i>	<i>Individual measures:</i> The finding of a violation constitutes sufficient just satisfaction for non-pecuniary damage. <i>General measures:</i> See CM/ResDH(2013)163 in Garicky. The judgment was translated, published and widely disseminated and used in training activities for judges. General measures to address the issue of excessive length of detention on remand are examined in the case Porowski.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>applicant was guilty despite the absence of a final conviction. (Article 6 §2) Concerning the excessive length of his detention on remand a settlement was reached on the basis of the Government's unilateral declaration. (Article 5 §3)</i>	
CM/ResDH(2018)299	POL / Janusz Wojciechowski	54511/11	28/09/2016 28/06/2016	Protection against ill-treatment in and conditions of detention: <i>Detention in overcrowded conditions and solitary confinement in poor sanitary conditions. (Article 3)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. <u>General measures:</u> Concerning inadequate conditions of detention, in particular overcrowding, see CM/ResDH(2016)254 in the Orchowski group.
CM/ResDH(2018)228	POL / Kedzior and 1 other case	45026/07+	16/01/2013 16/10/2012	Protection of rights in detention: <i>Lack of review of the lawfulness of placing and detaining a person in a care unit such as a social care home and denial of direct access to a court ask for the restoration of legal capacity. (Articles 5 §4 and 6 §1)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. The applicant in the Kędzior case is no longer confined and had access to a court to seek the restoration of his legal capacity. The applicant in the K.C. case and her guardian may challenge her placement in a social care home at any time. The need for her placement was reviewed, in accordance with the amended Psychiatric Protection Act, and confirmed. <u>General measures:</u> The Mental Health Protection Act as amended in 2018 provide for an obligation of periodic examination of the mental health state of a person admitted to a social care home in terms of justifying this person's stay. Such examination should be carried out at least every 6 months. Amendments also provide an incapacitated person inter alia with a right to appeal against a decision on compulsory placement. Concerning the violation of Article 6 §1, an amendment of the Code of Civil Procedure in 2007 provided a person without legal capacity independent legal standing in incapacity proceedings. The judgment was translated, disseminated among social welfare units and included in the training curricula for judges and prosecutors.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2018)297	POL / Kosc	34598/12	01/09/2017 01/06/2017	Freedom of expression: <i>Disproportionate interference due to the conviction to issue an apology in civil proceedings for infringement of personal rights following allegations of mismanagement by one candidate in local elections against another candidate. (Article 10)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. Reopening in civil proceedings is not legally possible. General measures: Specific failure of domestic courts to take into account standards relating to the freedom of expression with regard to public figures. The judgment was translated, published and disseminated.
CM/ResDH(2018)333	POL / Michal Korgul	36140/11	21/06/2017 21/03/2017	Protection against ill-treatment in detention: <i>Prolonged imposition of the "dangerous detainee" regime on the applicant and humiliating restrictions imposed on him (isolation from other prisoners, the need to move in joined shackles outside the cell, as well as routine personal checks combined with the obligation to undress). (Article 3)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The "dangerous detainee"-regime was lifted in 2013 and the applicant has not been classified as dangerous ever since. General measures: See CM/ResDH(2016)128 in the Horych group of cases and the information submitted. Amendments to the Code of Execution of Criminal Sentences entered into force in 2015, in particular concerning the classification of a prisoner as dangerous and the restrictions to be applied. The Director General of the Prison Service in his letter of April 18 2016, instructed regional directors of prison service, to take decisions qualifying the prisoner to the so-called dangerous detainees regime with particular caution. At the end of 2016 there only 123 prisoners qualified to the category of dangerous detainees. In August 2017 there were 109 prisoners under the so-called dangerous detainees' regime. The judgment was translated, published and disseminated.
CM/ResDH(2018)439	POL / Nawrot	77850/12	05/03/2018 19/10/2017	Protection of rights in detention: <i>Unlawful detention in a psychiatric hospital due to the failure of domestic authorities to establish the persistence of a disorder of a kind or degree warranting compulsory confinement.(Article 5 §§1+4)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant was released from psychiatric hospital in 2014. General measures: The case at hand resulted from the erroneous practice of national authorities. The judgment was translated, published and disseminated.
CM/ResDH(2018)168	POL / Porowski	34458/03	21/06/2017 21/03/2017	Protection of rights in detention and of correspondence: <i>Excessive length of</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant is no longer in detention on

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>detention on remand due to unjustified extensions without relevant and sufficient grounds and censorship of correspondence. (Articles 5 §3 and 8)</i>	remand. <u>General measures:</u> See CM/ResDH(2014)268 in Trzaska group. Furthermore, important changes in the procedure regarding detention on remand were introduced in the Code of Criminal Procedure in 2015 and 2016: e.g. the risk of imposition of a severe sentence was qualified as an autonomous ground for imposing pre-trial detention. The judgment was translated, published and disseminated.
CM/ResDH(2018)452	POL / Stowarzyszenie Wietnamczykó w w Polsce 'Solidarność i Przyjaźń	7389/09	02/05/2017 02/05/2017	Protection of freedom of association and lack of effective domestic remedy: <i>Denial of an effective remedy in respect of the complaint concerning a ban of two manifestations scheduled by the applicant's association. (Article 13 in conjunction with Article 11)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid into a deposit account. The manifestation took place in October (instead of May) 2008. <u>General measures:</u> A new Assemblies Act of 2015 provides that the notice on a planned assembly is to be transmitted to the municipal authorities no sooner than 30 days and no later than 6 days in advance; municipal authorities are obliged to issue a decision 96 hours before the planned date of the assembly; until 24 hours after publication of a banning decision on authorities' website under the Bulletin of Public Information appeals can be lodged to the Regional Court, which has to decide on it within 24 hours. The Regional Court's order can be appealed to the Court of Appeal within 24 hours. The final order of the Court of Appeal has to be executed immediately.
CM/ResDH(2018)367	POL / Zybertowicz	59138/10	17/04/2017 17/01/2017	Freedom of expression: <i>Ordering of a publicist in civil proceedings to make a payment to charity and to arrange for apologies to a former dissident requesting legal protection of his personal rights in the context of the public debate on lustration of journalists. (Article 10)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary and pecuniary (amount of fine) damage paid. Reopening of civil proceedings not possible. <u>General measures:</u> Violation due to disrespect of convention standard by domestic courts in this specific case. The judgment was translated, published and widely disseminated.
CM/ResDH(2018)466	PRT / Albertina Carvalho e	23603/14+	04/07/2017 04/07/2017	Access to and efficient functioning of justice: <i>Excessive length of civil</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. All domestic proceedings closed.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
	Filhos LDA and 9 other repetitive cases			<i>proceedings and enforcement proceedings before the courts of first instance and lack of an effective remedy in four cases. (Articles 6 §1 and 13)</i>	<i>General measures:</i> Major legislative measures obtained encouraging results with regard to criminal proceedings, first instance civil declaratory proceedings and civil proceedings in general before the higher courts. The compensatory remedy introduced in respect of excessive length of proceedings was recognised as effective (see CM/ResDH(2016)149 in the Oliveira Modesto group and CM/ResDH(2016)99 in the Martins Castro and Alves Correia de Castro group). Further outstanding measures in relation to the excessive length of civil proceedings and enforcement proceedings before the courts of first instance will be pursued in the framework of the cases of the Vicente Cardoso group.
CM/ResDH(2018)453	PRT / Martin Sousa and Others	23741/12+	10/05/2016 10/05/2016	Access to and efficient functioning of justice and lack of effective remedy: <i>Excessive length of civil proceedings. (Articles 6 §1 and 13)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. <i>General measures:</i> see CM/ResDH(2016)149 in Oliveira Modesto and CM/ResDH(2016)99 in Martins de Castro. The judgment was translated, published and disseminated.
CM/ResDH(2018)354	ROM / Albu and 171 other cases	8508/03+	17/09/2008 17/06/2008	Access to and efficient functioning of justice and effective remedy: <i>Ineffectiveness of the mechanism set up to afford restitution of or compensation for the properties nationalised under the communist regime due to the excessive length of civil proceedings and/or the quashing of final court decisions following extraordinary appeals lodged by the General Prosecutor or the failure by the domestic courts to address decisive arguments raised by the applicants. (Article 6 §1 and 1 of Protocol No. 1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid in all cases. The applicants recovered the properties nationalised by the State, were offered equivalent properties or compensation at domestic level or received the just satisfaction for pecuniary damage in the cases where restitution in kind of the original property was not possible. Domestic proceedings closed. <i>General measures</i> in relation to the reform of the mechanism of reparation for properties nationalised under the Communist regime will be examined in the framework of the cases of Maria Atanasiu and Others and Străin and Others; questions related to the excessive length of judicial proceedings will be examined in the context of the Vlad group of cases. For questions related to the powers of the General Prosecutor to lodge extraordinary appeals in civil

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					disputes, see CM/ResDH(2007)90 in the Brumărescu group. For questions related to the failure by the courts to address decisive arguments brought by the parties to civil proceedings, see CM/ResDH(2011)19 in the case of Vlasia Grigore Vasilescu.
CM/ResDH(2018)108	ROM / Ali and 120 other cases	20307/02+	09/02/2011 09/11/2010	Protection against ill-treatment and access to and efficient functioning of justice: <i>Overcrowding and poor material conditions in prison and police detention facilities and other dysfunctions regarding the protection of the prisoners' rights; lack of effective investigations and remedies in this regard; lacking fairness and length of criminal proceedings; non-respect of the presumption of innocence; lack of respect of private life, family life and the home and ban on voting imposed automatically on convicted prisoners. (Articles 3, Article 5 §§1, 3, 4 and 5, Article 6 §§1, 2 and 3 (c), Articles 8 and 13 of the Convention and of 3 of Protocol No. 1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicants are no longer serving the sentences at the origin of the judgments. Domestic law allows for the reopening of criminal proceedings. Statutory limitation now precludes reopening the investigations into the ill-treatment suffered at the hand of the police. General measures required in response to shortcomings found as regards the conditions of detention continue to be examined within the framework of the Bragadireanu. Other violations found in some of these cases are or were examined by the Committee in the cases or groups Barbu Anghelescu No.1 (CM/ResDH(2016)150), Calmanovici (CM/ResDH(2014)13), Creangă (CM/ResDH(2013)220), Constantin and Stoian (CM/ResDH(2013)40), Vlad and Others, Samoilă and Cionca (CM/ResDH(2013)235), Varga (CM/ResDH(2011)23) and Cășuneanu.
CM/ResDH52018)137	ROM / Association of Victims of Romanian Judges and Others	47732/06	14/04/2014 14/01/2014	Freedom of association: <i>Disproportionate interference due to refusal to register the Association of Victims of Romanian Judges in the Register of Associations and Foundations.(Article 11)</i>	Individual measures: Just satisfaction for pecuniary and non-pecuniary damage awarded on an equitable basis and paid. The Association applied for a review of the impugned decision and the competent court ordered the registration of the applicant in the Registry of Associations and Foundations of the Bucharest District Court. The certificate of registration was subsequently issued. General measures: See CM/ResDH(2013)113 in The Arges College of Legal Advisers.
CM/ResDH52018)140	ROM / Bivolaru	28796/04	28/05/2017 28/02/2017	Protection of rights in detention: <i>Unlawful detention in a police station despite the</i>	Individual measures: Just satisfaction for non-pecuniary damage paid.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>judgment of the competent court ordering the applicant's release. (Article 5 §1)</i>	<u>General measures:</u> See CM/ResDH(2014)13 in Calmanovici.
CM/ResDH(2018)418	ROM / Calin and Others	25057/11+	19/10/2016 19/07/2016	Protection of private life: <i>Disproportionate interference due to inability of the applicants, who were born out of wedlock, to bring paternity actions on the grounds that the relevant limitation periods had expired. (Article 8)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. The applicants' requests for review of the impugned proceedings were granted. <u>General measures:</u> According to Law No. 288/2007 and later to the new Civil Code, the paternity action is imprescriptible throughout the child's life. However, the Constitutional Court specified in 2008 that the imprescriptibility was applicable only to children born after the entry into force of the new legislation. In 2016 the Constitutional Court changed its case-law holding that the institution of the limitation period of one year from the birth of the child is only applicable in the case of actions brought by the mother or the legal representative of the child and not to actions brought by the child himself.
CM/ResDH(2018)208	ROM / Catholic Archdiocese of Alba Iulia	33003/03	25/12/2012 25/09/2012	Protection of property: <i>Prolonged inaction and failure to implement an emergency order stating the return of certain assets which had been confiscated from minority associations. (Article 1 of Protocol No. 1)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. In new administrative proceedings the applicant association's restitution request was rejected on the ground of lack of evidence for ownership. The appeal proceedings are still pending. <u>General measures:</u> Violation due to prolonged inactivity of authorities. The judgment was translated, published and disseminated.
CM/ResDH(2018)134	ROM / Dinu	64356/14	07/05/2017 07/02/2017	Protection against ill-treatment: <i>Alleged beating by police officers upon arrest and ineffective criminal investigation into the incident due to the judge's private examination without summoning the parties; (Article 3 substantive and procedural terms)</i>	<u>Individual measures:</u> Just satisfaction for pecuniary (fee for a magnetic resonance imaging scan) and non-pecuniary damage paid. The reopening of the criminal prosecution was ordered by the Prosecutor's Office. <u>General measures:</u> See CM/ResDH(2016)150 in Barbu Anghelescu and CM/ResDH(2016)131 in Milena Felicia Dumitrescu.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2018)210	ROM / E.M.	43994/05	30/01/2012 30/10/2012	Protection against ill-treatment: Failure in criminal proceedings to take measures necessary to assess credibility of an alleged act of domestic violence that was supported by forensic evidence. (Article 3)	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The acts of physical violence against the applicant ceased in 2004. <i>General measures:</i> Violations stems from the malpractice of the judiciary in the concrete case. Additional measures adopted in the fight against domestic violence are supervised in the Bălşan case. The judgment was translated, published and disseminated.
CM/ResDH(2018)355	ROM / Florescu and 1 other case	41857/02+	08/06/2007 08/03/2007	Protection of property: Unlawful interference due to sale by the State of property nationalised under the communist regime from the applicants or their relatives without securing compensation for them, despite domestic court decisions declaring unlawful the acts of nationalisation. (Article 1 of Protocol No. 1)	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The payment of the sums awarded by the Court in respect of pecuniary damage was suspended at the applicants' request, pending the outcome of domestic proceedings brought by them to recover the properties in kind. <i>General measures</i> required in response to the shortcomings found continue to be examined within the framework of the cases of Maria Atanasiu and Others and Străin and Others.
CM/ResDH(2018)301	ROM / Flueraş and 15 other cases	17520/04+	09/07/2013 09/04/2013	Access to and efficient functioning of justice: Unfairness of criminal proceedings resulting in convictions of the applicants acquitted in first instance without hearing the accused or the witnesses during the appellate hearings. (Article 6 §§1+3c)	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. 10 of the applicants requested reopening of proceedings: 4 were subsequently acquitted and 5 obtained reduced sentences. 6 applicants did not request reopening. One request was rejected as time-barred. Concerning the general efficiency of the revision mechanism, see CM/ResDH(2011)252 in Danila, CM/ResDH(2011)250 in Dragotoniu and Militaru-Pidhorni, CM/ResDH(2015)215 in Mihai Moldoveanu and CM/ResDH(2013)40 in Stoian. <i>General measures:</i> Concerning the right to be heard, see CM/ResDH(2011)29 in Constantinescu. As concerns the direct administration of evidence: The judgments were translated, published and disseminated. Training activities were organised by the National Institute of Magistrates. Furthermore, according to a new Code of Criminal Procedure

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					of 2014, cassation appeals initiated by the prosecutor are considered extraordinary remedies limited to questions of law. In appeal proceedings, the appellate court may renew the appreciation of evidence and must hear the accused. These rules were clarified in 2016: In case of an acquittal in first instance, the appellate court is obliged to appreciate all the evidence, which the first instance court had based its decision on.
CM/ResDH(2018)141	ROM / Glod Greek-Catholic Parish	53528/07	04/07/2017 (Committee)	Access to and efficient functioning of justice: Breach of the principle of legal security in civil proceedings due to conflicting case-law of the High Court of Cassation and Justice. (Article 6 § 1).	<u>Individual measures:</u> No just satisfaction claimed. Reopening of the proceedings unnecessary as the legal approach followed by the domestic courts in the applicant's case, was confirmed by the High Court of Cassation and Justice's consistent case-law in 2012. Thus historical problem. <u>General measures:</u> Concerning inconsistency in domestic courts' case-law, see CM/ResDH(2017)351 in Lupeni and Others.
CM/ResDH(2018)336	ROM / Hoalga and Others	76672/12	15/06/2016 15/03/2016	Protection against ill-treatment and of rights in detention – actions of security forces: Disproportionate use of force by gendarmerie in an altercation and ineffective investigations into allegation of brutality; unlawful detention for eight hours at the gendarmerie post without legal basis for the purpose of establishing preliminary documents in the investigation stage of respective criminal proceedings. (Article 3 substantive and procedural limb, Article 5 §1)	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. The criminal proceedings for abusive behaviour were reopened and are pending. <u>General measures:</u> Concerning ill-treatment by security forces, see CM/ResDH(2016)150 in Barbu Anghelescu. As concerns unlawful detention, the provision in the Code of Criminal Procedure of 2014 and the Law on the functioning of the Gendarmerie of 2004 are clear and sufficient. However, at the time of the events, the existing legal basis was not applied by those gendarmes who had arrested and detained the applicants as they were not entitled to perform activities specific to those of the criminal investigation body and had the obligations, as organs invested with the state authority in matters of preserving the public order, to immediately notify the criminal investigating body in matters under their competence. The gendarmerie bodies must avoid the use of arrest and detention when dealing with

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					persons having committed no acts contrary to the law and/or causing public disorder and requiring immobilisation. The judgment was translated, published and disseminated.
CM/ResDH(2018)65	ROM / Ioan Pop and Others	52924/09	06/03/2017 06/12/2016	Protection against degrading treatment and of rights in detention: Failure to ensure that a twelve-year old child was looked after by an adult while his parents were held in police custody after resisting an eviction as well as unlawful detention of the child's mother. (Article 3 – positive obligations; Article 5 §1))	Individual measures: Just satisfaction for non-pecuniary damage paid. General measures: The judgement was disseminated to the General Inspectorate of the Police, to the National Union of Bailiffs and to the National Authority for the Protection of Children Rights and Adoption. Training sessions were held for police officers. The National Union of Bailiffs and the Ministry of Internal Affairs signed a protocol on collaboration during the enforcement procedure in 2010. According to the legal safeguards provided for by the Code of Civil Procedure in 2013, when a minor is present, “enforcement shall be carried out in the presence of a representative of the General Direction of Child Protection and Social Assistance and, where it considers necessary, of a psychologist appointed by it.” The legal provisions existing in the Code of Criminal Procedure, in force since 2014, and in Law No. 218/2002 on the functioning of the Police are clear and sufficient as regards the legal basis and procedure for bringing a person before the prosecuting authorities or to the police premises.
CM/ResDH(2018)335	ROM / Iosub Caras and 2 other cases	7198/04+	11/12/2006 27/07/2006	Protection of private and family life and access to and efficient functioning of justice: Authorities' failure to properly implement the 1980 Hague Convention on the Civil Aspects of International Child Abduction, in particular failure to respond to the urgency of the situation in all cases and excessive length of proceedings for divorce and child custody in one of these cases. (Article 8)	Individual measures: Just satisfaction for non-pecuniary damage paid in all cases. In one case, the refusal to return the child did not appear arbitrary; in one case the applicant (father) did not request reopening of the impugned proceedings; in the third case the ECHR had indicated under Article 46 that the judgment does not imply the children's return. General measures: See also CM/ResDH(2015)185 in Ignaccolo-Zenide. In 2004 the Law on the implementation of the 1980 Hague Convention established a single jurisdiction

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					(the Bucharest Tribunal for children and family issues) competent to deal with requests for the return of children under this Convention. Appeals against decisions given by this court are heard by the Bucharest Court of Appeal. Further wide-ranging awareness-raising measures ensure the implementation of the 1980 Hague Convention by the domestic courts, which have aligned their practice with the requirements of the Convention. Recent national court decisions show that the requirements of the Hague Convention concerning the best interest of the child, as well as the need to allow the parent deprived of his child to present his case before the judge, are at the core of the courts' rulings. The length of the proceedings in the cases in which the action for return of a child was successful varied between three months and one year for two levels of jurisdiction. Outstanding question, in particular the excessive length of the proceedings for return of wrongfully removed or retained children brought under this Convention, continues to be examined in the case of Ferrari. The judgments were translated, published and disseminated and are used in training activities for judges.
CM/ResDH(2018)66	ROM / M.B. and 1 other case	43982/06+	06/03/2012 03/11/2011	Protection against ill-treatment: <i>Ineffective investigations into allegations of rape and attempted rape brought by the applicants and failure of authorities to ensure the necessary level of protection, taking into account the applicants' state of vulnerability based on the mental disorders they were suffering of. (Article 3 procedural limb)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. In one case, reopening of proceedings was time-barred, in the other case proceedings were reopened. General measures: The violations stemmed from the investigative authorities' incapacity to deal with alleged sex-crimes regarding persons in a vulnerable situation. Adequate and sufficient safeguards for the protection of vulnerable persons were included in the Code of Criminal Procedure in force since 2013. The authorities' behaviour of the authorities and the investigative techniques used with regard to sex-related crimes significantly improved. In 2017, the Prosecutor's Office attached to the High Court of Cassation and Justice decided to establish a mechanism for

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					the protection of persons in vulnerable situations. The judgments were translated, published and disseminated.
CM/ResDH52018 138	ROM / Mircea Pop	43885/13	30/01/2017 19/07/2016	Right to life / investigation: <i>Ineffective investigation into the circumstances of the accident which had led to the death of the applicant's son and length of the investigation. (Article 2 procedural limb)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The prosecutor's office confirmed that the criminal liability for offences of failure to take labour health and safety measures and for the offence of manslaughter were time-barred. General measures: See CM/ResDH(2016)293 in Trufin. General measures to be taken with regard to the issue of length of proceedings remains under examination in the Vlad and others group.
CM/ResDH(2018) 229	ROM / Mocanu and Others	10865/09+	17/09/2014 Grand Chamber	Right to life and protection against ill-treatment: <i>Lack of an effective investigation into the death of the applicant's husband and the ill-treatment suffered by another applicant during the crackdown on anti-governmental demonstrations in 1990; excessive length of the investigation into the ransacking of the applicant association's headquarters during the same events. (Articles 2 and 3 procedural limb and 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The investigation at issue reopened in respect of the facts alleged by one of the applicants and 14 persons were committed to the High Court of Cassation and Justice to stand trial on charges of crimes against humanity in June 2017. General measures: The measures adopted to guarantee the statutory independence of military prosecutors, the access of judges and prosecutors to classified information and the co-operation of state authorities and other legal entities with the investigating authorities in the context of criminal investigations are of a nature to prevent similar shortcomings to those found. See also general measures adopted in the context of the group Association "21 December 1989" and Others.
CM/ResDH(2018) 334	ROM / Monory	71099/01	05/07/2005 05/04/2005	Protection of private and family life: <i>Authorities' failure to properly implement the 1980 Hague Convention on the Civil Aspects of International Child Abduction. (Article 8)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The child, born in 1995, is living in Romania. Her mother was granted custody in 2003, in divorce and child custody proceedings before the Hungarian courts. In 2004, the father was granted visiting rights, which he did not exercise.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					<i>General measures:</i> Wide-ranging awareness-raising measures ensure the implementation of the 1980 Hague Convention by the domestic courts, which have aligned their practice with the requirements of the Convention. Outstanding question, in particular the excessive length of the proceedings for return of wrongfully removed or retained children brought under this Convention, continues to be examined in the case of Ferrari.
CM/ResDH(2018)209	ROM / Patrascu	7600/09	14/05/2017 14/02/2017	Access to and efficient functioning of justice: <i>Unfair criminal proceedings resulting in a conviction for drug trafficking without proper examination of the applicant's plea of entrapment and analysis of the lack of evidence concerning the applicant's prior involvement in drug trafficking. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. In reopened proceedings new evidence was taken by hearing the undercover agents involved, the applicant and a witness and by requesting the relevant prosecutors' office to disclose the information concerning the applicant's alleged involvement in drug trafficking. <i>General measures:</i> See CM/ResDH(2013)40 in Constantin and Stojan. The judgment was translated, published and disseminated.
CM/ResDH(2018)67	ROM / Rupa and Tompi	60272/09	02/05/2017 (Committee)	Protection of rights in detention: <i>Failure to provide "pertinent and sufficient" reasons to justify extending the 15 years' old first applicant's pre-trial detention. (Article 5 §3)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The first applicant was convicted for theft. <i>General measures:</i> See CM/ResDH(2014)13 in the Calmanovici group of cases. The violation of the present case sprang only from the disregard by authorities concerned of existing provisions and from the inconsistency of the reasoning given in relation to the legal prescriptions due to the exceptional character of prolonged pre-trial detention imposed on minors. The judgment was translated, published and disseminated.
CM/ResDH(2018)300	ROM / S.B.	24453/04	23/12/2014 23/09/2014	Protection of private life: <i>Lack of opportunity to establish whether the applicant's dental treatment had constituted medical negligence and to obtain appropriate redress as well as</i>	<i>Individual measures:</i> Just satisfaction awarded for all heads of damage paid. Reopening of criminal proceedings against the dentist was time-barred. <i>General measures:</i> Access to the files in disciplinary proceedings to the parties was granted by the National

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>impossibility to obtain a medical expert report (by the College of Physicians) without first having lodged a civil or criminal complaint. (Article 8)</i>	Council of the College of Physicians in 2011. Moreover, alleged victims of medical negligence may obtain an extrajudicial medial expert report, which would be considered in the proceedings as “written document” (not as judicial expert report). Finally, according to the Civil Procedure Code, alleged victims may request an anticipated administration of evidence without analysis of the merits if there is a risk evidence could disappear or be destroyed. The judgment was translated, published and disseminated.
CM/ResDH52018) 136	ROM / S.C. Carbochim S.A. Cluj-Napoca and S.C. Fenega Import-Export S.R.L. and Others	45621/05+	17/01/2017 17/01/2017	Access to and efficient functioning of justice: <i>Infringement of the right of access to a court due to the fact that parties in civil proceedings were summoned only by notices affixed to their premises (which they alleged not having received) without any other attempts by domestic courts to ensure that they were informed of the dates of the hearings. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. New Civil Procedure Code allows for the reopening of the domestic proceedings in order to remedy the breaches found. None of the applicant requested reopening of his case. General measures: See CM/ResDH(2017)248 in SC Raisa M. Shipping SRL.
CM/ResDH(2018) 135	ROM / Tiba	36188/09	13/03/2017 13/12/2016	Protection of rights in detention: <i>Unlawful detention at a police station on the basis of a warrant of appearance and then in a prosecutor’s office for questioning on suspicion of traffic of influence prior to being placed in police custody, and lack of judicial review possibility in domestic legislation. (Article 5 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. General measures: See CM/ResDH(2017)215 in Ghiurău.
CM/ResDH(2018) 230	RUS / Abashev and 122 other cases	9096/09+	27/09/2013 27/06/2013	Protection of rights in detention: <i>Poor conditions of pre-trial detention, transport and confinement in a courthouse; length of criminal proceedings; unjustified in camera trials; breach of the presumption of innocence; unlawful composition of the</i>	Individual measures: Just satisfaction for non-pecuniary damage paid where awarded. The applicants are no longer in pre-trial detention. Domestic proceedings closed. General measures: As regards the irregularities related to pre-trial detention, issues continue to be examined within the framework of the Klyakhin group of cases. General

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>court; and censorship of correspondence with the European Court (Articles 3, 6, 8, 13 and 34)</i>	measures required in response to the other violations found in some of these cases are or were examined by the Committee in the cases or groups Kalashnikov, Guliyev, Salmanov, Smirnova (Resolution CM/ResDH(2017)168), Belashev, Khuzhin and Others, Fedotova (Resolution CM/ResDH(2017)167) and Ponushkov.
CM/ResDH(2018)373	RUS / Abdurashidova and 3 other cases	32968/05+	08/10/2010 08/04/2010	Action of security forces: <i>Illegal killings, absence of effective remedy, illegal searches, unfair trial and violation of property rights, in the context of actions of Russian security forces during anti-terrorist operations in the Northern Caucasus, mostly in the Chechen Republic, between 1999 and 2006. (Articles 2, 6, 8, 13, and of Article 1 of Protocol No. 1)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary and pecuniary damage awarded paid. New investigations, engaged following the Court's judgment, led to the conclusion that the victims were killed by members of illegal armed units who had died, either in direct connection with the events or subsequently. <u>General measures</u> required in response to the shortcomings found as regards the substantive and procedural violations of Article 2 and 3, including the necessity to prevent undue prescription of criminal responsibility for the gravest crimes, continue to be examined within the framework of the Khashiyev and Akayeva.
CM/ResDH(2018)254	RUS / Antonyuk	47721/10	01/11/2013 01/08/2013	Protection of private and family life: <i>Unjustified interference due to insufficient reasoning by national courts of the decision on the determination of the place of residence of the applicant's children with her ex-husband. (Article 8)</i>	<u>Individual measures:</u> No claim for just satisfaction submitted. In reopened domestic proceedings a friendly settlement between the applicant and her ex-husband on the place of residence of their minor children, the communication procedure and maintenance could be reached. <u>General measures:</u> Isolated misapplication of law. According to the Code of Civil Proceedings, no evidence should be regarded by the courts as having predetermined value. The judgment was translated, published and disseminated to all courts and authorities concerned.
CM/ResDH(2018)440	RUS / Buldakov	23294/05	08/03/2012 19/07/2011	Right to individual petition: <i>Failure by prison administration to dispatch the applicant's application form to the ECHR; disappearance of the form. (Article 34)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. Following an inquiry by the prosecutor's office, the official responsible for the loss of the application form was disciplined; the applicant was provided with two new

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					<p>application forms.</p> <p><i>General measures:</i> Isolated incident of negligence. The 1995 Law "On Detention of Suspects and Persons Accused of Committing a Crime" provides that prisoners' complaints addressed, inter alia, to the European Court must be sent directly to the addressee in a closed envelope no later than the following working day. The right of prisoners to freely communicate with the European Court is also provided in a number of regulations, including: Rules of the Prison Regime in Pre-Trial Detention Centres, Internal Prison Regulations 2005, and Administrative Regulations on the Methods of Examination of Prisoners' Complaints (2012). The judgment was translated, published and disseminated.</p>
CM/ResDH(2018)455	RUS / Gorodnitchev and 135 other cases (part of the Kalashnikov group)	52058/99+	12/11/2007 24/05/2007	Protection against ill-treatment / conditions of detention: <i>Poor conditions of detention in facilities under the authority of the Ministries of Justice and of the Interior, lack of adequate medical care and lack of an effective domestic remedy in both respects. (Articles 3 and 13)</i>	<p><i>Individual measures:</i> The applicants were either released or passed away; all necessary individual measures have also been taken in respect of the other violations found. Just satisfaction paid as awarded.</p> <p><i>General measures</i> required in response to the shortcomings found in the present judgments continue to be examined within the framework of the <i>Kalashnikov</i> group.</p>
CM/ResDH(2018)340	RUS / Kabkov	12377/03	17/10/2008 17/07/2008	Access to and efficient functioning of justice: <i>Denial of access to court due to the domestic courts' failure to examine an employment dispute due to the loss of the respective case file. (Article 6 §1)</i>	<p><i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicant did not request reopening of proceedings; the employer company had become insolvent.</p> <p><i>General measures:</i> Isolated incident. The judgment was translated, published and disseminated.</p>
CM/ResDH(2018)419	RUS / Kuimov and 1 other case	32147/04+	08/04/2009 08/01/2009	Protection of family life: <i>Disproportionate interference due to the authorities' failure to justify severe restrictions on the applicant's access to her adoptive child during and after urgent medical treatment; the second case concerns a court's failure to duly substantiate its decision that the</i>	<p><i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. In both cases, parents and children live again together.</p> <p><i>General measures:</i> The present cases were a rare occurrence. The judgments were translated, published and disseminated. They were used in awareness-raising activities.</p>

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>applicant, who has a mild mental disability and used to be a resident of a "Neuropsychological Care Home", could not take care of his child. (Article 8)</i>	
CM/ResDH(2018)211	RUS / Olga Nazarenko	3189/07	31/08/2016 31/05/2016	Access to and efficient functioning of justice: <i>Breach of the principle of equality of arms and refusal to grant the applicant's request for hearing adjournment to ensure her personal appearance. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. In reopened proceedings, the earlier judgment was quashed and remitted. General measures: Isolated case. The Code of Civil Procedure provides for the administration of justice on the basis of adversarial principle and equality of arms. Legislative amendments and changes in case-law of the Constitutional and Supreme Courts with regard to the right of parties to present their cases in person in civil proceedings and the obligation to adjourn hearings in case of non-appearance of a party. A single information system was developed allowing courts to publish updates of case status rapidly. The judgment was translated, published and disseminated.
CM/ResDH(2018)17	RUS / Russian Conservative Party of Entrepreneurs and Others and 1 other case	55066/00+	11/04/2007 11/01/2007	Electoral rights, protection of property, functioning of justice and lack of remedy: <i>Disproportionate and unlawful refusal of the registration of candidates in federal parliamentary elections in 1999 and 2003 for reasons unrelated to their conduct or on the ground of inaccurate information in their CV; dismissal of the applicant party's request for the return of its election deposit after disqualification; lack of legal certainty due to the use of the supervisory review procedure ("nadzor") and denial of an effective remedy in the case of the Russian Conservative Party of Entrepreneurs and Others. (Articles 3 and 1 of Protocol No. 1; Articles 6 §1 and 13)</i>	Individual measures: Just satisfaction in respect of pecuniary damage (refusal to refund the election deposit) and non-pecuniary damage paid. General measures: The 1999 Elections Act as the source of the violation was replaced by similar Acts of 2002, 2005 and 2014 without the impugned provision. As to the violations (of Articles 6 and 13) related to the supervisory review proceedings ("nadzor") see CM/ResDH(2017)83 in Ryabykh group. In 2006, the Basic Guarantees of Electoral Rights Act of 2002 was amended to oblige the election commissions to provide a candidate with an opportunity to correct or submit relevant information on his CV. Similar provisions are contained in the Elections Act of 2014 which also obliges the Central Election Commission to verify the accuracy of the information and, if it is inaccurate, to inform the mass media and the relevant District Election Commission. The

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					judgments were translated, published and disseminated.
CM/ResDH(2018)337	RUS / Sergey Smirnov	14085/04	22/03/2010 22/12/2009	Access to and efficient functioning of justice: Denial of access to a court due to the domestic courts' excessive and unjustified formalism refusing to examine civil claims for failure to indicate a fixed or registered place of residence, when the provided correspondence address would have been sufficient for the administration of justice. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicant did not request reopening of proceedings. <i>General measures:</i> Isolated incident. The judgment was translated, published and disseminated.
CM/ResDH(2018)341	RUS / Solodyuk	67099/01	30/11/2005 12/07/2005	Protection of property: Disproportionate interference due to delays in the payment of the old-age pensions while the month-on-month inflation rate was unstable (between 2.7% and 37.3%) resulting in a significant loss of purchasing power. (Article 1 of Protocol No. 1)	<i>Individual measures:</i> Just satisfaction for pecuniary (loss of purchasing power caused by delays) and non-pecuniary damage paid. <i>General measures:</i> The domestic courts' practice changed awarding additional compensation for loss caused by delays in paying pensions on the basis of the inflation rate as had been provided for by law. The judgment was translated, published and disseminated.
CM/ResDH(2018)338	RUS / Tatishvili	1509/02	09/07/2007 22/02/2007	Freedom of movement and access to and efficient functioning of justice: Unlawful refusal to register the applicant as resident at her home address and failure by domestic courts to give reasons for their decisions. (Article 2 of Protocol No. 4 and Article 6 §1)	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicant was registered at her place of residence. <i>General measures:</i> Isolated incident of malpractice. The judgment was translated, published and disseminated.
CM/ResDH(2018)342	RUS / Viktor Kononov	43626/02	24/08/2007 24/05/2007	Protection of property: Unlawful sale by a bailiff of a car seized in customs proceedings, while the owner's judicial appeal against the decision of the customs office on seizure was still pending. (Article 1 of Protocol No. 1)	<i>Individual measures:</i> No claim for just satisfaction submitted. No request for reopening of proceedings submitted. <i>General measures:</i> Isolated incident. The judgment was translated, published and disseminated.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2018)339	RUS / Zagorodnikov	66941/01	07/09/2007 07/06/2007	Access to and efficient functioning of justice: Lack of a public hearing in commercial court on the issue of ratification of a settlement between a bank and its creditors. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicant's request for reopening of the impugned proceedings was rejected as the violation found was of a procedural nature. <i>General measures:</i> The Code of Commercial Procedure of 2002, as had its predecessor, requires courts hearings to be public. Moreover in 2010, a special Law on Access to Information on Activities of the Courts specifically provided for the right to be present at a hearing. In 2007, the Supreme Commercial Code had issued an order providing for the creation of special places in courtrooms for the public; free access to court premises by any person wishing to attend the hearings; free access of the press; the adoption of relevant instructions and the obligation of commercial courts' presidents to inform the general public on the rules on attending court hearings. The judgment was translated, published and disseminated.
CM/ResDH(2018)92	SER / Adamovic and 51 other cases	41703/06+	18/03/2013 02/10/2012	Access to and efficient functioning of justice and protection of property: Non-enforcement of a judgment awarding the applicant unpaid allowances from his former employer. (Articles 6 §1 and 1 of protocol No. 1)	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. Domestic judgments enforced. <i>General measures</i> required in response to shortcomings found by the Court continue to be examined within the framework the cases R. Kačapor and Others (No. 2269/06) and Kin-Stib and Majkić (No. 12312/05).
CM/ResDH(2018)302	SER / Bilic and 7 other cases	24923/158	17/10/2017 17/10/2017	Access to and efficient functioning of justice and protection of property: Non-enforcement of a final judgment ordering payment of salary arrears and various social security contributions. (Articles 6 §1 and 1 of Protocol No. 1)	<i>Individual measures:</i> Just satisfaction awarded for all heads of damage paid. Domestic judgement enforced. <i>General measures</i> required are examined in the context of the cases R. Kacapor and Others (2269/06) and Kin-Stib and Majkic (12312/05).
CM/ResDH(2018)307	SER / Bodrozcic and 2 other cases	32550/05	10/12/2009 23/06/2009	Freedom of expression: Disproportionate interference due to criminal sanctions for defamation imposed on journalists. (Article	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicants did not raise any claim for pecuniary damages before the domestic courts. Domestic

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				10)	<p>legislation allows requesting reopening following a ECHR judgment. In one case, the original judgment was quashed in reopened proceedings and the conviction erased from the criminal record. In the second case, no request was submitted and in the third case the request was rejected repeatedly by the first instance court and finally became time-barred.</p> <p><i>General measures:</i> See CM/ResDH(2009)135 in Lepojic and Filipovic. The Criminal Code was amended in 2005 to punish criminal insult only by small-scale fines following a private action and in 2013 to decriminalise defamation. Domestic courts aligned their case-law. A remedy, notably the constitutional complaint, was introduced and became effective in 2008. The judgments were translated, published and disseminated. Training activities were organised by the Judicial Academy.</p>
CM/ResDH(2018)306	SER / Borovic and Others and 4 other cases	58559/12+	11/04/2017 11/01/2017	Access to and efficient functioning of justice: Excessive length of judicial proceedings. (Article 6 §1)	<p><i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed.</p> <p><i>General measures</i> required continue to be examined in the framework of the group of cases Jevremovic (3150/05).</p>
CM/ResDH(2018)91	SER / Dimitrijevic and Jakovijevic and 12 other cases	34922/07+	19/04/2010 19/01/2010	Access to and efficient functioning of justice: Excessive length of judicial proceedings. (Article 6 §1)	<p><i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed.</p> <p><i>General measures</i> concerning shortcomings found by the Court in these judgments continue to be examined within the framework of the cases Jevremović (No. 3150/05), Popović (No. 38350/04) and Mikuljanac, Mališić and Šafar (No. 41513/05)</p>
CM/ResDH(2018)68	SER / Dimovic	24463/11	28/09/2016 28/06/2016	Access to and efficient functioning of justice: Unfair criminal proceedings resulting in convictions solely based on the testimony of a witness who had never cross-examined and had subsequently	<p><i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. In reopened proceedings, the impugned judgment was quashed and the applicants subsequently acquitted.</p> <p><i>General measures:</i> Violation resulted from domestic courts'</p>

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>revoked his statement. (Article 6 §§1 and 3d)</i>	failure to apply standards in this particular case. Thus, the judgment was translated, published and disseminated. It is used in awareness-raising activities organised by the Academy for Judges and Public Prosecutors.
CM/ResDH(2018)255	SER / Jovanovic	29763/07	28/03/2017	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. Domestic proceedings closed; the applicant was acquitted. He did not raise any claim for damages using the avenues available in the domestic legislation to this effect. General measures: See CM/ResDH(2014)18 in Ristić, in particular concerning the adoption of the new Criminal Procedure Code in 2011. Furthermore, two novelties were introduced in the CPC, i.e. the institutes of plea bargaining and of deferred prosecution. In practice, the influx of new criminal cases was significantly reduced. A strategy and Action for Reform of Judiciary will be implemented in 2018. The judgment was translated, published and disseminated and used in training activities.
CM/ResDH(2018)257	SER / Krgovic and 1 other case	29430/06+	13/12/2016 13/09/2016	Access to and efficient functioning of justice: <i>Delays in enforcement of final court decisions concerning civil matters against private debtors.(Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicants did not take the necessary steps to resume enforcement proceedings. General measures: See CM/ResDH(2016)152 in ZIT Company group of cases.
CM/ResDH(2018)90	SER / Krstic	45394/06	10/03/2014 10/12/2013	Protection of property: <i>Failure to enforce a the final and enforceable administrative decision of the Serbian Pension and Disability Insurance Fund ordering supplementary pension payments and lack of effective remedy before national courts in the matter. (Article 1 of Protocol No. 1)</i>	Individual measures: Just satisfaction for pecuniary damage paid: The authorities enforced the domestic decision of 1994 including statutory interest in aggregate amount of RSD 1.852.497. General measures: The case-law of the domestic courts was aligned to the ECHR's indications in the present judgment in respect of the compensation of inflation damage in disputes of public law and clarified the jurisdiction <i>ratione materiae</i> in cases such as that of the applicant. The judgment was

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					published and disseminated.
CM/ResDH(2018)94	SER / Milenkovic	50124/13	01/06/2016 01/03/2016	<i>Ne bis in idem: Conviction and sentence for the same facts twice, once in misdemeanour proceedings and, second, in criminal proceedings. (Article 4 of Protocol No. 7)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. Pursuant to the domestic legislation, the applicant was amnestied and exempted from serving his prison sentence. In reopened criminal proceedings applicant's earlier conviction was quashed and criminal charges against him were dismissed. <i>General measures:</i> In 2014, the Constitutional Court changed its respective case-law. The judgment was translated, published and disseminated. Awareness-raising measures were taken.
CM/ResDH(2018)93	SER / Milojevic and Others	43519/07	12/04/2016 12/01/2016	<i>Protection of private life and access to and efficient functioning of justice: Disproportionate interference in three policemen's private life due to their dismissal following the initiation of criminal proceedings against them, based on a legal provision granting unlimited discretion to the Ministry of the Interior, and subsequent unfair civil proceedings concerning their dismissal resulting in arbitrary judicial decisions. (Article 8 and 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The third applicant was reinstated as a consequence of reopened proceedings while two other applicants did not use this opportunity. <i>General measures:</i> The violation resulted from inadequate legislation, i.e. Article 45 of the 1991 Ministry of Interior Act providing that a police officer could be dismissed if criminal proceedings were pending against him. It was repealed by the 2005 Police Act providing that a police officer can only be suspended pending criminal proceedings (but not dismissed). In 2011 and 2012, the Constitutional Court had changed its case-law accordingly and was followed by the Supreme Court of Cassation. The judgment was published and disseminated.
CM/ResDH(2018)256	SER / Mitric	13851/08	17/03/2015 Striking out	<i>Access to and efficient functioning of justice: Excessive length of civil proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> Sum to cover non-pecuniary damage less any amounts already been paid in that regard at the domestic level, was transferred according to the terms of the friendly settlement reached.
CM/ResDH(2018)69	SER / Pejic	34799/07	08/01/2014 08/10/2013	<i>Protection of property and access to and efficient functioning of justice: Unlawful refusal of the competent authorities to</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary and pecuniary damage, i.e. his pension due from June 2004 until December 2011 (establishment of the applicant's pension

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>grant the applicant's claim for reinstatement of payment of his military pension, which he had lost following his moving from Croatia to Serbia and excessive length of related administrative proceedings. (Article 1 of Protocol No. 1 and 6 §1)</i>	rights following a change of the system), paid. <i>General measures:</i> Violation due to irregularities committed by the administrative authorities. The Pension and Disability Insurance Fund issued two instructions aimed at the application of the Succession Agreement between the former SFRY republics in similar cases. The Constitutional Court found that lower courts had failed to take into account the above agreement and to provide proper reasoning for the impugned decisions. With regard to excessive length of administrative proceedings, no similar cases are pending. Thus, it seemed sufficient to translate, publish and disseminate the judgment.
CM/ResDH(2018)70	SER / Tesic	4678/07	11/05/2014 11/02/2014	Freedom of expression: <i>Unnecessary interference due to the conviction of a pensioner to pay excessive damages and costs in civil defamation proceedings, resulting in her precarious financial situation. (Article 10)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary and pecuniary damage (global sum awarded without speculation on the adequacy of the exact amount for damages and costs). The applicant did not request reopening of the impugned proceedings. <i>General measures:</i> The violation at hand originated from inadequate case-law of domestic courts in the civil and subsequent enforcement proceedings. Change of case-law by the Constitutional Court with explicit reference to the present judgment. In addition, the judgment was translated, published, disseminated and used in awareness-raising activities.
CM/ResDH(2018)52	SER / Vrancev and 3 other cases	2361/05+	23/12/2008 23/09/2008	Protection of rights in detention: <i>Excessive length of detention in police custody; failure to consider any alternative for detention on remand; unlawfulness of detention on remand, which was regularly extended on the ground of risk of absconding without subsequent verification whether this ground remained valid at the advanced stage of the</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. All of the applicants were either released or convicted. The applicants did not raise any claim for pecuniary compensation before domestic courts. <i>General measures:</i> The right to be brought before a judge within 48 hours is guaranteed at the constitutional level (since 2006) and is enshrined in the Criminal Procedure Code of 2011. The Constitutional Court developed its case-law to prevent excessive length of pre-trial detention in the light of

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>proceedings; lack of speedy review of detention orders before the Supreme Court and the absence of an oral hearing before it; lack of an enforceable right to compensation for unlawful detention. (Article 5 §§3+4+5)</i>	the special circumstances of the case and its complexity. Awareness raising measures and workshops were carried out to ensure that domestic courts use more often alternatives to detention provided for in domestic legislation. As a result, the statistical data provided for the years 2013 to 2016 clearly demonstrate increased use of alternatives for the detention. The right to compensation for unlawful detention is guaranteed by the Constitution and enforced by domestic courts. The judgments were translated, published and disseminated.
CM/ResDH(2018)71	SER / Youth Initiative for Human Rights	48135/06	25/09/2013 25/06/2013	Freedom of expression – right to receive information: <i>Arbitrary refusal of the Intelligence Agency to comply with a final and binding order of the Information Commissioner to provide information on the number of people subjected to electronic surveillance in 2005 to a non-governmental organisation. (Article 10)</i>	Indication Article 46 <i>Individual measures:</i> The finding of a violation constituted sufficient just satisfaction in respect of any non-pecuniary damage. In response to the ECHR's indications under Article 46, the Serbian Intelligence Agency provided the applicant NGO the information requested in a letter dated 19 June 2014. <i>General measures:</i> Clear guidelines to the Director of the Serbian Intelligence Agency on its obligation to strictly comply with domestic law and Convention standards in providing access to the information available. The judgment was translated, published, disseminated and used in awareness-raising activities.
CM/ResDH(2018)456	SMR / Beneficio Cappella Paolini	40786/98	13/10/2004 13/07/2004 (Merits) 03/08/2007 03/05/2007 (Just satisfaction)	Access to and efficient functioning of justice and protection of property: <i>Excessive length of proceedings concerning the partial restitution of land formerly belonging to the applicant institution, denial to examine merits of the claim declined by both civil and administrative judges and refusal to return property validly expropriated 20 years earlier but not used for the purpose for which it was</i>	<i>Individual measures:</i> A friendly settlement on the just satisfaction issues and the restitution of the land to the applicant's institution was reached. <i>General measures:</i> Measures related to the excessive length of civil proceedings were examined in the context of the <i>Vanessa Tierce</i> case closed by CM/ResDH(2011)261 . The new law of 2017 on the restitution of land, which had been expropriated in public interest, contains a specific procedure for restitution claims. As concerns the right of access to court, it is enshrined in the Declaration of the rights of

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>expropriate. (Articles 6 §1 and 1 of Protocol No. 1)</i>	citizens and the fundamental principles of the legal system of 1974. The judgment was translated, published and disseminated.
CM/ResDH(2018)170	SUI / A.I.	23378/15	30/08/2017 30/05/2017	Protection against ill-treatment / deportation: <i>Risk of ill-treatment in case of deportation to Sudan of an asylum-seeker who had carried on political activities in exile. (Article 3 conditional)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. In reopened proceedings, the applicant was granted refugee status. <u>General measures:</u> See CM/ResDH(2015)95 in A.A. The judgment was published and disseminated, in particular to the Federal Administrative Tribunal.
CM/ResDH(2018)36	SUI / C.M.	7318/09	17/04/2017 17/01/2017	Access to and efficient functioning of justice: <i>Failure of the Social Insurance Tribunal to send to the applicant the observations of the opposing party concerning his action in due time, with the result that he had been unable to reply to them.(Article 6 § 1)</i>	<u>Individual measures:</u> No claim for non-pecuniary damage submitted. The claim for pecuniary damage was rejected by the Court. The applicant did not avail himself of the opportunity to request reopening of proceedings. <u>General measures:</u> Isolated incident. The judgment was published and disseminated to all authorities directly concerned.
CM/ResDH(2018)309	SUI / Derungs	52089/09	10/08/2016 10/05/2016	Protection of rights in detention: <i>Excessively lengthy judicial review proceedings judicial proceedings to end the applicant's preventive detention, which had been imposed by a judge for psychiatric reasons. (Article 5 §4)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. The applicant was released in 2010. No revision request was submitted. <u>General measures:</u> Isolated case. The judgment was published and disseminated. The authorities of the Zurich Canton explore the necessity to introduce legislative changes.
CM/ResDH(2018)310	SUI / Mercan and Others	18411/11	28/11/2017 28/11/2017	Freedom of expression: <i>Disproportionate interference due to criminal conviction of Turkish applicants for having publicly rejected the legal characterisation as "genocide" of atrocities committed against the Armenian people in the Ottoman Empire in 1915 and after. (Article 10)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary and pecuniary (amount of fine) damage paid. In reopened proceedings the applicants were acquitted. <u>General measures:</u> see CM/ResDH(2016)326 in Perincek. The judgment was published and disseminated.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2018)212	SVK / Adam	68066/12	28/11/2016 26/07/2016	Protection against ill-treatment: <i>Ineffective investigations into allegations of ill-treatment in police custody. (Article 3 procedural limb)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. Further criminal investigations into the applicant's allegations are time-barred. General measures: See CM/ResDH(2017)86 in Koky and Others. The judgment was translated, published and disseminated. It is also used in training activities of the Judicial Academy.
CM/ResDH(2018)143	SVK / Franc and 16 other cases	20986/10+	31/05/2012 (Committee)	Access to and efficient functioning of justice: <i>Excessive length of civil proceedings. (Article 6§1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. Information on the status of domestic proceedings was submitted. General measures required in response to the shortcomings found are examined within the framework of the group of cases Maxian and Maxianová (44482/09).
CM/ResDH(2018)95	SVK / Frisancho Rerea	383/13	21/10/2015 21/07/2015	Protection of family life: <i>Disproportionate interference in the context of an international child abduction due to refusal of the applicant's request to participate in the return proceedings initiated by his wife before the Constitutional Court, its judgment quashing the return order arbitrarily frustrating the purpose of the Hague Convention proceedings, and the fact that its decision suspending the return order and other material had not been served on him. (Article 8)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant's appeal against the decision terminating again the proceedings on the ground that the children have established their lives in Hungary is pending. General measures: The violation stemmed from the use before the domestic courts (in particular the Constitutional court) of extraordinary remedies against the return, resulting in the status of the child remaining undetermined for a protracted period of time. Under a new Constitutional Court Act, the Constitutional Court shall notify natural or legal person, who took or take part at the proceedings in which the fundamental rights or freedoms were allegedly violated. The notified person shall have the right to submit observations in the time-limit given by the Constitutional Court. Furthermore, the new Code of Civil Non-Contentious Procedure 2015 replaces the Code of Civil Procedure and contains provisions concerning international parental child abductions to ensure more efficient compliance with European and international rules in this area. The judgment was translated, published and disseminated. It is used in

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					training activities organised by the Judicial Academy.
CM/ResDH(2018)144	SVK / Komanicky No. 6 and 7 other cases	40437/07+	22/10/2012 12/06/2012	Access to and efficient functioning of justice: <i>Excessive length of civil proceedings and lack of an effective remedy – in particular ineffectiveness of a constitutional complaint about length of proceedings aimed at redress of both a preventive and compensatory nature as well as inconsistencies in the Constitutional Court's case-law on the admissibility of such complaints and separation of proceedings into segments when analysing their length. (Article 6§1 and Article 6 §1 in conjunction with 13)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. Domestic closed. General measures: Concerning excessive length of proceedings between 1990 and 2000, see CM/ResDH(2012)59 in Jakub and 109 other cases. Furthermore, in 2015, the Code of Civil Dispute Procedure, the Code of Civil Non-Dispute Procedure and the Code of Administrative Procedure were amended and new legal institutes were created to accelerate proceedings, e.g. sanctions for inactivity of the parties, obligatory representation of the parties in legally complex proceedings, „pre-trial hearings" in which the court will specify the fundamental facts of the case and the arguments of the parties to be proven, etc. The issues will continue to be examined within the framework of the group of cases Maxian and Maxianová (44482/09). With regard to the admissibility of constitutional complaints, the Constitutional Court unified its case-law. Other outstanding issues concerning the effectiveness of constitutional complaints are examined in the Ivan group (57405/15). The judgments were translated, published and disseminated.
CM/ResDH(2018)259	SVK / Mraz and Other and 1 other case	44019/11+	25/02/2015 25/11/2014	Access to and efficient functioning of justice: <i>Unfair proceedings due to domestic courts' conflicting case-law when deciding on property claims made by the original owners of land expropriated by the State. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The impugned proceedings were reopened. General measures: Incidents due to improper interpretation of law by domestic courts in a series of similar cases. Change of case-law of the Constitutional Court and newly consolidated practice of the Supreme Court in similar cases. The judgments were translated, published and disseminated and used in training activities of the Judicial Academy.
CM/ResDH(2018)97	SVK / Paluda	33392/12	23/08/2017 23/05/2017	Access to and efficient functioning of justice: <i>Denial of access to a court in</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. Disciplinary proceedings against the applicant

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>disciplinary due to a judge's inability to obtain judicial review of his suspension from office while disciplinary proceedings were pending. (Article 6 §1)</i>	were discontinued in 2011 and the retained salary was restored. <i>General measures:</i> The new Code of Administrative Procedure 2016 provides that administrative tribunals had no jurisdiction to review decisions and measures by administrative authorities which are of a preliminary or disciplinary nature or govern the procedure "provided that they cannot inflict injury for subjective rights" of a party of proceedings. The disciplinary decisions are thus not automatically excluded from judicial review. Moreover, the relevant provisions of the Judges and Assessors Act were amended: In 2012 the Disciplinary Court became the competent body deciding on the suspension of judges, instead of the Judicial Council. A further amendment of the Judges and Assessors Act in 2014 established Disciplinary Chambers - three-member first-instance Disciplinary Chambers and five-member appeal Disciplinary Chambers providing institutional and procedural guarantees. The judgment was translated, published and disseminated.
CM/ResDH(2018)96	SVK / PSMA, spol. s.r.o.	42533/11	17/04/2017 17/01/2017	Access to and efficient functioning of justice: <i>Quashing of final and binding decisions in the applicant's favour following an extraordinary review initiated by the opponents in the original proceedings in breach of the principle of legal certainty and equality of arms. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. In domestic proceedings, the final and binding effect of the original judgment was confirmed following the ECHR's judgment with explicit reference to it. <i>General measures</i> required in response to shortcomings found by the Court continue to be examined within the framework of the cases DRAFT-OVA a.s. (72493/10) and COMPCAR, s.r.o. (25132/13).
CM/ResDH(2018)261	SVK / Vaskrisic	31371/12	25/07/2017 25/04/2017	Protection of property: <i>Disproportionate interference due to the sale of the applicant's house at public auction for 50% of its market value in debt enforcement proceedings arising from a principal debt of 124 Euros. (Article 1 of Protocol No. 1)</i>	<i>Individual measures:</i> Just satisfaction for pecuniary (difference between the market value of his house and the price at which the property was sold plus the one-off payment of 10% interest) and non-pecuniary damage paid. <i>General measures:</i> Amendments of the Enforcement Act in 2018 introduced an obligation for the enforcement courts to

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					opt for less intrusive measures than the sale of the property in the course of enforcement proceedings on its own motion. Debtors are granted a possibility to propose other means of enforcement until the order for sale is issued or to request postponing the enforcement. Enforcement courts are entitled to postpone enforcement if it would put under threat the existence of the debtor or his family ex officio or upon the motion of the social work centre. The judgments were translated, published and disseminated and used in training activities of the "Enforcement School for Judges".
CM/ResDH(2018)148	SVN / Alenka Pecnik	44901/05	27/12/2012 27/09/2012	Access to and efficient functioning of justice: <i>Lack of impartiality of a tribunal in proceedings resulting in a lawyer's conviction for contempt of court, by a judge whom the lawyer had criticised. (Article 6 §1)</i>	Individual measures: Domestic legislation provided a concrete and practical avenue to claim damage in respect of pecuniary damage (amount of the fine paid), which the applicant did not use. No claim for pecuniary damage submitted to the ECHR. Just satisfaction for non-pecuniary damage paid. General measures: Change of case-law of the Constitutional Court stating that it is a breach of the right to an impartial tribunal when the judge who is criticised is also the one who pronounces the verdict and imposes a sanction. Moreover, according to the Civil Procedure Act as amended in 2017, the request of imposition of a penalty for an allegedly offensive remarks aimed at a judge is treated as a new application and assigned to another judge. The judgment was translated, published and disseminated.
CM/ResDH(2018)111	SVN / Alisic and Others	60642/08	16/07/2014 Grand Chamber	Protection of property: <i>Unlawful interference due to inability to recover "old" foreign-currency savings deposited in Bosnian-Herzegovinian branches of banks with head offices in Slovenia respectively following dissolution of former SFRY. (Article 1 of Protocol No. 1 and Article 13)</i>	Systemic Problem: Under Article 46, the Court considered that, within one year Slovenia (and Serbia) must make necessary arrangements, including legislative amendments, in order to allow the applicants and all other persons in their position to recover their "old" foreign-currency savings under the same conditions as their nationals who held such savings in the domestic branches of Slovenian (and Serbian) banks.

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					<p><i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. Friendly settlements were concluded and both applicants received full repayment of their pecuniary claims.</p> <p><i>General measures:</i> A law introducing a repayment scheme for the deposits held in Ljubljanska Banka's branches in Sarajevo and Zagreb was adopted in July 2015. Entitled beneficiaries were the original "old" foreign-currency savers, their heirs and also natural persons on the basis of a valid legal transaction as well as civil legal persons who under the SFRY's regulations on foreign currency transaction had held unpaid "old" foreign-currency savings. The Act set up a user-friendly procedure to verify entitlements and the balance of unpaid savings. The institution mandated to perform the verification process was the Succession Fund of Slovenia. The filing period was open from 01/12/2015 to 31/12/2017. In the inadmissibility decision in Hodžić, the Court found that the repayment scheme met the criteria set out in the pilot judgment. The Act and its repayment scheme were effectively implemented. This case's closure does not prejudice ECHR conclusions in other cases, including those addressing the issue of responsibility for repayment of deposits held in the Ljubljanska Banka's Sarajevo Branch which were transferred to restricted privatisation accounts in accordance with the legislation of Bosnia and Herzegovina. The judgment was translated, published and disseminated.</p>
<p>CM/ResDH(2018)101</p>	<p>SVN / Arapovic and 15 other cases</p>	<p>37927/12+</p>	<p>03/04/2015 03/04/2015</p>	<p>Protection against ill-treatment in detention – conditions of detention: <i>Degrading treatment on the account of the poor conditions of detention in Ljubljana Prison and lack of an effective and accessible legal remedy for complaints in respect of the detention conditions. (Articles 3 and 13)</i></p>	<p><i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicants are no longer detained.</p> <p><i>General measures:</i> As the result of a comprehensive and multifaceted approach to combat overcrowding, each prisoner in the Ljubljana prison is currently afforded at least 4.5 square metres of living space. A preventive remedy enabling judicial protection in cases of poor conditions of detention for convicted prisoners as well as an effective compensatory remedy for released prisoners was introduced</p>

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					in 2015. Recently in 2017 a further preventive remedy enabling judicial protection to complain about poor conditions of detention for remand prisoners was introduced. The issue of effective compensatory remedies for convicted and remand prisoners remains under examination within the framework of the Mandić and Jović case (No. 5774/10).
CM/ResDH(2018)98	SVN / B.K.M. Lojistik Tasimacilik Ticaret Limited Sirketi	42079/12	17/04/2017 17/01/2017	Protection of property: <i>Unlawful and disproportionate interference due to the confiscation of a transport company's lorry in the criminal proceedings against a third person following the finding of suspected heroin packages. (Article 1 of Protocol No. 1)</i>	Individual measures: Just satisfaction for pecuniary covering the cost of the vehicle as determined at the public auction and the vehicle tax paid. General measures: The violation resulted from inadequate legislation which provided that the confiscation of means of transport used for transport of drugs was mandatory, while not taking into account the relationship between the behaviour of the owner of the property. In 2012 the Criminal Code was amended: Means of transport owned by a third party would only be confiscated if they are specially adapted for transport and storage of illicit substances or if the owner knew or could have known that they would be used for such purpose. Courts are required to carry out proportionality analysis before ordering such measure. The judgment was translated, published and disseminated to the relevant authorities.
CM/ResDH(2018)390	SVN / Ceferin	40975/08	16/04/2018 16/01/2018	Freedom of expression: <i>Failure of domestic courts to provide relevant and sufficient justification when fining a defence lawyer for contempt of court following certain statements made in the context of criminal proceedings. (Article 10)</i>	Individual measures: Just satisfaction for non-pecuniary and pecuniary damage (amount of fine paid by the applicant) paid. Reopening of the criminal proceedings does not appear to be necessary as the applicant was not a party to these proceedings (see, mutatis mutandis, CM/ResDH(2018)75 in Radobuljac v. Croatia). General measures: The judgment was translated, published and disseminated.
CM/ResDH(2018)	SVN / Flisar	3127/09+	29/12/2011	Access to and efficient functioning of	Individual measures: The finding of a violation constituted in

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
388	and 6 other cases		29/09/2011	justice: <i>Unfair trial due to the lack of a hearing in proceedings resulting in convictions for minor offences solely on the basis of police reports without a possibility to examine relevant witnesses or without an opportunity to be present at the examination of the witnesses and to question them. (Article 6 §1 or Article 6 §1 and 6§3d)</i>	itself sufficient just satisfaction for non-pecuniary damage paid. Following reopening, domestic courts decided to discontinue the proceedings due to the statute of limitation. The applicants' convictions were deleted from the minor offence records. General measures: Amendments in 2011 to the Minor Offences Act introduced the obligation for courts to inform the offender on the right to attend hearings and to participate in the questioning of witnesses. The Supreme Court and the Constitutional Court adapted their case-law accordingly. The judgment was translated, published and disseminated.
CM/ResDH(2018)401	SVN / Gaspari	21055/03	10/12/2009 21/07/2009	Access to and efficient functioning of justice: <i>Unfair proceedings due to the Constitutional Court's non-communication to the applicant of the opposite party's constitutional complaints. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant's claim for just satisfaction for pecuniary damage was not granted due to a lacking causal link. In 2011, failing a legal possibility, the Constitutional Court did not grant leave for reopening of the impugned proceedings. However, it was open to the applicant to raise a claim in respect of pecuniary damage within three years. General measures: The Constitutional Court Act was amended in 2007 to require communication of the constitutional appeal also to the persons affected by the decision that was being challenged. The judgment was translated, published and disseminated.
CM/ResDH(2018)146	SVN / Kolar	33868/08	26/09/2017 (Committee)	Access to and efficient functioning of justice: <i>Excessive length of administrative proceedings and lack of an effective remedy. (Article 6 §1 and 13)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. No causal link to pecuniary damage claimed. Domestic proceedings closed. General measures aimed at preventing excessive length of administrative proceedings and introducing an effective remedy, see CM/ResDH(2016)354 in the Lukenda group of cases, Klinar subgroup. The judgment was translated, published and disseminated.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2018)99	SVN / L.M.	32863/05	12/09/2014 12/06/2014	Protection of rights in detention and of private life: <i>Unlawful involuntary confinement in the closed wards of the Idrija and Ljubljana Psychiatric Hospitals and the open ward of the Ljubljana Psychiatric Hospital; lack of proper information about the reasons for confinement; lack of judicial review; lack of an effective possibility of obtaining compensation as well as forced administration of medication. (Article 5 §§1+2+4+5 and Article 8)</i>	<p>Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant is no longer deprived of liberty.</p> <p>General measures: Violation due to inadequate legislation in force in 2005 and 2006 and partly due to inadequate practice of the domestic courts and psychiatric hospitals.</p> <p>By the entry into force of the Patients' Right Act 2009 and the Mental Health 2008, the relevant provisions of the Non-Contentious Procedure Act of 1986 applicable in this case were repealed. The provisions of the Mental Health Act set out the procedure and introduced strict time-limits for decision-making on involuntary confinement. They also set out a deadline for the doctor to inform the individual concerned of the reasons for his/her confinement. Regular monitoring of the deadlines is performed by the National Preventive Mechanism, which issues a report and transmits it to the hospital, the Ministry of Health and the Extended professional board for psychiatry, which is the highest academic body of psychiatry in Slovenia. The National Preventive Mechanism is implemented by a Human Rights Ombudsperson, allowed to pay unannounced visits to psychiatric hospitals. The admission to and medical treatment in the open wards is governed by the Patients' Rights Act, which contains legal safeguards. In case of the transfer of a patient to a closed ward from an open ward, a new procedure in accordance with the Mental Health Act for involuntary confinement in emergency cases should be followed. Respective patients' records are established and kept by psychiatric hospitals. Possibilities to have the judicial decision on confinement reviewed are provided by the Administrative Dispute Act 2006. A constitutional complaint for violation of human rights may also be filed. Finally, several legal safeguards are offered by the Patients' Right Act.</p> <p>The Supreme Court changed its case-law in 2017 with regard to compensation for unlawful deprivation of liberty in</p>

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					absence of a court decision regarding the lawfulness of her psychiatric confinement. Training activities on the basis of the present judgment were organised by the Judicial Training Centre for judges, lawyers, the officials from the relevant ministries, representatives of psychiatric clinics, representatives of the Human Rights Ombudsperson, co-ordinators from social work centres and representatives for rights relating to mental health. All doctors are familiar with the Mental Health Act and the Patient's Rights Act at the time of recruitment. They are also given special education and training also during their specialisation in psychiatry. The judgment was translated, published and disseminated.
CM/ResDH(2018)100	SVN / Perak	37903/09	01/06/2016 01/03/2016	Access to and efficient functioning of justice: Denial of a fair hearing as the applicant had been excluded from the proceedings before the Supreme Court on a defamation claim. (Article 6 §1)	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant did not request re-examination or reopening of his criminal case before the national courts. General measures: Isolated error by the Supreme Court. The judgment was translated, published and disseminated.
CM/ResDH(2018)53	SVN / Perus	35016/05	27/12/2012 27/09/2012	Access to and efficient functioning of justice: Denial of the right to an impartial tribunal on account of the fact that the same judge participated in two stages of the labour proceedings. (Article 6 §1)	Individual measures: Just satisfaction for non-pecuniary damage paid. Pursuant to domestic legislation, the claim in respect of pecuniary damage could be raised within three years following the deleterious facts. Due to lacking serious consequences of the violation, the reopening of the impugned civil proceedings is not warranted in the present case. General measures: The violation resulted from the misapplication of domestic law. Awareness raising and training workshops for judges were organised. The judgment was translated, published and disseminated.
CM/ResDH(2018)420	SVN / Ribac	57101/10	05/03/2018 03/12/2017	Discrimination / protection of property: Discrimination on the account of the authorities' refusal to grant the applicant	Individual measures: Just satisfaction for non-pecuniary and pecuniary (compensation for fifty-two unpaid pension instalments to which he would have been entitled without

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>an old-age pension on the ground that he had not had Slovenian citizenship. (Article 14 in conjunction with Article 1 of Protocol No. 1)</i>	discriminatory treatment) damage paid. The applicant was granted an old-age pension as from 2003. <i>General measures:</i> The present case is of historical nature. According to the Agreement on Succession Issues from 2004, signed by all former Yugoslav republics, and according to the Agreement between the Republic of Slovenia and the Republic of Serbia on Social Security and Administrative Arrangement on the Implementation of the Agreement between the Republic of Slovenia and the Republic of Serbia on Social Security from 2010, it is now clearly determined which former republic has an obligation to grant an old-age pension. The judgment was translated, published and disseminated to the Pension and Disability Insurance Institute, the Ministry of the Interior, the Ministry of Foreign Affairs, the Ministry of Labour, Family, Social Affairs and Equal Opportunities and the Ministry of Justice.
CM/ResDH(2018)308	SVN / Silih	71463/01	09/04/2009 Grand Chamber	Right to life: <i>Excessively lengthy criminal and civil proceedings due to delays and frequent changes of judges concerning a relative's death caused by alleged medical negligence. (Article 2 positive obligation)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. <i>General measures:</i> See CM/ResDH(2016)354 in Lukenda. In addition, in 2017 the Patient Rights Act was amended providing that courts shall attach priority to cases relating to patients who sustained grievous bodily injury or death during their medical treatment. In case of criminal proceedings for grievous bodily injury or death during a medical treatment, the authorities must proceed with particular promptness. Domestic courts frequently made reference to the ECHR's indications in this judgment. Furthermore, the Šilih Project was initiated in 2017 with the aim to define measures to ensure effective exercise of the right to adequate, high-quality and safe medical treatment and effective judicial proceedings with a view to establishing, without undue delay, the responsibility of a healthcare provider or a healthcare professional for death or serious bodily injury sustained during a medical treatment, which

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					also requires adequate cooperation among the Ministry of Justice, the Ministry of Health, the Supreme Court and the Office of the State Prosecutor General. The judgment was translated, published and disseminated and used in training activities for judges and prosecutors.
CM/ResDH(2018)213	SVN / Svarc and Kavnik and 1 other case	75617/01+	08/05/2007 08/02/2007	Access to and efficient functioning of justice: <i>Unfair proceedings due to lack of impartiality of Constitutional Court in dismissal decisions taken by benches which included a judge who had taken part in proceedings on the same case before the lower courts either as an expert witness or a judge; excessive length of civil proceedings and lack of an effective remedy. (Articles 6 §1 and 13)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed. As concerns pecuniary damage, the applicants did not raise any claim for damages before domestic courts and avail themselves of the avenues available in the domestic legislation to this effect. General measures: The Constitutional Court developed its case-law to ensure impartiality of its benches and set up an operational system regarding the exclusion of judges. Concerning excessive length of civil proceedings, see CM/ResDH(2016)354 in Lukenda. The judgment was translated, published and disseminated. It is also used in training activities of the School of European Law.
CM/ResDH(2018)147	SVN / Valant	23912/12	24/04/2017 24/01/2017	Protection of property: <i>Interference with property rights on account of a seizure of the applicant's car in criminal proceedings based on an unlawful search warrant. (Article 1 of Protocol No.1)</i>	Individual measures: The seized car had been returned to the applicant. Just satisfaction for pecuniary damage (in the amount of rental costs for a replacement car by estimate on an equitable basis) paid. No claim for non-pecuniary damages submitted. General measures: Isolated occurrence. The judgment was translated, published and disseminated to the Supreme Court and the Ministry of Justice.
CM/ResDH(2018)389	SVN / W. and 3 other cases	24125/06+	23/04/2014 23/01/2014	Protection against ill-treatment: <i>Authorities failure to ensure effective trial concerning rape and sexual assault charges due to long delays, adjournments of hearings and a lack of procedural activities. (Article 3 procedural limb)</i> <i>Other violations: inadequate compensation</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. Criminal proceedings closed with some of the accused being sentenced to imprisonment. General measures: As concerns excessive length of proceedings and adequate compensation, see CM/ResDH(2016)354 in Lukenda. Victims of crime who are minors enjoy special protection in accordance with the

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>awarded for non-pecuniary damage as a result of the excessive length of the criminal proceedings (Article 6 §1) and failure to protect the assault victim's integrity (Article 8).</i>	Criminal Procedure Code. An injured party who is a minor shall, from the initiation of the criminal proceedings onwards, have an attorney to care for his rights, particularly in connection with the protection of his integrity during examination before the court and during the assertion of a claim for indemnification. Concerning the failure to protect the assault victim's personal integrity in the case Y., the violation constituted an isolated incident (disregard of a potential conflict of interest of the defendant's council ex officio, inappropriate questioning; inadequate work of the gynecology expert). The judgment was translated, published and disseminated.
CM/ResDH(2018)392	TUR / Agrag and Others	35982/97	27/10/2004 27/07/2004	Protection of rights in detention: <i>Excessive length of police custody. (Article 5 §3)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. <u>General measures:</u> See CM/ResDH(2002)110 in Sakik and Others. The judgment was translated, published and disseminated.
CM/ResDH(2018)186	TUR / Ali Osman Özmen	42969/04	05/10/2016 05/07/2016	Protection of rights in detention: <i>Detention on remand of a civilian and review of the lawfulness of detention by a military court lacking the requisite independence and impartiality for such decisions. (Article 5 §§3+4)</i>	<u>Individual measures:</u> No request for just satisfaction submitted. The applicant was released. <u>General measures:</u> Military courts were abolished following a constitutional amendment in 2016: See CM/ResDH(2016)332 in Demirel group. The judgment was translated, published and disseminated.
CM/ResDH(2018)158	TUR / Ayboga and Others and 3 other cases	35302/08+	21/09/2016 21/06/2016	Protection of rights in detention: <i>Inability to appear before a court when the applicants' pre-trial detention was reviewed. (Article 5 §4)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. <u>General measures:</u> see CM/ResDH(2017)91 in Karaosmanoğlu and Özden. The judgments were translated, published and disseminated.
CM/ResDH(2018)102	TUR / Aydın and 2 other cases	34170/07+	16/05/2017 16/05/2017 (Committee)	Protection of rights in detention: <i>Lack of an effective remedy to challenge the lawfulness of detention on account of the</i>	<u>Individual measures:</u> The finding of a violation constitutes in itself sufficient just satisfaction in respect of any non-pecuniary damage. The applicants are no longer detained.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>non-communication of the public prosecutor's opinion. (Article 5 §§4+5)</i>	<i>General measures:</i> see CM/ResDH(2016)332 in Demirel group, closing the examination of other similar cases concerning the non-communication of the public prosecutor's opinion to the applicants or their representatives in the context of appeal proceedings and the lack compensation in this respect.
CM/ResDH(2018)346	TUR / Aymelek	15069/05	30/01/2018 30/01/2018	Access to and efficient functioning of justice: <i>Unfair trial due to the presence of a military officer, appointed by hierarchical superiors and without constitutional safeguards, sitting on the bench of the military court which convicted the applicant. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The impugned proceedings were reopened on request of the applicant. <i>General measures:</i> See CM/ResDH(2016)303 in Ibrahim Gurkan. The judgment was translated, published and disseminated.
CM/ResDH(2018)458	TUR / Babadag	39616/06	12/01/2011 12/10/2010	Access to and efficient functioning of justice: <i>Excessive length of civil proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicant's representative did not pursue the case which resulted in the domestic court's decision to consider the case as never having been filed. <i>General measures:</i> Concerning the right to a trial within reasonable time see CM/ResDH(2014)298 in the <i>Ormanci and Others</i> group of cases. The judgment was translated, published and disseminated.
CM/ResDH(2018)314	TUR / Baglar	40708/11	10/10/2017 10/10/2017	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 lawfulness of detention. (Article 5§4)</i>	<i>Individual measures:</i> No claim for just satisfaction (or for compensation on national level) was submitted. The applicant was released. <i>General measures:</i> Concerning the failure to communicate the prosecutors' opinion to the applicants see CM/ResDH(2016)332 in Demirel group.
CM/ResDH(2018)37	TUR / Bakan and 21 other cases	50939/99+	12/09/2007 12/06/2007	Access to and efficient functioning of justice: <i>Refusals by administrative courts to grant legal aid on the ground that actions were ill-founded, or that applicants</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. In 4 cases, no claims were submitted. In 11 cases, requests for reopening were submitted and granted. In all of those cases, legal aid was subsequently granted.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>failed to bring evidence for absence of means or that they were represented by counsel and could therefore not require legal aid. (Article 6 §1)</i>	<i>General measures:</i> A new framework for legal aid was introduced in Code of Civil Procedure 2011 as amended in 2013. Request for legal aid are granted if the merits of the claim could not be regarded as manifestly ill-founded <i>prima facie</i> and if the claimants are not able to partially or fully pay the proceeding and trial costs and expenses without carrying a significant financial burden. The amendment also introduced an appeal possibility. Domestic case-law changed accordingly. The judgments were translated, published and disseminated.
CM/ResDH(2018)160	TUR / Balta and Demir	48628/12	23/09/2015 23/06/2015	Access to and efficient functioning of justice: <i>Conviction on the basis of a statement by an anonymous witness, whom neither the applicants nor the trial court questioned at any stage of the proceedings. (Article 6 §1 in conjunction with 6 §3(d))</i>	<i>Individual measures:</i> In reopened criminal proceedings exceptional legislation was applied providing that prosecution and proceedings in relation to certain crimes shall be suspended for 3 years. Just satisfaction for non-pecuniary damage paid. <i>General measures:</i> Violation due to the domestic court's non-application of procedural safeguards contained in the Criminal Procedure Code. Meanwhile, the Audio/Visual Information System (SEGBIS) was introduced to take statements of any parties as well as witnesses by a public prosecutor, judge or courts outside the local/regional jurisdiction of the court or the public prosecutor's office, providing also for the opportunity of interrogating anonymous witnesses by enabling changes of the witnesses' voice and appearance. The "Regulation on the Use of the Audio/Visual Information System in Criminal Procedure" of 2011 established the conditions of recording and storing statements. The Constitutional Court as well as the Court of Cassation in their case-law developed further their response to the present judgment. Training sessions for judges were organised. The judgment was translated, published and disseminated.
CM/ResDH(2018)	TUR / Bayav	45140/05	22/02/2012	Access to and efficient functioning of	<i>Individual measures:</i> The finding of a violation constitutes

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
457			22/11/2011	justice: Denial of a fair trial on account of the absence of a hearing in compensation proceedings for both pecuniary and non-pecuniary damage following acquittal. (Article 6 §1)	sufficient just satisfaction for any non-pecuniary damage. The ECHR did not award just satisfaction for pecuniary damage due to the lacking causal link. The applicants did not request reopening of the impugned proceedings. General measures: Concerning the denial of a fair trial on account of lack of an oral hearing in compensation proceedings see CM/ResDH(2011)307 in the Göç group of cases.
CM/ResDH(2018)22	TUR / Bayrak and 2 other cases	39429/98+	24/09/2007 03/05/2007	Access to and efficient functioning of justice: Unfair criminal proceedings due to lack of independence of military disciplinary courts which ordered a lengthy deprivation of liberty as a disciplinary sanction against soldiers. (Article 6 §1)	Individual measures: The finding of a violation constituted in itself sufficient just satisfaction for the non-pecuniary damage. The applicants were released. General measures: In January 2013, the military disciplinary courts' jurisdiction was limited to disciplinary issues taking place at times of war by amendment of the respective law. Military disciplinary boards which replaced military disciplinary courts during peace time are not entitled to impose "room confinement" penalty. The judgments were translated, published and disseminated.
CM/ResDH(2018)162	TUR / Baytar	45440/04	14/01/2015 14/10/2014	Access to and efficient functioning of justice: Unfair criminal proceedings resulting in the applicant's conviction, partly based on statements obtained without the assistance of an interpreter while she was in police custody. (Article 6 §3e)	Individual measures: Just satisfaction for non-pecuniary damage paid. No request for reopening of the impugned proceedings submitted. General measures: The current Code of Criminal Procedures adopted in 2005, introduced a new legal framework: suspects are entitled to interpreters without any charge if they do not speak Turkish in all stages of criminal procedures. The interpreters are selected from the list prepared by the judicial authorities. Lastly, the Court of Cassation aligned its case-law with the findings in the present case. The judgment was translated, published and disseminated.
CM/ResDH(2018)183	TUR / Bilen and Coruk	14895/05	08/06/2016 08/03/2016	Access to and efficient functioning of justice and freedom of expression: Lack of	Individual measures: The applicants did not submit any request for just satisfaction or reopening of domestic

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>a public hearing in criminal proceedings as well as unlawful interference due to criminal conviction for having distributed leaflets of a political party without prior authorization on the basis of a law lacking sufficient precision and foreseeability. (Articles 6 §1 and 10)</i>	proceedings. <i>General measures:</i> Concerning the right to fair trial see CM/ResDH(2010)64 in <i>Adem Arslan (75836/01)</i> . Concerning freedom of expression legislation applicable at the material time was replaced in 2004 and 2005 respectively by a new Law on Associations and a new Criminal Code. Under the current legal framework the act of distributing leaflets without permission is not a criminal offence anymore. The judgment was translated, published and disseminated.
CM/ResDH(2018)217	TUR / Burak Hun and 1 other case	17570/04	15/03/2010 15/12/2009	Access to and efficient functioning of justice: <i>Unfair criminal proceedings resulting in convictions for crimes committed upon active incitement by undercover state agents. (Article 6 §1)</i>	<i>Individual measures:</i> The finding of a violation constitutes sufficient just satisfaction for non-pecuniary damage in the first case. Just satisfaction for non-pecuniary damage paid in the second case. Both applicants did not request reopening of proceedings; neither did they file a request for deletion of the impugned convictions from the archived criminal records not open to public access. Their public criminal records are clean of the impugned convictions. <i>General measures:</i> The new Code of Criminal Procedure of 2005 also contains new provision on the appointment, rights, duties and supervision of undercover investigators. The Court of Cassation adapted its case-law accordingly. Awareness-raising and training measures on the assessment of evidence, including the use of undercover investigators and informers, were adopted in the framework of the Action Plan on the Prevention of ECHR violations 2014. Both judgments were translated, published and disseminated.
CM/ResDH(2018)471	TUR / Civek and 1 other case	55354/11+	04/07/2016 23/02/2016	Right to life and discrimination: <i>Failure of the authorities to protect the applicants' family members (mother and daughter) from being murdered by their husbands; persistent climate of impunity in matters of domestic violence, mainly to the detriment of women. (Article 2 and (in the second</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. No causal link between violation found and claim for pecuniary damage. <i>General measures</i> required in response to the shortcomings found in the present judgments continue to be examined within the framework of the Opuz group of cases.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>case) 14 in conjunction with Article 2)</i>	
CM/ResDH(2018)265	TUR / Dik and 1 other case	24536/09+	12/12/2017	Access to and efficient functioning of justice: <i>Lack of access to a court due to the refusal of domestic courts to grant legal aid. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid – in one case in a deposit account. In one case, proceedings were reopened and legal aid granted. In the second case, the applicant did not request reopening. General measures: See CM/ResDH(2018)37 in Bakan. The judgments were translated, published and disseminated.
CM/ResDH(2018)220	TUR / Dökmeçi	74155/14	24/04/2017 06/12/2016	Protection of property: <i>Failure to pay interest on the final instalment of compensation for expropriation after payment of the provisional instalment. (Article 1 of Protocol No 1)</i>	Individual measures: Just satisfaction for pecuniary damage paid. General measures: will be examined in the context of the Yetis group (40349/05). The judgment was translated, published and disseminated.
CM/ResDH(2018)189	TUR / Ebru and Tayfun Engin Çolak	60176/00	30/08/2006 30/05/2006	Protection of private life and access to and efficient functioning of justice: <i>Disproportionate interference due to inability of domestic courts to settle in a timely manner a paternity issue, due to the putative father's refusal to undergo DNA testing, thus creating a prolonged state of uncertainty as to the child's individual identity; excessive length of related proceedings and lack of an effective remedy. (Article 8, 6 §1 and 13)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. Paternity claim admitted. General measures: According to the provisions of the Civil Code of 2001, in paternity cases where the defendant does not consent to inquiry and examination, the judge shall be able to consider this fact as being against the defendant. Unlike the Civil Code, the Code of Civil Procedure 2011 allows performing an examination by force. Thus, according to the Court of Cassation's new case-law, it is the domestic courts' duty to determine whether the defendant is the father following examination of all evidence. Concerning length of proceedings, see CM/ResDH(2014)298 in Ormanci. The judgment was translated, published and disseminated.
CM/ResDH(2018)103	TUR / Emiroglu and 2 other cases	40795/05+	08/06/2017 08/03/2017	Protection of property: <i>Cancellation of property entries in the land register by domestic court decision without compensation. (Article 1 of Protocol No. 1)</i>	Individual measures: Just satisfaction for pecuniary damage paid. General measures: see CM/ResDH(2012)105 in N.A. and Others group. The judgments were translated, published and disseminated.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2018)152	TUR / Fener Rum Patrikligi (Ecumenical Patriarchy)	14340/05	08/10/2008 08/07/2008 (Merits) 15/09/2010 15/06/2010 (Just satisfaction)	Protection of property: <i>Disproportionate interference due to annulment of an original property title and registration of the property in the name of a foundation which had had its use, without any compensation. (Article 1 of Protocol No. 1)</i>	Individual measures: Re-inscription of the original property title in the land register as required by the ECHR. Just satisfaction for non-pecuniary damage paid. General measures: In 2008, a new law on foundations was adopted allowing foundations the acquisition of property and providing for compensation in case of loss of property as well as a domestic remedy aiming at restitution of property. Furthermore, the possibility of a constitutional complaint for alleged ECHR violations was introduced in 2012. However, as the applicant is no religious foundation but a construction sui generis, the case is isolated.
CM/ResDH(2018)423	TUR / Gedikli	42413/09	16/01/2018 16/01/2018	Access to and efficient functioning of justice and protection of property: <i>Domestic courts' refusal to transmit a copy of a favourable judgment necessary for enforcement proceedings due to lacking payment of outstanding court fees. (Article 6 §1 and 1 Of Protocol No. 1)</i>	Individual measures: <i>Individual measures:</i> Just satisfaction for non-pecuniary paid. The relevant domestic judgment was communicated to the applicant, who initiated execution proceedings. General measures: See CM/ResDH(2018)185 in the Ulger group. The judgment was translated, published and disseminated.
CM/ResDH(2018)394	TUR / Gereksar and Others	34764/05+	01/05/2011 01/02/2011	Protection of property and access to and efficient functioning of justice: <i>Expropriation on account of the construction of an airport on the applicants' properties and failure of the domestic courts to establish the facts of the cases and to provide sufficient reasoning. (Article 1 of Protocol No. 1) and Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. No request for reopening of proceedings was filed. General measures: According to case-law developments, the Supreme Administrative Court held in many cases that submissions made by the parties must be notified to the opposing parties and that decisions must be sufficient reasoned. Concerning the excessive length of proceedings, see CM/ResDH(2014)298 in Ormanci. The possibility of an individual application with the Constitutional Court in respect of human rights violations was introduced in 2012. The judgment was translated, published and disseminated. It is used in training programmes for judges.
CM/ResDH(2018)	TUR / Hassan	19074/05	30/04/2017	Access to and efficient functioning of	Individual measures: No claim for just satisfaction submitted.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
188	Tunc and Others		31/01/2017	justice: Dismissal by the Court of Cassation of the applicant's request for rectification of a judgment in inheritance proceedings on the ground that the value of the property did not reach the statutory threshold taking as basis the initially declared value and not the actual value determined by the expert; excessive length of proceedings. (Article 6 §1 twice)	The applicants did not request reopening of the impugned proceedings. General proceedings: The procedure of rectification of a judgment, which had been the underlying reason of the violation at hand, was abolished and not applied after 2016. Concerning length of proceedings, see CM/ResDH(2014)298 in Ormanci. The judgment was translated, published and disseminated.
CM/ResDH(2018)459	TUR / Icen	45912/06	28/11/2011 31/05/2011	Access to and efficient functioning of justice: Conviction by a military tribunal of a civil servant employed by the army of disobeying and insulting her superior to imprisonment served in a military prison. (Article 6 §1)	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant's conviction was erased from her record. No request for reopening was submitted. General measures: Military courts (including the Military Court of Cassation and the Military High Administrative Court) were abolished by the 2017 "Law on Amendment of the Constitution of the Republic of Turkey" and replaced by civil criminal courts. The judgment was translated, published and disseminated.
CM/ResDH(2018)356	TUR / Incal, Gozel and Ozer group of cases	22678/93+	09/06/1998 09/06/1998	Freedom of expression and access to and efficient functioning of justice: Disproportionate interference due to conviction for participating in the preparation of a leaflet; lack of independence and impartiality of the State Security Court. (Article 10 and 6 §1)	Individual measures: Just satisfaction for non-pecuniary damage paid. The possibility of obtaining the reopening of judicial proceedings impugned by the Court's judgments, introduced in 2005 and supplemented in 2012, was available in all cases. As was the possibility to obtain the erasure of criminal record. General measures required in response to the shortcomings found by the Court in the present judgments continue to be examined within the framework of the <i>Bayar, Öner and Türk, Döner and Others</i> and <i>Müdür Duman</i> cases. The issue of the the lack of independence and impartiality of State Security Courts was examined under the <i>Gençel and Çiraklar</i> groups of cases (see CM/ResDH(2013)256 and ResDH(99)555); for general measures addressing the failure to communicate to the applicants the prosecutor's opinion before the Court of

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					Cassation: see CM/ResDH(2011)307 in the Mehmet Göç group; for general measures addressing excessive length of proceedings and lack of an effective remedy in this respect: see Resolution CM/ResDH(2014)298 in the Ormanci group; for general measures addressing the lack of assistance of a lawyer in police custody, see CM/ResDH(2018)219 in Salduz; for general measures addressing the non-imposition of a prison sentence according to the principle nulla poena sine lege, see ResDH(2006)79 in Ünsal Öztürk.
CM/ResDH(2018)161	TUR / IPSD and Others	35832/97	25/01/2006 25/11/2005	Freedom of assembly: <i>Disproportionate interference” due to the dissolution of an association campaigning against unemployment and excessively high prices on the ground that its aims were against the law. (Article 11)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. No request for reopening of the impugned proceedings was submitted. In 1997, a year after the dissolution of the applicant association, it was founded again under the name "Association for Fight against Unemployment and Expensiveness" and is still operative. <i>General measures:</i> See CM/ResDH(2010)116 in Tunceli Kültür ve Dayanışma Derneği. In 2004, the new Associations Law was enacted with a view to strengthening the civil society and securing freedom of association: most of the restrictions of the right to found associations, including prohibiting political activities and insults of the State at stake in this case, were lifted. The Court of Cassation changed its case-law accordingly. The judgment was translated, published and disseminated.
CM/ResDH(2018)268	TUR / Juhnke	52515/99	13/08/2008 13/05/2008	Protection of private life and access to and efficient functioning of justice: <i>Disproportionate interference due to an imposed gynaecological examination without the applicant’s free and informed consent and lack of a fair hearing by an independent and impartial tribunal on account of the presence of a military judge on the bench of the State Security Court.</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. <i>General measures:</i> See CM/ResDH(2008)62 in Y.F. concerning the gynaecological examination without consent. See CM/ResDH(2013)256 concerning the presence of a military judge on the bench of the state security courts in the Gencil group. The judgment was translated, published and disseminated.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				(Articles 8 and 6 §1)	
CM/ResDH(2018)266	TUR / Karahman and 15 other cases	60366/00+	31/01/2007 31/10/2006	Access to and efficient functioning of justice: Unfair trial due to the applicants' lack of access to classified documents; furthermore in some cases also due to the non-communication of the public prosecutor's written opinion to the applicants in the course of administrative proceedings.(Article 6 §1)	Individual measures: Just satisfaction for non-pecuniary damage paid as awarded. No requests for reopening were submitted. General measures: Military courts (including the Military Court of Cassation and the Supreme Military Administrative Court) were abolished by constitutional amendment in 2017. Thus in similar cases the Code of Administrative Procedures would apply, providing access to classified documents to parties without any constraint. See also CM/ResDH(2014)124 in the Dikel group (non-communication of the observations of the Chief Public Prosecutor of the Supreme Administrative Military Court) and CM/ResDH(2012)226 in the Meral group (non-communication of the written opinion of Public Prosecutor before the Council of State). The judgments were translated, published and disseminated.
CM/ResDH(2018)159	TUR / Keriman Tekin and Others	22035/10	15/02/2017 15/11/2016	Protection of property: Refusal to grant compensation for a damage occurred accidentally in the context of public construction work to the applicants' building erected without planning permission. (Article 1 of Protocol No. 1)	Individual measures: Reopening of proceedings possible, but not required since the applicants were awarded just satisfaction in respect of both pecuniary and non-pecuniary damage. General measures: Change of the Supreme Administrative Court's case-law with regard to the right of compensation for damages to buildings without a construction permit. The judgment was translated, published and disseminated.
CM/ResDH(2018)187	TUR / Kerman	35132/05	22/02/2017 22/11/2016	Protection of rights in detention: Detention on remand of a military doctor in the context of a criminal investigation; lacking independence and impartiality of military courts reviewing the lawfulness of his detention due to the presence of an ad-hoc judge who was not a qualified judge as well as absence of legal possibility to claim	Individual measures: Just satisfaction for non-pecuniary damage paid. General measures: See CM/ResDH(2016)303 in Gürkan concerning ad-hoc judges. Furthermore, military courts were abolished following a constitutional amendment in 2016: See CM/ResDH(2016)332 in Demirel group concerning the possibility to challenge the lawfulness of detention and concerning the possibility to request compensation for

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>compensation for damage for unlawful detention resulting from procedural shortcomings or from legislation. (Article 5 §§3+4+5)</i>	unlawful detention and its negative consequences. The judgment was translated, published and disseminated.
CM/ResDH(2018)393	TUR / Kochan	3512/11	30/01/2018 30/01/2018	Protection of rights in detention: <i>Lack of effective remedy to have one's detention reviewed. (Article 5 §4)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. General measures: See CM/ResDH(2017)91 in Karaosmanoğlu and Özden. The judgment was translated, published and disseminated.
CM/ResDH(2018)163	TUR / Nazmi Apaydin and 2 other cases	33742/05+	28/06/2010 19/01/2010	Protection of property: <i>Disproportionate interference due to deprivation of property, designated as forest area, without compensation. (Article 1 of Protocol No. 1)</i> <i>Some of these cases also concerned the excessive length of the related proceedings. (Article 6 §1)</i>	Individual measures: Just satisfaction for pecuniary (and non-pecuniary damage if awarded) paid or put into a deposit account with information submitted to the applicants' representative. General measures: See CM/ResDH(2012)106 in Turgut and Others group. General measures aimed at preventing excessive length of domestic proceedings: see CM/ResDH(2014)298 in Ormanci group.
CM/ResDH(2018)222	TUR / Özcan Sapan	44102/04	08/09/2010 08/06/2010	Freedom of expression: <i>Unjustified interference a result of an interim injunction for the seizure of a book without sufficient and relevant reasons. (Article 10)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. General measures: Isolated case. The judgment was translated, published and disseminated.
CM/ResDH(2018)171	TUR / Özçayır and Cicek	1962/07	12/12/2017 (Committee)	Protection of rights in detention: <i>Lack of appearance before a judge to challenge the lawfulness of pre-trial detention. (Article 5 §4)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant, Abdulkadir Çiçek requested and was awarded compensation in respect of unlawful detention under the Criminal Procedure Act. The other applicant, Medine Özçayır, did not avail herself of this opportunity. General measures: See CM/ResDH(2016)332 in Demirel concerning the applicants' lack of appearance before a judge to challenge the lawfulness of detention. The judgment was translated, published and disseminated.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2018)218	TUR / Saday	32458/96	30/06/2006 30/03/2006	Access to and efficient functioning of justice and freedom of expression: Denial of a fair trial by an independent and impartial court on account of the presence of a military judge on the bench of the State Security Courts and disproportionate interference on account of the length and severity of the disciplinary sentence imposed on the accused for contempt of court for the terms of his pleadings while defending himself. (Articles 6 §1 and 10)	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. <i>General measures:</i> See CM/resDH(2013)256 in Gencil group. As concerns contempt of State Security Courts, as they had been abolished in 2004, such violation is no longer possible. The judgment was translated, published and disseminated.
CM/ResDH(2018)219	TUR / Salduz and 83 other cases	36391/02+	27/11/2008 Grand Chamber	Access to and efficient functioning of justice: Denial of access to a lawyer during questioning at police stations and use of the statements made as evidence in proceedings before State Security Courts. (Article 6 §3c in conjunction with 6§1)	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid as awarded. In 51 cases the applicants did not request reopening of the impugned criminal proceedings. In 16 cases, domestic courts dismissed respective requests on the ground that the body of evidence was obviously sufficient for conviction. In certain cases, reopened proceedings are still on-going; in others applicants were acquitted and their criminal records cleaned. In certain cases, the applicants' acts were decriminalised by legislative amendment and thus their conviction became void. <i>General measures:</i> In 2003, the restriction on an accused's right of access to a lawyer in proceedings before the State Security Court was lifted. In the new Code of Criminal Procedure of 2005 all detained persons are granted the right of access to a lawyer from the moment they are taken into police custody. Additional amendments were made in 2016, providing that, by a court order, the right of access to a lawyer can be restricted during the first 24 hours of police custody in respect of an exhaustive list of crimes. Suspects cannot be interrogated while denied access to a lawyer during this period. Therefore there is no risk of statements made while denied legal assistance being admitted in evidence. General measures in respect of other violations

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					found have been or are being examined in the context of other groups of cases, see CM/ResDH(2014)298 in Ormanci and Others, CM/ResDH(2008)83 in Sertkaya, DH(99)555 in Çıraklar and CM/ResDH(2013)256 in Gençel group; CM/ResDH(2011)307 in Göç, CM/ResDH(2016)332 in Demirel, ResDH(2005)75 in Murat Satik and Others, CM/ResDH(2009)96 in Avci (Cabat) and Others.
CM/ResDH(2018)184	TUR / Saridas	6341/10	07/10/2015 07/07/2015	Access to and efficient functioning of justice: <i>Unfair proceedings before the Supreme Military Administrative Court to challenge a medical assessment concerning the applicant's fitness for the military service due to the court's failure to order an expert report from an independent non-military medical institution and failure to transmit the final medical report prepared by GATA military hospital health board. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant did not avail himself of his right to request reopening of the impugned proceedings. General measures: Isolated case resulting from erroneous application of legislation. In 2016, the GATA Military Medical Academy's functions were taken over by the University of Health Sciences established within the Ministry of Health. Furthermore, military courts were completely abolished in 2017 and proceedings are now conducted before civil courts. The Law on Administrative Procedure and the Code of Civil Procedure both provide that expert reports should be transmitted to the parties of a case as reflected in the Supreme Administrative Court's case-law. The judgment was translated, published and disseminated.
CM/ResDH(2018)221	TUR / Sinan Isik	21924/05	02/05/2010 02/02/2010	Freedom of thought, conscience and religion: <i>Disproportionate interference due to obligation to disclose one's belief through the mandatory indication of religion on the identity card. (Article 9)</i>	Individual measures: No claim of just satisfaction submitted. The applicant can request for a new identity card without any religion box on it. General measures: A legal framework governing the new identity cards was introduced in 2016. The new identity cards contain an electronic chip, which may comprise information on a person's religious affiliation only if s/he expressly consents to it in the application form. Information on electronic chips is classified and the right of authorities to access must be granted by law only as far as strictly necessary for the exercise of their duties. As regards civil registers, all citizens have the right to request, in writing, to

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					register, change or leave blank their religious affiliation in civil registers. Respective information shall not be transferred to electronic chips unless the person applying for a new identity card explicitly consents to it. The judgment was translated, published and disseminated.
CM/ResDH(2018)391	TUR / Suleyman Baba and 4 other cases	2150/05+	23/06/2010 23/03/2013 (Merits) 21/02/2018 21/11/2017 (Just satisfaction)	Access to and efficient functioning of justice and protection of property: <i>Deprivation of property without compensation and excessive length of domestic proceedings. (Article 1 of Protocol No. 1 and Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary and pecuniary damage paid (except in Suleyman Baba where the application was struck out of the list as domestic redress was possible). General measures: Concerning lack of compensation see CM/ResDH (2012)106 in Turgut and Others and concerning the excessive length of proceedings, see CM/ResDH(2014)298 in Ormanci. The judgment was translated, published and disseminated.
CM/ResDH(2018)422	TUR / Tanisma and 20 other cases	32219/05+	02/05/2016 17/11/20015 (Merits) 27/09/2017 27/06/2017 (Just satisfaction)	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. Some of the applicants did not avail themselves of the opportunity to request reopening of the impugned proceedings; in some cases the deadline has not expired yet. General measures: The Supreme Military Administrative Court was abolished by the Constitutional amendments of 2017. The cases pending before it were transferred to either the Court of Cassation or the Council of State (Supreme Administrative Court). In 2018, applicants in similar cases filed with the ECHR were entitled to make a request for the reopening of proceedings before the Ankara Administrative Court within three-months. Concerning the violation of the right to a fair trial on account of the non-communication of the written opinion of the principal public prosecutor to the applicants during proceedings before the Supreme Military Administrative Court see CM/ResDH(2018)266 in the Kahraman group. The judgments were translated, published and disseminated.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2018)345	TUR / Tas	702/11	24/10/2017 24/07/2017	Protection of rights in detention: Failure to communicate the prosecutors' opinion to the applicants or their representatives in the context of review proceedings of lawfulness of detention and the lack of compensation in this respect. (Article 5 §§4+5)	Individual measures: The finding of a violation constitutes sufficient just satisfaction for non-pecuniary damage. The applicant was released in 2010. The domestic legislation provided a possibility for the applicant to lodge a claim in respect of pecuniary damage. General measures: See CM/ResDH(2016)332 in the Demirel group. The judgment was translated, published and disseminated.
CM/ResDH(2018)185	TUR / Ülger and 3 other cases	25321/02+	26/09/2007 26/06/2007	Access to and efficient functioning of justice and protection of property: Domestic courts' refusal to transmit a copy of a favourable judgment necessary for enforcement proceedings due to lacking payment of outstanding court fees. (Article 6 §1 and 1 of Protocol No. 1)	Individual measures: Just satisfaction for non-pecuniary and pecuniary damage paid as awarded. All obstacles to enforcement were removed thus ensuring that writs of execution could be issued. Relevant domestic judgments were communicated to the applicants, if so requested by them. General measures: The impugned provision of the Law on Fees was declared unconstitutional and subsequently amended. The New Code of Civil Procedure 2011 provides that non-payment of fees shall not obstruct service and execution of judgments. A specific request of the parties is however required. The Court of Cassation adapted its case-law accordingly. The judgment was translated, published and disseminated.
CM/ResDH(2018)267	TUR / Unal and 2 other cases	61981/09+	14/11/2017	Access to and efficient functioning of justice: Unfair trial due to the applicants' lack of access to the classified documents in proceedings before the Supreme Military Administrative Court. (Article 6 §1)	Individual measures: Just satisfaction for non-pecuniary damage paid as awarded. In one case proceedings were reopened and the previous judgment quashed. In the other cases, no request was submitted. General measures: Military courts (including the Military Court of Cassation and the Supreme Military Administrative Court) were abolished by constitutional amendment in 2017. Thus in similar cases the Code of Administrative Procedures would apply, providing access to classified documents to parties without any constraint. The judgments were translated, published and disseminated.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2018)172	TUR / Urfani Yildiz	59173/08	13/06/2017 (Committee)	Access to and efficient functioning of justice: Excessive length of criminal proceedings. (Article 6 §1)	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. <u>General measures:</u> See CM/ResDH(2014)298 in Ormanci and Others. The judgment was translated, published and disseminated.
CM/ResDH(2018)395	TUR / Y.Y.	14793/08	10/06/2015 10/03/2015	Protection of private life: Disproportionate interference due to the domestic courts' refusal to accept the applicant's gender reassignment claims in view of the lacking legal prerequisite of an inability to procreate. (Article 8)	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. The applicant's request to undergo gender reassignment surgery was authorized in 2013. In accordance with the surgery, the applicant's gender and name were changed in the registry. <u>General measures:</u> In 2017, the Constitutional Code annulled the provision of the Civil Code which contained the reference to a permanent inability to procreate as a prior requirement for authorisation to undergo gender reassignment. The possibility of an individual application with the Constitutional Court in respect of human rights violations was introduced in 2012. The judgment was translated, published and disseminated.
CM/ResDH(2018)223	TUR / Yetis and Others and 1 other case	40349/05+	06/10/2010 06/07/2010	Protection of property: Disproportionate interference on account of failure to pay the difference between the value of the compensation for the expropriation on the date on which the court action had been brought and the value when compensation had actually been paid as a result of the combined effect of the length of proceedings and inflation and the absence of default interest payment. (Article 1 of Protocol No. 1)	<u>Under Article 46</u> the Court observed that the violation originated in a systemic problem connected with the absence of a mechanism whereby the national courts could take account of the potential depreciation in the value of compensation awarded for expropriation, as a result of the combined effect of the length of proceedings and inflation. <u>Individual measures:</u> Just satisfaction for pecuniary damage paid. <u>General measures:</u> The amendment of the Expropriation Law in 2013 provided for the possibility of default interest payment. A Human Rights Compensation Commission was established by the Law on Settlement of Some Applications Filed before the ECHR via Payment of Compensation in 2014: It examined 424 applications for compensation of which 364 were settled so far. The judgment was translated, published

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					and disseminated.
CM/ResDH(2018)397	TUR / Yildirim and 1 other case	21482/03+	24/02/2010 24/11/20009 (Merits) 05/07/2011 05/04/2011 (Just satisfaction)	Protection of property: <i>Disproportionate interference on the ground of the authorities' ordering demolition without compensation of the applicant's house purchased in good faith and in reliance on the land registry records, due to the lack of a construction permit; the second case concerns the lacking compensation of the applicant's damage resulting from erroneous entries in the land registry. (Article 1 of Protocol No. 1)</i>	<i>Individual measures:</i> Just satisfaction for pecuniary damage paid. <i>General measures:</i> See CM/ResDH(2012)105 in N.A. group. Further changes in the Council of State's case-law concerning compensation in case of demolition orders of houses without construction permit acquired in good faith. According to the domestic courts' case-law compensation is awarded in case of government responsibility for erroneous entries in the land registers. A possibility of a constitutional complaint for human rights violations exists since 2012. The judgments were translated, published and disseminated.
CM/ResDH(2018)467	UK / Hirst No. 2 and 4 other cases	74025/01	06/10/2005 Grand Chamber	Electoral rights: <i>General, automatic and indiscriminate ban on convicted prisoners on voting in parliamentary elections. (Article 3 of Protocol No. 1)</i>	<i>Individual measures:</i> The Court did not award any just satisfaction in the present cases considering that the finding of a violation was sufficient. The general measures taken to amend the blanket ban on prisoner voting in the future are sufficient redress. <i>General measures:</i> After having examined all options through parliamentary and other procedures, and in light of the impossibility of passing legislation through Parliament, the authorities decided that a range of administrative measures were the best approach credibly, effectively and swiftly to address the issue. They therefore made changes to 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. These categories include primarily those who are serving short sentences and who pose no risk to society. Electoral Registration Officers were also informed of the changes. Furthermore, the warrant of committal to prison in England, Wales and Northern Ireland was amended in order to ensure that prisoners are notified of their

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					disenfranchisement at the point of sentence. In Scotland the information is made available in the areas where prisoners are first received into prisons.
CM/ResDH(2018)321	UK / S.M.M.	77450/12	13/11/2017 22/06/2017	Protection of rights in detention: Failure to ensure the effectiveness of available procedural safeguards and to act with appropriate due diligence in managing and speeding-up the decision-making process in the case of a vulnerable person with mental health problems held in immigration detention. (Article 5 §1)	Individual measures: The finding of a violation constitutes sufficient just satisfaction for non-pecuniary damage. The applicant is no longer detained. General measures: See CM/ResDH(2017)252 in J.N. and V.M. Measures were put in place to ensure that deportations of those in detention are pursued with sufficient diligence and that any new request submitted by an individual in detention are considered rapidly. Official instructions and guidance for immigration enforcement staff are publicly available; in particular, comprehensive guidance on immigration detention, including specific guidance on adults at risk. The immigration detention system and the domestic remedies available to a detained person are in principle compatible with Article 5. The judgment was translated, published and disseminated.
CM/ResDH(2018)164	UKR / Akopyan	12317/06	05/09/2014 05/06/2014	Protection of rights in detention and of family life: Unlawful and lengthy involuntary confinement in a psychiatric hospital following a wrong diagnosis and lack of effective review to assess the applicant's mental state; unlawful interference with her private life resulting in the prevention of contacts with her two minor daughters. (Articles 5 §1 and 8)	Individual measures: Just satisfaction for non-pecuniary damage paid. In 1998 the applicant was discharged from hospital. Subsequently, she re-established contact with her children and started living with them. The criminal proceedings instituted by the applicant against her doctor (negligence in the performance of official duties) were discontinued as time-barred. General measures: At the time of the applicant's hospitalisation from 1994 to 1997, psychiatric assistance was regulated by the relevant decree of the Presidium of the Supreme Soviet of the USSR. In 2000, the Law of Ukraine "On Psychiatric Assistance" was adopted. It was further amended several times in order to bring it in line with European standards of psychiatric assistance (the latest changes will enter into force in 2018). The Law provides a

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					number of safeguards as regards hospitalisation. According to the Law "On the Public Prosecutor's Office" of 2014, the public prosecutor supervises the application of coercive measures. Since 2012, the Ombudsperson, in his function as National Preventive Mechanism, can perform unannounced monitoring visits to all places of detention, including psychiatric institutions. The judgment was translated, published and disseminated.
CM/ResDH(2018)231	UKR / Anatoliy Rudenko and other 5 cases	50264/08+	17/07/2014 17/04/2014	Protection of rights in detention: <i>Unlawful detention and excessive length of detention on remand as well as the lack of judicial review compatible with the standards laid down in the Court's case-law and lack of an enforceable right to compensation (Article 5 §§1, 3, 4 and 5)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid where awarded. All applicants are no longer in detention on remand. General measures: Outstanding questions related to the application of detention on remand under the 2012 Code of Criminal Procedure are examined in the context of the Ignatov group of cases. Questions related to excessive length of criminal proceedings, in the context of the supervision of the Merit group; questions related to poor conditions of detention in the context of the supervision of the Nevmerzhitsky group of cases; questions related to arbitrary confinement in a psychiatric hospital in the context of the supervision of the Gorshkov group of cases.
CM/ResDH(2018)404	UKR / Aviakompaniya A.T.I., ZAT	1006/07	05/01/2018 05/10/2017	Access to and efficient functioning of justice: <i>Unfair proceedings due to the quashing by the Supreme Court acting as second cassation court of decisions of the Higher Commercial Court and the upholding of decisions delivered by the Court of Appeal, without any legal basis in the Code of Commercial Procedure. (Article 6 § 1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant's request for review of the Supreme Court's decision was rejected as time-barred. The applicant company was liquidated in 2015. General measures: See CM/ResDH(2017)177 in Strygun. In particular, the Law on "The Judicial System and Status of Judges" of 2010 annulled the Supreme Court's power to review commercial courts' judgments, including those of the High Commercial Court as a court of cassation. Moreover under the new Law on "The Judicial System and Status of Judges" of 2016 the Higher Commercial Court ceased to exist. Its tasks were transferred to a special chamber of the

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					Supreme Court. The judgment was translated, published and disseminated.
CM/ResDH(2018)357	UKR / Barsukovyy and 13 other cases	23081/07+	26/02/2015 26/02/2015	Right to life/ action of security forces: <i>Ineffective investigations into the deaths of the applicants' relatives caused, inter alia, by road traffic accidents or in unclear circumstances. (Article 2 procedural limb)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. Criminal proceedings closed, either because there was no criminal offence found, or because the accused could not be prosecuted due to the statute of limitation, his death or the lack of access to the files in Eastern Ukraine and the Donetsk. General measures in relation to the effectiveness of investigations into the deaths caused, inter alia, by road traffic accidents, illegal acts of private individuals or in unclear circumstances continue to be examined within the framework of the Khaylo group of cases.
CM/ResDH(2018)269	UKR / Benderskiy and 3 other cases	22750/02+	15/02/2008 15/11/2007	Access to and efficient functioning of justice: <i>Lack of a fair trial due to the domestic courts' failure to consider an argument of substance advanced by the applicants, which may have been decisive for the outcome of civil proceedings. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid or deposited in a bank account in one case. Domestic proceedings were reopened in one case; the respective request was rejected due to prescription in a second case; in two cases no such request was submitted. General measures: A new Code of Civil Procedure of 2005 provides for more detailed rules as to evaluation and examination of evidence by domestic courts. Failure by courts to comply with these obligations gives rise to an appeal including an appeal on points of law. Within the framework of international technical assistance and international projects judges of administrative courts studied the consequences of the present judgment. The Supreme Court and the Higher Specialised Court for Civil and Criminal Cases gave guidance for the application of relevant legal provisions in practice. The judgments were translated, published and disseminated.
CM/ResDH(2018)57	UKR / Chuykina	28924/04	13/04/2011 13/01/2011	Access to and efficient functioning of justice: <i>Denial of access to a court in that</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed. The applicant

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>compensation proceedings, initiated by the applicant against the bailiff's service for failure to enforce a judgment, were nullified due to the service's liquidation without legal successor and excessive length of proceedings. (Article 6 §1 twice)</i>	did not request reopening. General measures: According to a Cabinet Resolution of 2011, the legal successor of any liquidated executive body is to be determined by the Cabinet of Ministers. The High Administrative Court changed its case-law according to which termination of or refusal to initiate proceedings on the ground of liquidation of an executive body is no longer accepted. The judgment was translated, published and disseminated. Excessive length of proceedings is examined in the context of the Naumenko group.
CM/ResDH(2018)41	UKR / Diya 97	19164/04	21/01/2011 21/10/2010	Access to and efficient functioning of justice: <i>Unfairness of commercial proceedings and infringement of the principle of legal certainty due to the Supreme Court's disregard of clear and precise procedural rules by considering a cassation appeal lodged by a person, who was not a party to these proceedings, and, as a result, the quashing the final decision in the applicant's favour. (Article 6 § 1)</i>	Individual measures: The Court did not award just satisfaction for pecuniary damage. No claim for just satisfaction for non-pecuniary damage was submitted. In reopened proceedings, the cassation proceedings were terminated and the prior decision of the Commercial Court of Appeal of 2004 became final again. General measures: Violation caused by the incorrect application of procedural rules. Legislative amendments were introduced, in particular to the Code of Commercial Procedure, as well as to the judicial system in general. The Law on the judicial system and status of judges 2010 ended the Higher Commercial Court's competence as court of cassation. The Law on the right to a fair trial 2015 clarified the Supreme Court's powers regarding revision of commercial court decisions. Under the newly adopted Law on the Judicial system and the status of judges 2016, the Higher Commercial Court ceased to exist. The judgment was translated, published and widely disseminated.
CM/ResDH(2018)109	UKR / Dvoynykh and 23 other cases (Nevmerzhiysky group,	72277/01+	12/02/2007 12/10/2006	Protection against ill-treatment-conditions of detention: <i>Poor conditions of detention and inadequate access to medical care in police holding facilities, pre-trial detention centres and penitentiary</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The individual situation of the prisoners concerned is described in DH-DD(2017)410 and DH-DD(2018)32. General measures required in response to all the

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
	Yokavenko group, Logvinenko group, Isayev group and Melnik group)			<p><i>establishments, and the lack of effective remedies in both respects. (Articles 3 and 13)</i></p> <p><i>Other violations found in some cases of the group: lack of investigation into allegations of ill-treatment by police; unlawful detention pending extradition proceedings; unlawful and/or excessively long detention on remand; lack of effective judicial review of the lawfulness of the applicants' detention; lack of compensation for unlawful detention; excessive length of criminal proceedings; lack of legal representation during the initial stage of the investigation; the applicant's questioning in absence of a lawyer; refusal of the authorities to place the applicant in a prison closer to his home; monitoring of detainees correspondence; restrictions of family visits; monitoring of correspondence with the Court and delay caused by the authorities in lodging a complaint; authorities' failure to furnish all necessary facilities to the Court due to the absence of comments on particular questions or of relevant documents and medical reports. (Article 3, 5 §§1+3+4+5, 6 §§1+3, 8 and 34 as well as 38§1(a))</i></p>	<p>shortcomings found by the Court in these judgments continues to be examined within the framework of the Nevmerzhtsky groups of cases and that the closure of these cases therefore in no way prejudices the Committee's evaluation of the general measures in relation to poor conditions of detention and inadequate access to medical care in police holding facilities, pre-trial detention centres and penitentiary establishments and the lack of effective remedies as well as the other issues in these cases.</p>
CM/ResDH(2018)49	UKR / Editorial Board of Pravoye Delo and Shtekel	33014/05	05/08/2011 05/05/2011	<p>Freedom of expression: <i>Unlawful interference due to the court ordering a newspaper's editorial board and its editor-in-chief to apologise for defamation having published a letter downloaded from the internet containing unproved criminal</i></p>	<p><u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. The impugned proceedings were reopened and discontinued due to the plaintiff's failure to appear before court.</p> <p><u>General measures:</u> Violation due to inappropriate application of domestic rules. As concerns legal safeguards when</p>

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>allegations against a public figure and absence of safeguards for journalists publishing materials obtained from the internet. (Article 10)</i>	publishing material from the internet, the High Specialized Court for Civil and Criminal Cases addressed a letter to all lower courts referring to its binding legal positions and reiterated the findings of the ECHR in the present case. The judgment was translated, published and disseminated.
CM/ResDH(2018)190	UKR / Frida, LLC	24003/07	08/03/2017 08/12/2016	Access to and efficient functioning of justice: <i>Denial of access to court due to the excessive formalism in the Higher Commercial Court's refusal to review the applicant company's appeal on points of law. (Article 6 §1)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. In reopened proceedings, the cassation appeal was admitted. <u>General measures:</u> In the wider context of an overall reform of the judicial system, several procedural codes were renewed. In particular, the Code of Commercial Procedure provides for new terms for appeals in cassation and for requests for renewal of time limits. The judgment was translated, published and disseminated to all relevant authorities and courts as well as to the National School of Judges.
CM/ResDH(2018)319	UKR / Golimbiyevskiy and 9 other cases	11673/10	20/07/2017 20/07/2017	Protection of rights in detention: <i>Unlawfulness and excessive length of detention on remand as well as the lack of judicial review and of an enforceable right to compensation. (Articles 5 §§1,3,4 and 5)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. All applicants no longer in detention on remand. <u>General measures:</u> Questions related to the application of detention on remand under the 2012 Code of Criminal Procedure are examined in the context of the Ignatov group of cases; excessive length of criminal proceedings, raised by the Golimbiyevskiy, Kosteychuk, Shust and Sidorenko and Pleshkov cases, are being examined in the Merit group of cases.
CM/ResDH(2018)48	UKR / Igor Tarasov	44396/05	16/09/2016 16/06/2016	Ne bis in idem: <i>Double punishment under the Criminal Code and the Code of administrative (minor) offences for the same act. (Article 4 of Protocol No. 7)</i>	<u>Individual measures:</u> The finding of a violation constitutes sufficient just satisfaction for any non-pecuniary damage. The applicant did not submit any request for reopening of the impugned proceedings. <u>General measures:</u> Isolated incident as national legislation prohibits double punishment. The judgment was translated,

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					published and disseminated.
CM/ResDH(2018)372	UKR / Loboda and 1 other case	8865/06+	24/04/2017 17/11/2016	Access to and efficient functioning of justice: <i>Unfair criminal proceedings due to breach of the principle of equality of arms since the applicants, unlike the public prosecutor, had not been able to participate in the preliminary hearings on the admissibility of the cassation appeal in their criminal cases. (Article 6 §1)</i>	Individual measures: The finding of a violation constituted sufficient just satisfaction in the Loboda case. Just satisfaction for non-pecuniary damage paid in the Kuzmina case. No requests for review of proceedings were submitted. General measures: In 2006, the Code of Criminal Procedure was amended excluding the prosecutor to participate in the preliminary hearing before a court of cassation. The cassation court must conduct a preliminary hearing in order to examine the case without summoning the parties. The judgments were translated, published and widely disseminated.
CM/ResDH(2018)40	UKR / Mikhaylyuk and Petrov	11932/02	10/03/2010 10/12/2009	Protection of private life, in particular correspondence: <i>Unlawful interception of correspondence by prison administration. (Article 8)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. General measures: Violation due to administrative malpractice of the penitentiary institution and the national courts' misinterpretation of the law in the specific circumstances of this case. The Instruction "On the organisation of correspondence of persons held in penitentiary institutions and in pre-trial detention centres" was published and is thus "accessible to the public". Training sessions for judges and candidates to judicial positions were held on the ECHR jurisprudence including the present judgment, which was translated, published and disseminated.
CM/ResDH(2018)347	UKR / Paskal	24652/04	15/12/2011 15/09/2011	Access to and efficient functioning of justice and protection of rights in detention: <i>Unfair trial due to lack of impartiality of the presiding judge who had expressed an opinion about the applicant's guilt in a newspaper; excessively lengthy criminal proceedings; unlawful extension of</i>	Individual measures: No just satisfaction claimed. The impugned proceedings were reopened. Due to the temporary occupation of the Autonomous Republic of Crimea, no information on the outcome is available. General measures: The violation of impartiality was of isolated nature. The measures taken in response to the issue of the excessive length of criminal proceedings are being

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>detention without reason and excessively long pre-trial detention. (Article 5 §1c+3 and Article 6 §1 twice)</i>	examined in the Merit group of cases. The measures taken in response to the issue of unlawful and unjustifiably long detention on remand are being examined in the Ignatov group of cases. The judgment was translated, published and disseminated.
CM/ResDH(2018)348	UKR / Pelevin	24402/02	20/08/2010 20/05/2010	Access to and efficient functioning of justice: <i>Denial of access to a court due to the Supreme Court's failure to duly consider the applicant's cassation appeal against his conviction, which - although lodged within ordinary cassation review proceedings - was initially erroneously examined and rejected as request for extraordinary review. (Article 6 §1)</i>	<u>Individual measures:</u> No just satisfaction claimed. The applicant filed a request for reopening of the impugned proceedings, which was partially satisfied. <u>General measures:</u> Isolated case. The judgment was translated, published and disseminated.
CM/ResDH(2018)399	UKR / Rostovtsev	2728/16	25/10/2017 25/07/2017	Right to appeal in criminal matters: <i>Refusal, owing to the unforeseeable application of certain rules of criminal procedure, of the applicant's request for leave to appeal against his conviction following the admission of the facts as established during trial. (Article 2 of Protocol No. 7)</i>	<u>Individual measures:</u> The finding of a violation constitutes in itself sufficient just satisfaction for non-pecuniary damage. The Supreme Court quashed the impugned judgment and remitted the case for fresh consideration. <u>General measures:</u> In 2012, a new Code of Criminal Procedure provides that a waiver does not prevent appeals on procedural grounds and does not extend to the legal classification of the admitted facts. New case-law of domestic courts and the Supreme Court confirms that the Code of Criminal Procedure does not contain any restriction of the possibility to file an appeal against criminal classification of actions, in particular in proceedings, where the examination of evidence regarding uncontested circumstances was found unnecessary. The violation in the present case resulted from unforeseeable application of former legislation. The judgment was translated, published and disseminated.
CM/ResDH(2018)	UKR / Salov	65518/01	06/12/2005	Freedom of expression / protection of	<u>Individual measures:</u> Just satisfaction for pecuniary and/or

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
232	and 2 other cases		06/09/2005	rights in detention / access to and efficient functioning of justice: Conviction for disseminating false information about a candidate for the presidency of Ukraine during the presidential election; detention without judicial review; quashing in supervisory review proceedings of a procedural decision that had become final lack of impartiality and/or independence of domestic judges/courts. (Articles 10, 5 §3 and 6 §1)	non-pecuniary damage paid as awarded in all cases. The first applicant then received additional compensation domestically, his status as an advocate was restored. In the second case, the impugned proceedings were reopened and remitted. The third applicant did not request reopening. <u>General measures:</u> the legislative, institutional and practical measures related to the reform of the system of judicial discipline and careers of judges are examined within the Oleksandr Volkov group; the issues pertaining to violations of Article 5 will continue to be examined within the framework of the Ignatov group; the issues pertaining to violation of Article 10 will continue to be examined within the framework of the Marchenko case.
CM/ResDH(2018)39	UKR / Saviny	39948/06	18/03/2009 18/12/2008	Protection of family life: Unjustified interference due to insufficient evidence or inadequate assessment of evidence for the decision to remove three children from their blind parents' care and placement of the children in different institutions preventing regular contacts with them and between them. (Article 8)	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. As a result of reopened proceedings in 2009, the children concerned resided again with their mother, the father having died in 2010. <u>General measures:</u> Isolated incident. The judgment was published and disseminated to all authorities concerned. Training sessions for judges and juvenile authorities were organized.
CM/ResDH(2018)318	UKR / Shchokin	23759/03+	14/01/2011 14/10/2010	Protection of property rights: Lack of clarity and precision of tax legislation, offering divergent interpretation possibilities used by the tax authorities to increase the applicant's income tax liability. (Article 1 of Protocol No. 1)	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. No claim for pecuniary damages submitted. Review of the impugned proceedings was possible but no respective request submitted. <u>General measures:</u> A new unified Tax Code entered into force in 2011. The High Administrative Court sent circulars to the lower courts concerning the taxation of personal income and uniform application of the new law. The judgment was translated, published and disseminated.
CM/ResDH(2018)316	UKR / Soldatenko and	2440/07+	23/01/2009 23/10/2008	Extradition / deportation – protection against ill-treatment and of rights in	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. All applicants were released and their

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
	<p>11 other cases</p>			<p>detention – conditions of detention and transportation: <i>Unlawful detention pending extradition; lack of judicial review of the lawfulness of detention pending extradition; legal impossibility to claim compensation and lack of the effective remedies to challenge extradition (Articles 3 (conditional), 5 §§3-5 and 13).</i> <i>In 2 cases: Failure to explain the reasons for arrest and censure of correspondence with the Court. (Articles 5 §2 and 34)</i></p>	<p>deportation rejected except in 2 cases, in which they were extradited as no risk of ill-treatment had been substantiated. Some of the applicants received refugee status. Some of them did not file any respective request or other request for protection. Later, 3 applicants left Ukraine and thus lost their acquired refugee status.</p> <p><u>General measures:</u> In a first step, in 2010, the Code of Criminal Procedure introduced new rules governing extradition procedures, including arrest and detention of persons whose extradition is sought by a third State, several provisions governing apprehension, provisional arrest and arrest with a view to extradition, and a procedure for appeal of decisions on extradition together with a procedure for examination of the appeal by domestic courts. Moreover, in the new Code of Criminal Procedure of 2012, clear and foreseeable rules avoid the risk of arbitrary detention pending extradition. Persons arrested in view of their extradition must be informed of the reasons for the arrest. The Prosecutor's General Office, when examining requests for extradition, assesses all the risks in connection with extradition to the requesting state.</p> <p>Decisions, actions or omissions of authorities, agencies or public officials may be challenged before administrative courts. Also, according to the Constitution everyone, including foreigners and stateless persons, shall be guaranteed the right to challenge in court decisions, actions or omissions of the State authorities, local self-government bodies, officials and officers. The decision to expel may be challenged within 10 days; the appeal has suspensive effect. No decision on a person's extradition can be taken if that person has applied for refugee status or sought subsidiary or temporary protection according to a new law on refugees and subsidiary and temporary protection of 2011.</p> <p>Further measures with regard to detention pending extradition are examined in the context of the Nechiporuk</p>

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					and Yonkalo case. The censorship issue constituted an isolated occurrence and the conditions of detention in 2 prisons are examined in the Nevmerzhtskyy/Yakovenko group. The judgments were translated, published and disseminated.
CM/ResDH(2018)371	UKR / Starygin and 170 other cases	10347/07	13/10/2011 13/10/2011	Access to and efficient functioning of justice: <i>Excessive length of civil proceedings as well as the lack of effective remedy in this respect. (Articles 6 §1 and 13)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed. Internal judgment debts were paid to the applicants in the cases of Chukhas and Shulga. General measures required in response to the shortcomings found continue to be examined within the framework of the Svetlana Naumenko group; the issue of non-enforcement or delayed enforcement of domestic judicial decisions, mostly delivered against the State and State-owned or controlled entities, and to the lack of an effective remedy in this respect, raised by the Chukhas and Shulga cases, are being examined in the Zhovner / Yuriy Nikolayevich Ivanov group of cases.
CM/ResDH(2018)398	UKR / Sukhanov	32598/07	05/10/2017 05/10/2017	Access to and efficient functioning of justice: <i>Unfair proceedings due to the breach of the principle of equality of arms and non-notification of the hearing before the appellate criminal court to the applicant or his lawyer. (Article 6 §1 and 3c)</i>	Individual measures: The applicant submitted no claim for just satisfaction and no request for reopening of the impugned proceedings. General measures: In 2012, a new Code of Criminal Procedure strikes a balance between the interests of prosecutors and defendants and implemented the principle of equality of arms. There are two grounds for holding the appellate hearing in the absence of the defendant: 1) the appellant indicated in the appeal that he/she did not want to participate in appeals trial or lodged a relevant application prior to the hearing; 2) the case files do not contain information on valid reasons for non-compliance with the appellate court summons. The judgment was translated, published and disseminated.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2018)370	UKR / Yurtayev and 40 other cases	11336/02	01/05/2006 31/01/2006	Access to and efficient functioning of justice: Excessive length of criminal proceedings as well as the lack of effective remedy in this respect. (Articles 6 §1 and 13)	Individual measures: Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed. The applicants are no longer in detention on remand in the cases of Burov and Kolesnikov; the prohibition to leave the place of residence without permission was lifted in the case of Zarochentsev; and that the internal judgment debt was paid to the applicant in the case of Chervonets. General measures required in response to the issue of excessive length of proceedings judgments continue to be examined within the framework of the Merit group; questions related to the excessive length of detention on remand, raised by the Burov and Kolesnikov cases, are being examined in the Ignatov group of cases; the issue of the excessive duration of the restriction on leaving one's place of residence, raised by the Zarochentsev case, is being examined in the Ivanov group of cases; questions related to the non-enforcement or delayed enforcement of domestic judicial decisions, mostly delivered against the State and State-owned or controlled entities, and to the lack of an effective remedy in this respect, raised by the Chervonets case, are being examined in the Zhovner / Yuriy Nikolayevich Ivanov group of cases.