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## Introduction

This Issue is part of the "Regular Selective Information Flow" (RSIF). Its purpose is to keep the National Human Rights Structures permanently updated of Council of Europe norms and activities by way of regular transfer of information, which the Directorate of Human Rights carefully selects and tries to present in a user-friendly manner. The information is sent to the Contact Persons in the NHRs who are kindly asked to dispatch it within their offices.

Each Issue covers one month and is sent by the Directorate of Human Rights (DG I) to the Contact Persons a fortnight after the end of each observation period. This means that all information contained in any given issue is between four to eight weeks old.

The selection of the information included in the Issues is made by the "Versailles-St-Quentin Institutions Publiques" research centre (VIP – University of Versailles-St-Quentin-en-Yvelines, France) under the responsibility of the Directorate of Human Rights. It is based on what is deemed relevant to the work of the NHRs (including Ombudsman Institutions, National Human Rights Commissions and Institutes, Anti-discrimination Bodies). A particular effort is made to render the selection as targeted and short as possible. Readers are expressly encouraged to give any feed-back that may allow for the improvement of the format and the contents of this tool.

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## Part I: The activities of the European Court of Human Rights

### A. Judgments

#### 1. Judgments deemed of particular interest to the NHRs

The judgments presented under this heading are the ones for which a separate press release is issued by the Registry of the Court as well as other judgments considered relevant for the work of the NHRs. They correspond also to the themes addressed in the Peer-to-Peer Workshops. The judgments are thematically grouped. The information, except for the comments drafted by the Directorate of Human Rights, is based on the [press releases of the Registry of the Court](#).

Some judgments are only available in French.

Please note that the Chamber judgments referred to hereunder become final in the circumstances set out in Article 44 § 2 of the Convention: “a) when the parties declare that they will not request that the case be referred to the Grand Chamber; or b) three months after the date of the judgment, if reference of the case to the Grand Chamber has not been requested; or c) when the panel of the Grand Chamber rejects the request to refer under Article 43”.

#### Note on the Importance Level:

According to the explanation available on the Court’s website, the following importance levels are given by the Court:

**1 = High importance**, Judgments which the Court considers make a significant contribution to the development, clarification or modification of its case-law, either generally or in relation to a particular State.

**2 = Medium importance**, Judgments which do not make a significant contribution to the case-law but nevertheless do not merely apply existing case-law.

**3 = Low importance**, Judgments with little legal interest - those applying existing case-law, friendly settlements and striking out judgments (unless these have any particular point of interest).

Each judgment presented in section 1 and 2 is accompanied by the indication of the importance level.

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

**CANALI V. FRANCE ([IN FRENCH ONLY](#)) – No 40119/09 – importance 2 – 25 April 2013 – Violation of Article 3 – Degrading treatment due to the cumulative effect of cramped conditions and breach of hygiene regulations – No Violation of Article 6 and 13 – Applicant’s failure to prove the deprivation of any effective remedy**

The case concerned the conditions of detention in the Charles III Prison in Nancy, which was built in 1857 and shut down in 2009 on account of its extremely dilapidated state.

#### Article 3

Whereas the applicant’s surface living area did not in itself justify the finding of a violation of Article 3, the Court reiterated that other aspects of the conditions of detention had to be taken into consideration. The Court considered that the cumulative effect of the cramped conditions (very limited opportunities to spend time outside the cell in particular) and the breach of hygiene regulations had aroused in the applicant feelings of despair and inferiority generating debasement and humiliation. These conditions of detention amounted to degrading treatment, leading to a violation of Article 3.

#### Article 6 and 13

The Court considered that the applicant could not argue that the domestic court’s judgment had deprived him of any effective remedy. The applicant’s complaint was therefore ill-founded.

#### Article 41 (just satisfaction)

The Court held that the respondent state was to pay the applicant EUR 10,000 in respect of non-pecuniary damage and EUR 4,784 in respect of costs and expenses.

**SAVRIDDIN DZHURAYEV V. RUSSIA – No. 71386/10 – Importance 2 – 25 April 2013 – Violation of Article 3 (substantive and procedural aspects) – (i) Domestic authorities’ failure to protect the applicant against the real and imminent risk of torture and ill-treatments by not preventing his forcible transfer from Moscow to Tajikistan and (ii) persistent refusals to conduct an effective investigation into the incident – Violation of Article 34 – Domestic authorities’ failure to comply with an interim measure issued by the European Court of Human Rights – Violation of Article 5 § 4 – Excessive length of judicial review of the applicant’s appeals against three detention orders – Article 46 – Need for the domestic authorities to adopt remedial measures in respect of the applicant and general measures to prevent new similar violations**

The case concerned the abduction and secret transfer of the applicant, who had been granted temporary asylum in the respondent country, to his home country, where he was subsequently prosecuted and sentenced to imprisonment.

#### Article 3

The Court held that there had been a violation of Article 3 on account of domestic authorities’ failure to protect the applicant against the real and imminent risk of torture and ill-treatment by not preventing his forcible transfer from the domestic territory to his home country, the lack of an effective investigation into the incident, and the involvement of state officials in that operation.

#### Article 34

There had been a violation of Article 34 on account of domestic authorities having disregarded the interim measure indicated by the Court.

#### Article 5

The Court found a violation of Article 5 § 4 on account of the long delays in examining the applicant’s appeals against three orders for his detention.

#### Article 46

The Court considered the pattern of similar repeated incidents in the recent past, which suggests that certain state authorities have developed a practice in breach of their obligations under the domestic law and the Convention. The Court thus indicated to the domestic authorities’ remedial measures in respect of the applicant and general measures to prevent new similar violations.

#### Article 41(just satisfaction)

The Court held that Russia was to pay the applicant EUR 30,000 in respect of non-pecuniary damage and EUR 5,920 in respect of costs and expenses.

#### • **Right to liberty and security (Art. 5)**

**PETUKHOVA V RUSSIA – No. 28796/07 – Importance 2 – 2 May 2013 – Violation of Article 5 § 1 – Unlawful court order prescribing involuntary psychiatric examination; Domestic authorities’ failure to justify the applicant’s four-hours custody before being transferred to the hospital.**

The case concerned the applicant’s complaint that she had been unlawfully ordered an involuntary psychiatric examination and held in police custody before being transferred to hospital.

#### Article 5 § 1(b)

The Court noted that the purpose of the order issued by domestic courts was not to authorise the involuntary hospitalisation of the applicant as a person of “unsound mind” but to ensure that she accepted to have psychiatric examination that she had allegedly refused. The restrictions on the applicant’s rights had relied on the exception set out in Article 5 § 1(b), which allowed deprivation of liberty, in order to ensure compliance with “a lawful order of a court”. Therefore, the Court had to determine whether the domestic court order had been lawful and enforced in compliance with Article 5

§ 1(b). The Court held that, in addition to the order being unlawful itself, its enforcement did not require the applicant's detention. There had therefore been a violation of Article 5 § 1.

#### Article 5 § 1(e)

As regards the involuntary hospitalisation of the applicant, the Court held that the applicant's complaint had to be rejected for non-compliance with the six-month time-limit in accordance with Article 35 § 1.

#### Article 41 (just satisfaction)

The Court held that Russia was to pay the applicant EUR 3,000 in respect of non-pecuniary damage and EUR 850 for her lawyers' costs and expenses.

**TYMOSHENKO V. UKRAINE – No. 49872/11 – Importance 2 – 30 April 2013 – No Violation of Article 3 – (i) Inadmissibility of the applicant's complaints concerning the conditions of her pre-trial detention and concerning the alleged lack of appropriate medical treatment during her detention and (ii) applicant's failure to cooperate with domestic authorities – No Violation of Article 8 – Non-exhaustion of domestic remedies – Violation of Article 5 § 1 – Unlawful detention – Violation of Article 5 § 4 – Absence of procedure to review the lawfulness of continued detention – Violation of Article 5 § 5 – Absence of right to compensation in the domestic law – Violation of Article 18 in conjunction with Article 5 – Restriction of the applicant's liberty based on reasons others than bringing the applicant before a competent legal authority on reasonable suspicion of having committed an offence.**

The case concerned complaints related to the detention of the former Ukrainian Prime Minister.

#### Article 3

The Court declared inadmissible the complaints raised by the applicant under Article 3 concerning the conditions of her pre-trial detention and concerning the alleged lack of appropriate medical treatment during her detention.

As for the applicant's complaint regarding her alleged ill-treatment during her transfer to hospital, the Court could not establish that the applicant's bruising had resulted from treatment in breach of Article 3. The Court, while recognising an obligation for the domestic authorities to carry out an effective investigation into those allegations, found that the effectiveness of the investigation has been hindered by the applicant's refusals to undergo a forensic medical examination. The Court concluded therefore that the investigation into the applicant's complaint had been "effective" for the purpose of the requirements of Article 3.

#### Article 8

The Court declared inadmissible the applicant's complaints under Article 8 for non-exhaustion of national remedies.

#### Article 5 § 1

The Court considered that the detention had been arbitrary and unlawful during the entire period. There had accordingly been a violation of Article 5 § 1.

#### Article 5 § 4

The Court found that domestic law did not provide for a procedure to review the lawfulness of continued detention after the completion of a pre-trial investigation that would satisfy the requirements of Article 5 § 4.

#### Article 5 § 5

The Court found that there was no procedure under domestic law for seeking compensation for a deprivation of liberty. There had therefore been a violation of Article 5 § 5

#### Article 18 in conjunction with Article 5

The Court has already established that, although the applicant's detention was formally effected for the purposes envisaged by Article 5 § 1 (c) of the Convention, both the factual context and the reasoning advanced by the authorities suggest that the actual purpose of this measure was to punish the applicant for a lack of respect towards the court which it was claimed she had been manifesting by

her behaviour during the proceedings. The Court considered this a sufficient basis for finding a violation of Article 18 in conjunction with Article 5.

Article 41 (just satisfaction)

The applicant did not submit any claims in respect of damage or costs and expenses.

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

**GROSS V. SWITZERLAND – No. 67810/10 – Importance 2 – 14 April 2013 – Violation of Article 8 – Absence of clear and comprehensive legal guidelines as to whether assisted suicide is permitted**

The case concerned the complaint of an elderly woman, who wishes to end her life but does not suffer from a clinical terminal illness.

The Court first considered that the applicant's wish to be provided with a lethal dose of a drug on medical prescription allowing her to end her life falls within the scope of her right to respect for her private life under Article 8 of the Convention. The Court held that domestic law, while providing the possibility of obtaining a lethal dose of drug in certain conditions (suffering of terminal illness) did not provide sufficient guidelines ensuring clarity as to the extent of this right. This uncertain situation was likely to have caused to the applicant a considerable degree of anguish. There has accordingly been a violation of Article 8 of the Convention in this respect. The Court did not however take a stance on the question of whether the applicant should have been granted the possibility to acquire a lethal dose of medication allowing her to end her life; this responsibility was primarily up to the domestic authorities.

Article 41 (just satisfaction)

The applicant did not submit a claim for damages. The Court further dismissed her claim in respect of costs and expenses, as she had not lodged it within the relevant time-limit.

**M.K V. FRANCE (IN FRENCH ONLY) (No. 19522/09) – Importance 2 – 18 April 2013 – Violation of Article 8 – Disproportionate interference with the applicant's right to respect for his private life on account of the retention of the applicant's fingerprints in a database**

The case concerned an applicant whose fingerprints had been retained on a database by the domestic authorities. In 2004 and 2005 his fingerprints were taken in the context of two investigations into alleged book theft, which ended in one case with his acquittal and in the other with a decision not to prosecute.

The Court considered that the refusal to remove the applicant's fingerprints from the database by the domestic authorities had amounted to interference with his right to respect for his private life.

The public prosecutor and the liberties and detention judge refused to have the fingerprints from the second set of proceedings removed from the database based on the motivation of protecting the applicant against identity theft, an argument that in the Court's view had no basis in the domestic legislation and that could stigmatise, if applied indiscriminately, persons who, like the applicant, had never been found guilty of an offence.

The Court therefore concluded that the domestic courts had overstepped their margin of appreciation and had failed to strike a fair balance between the public and the private interests at stake resulting to a disproportionate interference with the applicant's right to respect for his private life.

Article 41 (just satisfaction)

The applicant, who had received legal aid in the proceedings before the Court, did not submit any claim for just satisfaction. Accordingly, the Court held that it was unnecessary to make such an award.

**AGEYEV V. RUSSIA (No. 7075/10) – Importance 2 – 18 April 2013 – No violation of Article 8 – Legitimate domestic authorities’ decision to remove the applicants’ adoptive children – Five violations of Article 8 – Impossibility for the applicants to revoke the decision concerning the adoption of their children; Applicants’ impossibility to access their children; Unlawful conduct of the hospital officials who provided journalists with access and medical information to the applicants’ son; Domestic authorities’ failure to effectively investigate the unauthorised disclosure of confidential information regarding the adopted status of the applicants’ son and failure of the domestic courts to protect the reputation of one of the applicants.**

The case concerned a married couple’s complaint about the removal of their two adopted children and the revocation of the adoption following an incident where their son was burnt at home and had to go to hospital for treatment.

No violation of Article 8

The Court found that the removal of the applicants’ children had pursued a legitimate aim, which was to protect the children’s “health and morals”.

Five Violations of Article 8

Firstly, the Court held that the domestic courts had not sufficiently taken into consideration all the post-adoption reports from the relevant authorities, which had unanimously praised the conditions in which the children lived with their family while no medical supervision issues had been mentioned. Although the boy’s injuries could justify the temporary removal of the children, the suspicion alone for parental abuse was not sufficient for the irreversible revocation of the adoption.

Secondly, the already established family bonds between the applicants and the children and the potential emotional damage to them that could result from breaking those bonds was not taken into consideration. The Court concluded that the domestic courts’ decisions into revoking the adoption had not been sufficiently justified for the purpose of Article 8.

Furthermore, the Court found that the domestic authorities’ ban concerning the access of the applicants to the children for more than a year had been an automatic consequence of the adoption revocation decision for which the authorities had failed to provide sufficient reasons.

Moreover, the Court held that there had accordingly been a violation of Article 8 based on account of the conduct of the hospital officials who communicated confidential information about the adopted status of the applicants’ son. The domestic authorities reacted to the applicants’ complaint more than a year later.

Finally, the Court found a violation of Article 8 on account of the domestic courts’ failure to protect the reputation of one of the applicants in the defamation proceedings against the publishing house making defamatory assessments and presenting the matter in a sensational manner.

Article 41 (just satisfaction)

The Court held that the domestic authorities were to pay the applicant EUR 25,000 euros and his wife EUR 30,000 in respect of non-pecuniary damage and both applicants jointly EUR 10,100 in respect of costs and expenses .

**M. S. V. CROATIA (No. 36337/10) – Importance 3 – 25 April 2013 – Two violations of Article 8 – Inadequate protection against the alleged attack on the applicant’s physical integrity; Unlawful deprivation of the applicant’s legal capacity**

The case concerned a dispute between the applicant and the owner of the restaurant above which the applicant lives, resulting in bringing criminal proceedings against one another. The first criminal proceeding was brought by the applicant against the owner/employee of the restaurant for hitting and kicking her and the second one was brought by the restaurant owner against the applicant and her sister for defamation.

Article 8 (concerning the alleged attack on the applicant)

Despite the applicant providing medical documents to prove that she had been attacked by the restaurant’s employee, the Court has found that the facts about the alleged attack have been never established by a competent court of law because her guardian had not given express consent for the



continuation of the criminal proceedings that were pending for almost six years, without a sufficient outcome to avoid further violence.

Article 8 (concerning the proceedings to divest the applicant of her legal capacity)

The proceeding to divest the applicant of her legal capacity had been based solely on a report by a psychiatrist who had never had any contact with the applicant. Moreover, under the domestic law, the applicant did not have the opportunity to challenge the proceedings. Having no history of mental illness, the Court thus found that the proceedings to divest the applicant of her legal capacity had not been prescribed by law.

Article 41 (just satisfaction)

The applicant did not submit any claim for just satisfaction or costs and expenses.

- **Article 1 of Protocol No. 1**

**N.K.M V. HUNGARY – No. 66529/11 – Importance 2 – 14 April 2013 – Violation of Article 1 of Protocol No. 1 – Domestic authorities’ failure to prove that 98 per cent tax on part of the severance pay were proportionate to the legitimate aim of protecting the public purse at a time of economic hardship**

The case concerned a civil servant who complained in particular that the imposition of a 98 per cent tax on part of her severance pay under a legislation entered into force ten weeks before her dismissal had amounted to an unjustified deprivation of property.

Article 1 of Protocol No. 1

The Court first found that the severance pay could be equated with possessions within the meaning of Article 1 of Protocol No. 1. While the state interference with the rights of the applicant to peaceful enjoyment of her possession had been lawful, the taxation could not be justified by the legitimate public interest relied on by the domestic authorities. The Court held that the unexpected nature of the change of the tax regime had exposed the applicant to substantial personal hardship. Accordingly there has been a violation of Article 1 of Protocol No.1

Article 41 (just satisfaction)

The Court held that Hungary was to pay the applicant EUR 11,000 in respect of pecuniary and non-pecuniary damage as well as EUR 6,000 in respect of costs and expenses.

**PANTELIOU-DARNE AND BLANTZOUKA V. GREECE (IN FRENCH ONLY) – No. 25143/08 and No. 25156/08 – Importance 3 – 2 May 2013 – No violation of Article 1 of Protocol No. 1 – Domestic courts had struck a fair balance between the requirements of the public interest, namely the economic viability of the airline company, and the need to protect the applicants’ rights to the peaceful enjoyment of their possessions.**

The case concerned two stewardesses working in the public sector airline who sought the retroactive payment of family allowances that their employer, under statutory provisions that were declared unconstitutional in 2001, had stopped paying them in 1997.

While it is clear that the applicants’ inability to recover the money due to them retroactively, following the dismissal of their claims, had constituted an interference with their right to the peaceful enjoyment of their possessions, the Court held that domestic courts had struck a fair balance between the requirements of the general interest and the applicants’ rights. The Court took particularly into account the applicants’ inaction before the domestic courts for over five and ten years, and the serious consequences of a retroactive payment of family allowances to all employees for the economic viability of the airline. Therefore, there has been no violation of Article 1 of Protocol No. 1

- **Article 3 of Protocol No. 1**

**SHINDLER V. THE UNITED KINGDOM – No. 19840/09 – Importance 2 – 7 May 2013 – No violation of Article 3 of Protocol No. 1 – Restriction imposed on the applicant's right to vote was proportionate to the legitimate aim pursued**

The case concerned whether the right to vote of the applicant, who has lived outside the domestic country for over 30 years, had been violated by election laws preventing those residing outside of the domestic country for more than 15 years from voting.

Although neither the applicant nor the domestic authorities had expressly identified the legitimate aim of the restriction on non-resident voting in this case, the Court was satisfied that it pursued the legitimate aim of confining the parliamentary franchise to those citizens with a close connection to the domestic country and would therefore be most directly affected by its laws. The Court concluded that the restriction imposed on the applicant's right to vote was proportionate to the legitimate aim pursued. Therefore there had been no violation of Article 3 of Protocol No.1 of the Convention.

## 2. Other judgments issues in the period under observation

You will find in the column “Key Words” of the table below a short description of the topics dealt with in the judgment<sup>1</sup>. For more detailed information, please refer to the cases.

STATE	DATE	CASE TITLE	IMP.	CONCLUSION	KEY WORDS
BULGARIA	16 April 2013	<a href="#">DIMITAR SHOPOV</a> (No. 17253/07)	3	Violation of Art. 3	Ineffective investigation in the assault against the applicant
		<a href="#">FAZLIYSKI</a> (No. 40908/05)	2	Two violations of Art. 6 §1	Refusal to examine the applicant's psychological assessment and judgments not delivered publicly
		<a href="#">VELEV</a> (No. 43531/08)	2	Violation of Art. 3	Inadequate investigation in police ill-treatment against the applicant
CROATIA	25 April 2013	<a href="#">ERKAPIC</a> (No. 51198/08)	2	Violation of Art. 6 § 1	Unfair trial on account of the conviction of applicant on the sole basis of the pre-trial police questioning of his co-accused
		<a href="#">ZAHIROVIC</a> (No. 58590/11)	1	Violation of Art. 6 § 1	Domestic Supreme Court's failure to forward the written observations made by the State Attorney's Office
				Violation of Art. 6 §§ 1 and 3 ( c )	Domestic Supreme Court's failure to ensure the applicant's presence at the appeal hearing
CZECH REPUBLIC	18 April 2013	ROHLENA (No. 59552/08) (IN FRENCH ONLY)	2	No violation of Art. 7 §1	Rightful application of a new criminal law if the felony is of “continuous” legal nature
GEORGIA	23 April 2013	<a href="#">ILDANI</a> (No. 65391/03)	3	Violation of Art. 3	Inadequate medical treatment in prison
				No violation of Art. 3	Adequate medical treatment provided after February 2010
GREECE	2 May 2013	BARJAMAJ (IN FRENCH ONLY) (No. 36657/11)	3	Violation of Art. 5 § 1	Unlawful detention and late notification of an expulsion decision
		CHKHARTISHVILI (IN FRENCH ONLY) (No. 22910/10)	2	Violation of Art. 3	Poor conditions (insufficient physical exercise, catering service) of the applicant's detention by the immigration authorities during 6 months
HUNGARY	16 April 2013	<a href="#">A.B.</a> (No. 33292/09)	3	Violation of Art. 5 § 3	Excessive length of the applicant's pre-trial detention
				Violation of Art. 5 § 4	Domestic authorities' failure to give the applicant access to relevant material in the investigation

<sup>1</sup> The “Key Words” in the various tables of the RSIF are elaborated under the sole responsibility of the Directorate of Human Rights

<b>HUNGARY</b> (CONTINUED)	23 April 2013	<a href="#">BAKSZA</a> (No. 59196/08)	3	Violation of Art. 5 § 3	Excessive length of pre-trial detention
				Violation of Art. 5 § 4	Domestic authorities' failure to grant the applicant access to documents relevant to his pre-trial detention
		<a href="#">HAGYO</a> (No. 52624/10)	3	Violation of Art. 3	Poor conditions of detention
				Violation of Art. 5 § 3	Unjustified length of pre-trial detention given the gravity of the applicant's charges and his health problems
				Violation of Art. 5 § 4	Domestic authorities' failure to grant the applicant access to evidence concerning his case
				No violation of Art. 8	No breach of the applicant's right to contact his child (the child's health prevented personal contact while neither her age or illness justified extended phone calls)
				Violation of Art. 8	Domestic authorities' failure to maintain a fair balance between the measures taken (prohibition made to the applicant's wife to visit and call him) and the aim to be achieved (non-interference with on-going investigation)
				Violation of Art. 13 in conjunction with Art. 8	Lack of an effective remedy in that respect
<b>NORWAY</b>	2 May 2013	<a href="#">KRISTIANSES AND TYVIK AS</a> (No. 25498/08)	2	Violation of Art. 6 § 1	Deprivation of the applicant's right to access to a court due to a 20 year time-barred limitation in domestic law
<b>PORTUGAL</b>	16 April 2013	ROLIM COMERCIAL, S.A. ( <a href="#">IN FRENCH ONLY</a> ) (No. 16153/09)	2	Violation of Art. 1 of Protocol No. 1	Deprivation of the applicant company's property by a State organism
<b>ROMANIA</b>	16 April 2013	<a href="#">BERND</a> ( <a href="#">IN FRENCH ONLY</a> ) (No. 23456/04)	3	Violation of Art. 6 § 1	Breach of the principle of legal certainty (binding force of a previous judgment)
		<a href="#">BUCUREȘTEANU</a> ( <a href="#">IN FRENCH ONLY</a> ) (No. 20558/04)	3	Violation of Art. 3	Lack of a prompt and effective investigation into the attack against one of the applicants
		<a href="#">CĂȘUNEANU</a> (No. 22018/10)	2	Violation of Art. 3	Poor conditions of detention (overcrowding and hygiene)
				Violation of Art. 8	Domestic authorities' leaks to the press regarding excerpts of the prosecution file

ROMANIA (CONTINUED)	23 April 2013	LAURUC ( <a href="#">IN FRENCH ONLY</a> ) (No. 34236/03)	3	Violation of Art. 3	Poor conditions of detention (Overcrowding)
				Violation of Art. 5 § 1 ( c )	Unlawfulness of the applicant's pre-trial detention (absence of concrete arguments ordering his detention)
				Violation of Art. 5 § 3	Domestic authorities' failure to bring the applicant promptly before a judge and absence of sufficient arguments justifying the maintain of his detention
				Violation of Art. 5 § 4	Domestic court's failure to examine promptly the applicant's pre-trial detention
RUSSIA	18 April 2013	<a href="#">ASKHABOVA</a> (No. 54765/09)	3	Two violations of Art. 2	Killing of the applicant's son by police officers, ineffective ensuing domestic investigation in this respect
				Violation of Art. 3	Mental suffering caused to the applicant
				Violation of Art. 5	Unlawful detention
				Violation of Art. 13 in conjunction with Art. 2 and 3	Ineffective investigation
		<a href="#">AZIMOV</a> (No. 67474/11)	2	Violation of Art. 3	Risk of ill-treatment in case of expulsion
				Violation of Art. 5 § 4	Applicant's inability to challenge his detention
				Violation of Art. 5 § 1 (f)	Continued detention pending extradition
		<a href="#">BERESNEV</a> (No. 37975/02)	3	Two violations of Art. 3	Ill-treatment and inadequacy of domestic authorities' ensuing investigation in this respect
				Violation of Art. 6 § 1	Applicant's inability to attend hearings in person
		<a href="#">ZELENKOV</a> (No. 29992/05)	3	Violation of Art. 6 § 1	Applicant's inability to attend hearings because of absence of notification about the date or time

RUSSIA (CONTINUED)	25 April 2013	<a href="#">YEVGENIY IVANOV</a> (No. 27100/03)	3	Violation of Art. 6 §§ 1 and 3 ( d )	Unfairness of criminal proceedings on account of the applicant's inability to question the witnesses and domestic court's refusal to question the defence witness
	2 May 2013	<a href="#">SAMARTSEV</a> (No. 44283/06)	2	No violation of Art. 3 (substantive)	Applicant's failure to prove he was ill-treated (self-contradictory position and medical certificate indicating that the applicant had injured himself when he had lost consciousness)
				Violation of Art. 3 (procedural)	Lack of an effective investigation into the applicant's allegations of ill-treatment
				Two violations of Art. 3 (substantive and procedural)	Ill-treatment of the applicant after his arrest and lack of an effective investigation on that respect
				Violation of Art. 3	Poor conditions of detention
		<a href="#">ZAGIDULINA</a> (No. 11737/06)	2	Violation of Art. 5 § 1	Arbitrary hospitalisation of the applicant in a psychiatric hospital against his will and deprivation of her right to have the lawfulness of her detention reviewed
SWITZERLAND	16 April 2013	<a href="#">UDEH</a> (No. 12020/09) (IN FRENCH ONLY)	2	Violation of Art. 8	Impossibility for the applicant to have regular contact with his children in the event of his expulsion to another country
"THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA"	25 April 2013	<a href="#">BALAZOSKI</a> (No. 45117/08)	2	Violation of Art. 6	Contradictory decisions on the same issue without any reference to the past decision or reasoning to the contrary and rejection the applicant's appeal on points of law without an examination of the merits
TURKEY	16 April 2013	<a href="#">MERYEM ÇELİK AND OTHERS</a> (No. 3598/03)	2	Violation of Art. 2	Domestic security forces' responsibility for disappearance and presumed deaths
					Domestic security forces' responsibility for a killing
					Domestic authorities' ineffective investigation
				Violation of Art. 5	Unlawful detention
				Violation of Art. 3	Suffering of the applicants due to the disappearance of their relatives

<b>TURKEY</b> (CONTINUED)	23 April 2013	MEKIYE DEMIRCI (IN FRENCH ONLY) (No. 17722/02)	3	Violation of Art. 5 § 1	Unlawful detention
				No violation of Art. 5 § 2	No failure of domestic authorities to inform the applicant of the charges against her
				Violation of Art. 5 § 4	Lack of an effective judicial review concerning the lawfulness of the applicant's detention
				Violation of Art. 5 § 5	Lack of compensation in respect of the violations
		<u>KULAH AND KOYUNCU</u> (No. 24827/05)	3	Violation of Art. 2	Unlawful killing of the applicants' son by a police officer and inadequate investigation in that respect
		SUZER (IN FRENCH ONLY) (No. 13885/05)	2	Violation of Art. 6 §§ 1 and 3 ( C )	Lack of a fair trial and breach of the applicant's defence rights (applicant had been forced to sign several documents against his will without legal assistance of his choice )
		<u>YAZICI AND OTHERS</u> (No. 2) (No. 45046/05)	3	Violation of Art. 3	Ill-treatment of the applicants while in police custody and ineffective investigation in that respect

### 3. Repetitive cases

The judgments listed below are based on a classification which figures in the Registry's press release: "In which the Court has reached the same findings as in similar cases raising the same issues under the Convention".

The role of the NHRs may be of particular importance in this respect: they could check whether the circumstances which led to the said repetitive cases have changed or whether the necessary execution measures have been adopted.

STATE	DATE	CASE TITLE	CONCLUSIONS	KEYWORDS
UKRAINE	18 April 2013	<u>DYACHENKO</u> (No. 42813/05)	Violation of Art. 5§3	Excessive length of pre-trial detention
	25 April 2013	<u>SHTABOVENKO AND OTHERS</u> (No. 22722/07 AND 99 OTHERS)	Violation of Articles 6 § 1, 1 of Prot. No. 1 and 13	Delayed enforcement of decisions in the applicants' favour
RUSSIA	2 May 2013	<u>DREVAL AND OTHERS</u> (No. 40075)	Violation of Art. 6	Lengthy non-enforcement of a binding judgment awarding social housing to the applicants
		<u>SAKHAROVA</u> (No. 15037/05)	Violation of Art. 6	Quashing of a final binding judgment in the applicant's favour

#### 4. Length of proceedings cases

The judgments listed below are based on a classification, which figures in the Registry's press release. The role of the NHRs may be of particular relevance in that respect as well, as these judgments often reveal systemic defects, which the NHRs may be able to fix with the competent national authorities.

With respect to the length of non-criminal proceedings cases, the reasonableness of the length of proceedings is assessed in the light of the circumstances of the case and with reference to the following criteria: the complexity of the case, the conduct of the applicant and the relevant authorities and what was at stake for the applicant in the dispute (See for instance [Cocchiarella v. Italy](#) [GC], no. 64886/01, § 68, published in ECHR 2006, and [Frydlender v. France](#) [GC], no. 30979/96, § 43, ECHR 2000-VII).

STATE	DATE	CASE TITLE
CROATIA	2 May 2013	<a href="#">DOMANCIC</a> (No. 18786/11)
GREECE	18 April 2013	FERGADIOTI-RIZAKI ( <a href="#">IN FRENCH ONLY</a> ) (No. 27353/09)
		IOANNIS ANASTASIADIS AND OTHERS ( <a href="#">IN FRENCH ONLY</a> ) (No. 45823/08)
	2 May 2013	GOUDOUMAS ( <a href="#">IN FRENCH ONLY</a> ) (No. 62459/09)
PORTUGAL	16 April 2013	ASSOCIAÇÃO DE INVESTIDORES DO HOTEL APARTAMENTO NEPTUNO ( <a href="#">IN FRENCH ONLY</a> ) (Nos. 46336/09 AND 217 OTHERS)
RUSSIA	2 May 2013	<a href="#">POSPEKH</a> (No. 31948/05)
		<a href="#">TYUKOV</a> (No. 16609/05)
SLOVENIA	18 April 2013	<a href="#">FORTUNAT</a> (No. 42977/04)
		<a href="#">KOVACIC</a> (No. 24376/08)
		<a href="#">MEGLIC</a> (No. 29119/06)
		<a href="#">MEZNARIC</a> (No. 41416/06)
		<a href="#">OROZIM</a> (No. 49323/06)
		<a href="#">PASIC (No. 2)</a> (No. 41060/07)
		<a href="#">PODBELSEK BRACIC</a> (No. 42224/04)
		<a href="#">TRUNK</a> (No. 41391/06)
		<a href="#">VUKADINOVIC</a> (No. 44100/09)
UKRAINE	2 May 2013	<a href="#">SAVENKOVA</a> (No. 4469/07)



## B. The communicated cases

The European Court of Human Rights publishes on a weekly basis a list of the communicated cases on its website. These are cases concerning individual applications which are pending before the Court. They are communicated by the Court to the respondent State's Government with a statement of facts, the applicant's complaints and the questions put by the Court to the Government concerned. The decision to communicate a case lies with one of the Court's Chamber which is in charge of the case. A **selection** of those cases is proposed below.

NB: The statements of facts and complaints have been prepared by the Registry (solely in one of the official languages) on the basis of the applicant's submissions. The Court cannot be held responsible for the veracity of the information contained therein.

Please note that the Irish Human Rights Commission (IHRC) issues a monthly table on priority cases before the European Court of Human Rights with a focus on asylum / immigration, data protection, anti-terrorism / rule of law and disability cases for the attention of the European Group of NHRIs with a view to suggesting possible amicus curiae cases to the members of the Group. Des Hogan from the IHRC can provide you with these tables ([dhogan@ihrc.ie](mailto:dhogan@ihrc.ie)).

STATE	DATE OF DECISION TO COMMUNICATE	CASE TITLE	KEY WORDS OF QUESTIONS SUBMITTED TO THE PARTIES
BELGIUM	23 April 2013	SOW ( <a href="#">In French Only</a> ) (No. 27081/13)	Alleged violation of: Art. 3 - Prohibition of torture, risk of re-excision if sent back to Guinea.
BULGARIA	4 May 2013	<a href="#">KOTSE FILIPOV</a> <a href="#">KOTSEV</a> (No. 18354/07)	Alleged violation of: Art. 1 of Prot. No.1 - Domestic authorities' failure to pay to the applicant the sum awarded in a final court decision in his favour; Articles 6 § 1 and 13 – Domestic jurisdictions' failure to enforce the final judicial decision and lack of an effective remedy in that respect; Art. 14 – Discrimination as a result of the lack of execution of the judicial decision
CROATIA	6 May 2013	<a href="#">M.S.</a> (No. 75450/12)	Alleged violation of: Article 3, 5 § 1, 5 § 4, 13, 14, 2 of Protocol No. 4, 3 of Protocol No. 7 and 1 of Protocol No.12 – Ill-treatment and unlawful confinement in psychiatric hospital, unlawfulness of the procedure of the judicial review of the applicant confinement because she was not effectively represented
ESTONIA	10 May 2013	<a href="#">EGON JAEGER</a> (No. 1574/13)	Alleged violation of: Art. 3 – Degrading body search in prison, carried out on the applicant while other detainees could see
GEORGIA	7 May 2013	<a href="#">GIORGI VASHAKIDZE</a> <a href="#">AND ELDAR</a> <a href="#">GOGBERASHVILI</a> (No. 25120/07)	Alleged violation of: Art. 3 – Ill-treatment by domestic authorities to extract confession from the applicants; Articles 5 §§ 1 (a), (b) and (c) and 3 – Unlawful arrest and pre-trial detention; Art. 6 §§ 1, 2 and 3 – Violation of their right to a fair trial, in particular by the use of evidence obtained unlawfully, Art. 14 – Violation of presumption of innocence
GERMANY	15 May 2013	<a href="#">PARTEI DIE FRIESEN</a> (No. 65480/10)	Alleged violation of: Art. 14 in conjunction with Art. 3 of Prot. No.1 – Domestic authorities' failure to take into account that the applicant party represents a national minority within the meaning of of the Framework Convention for the Protection of National Minorities; Art. 13 in conjunction with Art. 14, and Art. 3 of Prot. No. 1 – Lack of an effective remedy in that respect in particular due to the parliament lack of impartiality and independence in proceedings regarding the validity of electoral result, absence of oral hearing and no intensive examination of the facts of the case.

ITALY	3 May 2013	ROSANO ( <a href="#">In French Only</a> ) (No. 28759/10)	Alleged violation of: Articles 2 and 3 - Lack of medical treatments in prison and poor conditions of detention
REPUBLIC OF MOLDOVA AND RUSSIA	14 May 2013	<a href="#">Sergiy Volodymyrovych SOYMA</a> (No. 1203/05)	Articles 2 and 3 – Death of the applicant following an alleged use of torture by domestic authorities while in prison; Articles 5 § 1 and 6 § 1 - Unlawfulness of the applicant detention and conviction ordered by an unlawfully constituted court; Article 8 – Domestic courts’ failure to enforce the applicant’s right to see his parents while in detention; Article 13 – Lack of an effective remedy to challenge the decision of the supreme jurisdiction that convicted the applicant
POLAND	7 May 2013	<a href="#">ANDRZEJ STANKIEWICZ AND OTHERS</a> (No. 48053/11)	Alleged violation of: Art. 10 – Breach of the applicants’, journalist and editor-in-chief, right to freedom of expression, caused by a sanction following the publication of an article reporting the drafting of a new Tax law.
ROMANIA	30 April 2013	M. ( <a href="#">In French Only</a> ) (No. 27587/06)	In particular, alleged violation of: Art. 8§1 - Deprivation of the applicant's parental rights in prison
	7 May 2013	FIEROIU ( <a href="#">In French Only</a> ) (Nos. 65175/10 AND OTHERS)	Alleged violation of: Art. 8§1 - Implantation of a regional waste sorting unit next to the applicants’ homes; inadequate investigations and studies to prevent and estimate the risks for the environment and individual rights of the projected unit
	14 May 2013	ASSOCIATION 'ACCEPT' ( <a href="#">In French Only</a> ) (Nos. 48301/08 AND OTHERS)	In particular, alleged violation of: Art. 11§1 – Domestic authorities’ refusal to register the subscription of the applicants as new members of the applicant association; Art.8§1 – Requirement to publish personal information when subscribing to the applicant association
		LABIDI ( <a href="#">In French Only</a> ) (No. 52693/12)	In particular, alleged violation of: Art. 8 - Prohibition made to the applicant to enter Romania during 15 years;
TURKEY	7 May 2013	DOĞAN ( <a href="#">In French Only</a> ) (Nos. 62649/10 and others)	In particular, alleged violation of: Art. 14 - Discrepancy of treatment between the applicants and the other Muslim citizens because of the difference of religion

## Part II: The execution of the judgments of the Court

### Decisions on execution of European Court of Human Rights judgments

The Committee of Ministers of the Council of Europe published the [decisions and resolutions](#) adopted at its 1164th meeting (DH) (5-7 March 2013).

### Publication of the annual report on the supervision of the execution of judgements and decisions of the Court (10.04.2013)

The Committee of Ministers made public on 10 April 2013 the annual report for 2012 on its supervision of the execution of judgments and decisions of the Court. In accordance with the European Convention on Human Rights, the Committee of Ministers is responsible for supervising the execution of the Court's judgments by the states concerned.

The statistics reveal a steady decrease in the number of judgments brought before the Committee concerning repetitive cases which are well-founded. At the same time, the number of closed cases is up. This positive trend seems linked with various factors including the emphasis placed on the need to guarantee the effectiveness of domestic remedies as an integral part of every process of executing a judgment.

The year 2012 also features improvements in the payment of just satisfaction.

At the same time, it emerges that the overall workload of the Committee of Ministers is growing and consequently raises major challenges for the Committee and the national authorities.

The report illustrates the positive impact of the reform process commenced at Interlaken and continued at Izmir and Brighton by the [high-level conferences of the Council of Europe](#) held at those venues. It also emphasises the need to carry on the efforts in hand, the importance of the co-operation programmes, and the continued dedication of all stakeholders in the process of implementing the Court's judgments and decisions.

[READ THE REPORT](#)  
[PDF]

## Part III: Events, visits and reports

This part presents events, visits and reports that either took place or were announced<sup>2</sup> during the period under observation (16 April – 15 May 2013) for this RSIF. For more details, click on the provided link or refer to the parts of this RSIF devoted to the concerned body

APRIL 2013		
3-12	Visit of CPT in Hungary	<a href="#">Read more</a>
4-10	Visit of the CPT in Armenia	<a href="#">Read more</a>
4-16	Visit of the CPT in Greece	<a href="#">Read more</a>
9-12	41 <sup>st</sup> plenary meeting of the MONEYVAL	<a href="#">See below</a>
15-19	Evaluation visit of the GRETA to Serbia	<a href="#">Read more</a>
16-19	Participation of the ESC to the 3 <sup>rd</sup> ENSACT Joint European Conference in Istanbul	<a href="#">Programme</a>
19	Publication of the Advisory Committee on the FCNM's third opinion on Ireland together with the Government comments	<a href="#">Read the opinion</a> <a href="#">Read the government comments</a>
22	Launch of the Václav Havel Human Rights Prize	<a href="#">Read more</a>
22-26	Visit of the ECRI in Slovenia as the first step in the preparation of a monitoring report	<a href="#">Read more</a>
24	Publication of CPT's report on Portugal	<a href="#">Read more</a> <a href="#">Read the report</a> <a href="#">Response of the Portuguese authorities</a>
25	Publication of GRECO's compliance report on Iceland	<a href="#">Read the report</a>
30	1169 <sup>th</sup> Meeting of the Committee of Ministers	<a href="#">Read the meeting file</a>
	Outline for 4 <sup>th</sup> cycle State reports approved by the Committee of Ministers	<a href="#">See the outline</a>
	Publication of CPT's reports on Spain	<a href="#">Read more</a> <a href="#">Report on the sixth periodic visit</a> <a href="#">Report on Barcelona Prison for Men</a>

<sup>2</sup> These are subsequently due to take place.

MAY 2013		
6	Meeting on the non-accepted provisions of the ESC by Turkey (Ankara, Turkey)	<a href="#">Programme</a>
	Publication of GRETA's first report on Poland	<a href="#">Read more</a> <a href="#">Read the report</a>
7	1170 <sup>th</sup> Meeting of the Committee of Ministers	<a href="#">Read the meeting file</a>
	Publication of GRETA's report on Norway	<a href="#">Read more</a> <a href="#">Read the report</a>
10-13	PACE's observation of the early parliamentary elections in Bulgaria	<a href="#">More information</a>
13-15	PACE President official visit to Turkey	<a href="#">Announcement of the visit</a>
13-17	Visit of the GRETA to Azerbaijan	<a href="#">Read more</a>
14	Publication of GRETA's first report on Bosnia and Herzegovina	<a href="#">Read more</a> <a href="#">Read the report</a>
15-16	Fact-finding visit of PACE Rapporteur to Ukraine	<a href="#">Announcement of the visit</a>
15-16	Participation of the ESC to a conference held to celebrate the 20 <sup>th</sup> anniversary of the Vienna Conference on Human Rights (Berlin, Germany)	<a href="#">Programme</a>

## **Part IV: The work of other Council of Europe monitoring mechanisms**

### **A. European Social Charter (ESC)**

#### **Exchange of views with the President of the ECtHR, Mr Dean Spielmann (14/05/2013)**

The European Committee of Social Rights held an exchange of views with Mr Dean Spielmann, President of the ECtHR. Mr Spielmann emphasised the indivisibility of human rights and the complementarity between the Court and the Committee, maintaining that both mechanisms are necessary to guarantee the protection of human rights. Views were exchanged on a wide range of topics, including recent developments pertaining to the Convention and the Charter, the future of social rights protection under both instruments, the impact of austerity measures taken by the States Parties and relations with the European Union and other international bodies. Mr Spielmann expressed his hope that the dialogue between the Court and the Committee could continue and develop further in the future and he looked forward to resuming the exchanges on an annual basis ([Read Mr Spielmann's speech](#)).

### **B. European Committee for the Prevention of Torture and inhuman or Degrading Treatment or Punishment (CPT)**

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

### **C. European Committee against Racism and Intolerance (ECRI)**

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

### **D. Framework Convention for the Protection of National Minorities (FCNM)**

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

### **E. Group of States against Corruption (GRECO)**

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

### **F. Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL)**

#### **Outcome of the 41st Plenary Meeting (18.04.2013)**

MONEYVAL achieved several significant results: it discussed and adopted the evaluation report on the 4th assessment visit of Poland; it examined and adopted the 4th round follow-up report of Slovenia, thereby moving them to biannual updates; it examined the 4th round follow-up report of Hungary; it discussed the roadmap to the 5th evaluation round of MONEYVAL; it adopted the typologies projects on "The use of internet gambling for ML and TF purposes" and "Postponement of financial transactions and the monitoring of bank accounts"; it noted the status of work under the typologies project on "Trade based money laundering in cash intensive economies". MONEYVAL also examined and adopted the reports on action being taken by Albania under step (ii) and Bosnia and Herzegovina under step (i) to address the issues of concerns raised by MONEYVAL in the context of the Compliance Enhancing Procedures.

### **G. Group of Experts on Action against Trafficking in Human Beings (GRETA)**

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

## Part V: The inter-governmental work

### A. The new signatures and ratifications of the Treaties of the Council of Europe

COUNTRY	CONVENTION	RATIF.	SIGN.	DATE
ANDORRA	Convention on Cybercrime ( <a href="#">ETS No. 185</a> )		X	23 April 2013
	Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems ( <a href="#">ETS No. 189</a> )		X	
ARMENIA	Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority ( <a href="#">CETS No. 207</a> )	X		13 May 2013
GEORGIA	Additional Protocol to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, regarding supervisory authorities and trans border data flows ( <a href="#">ETS No. 181</a> )		X	15 May 2013
MONACO	Convention on Cybercrime ( <a href="#">ETS No. 185</a> )		X	2 May 2013
MONTENEGRO	Council of Europe Convention on preventing and combating violence against women and domestic violence ( <a href="#">CETS No. 210</a> )	X		22 April 2013
RUSSIA	Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data ( <a href="#">ETS No. 108</a> )	X		15 May 2013
"THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA"	European Convention on the Adoption of Children (Revised) ( <a href="#">CETS No. 202</a> )		X	30 April 2013

## B. Recommendations and Resolutions adopted by the Committee of Ministers

NATURE OF THE TEXT	TEXT NUMBER	OBJECT	DATE
RESOLUTIONS	<a href="#">CM/ResCMN(2013)1E</a>	Resolution on the implementation of the FCNM by the Russian Federation	30 April 2013
	<a href="#">CM/ResChS(2013)8E</a>	Complaint No. 62/2010 by the International Federation of Human Rights (FIDH) v. Belgium	

## C. Other news of the Committee of Ministers

### Gilbert Saboya Sunyé, Chairman of the Committee of Ministers, addressed the PACE (22.04.2013)

“Education, culture and youth correspond to the very essence of the Council’s role: democracy, rule of law and human rights are not established by decree”, highlighted Gilbert Saboya Sunyé, Chairman of the Committee of Ministers, while addressing PACE. The Minister of Foreign Affairs of Andorra underlined the chairmanship’s main contributions to some of the strategic priorities identified by the Organisation: “living together in harmony in sustainable democratic and culturally diverse societies, focusing our activities on youth, education for democratic citizenship and human rights”. Saboya Sunyé provided as well an up-date on the developments on the agenda of the Committee of Ministers, focusing on the partnership with the European Union for the Neighbourhood policy in the southern shores of the Mediterranean. Moreover, in the framework of a brief overview of the Andorran initiatives during the semester, the Iberian politician emphasised the role of the campaign Nurturing Human Rights launched to raise awareness on the Convention on Human Rights ([read the speech](#) - [report by the Chair](#)).

### Declaration of the Committee of Ministers on the recent executions in Japan and in the USA (30.04.2013)

The Committee of Ministers deplored the executions which had recently taken place in Japan and in the USA, observer States to the Council of Europe. These executions run counter to the growing trend against the death penalty at the international level as shown by the latest resolution on the moratorium on the use of the death penalty adopted at the United Nations. When granted the observer status to the Council of Europe, States have committed themselves to share Council of Europe values and to make a positive contribution to the work of the Organisation. The Committee of Ministers called again on the Japanese and American authorities to put an end to this inhumane practice and to respect our values and principles. The Committee of Ministers reiterated its unequivocal opposition to capital punishment in all places and in all circumstances. It remained determined to continue its efforts towards global abolition of this inhumane practice.

### Declaration of the Committee of Ministers on the abolition of the death penalty in Maryland (USA) (07.05.2013)

The Committee of Ministers congratulated the State of Maryland on its recent decision passing legislation abolishing the death penalty. The Committee of Ministers encouraged other US States to follow the positive example of the State of Maryland and to reinforce the growing trend in international law and national practices towards the abolition of the death penalty.



## Part VI: The parliamentary work

### A. Resolutions and Recommendations of the Parliamentary Assembly of the Council of Europe (PACE)

NATURE OF THE TEXT	TEXT NUMBER	OBJECT	DATE
RESOLUTIONS	1925	<p>Post-monitoring dialogue with Turkey</p> <p>The PACE recognised there had been many reforms in Turkey since 2004 but said these only partially responded to the remaining problem areas set out by them. (<a href="#">Read more</a>)</p>	23 April 2013
	1926	<p>Fighting “child sex tourism”</p> <p>The PACE asserted that sexual exploitation of children in travel and tourism, also referred to as “child sex tourism”, is a violation of children’s fundamental rights and dignity, and called for committed legal action and policies to fight effectively against it. (<a href="#">Read more</a>)</p>	
	1927	<p>Ending discrimination against Roma children</p> <p>The PACE stated that, to end the discrimination against Roma in Europe, it is notably necessary to first ensure that Roma children are given the same opportunities as any other children. (<a href="#">Read more</a>)</p>	
	1928	<p>Safeguarding human rights in relation to religion and belief and protecting religious communities from violence</p> <p>The PACE expressed its concern about the increasing occurrence of violent attacks against religious communities and individuals throughout the world on the basis of their religion or beliefs. It recalled that freedom of thought, conscience and religion are universal human rights (<a href="#">Read more</a>)</p>	24 April 2013
	1932	<p>Frontex: human rights responsibilities</p> <p>The PACE stated that once Frontex began to operate, it became clear that there were many human rights implications attached to its work and that it was ill-equipped to tackle these. (<a href="#">Read more</a>)</p>	25 April 2013

<b>RESOLUTIONS</b> (CONTINUED)	1933	<p>Management of mixed migration and asylum challenges beyond the European Union's eastern border</p> <p>The PACE considered that much more needs to be done in order to assist the countries beyond the European Union's eastern borders to deal with the migratory pressures and to make sure that persons involved in these mixed flows are treated humanely and that their human rights are respected (<a href="#">Read more</a>)</p>	25 April 2013
	1934	<p>Ethics in science and technology</p> <p>The PACE called for a permanent body for ethical reflection on scientific issue, which would make it possible to address ethical issues as a "moving target", and enable a periodic re-questioning of even basic assumptions, such as the definition of "human identity" or "human dignity" (<a href="#">Read more</a>)</p>	26 April 2013
<b>RECOMMENDATIONS</b>	2013	<p>Parliaments united in combating sexual violence against children: mid-term review of the ONE in FIVE Campaign</p> <p>The PACE has been developing the parliamentary dimension of the Council of Europe ONE in FIVE Campaign to stop sexual violence against children since its launch in November 2010 (<a href="#">Read more</a>)</p>	23 April 2013
	2015	<p>Young people's access to fundamental rights</p> <p>The PACE is firmly convinced that unhindered access of young people to fundamental rights is an essential element in building a culture of human rights, democracy and the rule of law, and is concerned that youth policies in the member states do not sufficiently safeguard these rights (<a href="#">Read more</a>)</p>	24 April 2013

## B. Other news of the Parliamentary Assembly of the Council of Europe (PACE)

### ➤ Themes

#### **German President Joachim Gauck said "Never economise on human rights' (22.04.2013)**

German President Joachim Gauck told in an address to the PACE that the Council of Europe is needed more than ever before, and that in spite of pressure to make savings in a time of austerity across Europe, one should never seek to economise on human rights. The German president praised the ECHR, which he called "the last hope for those who are desperate and dispossessed" and called on all 47 member states to respect judgments of the Court. ([Read more](#) - [Video of the speech](#))

#### **PACE committee spelled out principles for distinguishing political from criminal responsibility (23.04.2013)**

The PACE Legal Affairs Committee said politicians should be protected from criminal prosecution based on their political decisions. Approving a report, the committee stated the ultimate judges of political decisions should be voters, and listed a number of principles for distinguishing political decision-making from criminal acts. ([Read more](#) – [Full report](#) – [Dissenting opinion](#))

### **Coerced sterilisations and castrations: 'never again' (25.04.2013)**

Following a report, the PACE Committee on Social Affairs, Health and Sustainable Development denounced coerced, non-reversible sterilisations and castrations as grave violations of human rights and human dignity. Therefore it invited member states to revise their laws as necessary ([Read more – Report](#))

### **PACE approved Draft Protocol No. 15 to the Convention for the Protection of Human Rights and Fundamental Freedoms (26.04.2013)**

Draft Protocol No. 15 to the Convention for the Protection of Human Rights and Fundamental Freedoms can be adopted by the Committee of Ministers and opened for signature and ratification as presently drafted, without amendment, according to the PACE. Among other things, the draft protocol provides for the insertion, in the Convention's preamble, of a reference to the principle of subsidiarity and the doctrine of the margin of appreciation ([Read more](#))

### **Further steps towards full protection of girls and women world-wide (02.05.2013)**

The PACE General Rapporteur on Children and PACE General Rapporteur on combating violence against women renewed their call to the countries of Europe and beyond to accede to and implement the Council of Europe conventions on the protection of children against sexual exploitation and sexual abuse and on preventing and combating violence against women and domestic violence ([Read more](#))

#### **➤ Countries**

### **Armenia: Presidential election generally well-administered, despite some shortcomings (22.04.2013)**

According to the PACE, the presidential election held in Armenia was generally well-administered and characterised by a respect for fundamental freedoms, thus constituting an improvement over the previous presidential election in 2008. However, a number of shortcomings were observed, in particular abuse of administrative resources and interference in the election process by candidate proxies and supporters ([Read more](#))

### **Belarus: PACE Rapporteurs condemned death sentence handed down in Belarus (03.05.2013)**

The PACE's General Rapporteur on the abolition of the death penalty and the rapporteur on the situation in Belarus have expressed their dismay at the first death sentence handed down in this country since the execution of the purported Minsk metro bombers in 2012 ([Read more](#))

### **Bulgaria: Parliamentary elections competitive and well run, but trust in process is lacking, international observers said (13.05.2013)**

The international observers said that Bulgaria's early parliamentary elections were held in a competitive environment, where fundamental freedoms were respected, and the administration of elections was well managed, although the campaign was overshadowed by a number of incidents ([Read more](#))

### **Georgia: PACE monitoring co-rapporteurs for Georgia welcomed justice system reforms and urged consensus on High Council of Justice (16.04.2013)**

The co-rapporteurs for the monitoring of Georgia have welcomed the recently adopted reforms of the justice system. At the same time they noted that the implementation of the reform of the High Council of Justice is still an important point of contention between majority and opposition, therefore urged both parties to look for compromises and seek agreement on the transitional provisions for this reform ([Read more](#))

**Hungary: PACE committee recommended monitoring of Hungary (25.04.2013)**

The Monitoring Committee of the PACE has recommended the opening of a monitoring procedure in respect of Hungary. The committee said there are “serious and sustained concerns” about the extent to which Hungary is complying with the obligations it took on when it joined the Council of Europe to uphold the highest standards on democracy, human rights and the rule of law ([Read more](#))

**Ukraine: PACE co-rapporteurs welcomed positive developments and call on ruling majority and opposition to work together on major reforms (17.04.2013)**

The co-rapporteurs for the monitoring of Ukraine have welcomed the continuing efforts displayed by the Ukrainian authorities to reform the judiciary but stressed that implementation of newly-adopted laws and strategies is now essential to ensure an independent and impartial judiciary that fully respects the principles of the rule of law. The co-rapporteurs also welcomed the release of Yuriy Lutsenko following a Presidential pardon ([Read more](#))

**PACE Rapporteurs reacted to ECtHR ruling with regard to illegal arrest of Yulia Tymoshenko (03.05.2013)**

The co-rapporteurs for Ukraine of the PACE Monitoring Committee, as well as the rapporteur of the Committee on Legal Affairs and Human Rights on “Keeping political and criminal responsibility separate”, have urged the Ukrainian authorities to use all legal means to release Yulia Tymoshenko following the recent ruling of the ECHR on her arrest and pre-trial detention ([Read more](#))

## Part VII: The work of the Office of the Commissioner for Human Rights

### ➤ *Countries*

#### **Greece must curb hate crime and combat impunity (16.04.2013)**

The Commissioner for Human Rights Nils Muižnieks, publishing a report based on the findings of his visit to Greece, said that democracy in this country is seriously threatened by the upsurge of hate crime and a weak state response. He added that sustained and concerted action, notably by the police and the courts, is necessary to protect the rule of law and human rights in the country. The Commissioner further stressed that it is necessary to urgently address the chronic shortcomings of Greece's justice system concerning in particular excessively lengthy proceedings, lack of an effective remedy and costly court fees ([Read more](#) – [Report of Nils Muižnieks](#) – Greek authorities' comments on the report : [\[EN\]](#) – [\[GR\]](#))

### ➤ *Themes*

#### **Human rights protection is under strain in Europe (25.04.2013)**

The Commissioner for Human Rights Nils Muižnieks, while presenting his first annual report, expressed his worries about the picture of the human rights situation which he has observed during country visits, meetings with authorities and discussions with NGO representatives in 2012. He said the persisting patterns of discrimination, racism and homophobia; the treatment of migrants; constraints to freedom of expression; as well as the inefficiency of national judicial systems are of particular concern. He added that austerity measures have contributed to undermining the overall post-war acquis of social and economic rights. ([Read more](#) – [Annual activity report 2012](#))

#### **Press freedom in the digital age: new threats, new challenges (03.05.2013)**

The Commissioner pointed out that, as growing portions of journalistic activity take place on the Internet, Europe has not become a safer place for those expressing critical opinions. Clearly, people reporting can reach out faster and to a broader audience than before. But old and new threats await them when they decide to do so: violence, intimidation, prosecution for lawful speech, judicial harassment and surveillance of those reporting continue unabated in the digital era, including in Europe. He stated that no artificial distinctions should be made between the exercise of freedom of expression online and offline. ([Read more](#))

#### **Europe must combat racist extremism and uphold human rights (13.05.2013)**

The Commissioner for Human Rights Nils Muižnieks underlined that Europe has been experiencing a worrying intensification of activities of racist extremist organisations, including political parties. He expressed his worries on the fact that European community and national political leaders appear not to be fully aware of the serious threat that these organisations pose to the rule of law and human rights. Thus, the Commissioner called on the European states notably to fully abide by and give effect to the standards contained in the 1966 International Convention on the Elimination of All Forms of Racial Discrimination, especially its core provision of Article 4 concerning the sanctioning of racist organisations. ([Read more](#))

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