

LOCAL AND REGIONAL AUTHORITIES



DEPARTMENT FOR
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LOCAL AND REGIONAL AUTHORITIES

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.

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The system established by the European Convention on Human Rights, of which execution of the judgments of the European Court forms an integral part, has a central role in maintenance and promotion of democratic security and peace throughout Europe, as recalled by the Heads of State and Government of the Council of Europe at their Fourth Summit in Reykjavík in May 2023. The proper functioning of the entire system is a shared responsibility between the High Contracting States, the Court and the Committee of Ministers. While the Committee of Ministers supervises the execution of the European Court's judgments under Article 46 of the Convention, based on the principle of subsidiarity and the margin of appreciation for the implementation of the Convention at the national level by the High Contracting Parties, the executive, national and local authorities, national courts and national parliaments bear responsibility for implementing the Convention and complying with the judgments of the Court.¹

The Heads of State and Government expressed that they would redouble their efforts for the full, effective and rapid execution of judgments, including through developing a more co-operative, inclusive and political approach based on dialogue. They therefore called for greater synergy between Council of Europe monitoring and advisory bodies, the Department for the Execution of Judgments and other relevant Council of Europe departments, as appropriate, to facilitate the exchange of good practice and expertise among member States. They invited, among others, the President of the Congress of Local and Regional Authorities to strengthen the political dialogue with their respective national interlocutors on the implementation of judgments, and also invited the national authorities, as appropriate, to strengthen co-operation with local and regional authorities in order to facilitate the process of executing the judgments which concern them.²

In October 2023, the Congress of Local and Regional Authorities of the Council of Europe has accordingly underlined that it will strengthen its contribution to the execution of judgments concerning the activities of local and regional authorities.³ It will, in particular, encourage national authorities to engage in a dialogue to strengthen co-operation with local and regional authorities, and will prepare regular analysis of the most frequently violated provisions of the Convention at local level, providing recommendations on how to prevent and redress the violations.⁴

The purpose of this document is to spread awareness regarding the important role of local and regional authorities in the execution of the European Court of Human Rights' judgments,⁵ by providing positive examples of their previous involvement and/or actions taken in this respect.

This document is based on the Committee of Ministers' practice as established through its decisions and final resolutions as well as on the information provided by the respondent states in their relevant action plans and reports, which may be found in relevant Final Resolutions. It is divided according to the different areas in which local or regional authorities were involved in the execution of judgments.

¹ [Reykjavík Declaration](#), United around our values, 4th Summit of Heads of State and Government of the Council of Europe, 16-17 May 2023, page 17,.

² *Id.*, § 27 and 28.

³ Congress of Local and Regional Authorities of the Council of Europe. 45th Session. Delivering on the Reykjavik summit: revised Congress priorities, working procedures and structures. Resolution 493 (2023), adopted by the Congress during the 45th Session on 24 October 2023, Document CG(2023)45-12, § 9.

⁴ CG(2023)45-12, Appendix, Congress Human Rights Strategy, document approved by the Monitoring Committee at its meeting on 4 July 2023, §§ 27 (f) (g), 32 (d), 44.

⁵ In cases where the relevant Court judgment concerns different violations, only the violation that is relevant for local or regional authorities is mentioned in this document.

1. Children's and Parental Rights

Enhancing the role of local authorities in disputes regarding parental rights

This group concerns the authorities' failure to enforce the applicants' visiting rights, and violations on account of excessively lengthy proceedings. The Court found that the domestic court decisions lacked the necessary diligence when deciding on parental and visiting rights.

In 2008 the Code of Civil Procedure and the Act on Social and Legal Protection of Children were amended to give local authorities a more important role in such proceedings. The purpose of the amendments was to accelerate the decision-making process by encouraging mediation and settling of disputes without going to court, and to give greater consideration to the interests of the child.

CZE / *Reslová group* (7550/04)
Judgment final on 18/10/2006

Final Resolution
CM/ResDH(2011)99

Training of local authorities on the rights of biological parents

This group of cases concerns breaches of the biological parents' right to family life due to shortcomings in the balancing of the competing interests in the decision-making processes by the Norwegian child welfare authorities and courts concerning adoption, foster care and contact rights with their children.

To provide a better protection of the rights of the parents and to ensure a fair balancing of the competing interests involved, capacity building measures for child welfare services within local authorities were carried out. In addition to these training courses, circulars were sent to the relevant local authorities highlighting methods to achieve better compliance with the European Court's judgments in this area. Further, innovative solutions were developed such as the Child Welfare Quality System. This system aims to provide digital support to child welfare workers in their daily tasks and guidance related to the legal framework, in order to achieve a more equal and quality assured practice in all child welfare services in Norway. Although further capacity building measures appear necessary, including on the need to ensure that children and biological parents' cultural, religious and linguistic background and ties are given due consideration, the tendency towards increasing levels of contact appears to respond to one of the main shortcomings identified by the European Court.

NOR / *Strand Lobben and Others group* (37283/13)
Judgment final on 10/09/2019

Status of execution:
pending

CM Decision
CM/Del/Dec(2023)1483/H46-23

Cooperation between local authorities and the police to provide better protection to children during police operations

The case of *Ioan Pop and Others v. Romania* concerns the degrading treatment of a 12-year-old child due to the failure of the authorities to provide him with adequate care after his parents were taken into police custody during their forced eviction.

Bailiffs and the police are now relying to a greater extent on local child welfare authorities during such operations. Local authorities have signed protocols with county police inspectorates to ensure proper cooperation in matters relating to police operations involving minors. Examples were given indicating how bailiffs and the police, prior to evictions, check whether children are present and, if so, inform the local authority's child protection services, which accordingly take the necessary measures to protect the children.

ROM / *Ioan Pop and Others*
(52924/09)
Judgment final on 06/03/2017

Final Resolution
CM/ResDH(2018)65

Greater involvement of local authorities in enforcement of visiting rights

This group of cases concerns violations due to non-enforcement of court decisions granting visiting rights with regard to minor children, and failure to take appropriate or sufficient measures to ensure access to and residence with the child.

A wide range of measures were adopted, including legislative amendments. One of the novelties of the Civil Procedure Code, in force since 2013, is that it regulates the enforcement of judgments relating to minors in a separate section. Among other things, it provides for the active involvement of the local authorities in these proceedings. For example, it provides that the enforcement of visiting rights should be carried out in the presence of a representative of the General Directorate for Social Assistance and Child

ROM / *Lafargue group* (37284/02)
Judgment final on 13/10/2006

Final Resolution
CM/ResDH(2014)282

Protection. In cases where enforcement is difficult because a minor refuses categorically to have contacts with a parent, the representative informs the competent court for approving a counselling program of maximum three months.

Improved cooperation between authorities to prevent child abuse

This group concerns the failure of local authorities to protect minor children from serious, long-term neglect and abuse by their parents, and/or the absence of appropriate means of obtaining a determination of allegations of ill-treatment or an enforceable right of compensation for the damage.

Besides numerous other measures taken to address the failure of local authorities in Scotland to protect minor children from serious and prolonged neglect and abuse by their parents, in 1998, the Scottish Office (as of 1999, replaced by [Office of the Secretary of State for Scotland](#) and [The Scottish Government](#)) issued a Guidance on Inter-Agency Co-operation, addressed to all authorities working with children and setting out the framework for procedures produced by local child protection committees. In 2006, the Protection of Vulnerable Groups (Scotland) Bill set out good practice for sharing information on child protection and co-operation on such information-sharing by public bodies and professionals, requiring Scottish Ministers to produce a code of practice on child protection information.

UK / Z. and Others group (29392/95)
Judgment final on 10/05/2001

Final Resolution
CM/ResDH(2011)290

2. Domestic violence

Regional teams provide expert assistance to local authorities

These groups concern the authorities' failure to provide adequate protection against domestic violence.

To address the problem of domestic violence and the resulting violations of the right to life and the right to respect for family life, the Croatian authorities set up a comprehensive national framework encompassing national strategies, cross-institutional cooperation, capacity-building and legislative changes. With the 2018 Cooperation Agreement on Combating Domestic Violence, one national and different regional teams were set up to enhance protection against domestic violence. The national team is composed of members of high courts, the state attorney general's office, different ministries, and civil society. By the end of 2019, a total of 21 regional teams became operational throughout the country, operating under the guidance and support of the national team. The regional teams raise awareness on how to effectively implement measures prescribed by the relevant legislation to guarantee protection to the victims and how to facilitate a prompt reaction of the authorities. In particular, they coordinate and provide expert assistance to the relevant local authorities in order to ensure a proper response to domestic violence and to prevent reoffending.

CRO / A. group (55164/08)
Judgment final on 14/01/2011

Final Resolution
CM/ResDH(2020)226

CRO / Branko Tomašić and Others group (46598/06)
Judgment final on 15/04/2009

Final Resolution
CM/ResDH(2020)227

Local authorities provide continued surveillance to domestic violence victims

In this group of cases, the Court found violations of the prohibition of inhuman or degrading treatment, of the applicants' right to respect for their private life and home, as well as of the prohibition of discrimination on account of their gender, due to the authorities' failure to protect the applicants from domestic violence.

In response to the Committee of Ministers' request to adopt a proactive attitude in all cases and to explore appropriate avenues to secure the applicants' safety, the local authorities, police and social care services placed the applicants under continuing surveillance. Given that the applicants were no longer at risk of further domestic violence, the Committee ended its supervision of the individual measures in these cases.

The general measures to prevent similar instances of domestic violence in the Republic of Moldova continue to be examined in the context of the [T.M. and C.M. group](#).

MDA / Eremia group (3564/11)
Judgment final on 28/08/2013

Final Resolution
CM/ResDH(2017)425

MDA / T.M and C.M. group
(26608/11)
Judgment final on 28/04/2014

Status of execution:
pending

3. Freedom of assembly

Technological solutions ensuring transparent notification of public assemblies

This case concerns the unlawful banning of a demonstration to encourage laws for the protection of sexual minorities from discrimination and the lack of clear reasons for the ban, as well as the unjustified difference in treatment due to the authorities' disapproval of demonstrations considered to promote homosexuality.

One of the general measures adopted to prevent similar violations, was the setting up by the local authorities (Chisinau City Hall) of an electronic platform for registering notifications of public events, which is a complementary tool to ensure freedom of assembly. As soon as a notification is registered in this platform, the police and other services responsible for ensuring proper conditions for public meetings instantly receive all necessary information. At the same time, this tool includes a calendar of all public meetings and other information for public use, thus ensuring transparency of procedures and information.

MDA / *Genderdoc-M* (9106/06)
Judgment final on 12/09/2012

Final Resolution
CM/ResDH(2019)239

Improved domestic remedies against bans on manifestations

In this case, the Court found a violation because the applicant association had been denied an effective domestic remedy against the alleged violation of its freedom of assembly due to the ban of two manifestations.

Following the judgment, to ensure that an appeal against a municipalities' refusal of an assembly is considered before the date of the planned assembly, the available domestic remedy was improved. The reformed legislation of 2015 provides for clearer timelines for the municipal and other authorities and ensures that such appeals are considered in due time. It also provides that the appeal instances now are the courts, not regional governors.

POL / *Stowarzyszenie
Wietnamczyków w Polsce
'Solidarność i Przyjaźń'* (7389/09)
Judgment final on 02/05/2017

Final Resolution
CM/ResDH(2018)452

4. Freedom of association

Abolishment of regional legal provisions concerning Masonic associations

In this group, the Court held that certain provisions of two regional laws had violated the freedom of association of the applicant, a Masonic association affiliated to the Universal Freemasons. In particular, the regional law of the Marche region imposed an obligation for public office candidates in the Region to declare that they were not members of the association. The regional law of the Friuli Venezia Giulia region required, among members of non-secret associations, only members of Masonic associations to declare their membership when applying for certain posts in the regional government.

To prevent similar future violations, the Regional Council of Marche adopted a law abolishing the above-mentioned obligation and provided the exclusion from public office in the Region only for persons belonging to secret societies, banned under the Constitution, if such membership has been established by a court. In the second case, the regional authorities amended the relevant provision, which no longer refers to Masonic associations.

ITA / *Grande Oriente d'Italia di
Palazzo Giustiniani group* (35972/97)
Judgment final on 12/12/2001

Final Resolution
CM/ResDH(2010)173

5. Freedom of religion

Lifting of a discriminatory tax exemption condition

The case of *Anderlecht Christian Assembly of Jehovah's Witnesses and Others v. Belgium* concerns the discrimination of congregations of Jehovah's Witnesses which were unable to profit from property tax exemption in respect of buildings used for religious worship based on an order of 23 November 2017 of the Brussels-Capital Region which provides that, with effect from the 2018 tax year, that exemption is reserved solely for "recognised religions". The Court held that this exemption was thus depending on a procedure (namely that for the recognition of religions) which did not offer sufficient guarantees against discriminatory treatment.

Since the judgment became final, the Government of the Brussels-Capital Region no longer applies the contested criterion of "recognised religions". This measure is in line with the other regions' practice to exempt property allocated to the practice of religious faith and used by non-confessional, recognised or non-recognised organisations (provided they are not fictitious). The Brussels-Capital Region intends to amend its legislation concerning the disputed criterion.

BEL / *Anderlecht Christian Assembly of Jehovah's Witnesses and Others* (20165/20)

Judgment final on 05/07/2022

Status of execution:
pending

Providing a permanent worship place to Jehovah's Witnesses

The case of *Religious Community of Jehovah's Witnesses of Kryvyi Rih's Ternivsky District v. Ukraine* concerns the domestic authorities' failure to allow the applicant, a religious community of Jehovah's Witnesses, to establish a new place of worship between 2004-2014 on a land plot that it had already *de facto* used.

Following the Court's judgment, the Kryvyi Rih City Council approved a land management project and provided the plot of land for permanent use, construction and maintenance of a worship place. The permanent right of use for the applicant community was also registered in the State Register of Real Property Rights.

UKR / *Religious Community of Jehovah's Witnesses of Kryvyi Rih's Ternivsky District* (21477/10)

Judgment final on 03/12/2019

Final Resolution
CM/ResDH(2022)243

6. Migration

Preventing unlawful detention of migrants in initial reception centres

This case concerns violations on account of the lack of a legal basis for the detention of migrants in initial reception centres, the non-provision of information on the grounds for the detention and the lack of judicial review in this respect. It also concerns the absence of an effective remedy to challenge the conditions of detention.

As one of the measures to address the above mentioned issues, Law Decree no. 130 of 2020 provides that a detained foreigner may address oral or written requests or complaints (including in sealed envelopes) to the National Guarantor and to the regional or local guarantors of the rights of persons deprived of their liberty. The National Guarantor and the regional or local guarantors have full access, without any restriction, to the centres and hot-spots to verify compliance with the regulatory requirements related to the conditions of the aforementioned facilities.

ITA / *Khlaifia and Others* (16483/12)
Judgment final on 15/12/2016 (Grand Chamber)

Final Resolution
CM/ResDH(2021)424

7. Property

Return of expropriated property

In accordance with the terms of the friendly settlement, the Government undertook to provide the applicant with a plot of land for business purposes in Sumgayit with a total surface of 150 square meters.

In February 2022, the Sumgayit Municipality, gratuitously transferred the relevant plot of land to the applicant to remedy the demolition of his property (a shoemaking kiosk) and the

AZE / *Agayev* (48710/13)
Friendly Settlement with undertakings of 05/11/2020

Final Resolution
CM/ResDH(2022)122

alleged unlawful expropriation of the plot of land underneath it. In March 2022, the applicant received his certificate of ownership from the State Register of Real Estate.

Return of a building to its rightful owner

This case concerns the failure of the authorities to enforce the seizure of a property that was unlawfully occupied by third parties. The main reason cited for the failure to enforce the seizure order was the impossibility of evicting the building's occupants because the municipality did not have sufficient funds to rehouse them.

In July 2022, the illegal occupants of the building (71 families in vulnerable situations along with 43 minors) were evicted with the help of the police. The building was returned to the applicant company, who was invited to adopt the necessary measures to protect it from further intrusions. The eviction was preceded by a complex preparation defined within the Provincial Committee for Public Order and Safety, involving the Lazio Region, Rome Capital and ATER (public body responsible for managing public housing of the Lazio region). The strategy developed made it possible to complete the operation safely and without using force.

Further general measures have also been adopted to prevent similar violations. In particular, a directive of 18 July 2017 emphasises the need to prevent new squats should be avoided, underlining the valuable role of the Metropolitan Committee in supporting the planning and assessment of evictions, and the capacity of local and regional authorities to intervene to ensure identification of people in vulnerable situations.

Moreover, the Ministry of the Interior's directive of 1 September 2018 provides that, in the post-eviction phase, the competent local authorities are responsible for identifying solutions to support social inclusion of people in vulnerable situations, including within the framework of comprehensive intervention strategies shared with the Regions.

ITA / *Casa di Cura Valle Fiorita S.r.l.*
(67944/13)

Judgment final on 13/03/2019

Status of execution:
pending

Training for local authorities on Convention standards in public building law

In this case, the Court found a violation of the applicants' right to protection of property due to authorities' refusal to grant the applicants a building permit for a shopping centre.

The violation mainly resulted from the uncertainty arising from the practices applied by the municipal authorities, reflected in constantly changing the urbanistic plans, introducing new conditions. To prevent similar violations, the local authorities were given guidance on how to comply with the domestic law and the Convention when responding to such requests, in particular, during a training for civil servants in the framework of the Council of Europe and EU Joint Programme "Horizontal Facility for Western Balkans and Turkey", in December 2018.

MON / *KIPS DOO and Drekalović*
(28766/06)

Judgment final on 26/09/2018

Final Resolution
CM/ResDH(2020)274

Contributing to a fair balance between landlords' property rights of and the general interest of the community

This case is a pilot judgment which concerns a violation of the applicant's right to protection of property linked to the question of the levels of rent chargeable by landlords. The Grand Chamber held that the violation consisted in the combined effect of defective provisions on the determination of rent and various restrictions on landlords' rights in respect of termination of leases, the statutory financial burdens imposed on them and the absence of any legal ways and means making it possible for them either to offset or mitigate the losses incurred in connection with maintenance of property or to have the necessary repairs subsidised by the State in justified cases.

Rent controls were abolished in May 2005 and new laws were passed between 2006 and 2010. These included ways to increase rent, a system for monitoring rent levels and funding for social accommodation. Municipalities are involved in ensuring the landlords' property rights under the new laws, for instance, by providing temporary accommodation for those who have been evicted from the landlords' flats, and by creating more social housing.

POL / *Hutten-Czapska* (35014/97)
Judgment final on 19/06/2006

Final Resolution
CM/ResDH(2016)259

Municipalities ensure fair rent levels for landlords

SVK / *Bittó and Others group*
(30255/09)

Judgment final on 07/10/2015

This group concerns violations due to the limitations on the use of property by landlords, notably through the rent control scheme imposing disproportionately low levels of rent on landlords.

To prevent similar violations, a new legislation was enacted in 2011, ensuring that the flat owners are no longer subject to loss resulting from regulated rent. As from 2017, they have further been entitled to receive the market price.

Municipalities have contributed to the solution of the problem by making compensation payments to the owners, to ensure that they receive a fair rent, in cases where they have been unable to provide tenants with social housing to substitute the flats. Municipalities also construct new flats to provide tenants with social housing.

Final Resolution
CM/ResDH(2020)40

8. Public health and services

a) Health care

Enhanced inspections of nursing homes

In this case, the Court found a breach of the right to life and the right of access to and efficient functioning of justice due to the lack of effective judicial remedies allowing to establish the circumstances of the disappearance of the applicant's mother from a nursing home, to engage the responsibility of the persons and institutions concerned, and to address the excessive length of civil proceedings for compensation.

Measures were taken with regard to potential omissions in the management, training, control or definition of duties of the different categories of staff in the nursing homes, including in 2002, amendments to the Social Assistance Act which established the new Social Assistance Agency (SAA). The public councils of the relevant municipalities also ensure that regular inspections are carried out at nursing homes and similar institutions to guarantee that they comply with the correct standards and good practices.

BGR / Dodov (59548/00)
Judgment final on 17/04/2008

Final Resolution
CM/ResDH(2013)151

Enhanced inspections at sobering-up centres in psychiatric hospitals

In this case, the Court found that the restraint and fastening of the applicant to a bed in a psychiatric hospital's sobering-up centre amounted to degrading treatment.

To prevent similar breaches, regional authorities now have enlarged competences to carry out health facility inspections, notably based on the Ministry of Health's new inspection guide adopted in 2016.

CZE / Bureš (37679/08)
Judgment final on 18/01/2013

Final Resolution
CM/ResDH(2018)430

Protection against involuntary hospitalisation of legally incapacitated persons

This case concerns a breach of the right to liberty of the legally incapacitated applicant due to his unlawful involuntary detention for ten years in a social care institution without objective medical opinion to justify the detention.

One of the measures taken in the context of a major reform of the system of partial restriction of the legal capacity of individuals was the introduction of an obligation for local municipalities to ensure a place of residence to persons leaving institutions and unable to return to their previous place of residence.

LVA / Mihailovs (35939/10)
Judgment final on 22/04/2013

Final Resolution
CM/ResDH(2018)286

Clarifying treatment of and access rights to children in hospital

This case concerns delays in a hospital in referring a suspected child-abuse victim to a specialist to determine the cause of her injuries as well as her medical examination without parental consent or court order.

To prevent similar violations of parents' right to private life when their children are being treated in hospitals (for example, by carrying out medical tests without parental consent, or putting unreasonable restrictions on visiting children in hospitals), the guidance for local authorities ("Working Together to Safeguard Children") was revised and reissued in 2006 and 2010. In particular, in case of doubt, the local authorities should apply to the competent

UK / M.A.K. (45901/05)
Judgment final on 23/06/2020

Final Resolution
CM/ResDH(2012)65

domestic courts for guidance on the nature of contact between the child and the parents, rather than establishing informal arrangements to prevent or restrict contact.

Improved social care for persons with disabilities

UK / *McDonald* (4241/12)
Judgment final on 11/03/2015

Final Resolution
CM/ResDH(2015)42

This case concerns an applicant with severely limited mobility, who complained about the reduction by a local authority of the amount allocated for her weekly care. The reduction had been based on the local authority's decision that her night-time toileting needs could be met by the provision of incontinence pads and absorbent sheets instead of a night-time carer to assist her in using a commode.

To ameliorate the level of personal care that local authorities provide to severely disabled people, the way social care is delivered has been reviewed as part of the changes brought in by the Care Act 2014. There are now statutory guidelines and regulations in place to help local authorities carry out their responsibilities.

b) Waste management

Amelioration in waste treatment

ITA / *Di Sarno and Others group*
(30765/08)
Judgment final on 10/04/2012

Final Resolution
CM/ResDH(2015)33

This case concerns the interference with the applicants' right to respect for their private lives and their homes because of the Italian authorities' prolonged inability to ensure the proper functioning of waste collection, treatment and disposal in Campania.

To ameliorate how waste is collected, treated and disposed of in Campania, the regional authorities are implementing a strategy to resolve the problem of daily waste disposal, while also gradually removing what is known as "historical waste".

Ensuring compliance with environmental law when treating toxic industrial waste

ITA / *Giacomelli* (59909/00)
Judgment final on 26/03/2007

Final Resolution
CM/ResDH(2014)214

In this case, the Court found a violation of the right to respect for private life and home due to the lack of a prior environmental study and the failure to suspend the operation of a plant for the storage and treatment of "special waste" located close to dwellings and generating toxic emissions.

On the basis of a ministerial decree and following administrative proceedings, the town council commission of Brescia confirmed the conformity of the plant with the environmental requirements. Furthermore, the Lombardy region adopted a decree authorising the treatment of all types of waste by the commercial company. The authorisation procedure thus has been regularised. The authorisation to operate the plant was renewed by Regional Decree of 3 October 2007 establishing strict measures and systematic controls of emissions, which were regularly implemented. All analysis undertaken periodically after 2010 showed results in conformity with the applicable environment and health protection rules.

Preventing rubbish explosions

TUR / *Öneryıldız* (48939/99)
Judgment final on 30/11/2004

Final Resolution
CM/ResDH(2022)434

In this case, the Court examined the authorities' responsibility in connection with deaths resulting from an accidental explosion at a rubbish tip close to a shanty town and found violations of the right to life, the right to protection of property and the right to an effective remedy.

The municipalities took steps to provide housing to the individuals affected by the incident. Additionally, they are involved in ongoing measures to prevent similar violations in the future, such as the preparation and approval of master and implementation plans, the issuance of building permits, and the provision of occupancy permits. The issue of the judicial authorities' failure to secure the full accountability of State officials or authorities for their role in fatal accidents continues to be examined within the framework of the *Kalender v. Turkey* group of cases; the issue of the administrative bodies' failure to enforce judicial decisions awarding the applicants compensation and other pecuniary awards continues to be examined within the framework of the *Kılıç v. Turkey* group of cases.

c) Noise pollution

Reducing night-time noise

These cases of *Martínez Martínez v. Spain* (concerning Cartagena) and *Cuenca Zarzoso v. Spain* (concerning Valencia) both concern a breach of the applicants' right to respect for their home and their private life as the loud night-time noise they were exposed to was detrimental to their health.

Concerning *Martínez Martínez*, the City Council of Cartagena took a number of measures. The music bar in question was transformed to a restaurant, loudspeakers were removed; and panels for noise abatement were installed. Studies showed that the noise level no longer exceeds the maximum level authorised in residential areas.

Concerning *Cuenca Zarzoso*, while seeking to address the issue of excessive night-time noise violating private life in Valencia, it appeared that the Generalitat Valenciana lacked the necessary resources to adequately sanction nightclubs and other establishments infringing the legally permitted opening hours. The establishments themselves had become aware of this circumstance and thus continued exceeding opening hours and closing times, causing inconvenience to neighbours. To remedy the situation, the Valencia City Council sought a delegation of authority from the Generalitat Valenciana to impose penalties for such violations. The request was granted, and the Valencia City Council proceeded to impose penalties for exceeding the allowed opening hours, which led to a notable reduction in the number of complaints received from local residents regarding excessive noise.

ESP / *Martínez Martínez* (21532/08)
Judgment final on 18/01/2012

Final Resolution
CM/ResDH(2017)223

ESP / *Cuenca Zarzoso* (23383/12)
Judgment final on 16/04/2018

Final Resolution
CM/ResDH(2022)225

d) Cemeteries

Addressing sanitary problems caused by nearby cemeteries

These cases concern violations established on account of the lengthy non-enforcement of domestic judgments proscribing the use of land plots for burials in the cemeteries located next to the applicants' houses contrary to environmental and sanitary regulations; and on account of the interference with the applicant's right to respect for his home and private and family life due to the siting and the use of a cemetery in the vicinity of his house.

In *Dzemyuk*, the cemetery in question was closed. The local authorities launched numerous attempts to discuss with the applicant the possibility of resettlement, the purchase of an alternative land plot or construction of housing but he has refused all such offers. A new water supply system providing him with drinking water was made, and a fence blocking the cemetery from the view of the applicant's house was constructed.

In *Tonyuk*, the municipal authorities prohibited burials at the cemetery near the applicant's house, purchased an alternative plot of land for burials and transferred it to the religious community.

The general measures required in response to the shortcomings found by the Court in these judgments continue to be examined within the framework of the *Dubetska and Others v. Ukraine* case.

UKR / *Dzemyuk* (42488/02)
Judgment final on 04/12/2014

Final Resolution CM/ResDH(2022)137

UKR / *Tonyuk* (6948/07)
Judgment final on 01/09/2017

Final Resolution CM/ResDH(2022)137

9. Public order

Training of ticket inspectors employed by municipalities

This case concerns the inhuman and degrading treatment suffered by the applicant in the hands of a ticket inspector, employed by a municipal enterprise, subsequent to a ticket control.

To prevent similar incidents from occurring in conjunction with ticket checks, awareness-raising measures have been introduced among the ticket inspectors. In particular, they receive training on how to react effectively in conflict situations.

UKR / *Basenko group* (24213/08)
Judgment final on 26/02/2016

Final Resolution
CM/ResDH(2021)275

Measures adopted to solve the problem of stray dogs

This case concerns the attack of stray dogs causing significant injuries to the applicant. The Court held that the insufficient measures taken by the authorities in addressing the issue of stray dogs amounted to a breach of the State's positive obligation to secure respect for the applicant's private life.

In 2013, the domestic legislation was amended, which now provides for ways to tackle the problem of stray dogs. The law foresees their placement in public shelters, adoption and euthanasia, under specific conditions. For the implementation of the law, units specialised in addressing the stray dogs' issue are organised within each city council. Based on the information provided, it was determined that the legislative measures were implemented in an effective manner, as the number of stray dogs was drastically reduced.

ROM / Georgel and Georgeta Stoicescu (9718/03)
Judgment final on 26/10/2011

Final Resolution
CM/ResDH(2016)137

Decriminalising begging

This case concerns the imposition of a fine on a poor and vulnerable Roma woman for unintrusive begging, and her subsequent imprisonment for five days for non-payment of the fine. The Court held that the penalty imposed on the applicant had not been proportionate either to the aim of combating organised crime or to the aim of protecting the rights of passers-by, residents and shopkeepers. The punishment had infringed her human dignity and impaired the very essence of her right to respect for private life.

Since the Court's judgment, upon instruction of the Prosecutor General to the cantonal and municipal police forces, the criminal provision criminalising begging has no longer been enforced in the canton of Geneva. According to the Geneva authorities, there were over 18,200 similar cases pending with the Contraventions Service and the Service for the Application of Penalties and Measures. These proceedings have not been formally suspended. However, a transitional instruction issued by the Prosecutor General states that the penal orders issued remain in force but have no effect.

SUI / Lacatus (14065/15)
Judgment final on 19/04/2021

Status of execution:
pending

Warning of the residents about mine fields

This case concerns a violation of the state's positive obligations to protect the lives of others due to the authorities' failure to take all necessary safety measures around a mined military zone, thereby exposing a minor, who lost his leg in the explosion of an anti-personnel mine, to severe injury and risk of death.

Important safety measures were adopted to prevent similar incidents including by putting clear and adequate signs around mined zones in line with international standards. Furthermore, the local authorities continuously issue warnings to residents living near such zones.

TUR / Paşa and Erkan Erol (51358/99)
Judgment final on 23/05/2007

Final Resolution
CM/ResDH(2011)168

10. Roma⁶

Safeguards in case of evictions

This group concerns a violation or potential violations of the applicants' right to respect for their home or their private and family life as a result of eviction or demolition orders concerning their homes which were issued and reviewed under a legal framework that did not require a proportionality assessment.

The Committee of Ministers welcomed the recent legislative reform on address registration, which could reduce to some extent the obstacles for applying for municipality housing or other relevant social services, experienced by persons living in unlawful dwellings. Additional information is awaited on the options available to ensure

BGR / Yordanova and Others group (25446/06)
Judgment final on 24/09/2012

Status of execution:
pending

Last CM decision:
CM/Del/Dec(2024)1514/H46-14

⁶ The term "Roma and Travellers" is used at the Council of Europe to encompass the wide diversity of the groups covered by the work of the Council of Europe in this field: on the one hand a) Roma, Sinti/Manush, Calé, Kaale, Romanichals, Boyash/Rudari; b) Balkan Egyptians (Egyptians and Ashkali); c) Eastern groups (Dom, Lom and Abdal); and, on the other hand, groups such as Travellers, Yenish, and the populations designated under the administrative term "Gens du voyage", as well as persons who identify themselves as Gypsies. The present is an explanatory footnote, not a definition of Roma and/or Travellers.

the proportionality of a removal order in specific situations, where there is no available municipal housing or shelter.

The Committee further welcomed and encouraged the ongoing dialogue between the Bulgarian Government, the National Association of Municipalities and the delegation of the Congress of the Local and Regional Authorities, aimed at developing and adopting an action plan for municipalities, in the light in particular of the Congress' proposed roadmap, to prepare regulations on proportionality assessment and practical measures to ensure proportionality (including alternative accommodation) when persons need to be removed from an unlawful or municipality-owned dwelling.

Integrating Roma children in the education system

This case concerns discriminatory treatment of Roma children in two primary schools in the Međimurje area due to the lack of objective and reasonable justification for their placement in Roma-only classes allegedly based on their inadequate command of the Croatian language.

The 2010 legal framework abolished "Roma only" classes and provided for targeted assistance for Roma children. The local authorities of Međimurje county co-organised, *inter alia*, a pre-school programme for Roma children from this county. The Government has secured free textbooks for primary schools for Roma children in Međimurje whose families receive social benefits. The Međimurje county regional administration has ensured free textbooks even for Roma children whose families are not beneficiaries of any social benefits. Meetings were held to enable establishing contacts between employees of the social services and the elected representatives of Roma population in respective local communities to improve their cooperation.

CRO / Oršuš and Others (15766/03)
Judgment final on 16/03/2010

Final Resolution
CM/ResDH(2017)385

Integrating Roma in local society

These groups concern the consequences of racially motivated violence, between 1990 and 1993, against villagers of Roma origin, in particular the improper living conditions following the destruction of their homes and the subsequent proceedings before the domestic courts.

Several general measures were adopted to fight discrimination against Roma in the county concerned, to stimulate their participation in the economic, social, educational, cultural and political life of the local community, to support positive changes in public opinion in their respect, as well as to prevent and solve conflicts likely to generate violence. An annual reporting system involving local and county authorities keeps track of the conditions in relevant areas. Roma people can now receive free medical care from the local family doctor and a health worker within the community at stake. Local action plans have been created in accordance with the Government's "Strategy for Inclusion of Roma Citizens" to avoid future conflicts.

ROM / Moldovan and Others group
(41138/98)
Judgment (No. 1) final on 05/07/2005
(friendly settlement)

Final Resolution
CM/ResDH(2016)39

ROM / Kalanyos and Others group
(57884/00)
Judgment final on 26/07/2007

Final Resolution
CM/ResDH(2015)214

Additional safeguards in eviction procedure

These cases concern the applicants' summary eviction from gypsy caravan sites run by the local authorities on the basis of a legal framework which did not provide sufficient procedural safeguards (in particular, the requirement to establish proper justification for the serious interference), thus breaching their right to respect for private life, family life and home.

The Government enacted legislation in England and Wales that provides for improved protection against eviction for the occupiers of local authority Gypsy and Traveller sites. The Mobile Homes Act 1983 was amended so that Gypsies and Travellers who reside on local authority sites are now afforded greater security of tenure. In order to evict them from one of their sites a local authority will need to satisfy the court that a term of the agreement to occupy a pitch was breached, that the occupier failed to comply with a notice to remedy the breach, and that it is reasonable to terminate the agreement.

UK / Connors (66746/01)
Judgment final on 18/12/2012 (re England)

Final Resolution
CM/ResDH(2013)174

UK / Buckland (40060/08)
Judgment final on 18/12/2012 (re Wales)

Final Resolution
CM/ResDH(2013)237

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