



REGULAR SELECTIVE INFORMATION FLOW

for the attention of the National Human Rights Structures

Issue#112

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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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PartOne

GENERAL INFORMATION

This part presents a selection of information of general importance for the National Human Rights Structures.

This information was issued during the period under observation (1-30 September 2013) by the European Court of Human Rights, the European Committee of Social Rights, the Committee of Ministers, the Parliamentary Assembly and other Council of Europe monitoring mechanisms.

PartOne

§1 - 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.

● Right to life (Art. 2)

K. A. B. V. SWEDEN (No. 886/11) – Importance 2 – No violation of Articles 2 or 3 – No general risk of being killed, ill-treated or tortured in case of deportation to Mogadishu (Somali)

The case concerned a Somali national, originally from Mogadishu, who alleged that his deportation to Somalia would put him at real risk of being killed or subjected to ill-treatment.

In a former case, the Court found that the level of violence in Mogadishu was of such intensity that anyone in the city would be at a real risk of treatment contrary to Article 3. However, having regard to the most recent country information, the Court concluded in this case that the security situation in Mogadishu had improved. Moreover, regarding the applicant individual situation, he did not provide substantial evidence to show that he was still in danger if he came back to Somiland. On that account Domestic Authorities would not be in breach of Article 3 in the event of his removal to Mogadishu.

- **Ill-treatment / Conditions of detention / Deportation (Art. 3)**

I. V. SWEDEN (No. 61204/09) – Importance 2 – No violation of Art. 36 – No obligation for Domestic Authorities to inform the country where an applicant is to be deported of an application before the Court – Violation of Art. 3 – Risk of ill-treatment in case of removal of a Chechen family to Russia

The case concerned the Domestic Authorities' decision to reject a request for asylum lodged by a family from Chechnya (Russia) who stated that they would be exposed to a real risk of ill-treatment if returned to Russia.

Article 3

The Court noted that while a number of individual factors, when considered separately, might not constitute a real risk of ill-treatment, they might give rise to such a risk if taken cumulatively. The Court concluded that indeed it was the case in the circumstances presented.

Article 36

The Russian Government held that it should have been notified of the application brought against Sweden in view of the fact that the applicants were Russian nationals. The Court pointed out that such requirement was ineffective in case the applicants' reason for applying to the Court was their fear of ill-treatment if returned to that state. It was the case here.

Article 41 (Just Satisfaction)

The applicants had made no claim in respect of pecuniary or non-pecuniary damage. The Court therefore did not make any award under this head.

- **Right to liberty and security (Art. 5)**

H.W. V. GERMANY (No. 17167/11) – Importance 3 – 19 September 2013 – Violation of Article 5 – Unlawful detention of the applicant

The case concerned the domestic courts' review of an offender's placement in preventive detention, which had been ordered by the sentencing court together with his conviction for sexual offences more than twelve years previously.

Article 5

The Court found that the review procedure of the preventive detention of the applicant had been delayed and initiated six weeks before the expiry of the time limit. Moreover, crucial steps, such as the appointment of a counsel and holding a hearing, had only been taken after the limit had expired while there was a lack of safeguards under domestic law to ensure that a person's release from detention would not be unreasonably delayed. Thus, the applicant's preventive detention had to be considered arbitrary.

The Court also considered that the only psychiatric report consulted by the domestic courts concerning the applicant's dangerousness was the same one that had been drawn up during the criminal proceedings against him twelve years ago. In addition, the detention of the applicant in the same prison for a considerable time resulted in a deadlock; no means of cooperation between the applicant and the prison staff can be found nor was it found that any significant progress had been made.

Thus, the lack of advice from an alternative medical expert on the necessity of the continuation of the applicant's preventive detention and the domestic courts' decision to not release the applicant were therefore not based on a reasonable assessment in terms of the objectives pursued by the domestic courts when ordering the applicant's preventive detention.

Therefore, there had been a violation of Article 5.

Article 41 (just satisfaction)

The Court held that Germany was to pay the applicant EUR 5,000 in respect of non-pecuniary damage.

FATMA AKALTUN FIRAT V. TURKEY (No. 34010/06) – Importance 3 – 10 September – Violation of Article 5 § 1 – Unlawful deprivation of the applicant’s liberty – Violation of Article 11 – Absence of legal basis in domestic law to justify the interference with the applicant’s right to freedom of assembly and association

This case concerned the detention of the applicant by a police officer in a hospital while distributing leaflets on behalf of a trade union to which she belongs.

Article 5 § 1

The Court noted that there is no evidence or submissions to show that the applicant had failed to comply with any lawful court order or to fulfil any obligation prescribed by law. The sole reason put forward by the domestic authorities and the domestic government to justify the applicant’s detention was the distribution of leaflets during working hours, an act that cannot be held as a criminal offence committed by the applicant. Therefore, the Court finds the applicant’s detention deprived of any legitimate purpose under Article 5 § 1.

Article 11

The Court observed that the arguments of domestic authorities were not covered under the cloak of domestic legality while they were unable to refer to any legal provisions that prohibited the distribution of leaflets in hospitals during working hours and without the hospital administration’s permission. In addition, no administrative or criminal proceedings had been brought against the applicant in connection to her distribution of the leaflets.

The Court considers that the intervention of the police officer, the use of force and the applicant’s subsequent detention prevented her from distributing leaflets from her union and had resulted in a violation of the Article 11.

Article 41 (just satisfaction)

The Court held that Turkey was to pay the applicant EUR 5,000 in respect of non-pecuniary damage and EUR 1,500 in respect of costs and expenses.

- **Right to a fair trial (Art. 6)**

ČEPEK V. THE CZECH REPUBLIC (IN FRENCH ONLY) (No. 9815/10) – Importance 2 – Violation of Art. 6 § 1 – Applicant’s inability to challenge effectively the decision of the domestic court

The case concerned the applicant’s inability to challenge effectively the decision of the Czech courts not to order the reimbursement of his legal costs.

The applicant was sued by a Fund to reimburse a loan. The Fund’s claim was dismissed on appeal. However, the Court of Appeal decided not to order the reimbursement of the applicant’s legal costs, without the applicant having the opportunity to debate the matter during the hearing.

Article 41 (Just satisfaction)

The Court dismissed the applicant’s claim for just satisfaction.

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

ZAMBOTTO PERRIN V. FRANCE (IN FRENCH ONLY) (No. 4962/11) – Importance 3 – 26 September 2013 – No violation of Article 8 – Domestic authorities’ proportionate interference with the applicant’s right to respect for private and family life concerning the full adoption of the her child

The case concerned a child born out of wedlock, anonymously at the mother’s request. Taking into consideration the mother’s lack of interest in the child, the domestic court consented to its placement in the care of the state and delegated parental responsibility to the child-welfare service. A year later, the domestic court pronounced the child’s full adoption. The applicant who had suffered psychological problems after the birth, which had led to several stays in hospital and her temporary placement under guardianship, appealed against those decisions.

Article 8

The Court noted that the authorities had not prevented in any way the applicant from seeing her daughter; in fact, the visits she had requested had been made possible either by the child welfare service or the children's judge only to be cancelled upon the applicant's request. The Court observed that the declaration of abandonment was not in conformity with the domestic regulations, as the applicant's guardian had not been summoned. However, after challenging the decision of the domestic lower court for that very reason, the domestic court of appeal ruled again in favour of a declaration of abandonment taking into consideration not only the evidence concerning the applicant's manifest lack of interest in her daughter, but also her psychological problems and her admission to hospital on several occasions without her consent. The applicant continued to show no interest even when she was not in hospital and the psychological and psychiatric examinations had not shown that her mental disorders were likely to affect her judgment or the expression of her wishes in respect to decisions concerning her daughter, nor had the fact that she had been placed under guardianship. Thus, the local domestic authorities had had reason to believe that it was unreasonable, from the point of view of the child's best interest, to prolong the situation of abandonment and temporary foster care pending a hypothetical return of the mother's maternal feelings towards her daughter. As a result, they considered that the full adoption of the child was in the child's best interest for her personal situation, thus establishing a legally recognised and guaranteed bond with her foster family.

The Court held that the relevant state had not gone too far in its discretion to decide whether full adoption was in the child's best interest. Therefore, there had been no violation of Article 8.

VON HANNOVER V. GERMANY (IN FRENCH ONLY) (No. 8772/10) – Importance 3 – 19 September 2013 – No violation of Article 8 – Domestic courts' justified refusal to prohibit the publication of a photograph of the applicant's home

The case concerned a complaint brought by the applicant relating to the refusal of the domestic courts to prohibit further publication of a photograph of her and her husband taken without their knowledge while they were on holiday. An article about the trend amongst the wealthy elite of letting out their holiday homes accompanied the photograph.

Article 8

The Court noted that the domestic Federal Constitutional Court had taken into consideration that the photograph in question had not contributed to a debate of general interest, unlike the article accompanying it, which reported the current trend among celebrities of letting out their holiday homes. Moreover, the Court noted that the article itself did not provide information concerning the private life of the applicant or her husband, but rather focused on practical aspects relating to the villa and its letting. Therefore, it could not be asserted that the article had been a pretext for publishing the photograph in question or that the connection between the article and the photograph had been purely artificial. The qualification of the subject of the article as an event of general interest could not be considered unreasonable by the domestic courts. The Court therefore could accept that the photograph in question had contributed toward a debate of general interest.

Furthermore, the Court pointed out that the applicant and her husband were to be regarded as public figures who could not claim protection of their private lives in the same manner as individuals unknown to the public.

Thus, the domestic courts had taken into consideration the essential criteria and the Court's case-law in balancing the various interests at stake. The Court concluded that they had not failed to comply with their positive obligations and that there had been no violation of Article 8 of the Convention.

- **Freedom of expression (Art. 10)**

STOJANOVIC V. CROATIA (No. 23160/09) – Importance 2 – 19 September 2013 – Violation of Article 10 – Unjustified interference with the applicant’s right to freedom of expression

The case concerned defamation proceedings brought by the domestic Minister of Health against the applicant, following the publication of two articles reproducing critical statements attributed to the latter, resulting in the applicant being ordered to pay damages to the Minister.

Article 10

Concerning the first article, the Court held that the applicant was only liable for the statements he had made to the media and not those phrased by a journalist or chief editor which were later attributed to him.

Concerning the second article, the Court noted that the applicant had admitted that during a phone conversation he had mentioned that the Minister sat on ten supervisory boards and was receiving remuneration for these activities. While he had not mentioned the Minister's name, he had admitted to having mentioned the Minister of Health in that context. Therefore, the Court agrees with the domestic courts that accusing the Minister of sitting on ten supervisory boards and receiving remuneration for doing so was a factual statement that was proven incorrect and thus the statement in question was indeed defamatory.

Concerning the second statement made during the telephone conversation, the Court noted that the applicant had testified that he had indeed mentioned the Minister's threats that he would never become a professor while he had denied quoting the phrase "as long as I am the Minister". The domestic courts findings had been exclusively based on the testimony of the journalist, whose credibility was questionable as having an interest in proving that what he had published was accurate, while three other witnesses had been unable to confirm that the applicant had indeed used that phrase.

There had been accordingly a violation of Article 10 with regard to the title of the first article and his alleged statement that the Minister had threatened him that he would not become a professor.

Article 41 (just satisfaction)

The Court held that Croatia was to pay the applicant EUR 1,500 in respect of non-pecuniary damage and EUR 5,600 in respect of costs and expenses.

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

M. C. AND OTHERS V. ITALY (IN FRENCH ONLY) (No. 5376/11) – Importance 2 – Violation of Article 6 § 1 – Domestic authorities’ failure to take into account a decision of the domestic Constitutional Court – Violation of Art. 1 of Protocol No. 1 – Abnormal and excessive burden on the applicants – Violation of Art. 14 taken together with Art. 1 of Protocol no. 1 – Unequal treatments of all concerned people – Application of Article 46 – Obligation made to domestic authorities to set a specific time-limit

The case concerned the fact that it was impossible for 162 Italian nationals to obtain an annual adjustment of the supplementary part of a compensation allowance paid to them following accidental contamination as a result of blood transfusions or the administration of blood derivatives.

Violation of Article 6 § 1

The Court noted that the legislative decree was in favour of the state and that there was no evidence showing that the state was pursuing an aim other than the preservation of its own interests. Moreover, the Court also put forward that the Domestic Constitutional Court found the legislative decree unconstitutional. However, even after this decision publishing, none of the applicants succeeded in their actions, which resulted in a breach of Article 6 § 1.

Violation of Article 1 of Protocol No. 1

The Court reminded that there has to be a fair balance between the demands of the general interest of the community and the requirements of the protection of the individual's fundamental rights. In this respect, in the case, the Court pointed out that the allowance at stake was a very important part of the total received by the applicants. Moreover, their chances of survival depended a lot on this allowance because of the cost of medical treatment. The Court thus concluded that the legislative decree at stake had imposed an abnormal and excessive burden on the applicants.

Violation of Article 14 taken together with Article 1 of Protocol no. 1

The entry into force of the legislative decree had resulted in unequal treatment in respect of the awarding of the adjusted allowance at stake to persons who were in a comparable situation. Having regard to its finding of a violation of Article 1 of Protocol No. 1, the Court considered that there had also been a violation of Article 14 in this part of the complaint.

Application of Article 46 : pilot judgment procedure

The Court invited the respondent state to set a specific time-limit within which it undertook to secure the effective and expeditious realisation of the entitlements in question. The government was called on to pay a sum corresponding to the adjusted allowance to every person eligible for this allowance according to the domestic law at stake as soon as that eligibility was recognised.

Article 41 (Just satisfaction)

The Court held that the question of the application of Article 41 of the Convention was not ready for decision and reserved it in its entirety.

DE LUCA V. ITALY ([IN FRENCH ONLY](#)) (No. 43870/04), PENNINO V. ITALY ([IN FRENCH ONLY](#)) (No. 43892/04) – Importance 1 – Importance 3 – 24 September 2013 – Violation of Article 1 of Protocol No. 1 – Non enforcement of final judgement – Violation of Article 6 – Applicants' inability to initiate or pursue enforcement proceedings after the entry into force of new domestic legislation

The two cases concerned the impossibility for the applicants to have a final judgment enforced in order to recover money owed to them by a municipal authority, which had become insolvent.

Article 1 of Protocol No. 1

The Court held that the applicants' inability to bring enforcement proceedings against the municipality, which had failed to honour its debts because of the entry into force of new legislation, breached their right of peaceful enjoyment of their possessions. Moreover, the domestic authorities failed to enforce the domestic court's decision, which deprived the applicants from receiving the judicial award they had legitimately expected to receive. Regarding the refusal of the applicants concerning the municipality's offer to pay them 80% of the sums owed, the Court held that even though this demonstrates the authorities' concern to guarantee that all creditors were treated equally in recovering their debts, the financial difficulties of the local authority could not be held as an excuse to not honour its obligations arising from a final judgment against it.

There had been accordingly a violation of Article 1 of Protocol No. 1.

Article 6

The Court took into consideration that the restriction of the applicants' right to access a court following the entry into force of the new legislation had pursued the legitimate aim of ensuring equal treatment of creditors. However, the ban on enforcement proceedings against the municipality was to remain in force until the approval of the accounts by an independent administrative commission, a length of procedure completely beyond the control of the applicants.

Thus, the applicants' deprivation of their right to access a court for an excessively long time resulted in a violation of Article 6.

Article 41 (just satisfaction)

The Court held that Italy was to pay a total of EUR 50,000 to the first applicant and EUR 30,000 to the second applicant in respect to pecuniary and non-pecuniary damages, and EUR 5,000 to each applicant for costs and expenses.

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

SOYLER V. TURKEY (No. 29411/07) – Importance 2 – 17 September 2013 – Violation of Article 3 of Protocol No. 1 – Automatic deprivation of voting rights

The case concerned a complaint brought by a businessman who alleged that his disenfranchisement had violated his right to vote and had prevented him from participating in a number of elections.

Article 3 of Protocol No. 1

The Court noted that in the relevant state, disenfranchisement was an automatic consequence derived from the statute and was therefore not left to the discretion or supervision of a judge, an indiscriminate measure as it did not take into account the nature, gravity, offence or length of the prison sentence and of the prisoner's individual conduct or circumstance during confinement. The Court rejected the relevant state government's argument that the current legislation adequately protected convicted prisoners' voting rights while limiting the scope of the ban to those who had intentionally committed an offence, thus taking into account the nature of the offence.

The applicant's case demonstrated the indiscriminate application of disenfranchisement even to those convicted of relatively minor offences. In addition, the restriction of the applicant's voting rights remained in force despite his early release.

The Court observed that the restrictions placed on convicted prisoners' voting rights in the relevant state were harsher and more far-reaching than those the Court has considered in previous cases (United Kingdom, Austria, Italy), as they were applicable to convicts who were not serving a prison term. Particularly, even when a prison sentence longer than one year is suspended and the convicted person does not serve any time in prison, he or she will still be unable to vote for the duration of the suspension of the sentence.

The Court found that the automatic and indiscriminate application of this harsh measure in the relevant state to a vitally important Convention right had to be viewed as falling outside of acceptable parameters of manoeuvring of a state to decide on such matters as the electoral rights of convicted prisoners.

Article 41 (just satisfaction)

The Court held that the finding of a violation itself constituted sufficient just satisfaction for any non-pecuniary damage sustained by the applicant. It also awarded the applicant's lawyer EUR 3,000 for costs and expenses.

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 judgment¹.

For more detailed information, please refer to the cases.

STATE	DATE	CASE TITLE	IMP.	CONCLUSION	KEY WORDS
BELGIUM	26 September 2013	FERNANDEZ KERR (IN FRENCH ONLY) (No. 19328/09)	3	No violation of Art. 3	Proportionate and justified use of police force
BULGARIA	3 September 2013	MILEN KOSTOV (No. 40026/07)	?	Violation of Art. 2 of Prot. No. 4	Domestic authorities' failure to consider the applicant's individual situation and to evaluate the proportionality of the travel ban measure imposed on him
				Violation of Art. 13 in conjunction with Art. 2 of Prot. No. 4	Lack of an effective remedy
FRANCE	19 September 2013	R.J. (IN FRENCH ONLY) (No. 10466/11)	3	Violation of Art. 3	In the event of enforcement of the extradition, the applicant would be exposed to ill-treatment
ITALY	24 September 2013	BELPIETRO (No. 43612/10) (IN FRENCH ONLY)	2	Violation of Art. 10	Domestic conviction of the applicant for defamation after publishing an article expressing his views
MOLDOVA	19 September 2013	DANALACHI (No. 25664/09)	3	Violation of Art. 5 § 1	Unlawful detention after the domestic appeal court had quashed the judgment ordering the applicant's detention
	24 September 2013	N.A. (No. 13424/06) (IN FRENCH ONLY)	3	Violation of Art. 3	Domestic authorities' failure to fulfil the positive obligations imposed on them under Art. 10
MONTENEGRO	19 September 2013	MIJANOVIĆ (CURRENTLY UNAVAILABLE ONLINE) (No. 19580/06)	3	Violation of Art. 6 § 1	Non-enforcement of a domestic judgment in favour of the applicant
				Violation of Art. 1 of Protocol No. 1	Non-enforcement of a domestic judgment in favour of the applicant
POLAND	19 September 2013	BRZUSZCZYŃSKI (No. 23789/09)	3	No violation of Article 6 § 1 in conjunction with Article 6 § 3	Applicant's conviction based on statements made by a co-suspect who had committed suicide before the trial started, making it impossible for the applicant to examine him as a witness

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

Regular Selective Information Flow #112 (1-30 September 2013)
 Part One: General Information - §1: European Court of Human Rights

Poland	19 September 2013	PRZEMYK (No. 22426/11)	3	Violation of Art. 2	Ineffective investigation by the domestic authorities
PORTUGAL	19 September 2013	WELSH AND SILVA CANHA (No. 16812/11) (IN FRENCH ONLY)	3	Violation of Art. 10	Domestic conviction of the applicants for defamation after satirical allegations
ROMANIA	19 September 2013	OLARIU (No. 12845/08) (IN FRENCH ONLY)	3	Violation of Art. 3	Poor conditions of detention
	24 September 2013	ANTONETA TUDOR (No. 23445/04) (IN FRENCH ONLY)	3	Violation of Art. 8	Hindrance of the applicant's right to access documents. Incomplete nature of the information supplied by domestic authorities. Unreasonable length of time taken to send the documents to the applicant
		EPISTATU (No. 29343/10)	2	Violation of Art. 3	Poor conditions of detention (overcrowding)
		HADADE (No. 11871/05)	3	Violation of Art. 3 Violation of Art. 5 § 3	Poor conditions of detention Lack of adequate justification to have the applicant in pre-trial detention and length of this detention
RUSSIA	19 September 2013	GORFUNKEL (No. 42974/07)	3	Violation of Art. 6	Unjustified quashing of the final judgement
				Violation of Art. 1 of Prot. No. 1	Applicant's deprivation of the judicial award he had legitimately expected to receive
SPAIN	24 September 2013	SARDÓN ALVIRA (No. 46090/10)	2	No violation of Art. 6 § 1	Misinterpretation of the national legislation by the domestic Supreme Court and insufficient reasoning provided by the domestic courts
SWITZERLAND	3 September 2013	RODUIT (IN FRENCH ONLY) (No. 6586/06)		Violation of Art. 6 § 1	Excessive length of proceedings (more than 10 years)
	24 September 2013	DEMBELE (No. 74010/11) (IN FRENCH ONLY)	2	Two violations of Art. 3	Disproportionate use of force by the gendarmes against the applicant Ineffective investigation into the incident

« THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA »	19 September 2013	VELINOV (No. 16880/08)	2	Violation of Art. 5 § 1 (b)	Unlawful detention of the applicant due to the domestic court's unawareness that the applicant had paid the fine
				Violation of Art. 5 § 2	Authorities' failure to inform the applicant of the reasons for his arrest
				Violation of Art. 5 § 5	Lack of compensation with respect to the violation of Art. 5 § 2
				Violation of Art. 6	Excessive length of compensation proceedings (4 years and 8 months)
				Violation of Art. 13 in conjunction with Art. 6	Lack of effective remedy concerning the excessive length of the compensation proceedings
TURKEY	3 September 2013	ATHAN (No. 36144/09)	3	No violation of Art. 3	Absence of evidence to prove applicant's allegations of ill-treatment while in police custody
				Violation of Art. 3 (procedural)	Ineffective investigation into the applicant's allegations of ill-treatment
		CADIROGLU (No. 15762/10)	3	No violation of Art. 2 (substantive)	Insufficient evidence to engage the responsibility of the relevant state concerning the death of the applicant's son
				Violation of Art. 2 (procedural)	Lack of an effective and prompt investigation into the death of the applicant's son
		DURDU (IN FRENCH ONLY) (No. 30677/10)	3	No violation of Art. 2 (substantive)	No failure of the relevant state to protect the life of the applicants' son (no evidence indicating that his life was threatened and no signs suggesting a predisposition to suicide)
				Violation of Art. 2 (procedural)	Ineffective investigation into the death of the applicants' son (lack of independence and impartiality due to the constitution of the domestic military court)
		KONAK (No. 3042/05)	?	Violation of Art. 6 § 3 (c) in conjunction with Art. 6 § 1	Lack of legal assistance available to the applicant while in police custody

TURKEY	3 September 2013	TUNCER GUNES (No. 26268/08)	3	Violation of Art. 14 in conjunction with Art. 8	Domestic law's refusal to allow the applicant to bear only her own surname after her marriage (married men are permitted to bear their own surname under domestic law) resulting in discrimination on grounds of sex
		UMIT BILGIC (IN FRENCH ONLY) (No. 22398/05)	2	Violation of Art. 5 § 1	Unlawful placement of the applicant in a psychiatric clinic (absence of legal basis concerning his admission to the psychiatric hospital)
	Violation of Art. 10			Domestic court's decision to place the applicant in investment and confinement for thirty-five days for contempt of court without taking into consideration his mental status resulting in a disproportionate interference with the applicant's right to freedom of expression	
	19 September 2013	AMINE GÜZEL (No. 41844/09)	2	Violation of Art. 3	Ineffective investigation by domestic authorities
		ESİM (No. 59601/09)	2	Violation of Art. 6 § 1	Unfair rejection by domestic courts of the applicant's actions
		FAZLI KAYA (No. 24820/05)	3	Violation of Article 6 § 3 (c) in conjunction with Article 6 § 1	Lack of legal assistance available to the applicant while in police custody
	24 September 2013	AYANGIL AND OTHERS (No. 33294/03)	3	Article 41	Just satisfaction
UKRAINE	26 September	KVASHKO (No. 40939/05)	3	Violation of Art. 5 § 1	Unlawful detention of the applicant
				Violation of Art. 5 § 3	Lack of prompt judicial review of the applicant's detention
				Violation of Art. 5 § 5	Lack of compensation with respect to the violation of Art. 5 § 1
		VITKOVSKIY (No. 24938/06)	3	Violation of Art. 3 (substantive)	Ill-treatment of the applicant by police
				Violation of Art. 3 (procedural)	Ineffective investigation into the applicant's allegations of ill- treatment
				Three violations of Art. 3	Poor conditions of detention in two different prisons and inadequate medical care

B. The decision on admissibility

Those decisions are published with a slight delay of two to three weeks on the Court's website. Therefore the decisions listed below cover only the decisions issued on 3 September 2013. Those decisions are selected to provide the NHRs with potentially useful information on the reasons of the inadmissibility of certain applications addressed to the Court and/or on the friendly settlements reached.

STATE	DATE	CASE TITLE	ALLEGED VIOLATION	DECISION
FRANCE	3 September 2013	GRAY (No. 27338/11)	Art. 6 § 1 (violation of the applicant right of access to the Supreme Court)	Inadmissible as manifestly ill-founded
		ROBINEAU AND OTHERS (No. 58497/11)	Art. 2 (violation of the domestic authorities' obligation to prevent the applicants' father and husband suicide before being brought before the pre-trial judge)	Inadmissible as manifestly ill-founded
HUNGARY	3 September 2013	PAPP (No. 35999/11)	Art. 8 and Art. 8 in conjunction with Art. 14 (domestic courts deprived the applicant of the right to self-determination in terms of abortion, lack of information concerning the possibility of an abortion until the eighteenth week of pregnancy), Art. 6 (admissibility of evidence)	Partly inadmissible as manifestly ill-founded, partly inadmissible for non-exhaustion of domestic remedies (concerning the alleged lack of information on the applicability of the eighteen-week-time-limit)
LATVIA	3 September 2013	FINBERGS AND OTHERS (No. 43352/02)	Art. 1 of Protocol No. 1 (restraint order issued in respect of the applicants' house with a view to its potential confiscation), Art. 3, 5, 6, 8 and 9	Partly incompatible with the provisions of the Convention (concerning the second, third and fourth applicants claim under Art. 1 of Protocol No. 1), partly inadmissible as manifestly ill-founded
ROMANIA	3 September 2013	RADU (No. 484/08)	Art. 1 of Protocol No. 1 (seizure of the applicant's goods by the domestic authorities apart from any criminal proceeding lead against her)	Inadmissible as manifestly ill-founded

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<p>SERBIA</p>	<p>3 September 2013</p>	<p>MILOJEVIC AND OTHERS (No. 43519/07)</p>	<p>Art. 6 § 2 (violation of the applicants' right to presumption of innocence), Art. 6 § 1 (unlawfulness of the domestic authorities' decisions in administrative and civil proceedings), Art. 8 (violation of the applicants' right to reputation based on the allegations of criminal offences for which they had been acquitted)</p>	<p>Partly inadmissible as manifestly ill-founded (concerning claim under Art. 6 § 2), partly adjourned (concerning claims under Art. 6 § 1 and Art. 8)</p>
<p>THE UNITED KINGDOM</p>	<p>3 September 2013</p>	<p>K.F. (No. 30178/09)</p>	<p>Art. 6 §§ 1 and 3 (c) (lack of a fair criminal trial), Articles 5 § 5, 6 § 2 and Art. 3 of Protocol No. 7 (refusal to award compensation for the applicant wrongful conviction)</p>	<p>Partly incompatible <i>ratione personae</i> with the provisions of the Convention (concerning claims under Art. 6 §§ 1 and 3 (c) and Art. 3 of Protocol No. 7), partly incompatible <i>ratione materiae</i> with the provisions of the Convention (concerning claim under Art. 5 § 5), partly incompatible with the provisions of the Convention (concerning claim under Art. 6 § 2)</p>
		<p>VOSYLIUS AND VOSYLIENE (No. 61974/11)</p>	<p>Art. 2 (failure of the domestic authorities to protect the applicants' son right to life), Art. 6 (insufficient length of the imprisonment sentence of the person who killed the applicants' son)</p>	<p>Partly inadmissible as manifestly ill-founded (concerning claim under Art. 2), partly incompatible <i>ratione materiae</i> with the provisions of the Convention (concerning claim under Art. 6)</p>
<p>TURKEY</p>	<p>3 September 2013</p>	<p>AYDIN AND OTHERS (No. 3470/09)</p>	<p>Art. 6 § 1 (excessive length of proceedings), Art. 1 of Protocol No. 1 (loss of the amounts value awarded to the applicants due to the length of the proceedings)</p>	<p>Partly inadmissible for non-exhaustion of domestic remedies (concerning claim under Art. 6 § 1), partly inadmissible as manifestly ill-founded (concerning claim under Art. 1 of Protocol No. 1)</p>

TURKEY	3 September 2013	DEVELI (No. 2877/10)	Art. 2 (breach of the applicant's child right to life due to an inadequate medical treatment), Articles 6 § 1 and 13 (breach of the applicant right to a fair trial and to an effective remedy in this respect during the second and third proceedings)	Partly inadmissible for non-exhaustion of domestic remedies (concerning claim under Art. 2), partly incompatible <i>ratione materiae</i> with the provisions of the Convention (concerning claim under the third proceeding), partly inadmissible (concerning claims under the second proceeding and Art. 13)
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C. The communicated cases

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. Those decisions are published with a slight delay of two to three weeks on the Court's website. Therefore the decisions listed below cover only the period from 22 July to 25 August 2013.

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.

STATE	DATE OF DECISION TO COMMUNICATE	CASE TITLE	SUBJECT MATTER AND ALLEGATIONS
NORWAY	05 August 2013	M.B.J. (No. 48932/13) D.B.D. (No. 50005/13) D.G.T. (No. 48940/13) N.T.G. (No. 48950/13)	Deportation of the applicants to Ethiopia after unsuccessful apply to asylum. Lack of remedy against a proposed collective expulsion.
UKRAINE	12 August 2013	KYIVSKA MISKA ORGANIZATSIYA VSEUKRAYINSKOG O OBYEDNANNYA BATKIVSHCHYNA (No. 5684/04)	Prohibition of a demonstration organised by the applicant. Discrimination against the applicant.
UKRAINE	20 August 2013	VERNYK (No. 27096/08)	Eviction of the applicant from his hotel room while retired and in financial difficulties.

PartOne

§2 - EUROPEAN COMMITTEE OF SOCIAL RIGHTS

A. Reclamations and Decisions

1. Reclamations

STATE	CASE TITLE	SUBJECT MATTER
NORWAY	BEDRIFTSFORBUNDET (No. 103/2013)	Violation of the Article 5 of the European Social Charter due to an obligation of membership to a worker union and its monopoly

2. Decisions

STATE	CASE TITLE	SUBJECT MATTER
SWEDEN	FEDERATION OF CATHOLIC FAMILY ASSOCIATIONS IN EUROPE (FAFCE) (No. 99/2013)	Violation of the Article 11 and E of the European Social Charter for failing to enact a clear legal and policy framework governing the practice of conscientious objections by healthcare providers

B. Other information

[No general work deemed relevant for the NHRs for the period under observation. Refer to Part Two for information concerning only one country]

PartOne

§3 - RECOMMENDATIONS & RESOLUTIONS

A. Recommendations

[No general work deemed relevant for the NHRs for the period under observation. Refer to Part Two for information concerning only one country]

B. Resolutions

[No general work deemed relevant for the NHRs for the period under observation. Refer to Part Two for information concerning only one country]

PartOne

§4 - OTHER INFORMATION OF GENERAL IMPORTANCE

A. Information from the Committee of Ministers

■ 60th anniversary of the entry into force of the European Convention on Human Rights: Statement by the Chairman of the Committee of Ministers, Minister of Foreign Affairs of Armenia Edward Nalbandian (03.09.2013)

Sixty years ago, on the 3 September 1953, the Convention for the Protection of Human Rights and Fundamental Freedoms, better known as the “European Convention on Human Rights”, entered into force. This treaty is undoubtedly the cornerstone of the human rights protection in Europe. Over sixty years, persons within the jurisdiction of the member states of the Council of Europe have benefited from this unique legal instrument. Several landmark judgments of the European Court of Human Rights, guardian of the Convention, have helped to significantly strengthen the rule of law and democracy across the European continent.

As Pierre-Henri Teitgen, one of the founding fathers of the European Convention, pointed out more than sixty years ago, democracies do not go bad in one day; nor can rule of law be put in place overnight. The promotion of human rights is an on-going process and it is our common responsibility to ensure that the European Convention remains the effective constitutional instrument of European public order that it has become over the years.

That is why the Armenian Chairmanship of the Committee of Ministers of the Council of Europe highly values the recent adoption of Protocols No.15 and 16 to the Convention, which reinforce the ability of the Court to deal with incoming cases and strengthen application of the Convention at national level. No less than 22 member states have signed Protocol No. 15 since its opening for signature at the end of June. The opening for signature of Protocol No. 16 on 2 October will be another important step.

■ 1177th meeting of the Ministers' Deputies (11.09.2013)

The Ministers' Deputies held their 1177th meeting, mainly devoted to the protection of human rights. The Deputies held an exchange of views with Mr Dean Spielmann, President of the European Court of Human Rights. During this exchange, Mr Spielmann informed them about the latest developments within the Court, in particular in the implementation of the Interlaken process. The Deputies also took note of a report on the negotiations on the accession of the European Union to the European Convention on Human Rights. Regarding more specifically social rights, they held an exchange of views with Professor Luis Jimena Quesada, President of the European Committee of Social Rights. The agenda of the meeting and the decisions adopted by the Committee of Ministers at its 1177th meeting are available in the meeting file ([meeting file](#)).

■ Decisions on execution of European Court of Human Rights judgments (27.09.2013)

The Committee of Ministers just made public decisions and resolutions adopted at its third special human rights meeting (24-26 September 2013) during which it examined the state of implementation of judgments of the European Court of Human Rights. See Part Two for adopted texts concerning Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Greece, Hungary, Italy, Poland, Romania, the Russian Federation, Serbia, Slovenia, Turkey, Ukraine and the United Kingdom. The list of cases concerned is presented in the press release ([press release DC 106\(2013\)revised](#)).

■ Report of Minister Nalbandian on the activities of the Committee of Ministers to the Parliamentary Assembly (30.09.2013)

Edward Nalbandian, Foreign Minister of Armenia, presented a communication from the Committee of Ministers which he chairs, to the Parliamentary Assembly and answered questions from delegates. In his presentation Mr Nalbandian highlighted some important developments since his country took over the Committee's chairmanship on 16 May. He reaffirmed that the Committee of Ministers will continue to do its utmost to ensure that the rights enshrined in the Human Rights Convention are respected and protected across Europe. In this context he referred to the recent adoption of protocols 15 and 16 to the Convention. Protocol 16 that will be opened for signature in Strasbourg on 2 October, during the

on-going PACE session, provides for the establishment of a platform for judicial dialogue between the ECHR and national superior courts, with the aim of contributing to solve complex problems at national level ([read more](#)).

B. Information from the Parliamentary Assembly

■ Xenophobia and anti-Europeanism go hand in hand in many Council of Europe member states (05.09.2013)

Xenophobia and anti-Europeanism seem to go hand in hand in many countries across the European continent, stressed experts at a hearing on counteraction to manifestations of neo-Nazism and xenophobia, organised by the PACE Political Affairs Committee ([Read more](#)).

■ Václav Havel Human Rights Prize 2013 awarded to Ales Bialiatski (30.09.2013)

The first ever Václav Havel Human Rights Prize, which honours outstanding civil society action in defence of human rights, has been awarded to Belarusian human rights activist Ales Bialiatski ([Read more-Video of the ceremony-Vaclav Havel Prize Website-Information on the shortlisted nominees](#)).

C. Information for the Commissioner for Human Rights

■ Time for accountability in CIA torture cases (11.09.2013)

Twelve years ago, thousands of people were killed by the terrorist attacks in New York and Washington. The Commissioner for Human Rights asked for a reflection on the anti-terrorist response adopted. He stated that, by allowing unlawful detentions and interrogation techniques amounting to torture, this caused further suffering and violated human rights law ([Read more](#)).

■ Decisions concerning migrant children must always be based on their best interests (19.09.2013)

The Commissioner for Human Rights underlined that migrant children are, first of all, children particularly vulnerable. Thus children's rights must always have priority. He added that immigration control should never override the UN Convention on the Rights of the Child ([Read more](#)).

D. Information from the monitoring mechanisms

■ MONEYVAL: Outcome of MONEYVAL's 42nd Plenary meeting (27.09.2013)

MONEYVAL held its 42nd plenary meeting in Strasbourg from 16 to 20 September 2013. At this meeting, the Plenary, notably discussed the implications of VTC programmes and decided that MONEYVAL should implement a structured reporting and assessment process for VTC schemes whereby states and territories undertake to communicate with the Secretariat schemes ideally before (or exceptionally immediately after) implementation of VTC programmes so that those can be analysed for potential AML/CFT problems with a view to a Plenary decision on the VTC programme's compliance with AML/CFT standards. This process shall be considered at the December Plenary, when the Rules of Procedure will be fully reviewed. Meanwhile a state or territory proposing such schemes is required to inform the Secretariat and the Chairman with a view to undertaking such an assessment.

■ GRETA: National contact persons appointed to liaise with GRETA meet in Strasbourg (17.09.2013)

For the second time since 2010, a meeting of the contact persons appointed by the Parties to the Convention on Action against Trafficking in Human Beings to liaise with GRETA took place in Strasbourg on 17 September 2013. GRETA was represented by its Bureau. The aim of the meeting was to have an exchange on experiences from the first evaluation round of the implementation of the Convention, which was launched in 2010, and lessons learned which should be taken into account when preparing the second evaluation round ([read more](#)).

PartTwo

INFORMATION BY COUNTRY

This part presents a selection of information, which is deemed to be mainly relevant for only one country. Please, refer to the list below (next page) to find the country you are interested in.

Only countries concerned by at least one piece of information issued during the period under observation (1 – 30 September 2013) are listed below.

Albania

A. Execution of the judgments of the European Court of Human Rights

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

B. Resolutions, signature and ratifications

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

C. Other information

■ Commissioner for Human Rights: Albania needs to improve rule of law (26.09.2013)

The Commissioner stated at the end of a visit to the country that the new Albanian government is faced with an opportunity to bring about the necessary changes in order to strengthen the rule of law and human rights protection. He notably welcomed the commitment of the government to fully execute the judgments of the ECHR ([Read more](#) - [Read in albanian](#)).

Austria

A. Execution of the judgments of the European Court of Human Rights

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

B. Resolutions, signatures and ratifications

NATURE	DATE	TITLE
RATIFICATION	25 September 2013	Criminal Law Convention on Corruption (ETS No. 173)

C. Other information

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

Azerbaijan

A. Execution of the judgments of the European Court of Human Rights

CASE	DATE OF THE CASE	RESOLUTION	CONCLUSION
FATULLAYEV (No. 40984/07 AND ONE OTHER)	22 April 2010	CM/ResDH(2013)199 (26 September 2013)	Exhortation made to Domestic Authorities to pay just satisfaction to the applicant

B. Resolutions, signature and ratifications

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

C. Other information

■ Azerbaijan: statement by the pre-electoral delegation (13.09.2013)

The pre-electoral delegation of the PACE noted the willingness of the Azerbaijani's authorities to put to broad international scrutiny the vote in October's Presidential election. However, many recommendations made in PACE reports had not been implemented, particularly those concerning freedom of expression, assembly and association, and the functioning of pluralist democracy ([Read more](#)).

■ FCNM: Publication of the third Advisory Committee Opinion (06.09.2013)

[Read the opinion](#) - [read the comments of the Government](#).

Belgium

A. Execution of the judgments of the European Court of Human Rights

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

B. Resolutions, signatures and ratifications

NATURE	DATE	TITLE
RESOLUTION FROM THE COMMITTEE OF MINISTERS	11 September 2013	Resolution (CM/ResCSS(2013)1E) on the application of the European Code of Social Security and its Protocol

C. Other information

■ GRETA: Publication of the first report on Belgium (25.09.2013)

According to this report, the Belgian authorities have taken a number of important steps to prevent and combat trafficking in human beings, such as putting in place a comprehensive legal and policy framework and setting up specialised anti-trafficking structures, but several challenges remain, according to a report published by GRETA, the Council of Europe's expert group on human trafficking. GRETA welcomed in its report the multidisciplinary approach to the identification and referral of victims of human trafficking in Belgium. However, GRETA considered that the Belgian authorities should pay increased attention to trafficking in children, particularly those exploited for the purpose of forced begging or committing of offences. In order to improve the identification of victims of trafficking, the Belgian authorities should step up the training provided to all front-line actors. The provision of assistance to trafficking victims was entrusted to specialised NGOs working in close co-operation with the authorities. GRETA asked the authorities to ensure that the assistance was adapted to the victims' needs, paying special attention to child victims and victims who were Belgian and EU citizens. Further, GRETA considered that more should be done to ensure that child victims of trafficking were granted a residence permit on the basis of their best interests and not of their willingness or ability to co-operate with the authorities. GRETA also urged the Belgian authorities to put in place repatriation assistance arrangements for victims of trafficking who were EU citizens. In its report, GRETA welcomed the determination demonstrated by the Belgian authorities to carry out proactive investigations and prosecute acts of trafficking both for the purpose of sexual exploitation and labour exploitation. However, adjustments were still required to facilitate and guarantee access to compensation for trafficking victims. On the basis of GRETA's report, the Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings will consider adopting recommendations addressed to the Government of Belgium ([read the report](#)).

Bosnia and Herzegovina

A. Execution of the judgments of the European Court of Human Rights

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

B. Resolutions, signature and ratifications

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

C. Other information

■ PACE: Committee raised prospect of suspending Bosnia and Herzegovina from the Council of Europe (10.09.2013)

According to its Monitoring Committee, the PACE should ask the Committee of Ministers to consider suspending Bosnia and Herzegovina from its right of representation in the organisation if it does not make “substantial progress” in implementing the Sejdic and Finci judgment of the ECHR, and other outstanding obligations and commitments, before the October 2014’s elections ([Read more](#)).

■ CPT: Publication of a report and its response by the authorities (12.09.2013)

The Council of Europe’s Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) published the report on its December 2012 ad hoc visit to Bosnia and Herzegovina, together with the authorities’ response. The main objective of the visit was to examine the steps taken since the April 2011 visit to combat ill-treatment by the police. The CPT’s delegation again received a considerable number of credible allegations of severe physical ill-treatment by the police in the Republika Srpska. The alleged ill-treatment mostly took the form of slaps, punches and kicks as well as blows with hard objects (such as baseball bats) to various parts of the body. Detailed allegations were also received of handcuffing in stress positions, the placing of plastic bags over the heads of suspects, the infliction of electric shocks and mock executions. The majority of the allegations concerned the time when suspects were being questioned by crime inspectors in their offices, in particular at Banja Luka Central Police Station ([read more](#) - [read the report](#) - [read the response of the authorities](#)).

Bulgaria

A. Execution of the judgments of the European Court of Human Rights

CASE	DATE OF THE CASE	RESOLUTION	CONCLUSION
PENEV (No. 20494/04)	7 April 2010	CM/ResDH(2013)183 (26 September 2013)	Examination closed

B. Resolutions, signature and ratifications

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

C. Other information

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

Croatia

A. Execution of the judgments of the European Court of Human Rights

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

B. Resolutions, signature and ratifications

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

C. Other information

■ PACE: Croatia's accession to the EU is a great success for the country and the Council of Europe (04.09.2013)

At the end of his visit to Zagreb, PACE President Jean-Claude Mignon congratulated Croatia on its recent accession to the European Union, and especially welcomed its signature of the Convention on preventing and combating violence against women and domestic violence, the Istanbul Convention ([Read more](#)).

Cyprus

A. Execution of the judgments of the European Court of Human Rights

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

B. Resolutions, signatures and ratifications

NATURE	DATE	TITLE
RESOLUTION FROM THE COMMITTEE OF MINISTERS	11 September 2013	Resolution (CM/ResCSS(2013)2E) on the application of the European Code of Social Security and its Protocol

C. Other information

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

Czech Republic

A. Execution of the judgments of the European Court of Human Rights

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

B. Resolutions, signatures and ratifications

NATURE	DATE	TITLE
RESOLUTION FROM THE COMMITTEE OF MINISTERS	11 September 2013	Resolution (CM/ResCSS(2013)3E) on the application of the European Code of Social Security and its Protocol

C. Other information

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

Denmark

A. Execution of the judgments of the European Court of Human Rights

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

B. Resolutions, signatures and ratifications

NATURE	DATE	TITLE
RESOLUTION FROM THE COMMITTEE OF MINISTERS	11 September 2013	Resolution (CM/ResCSS(2013)4E) on the application of the European Code of Social Security and its Protocol

C. Other information

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

Estonia

A. Execution of the judgments of the European Court of Human Rights

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

B. Resolutions, signatures and ratifications

NATURE	DATE	TITLE
RESOLUTION FROM THE COMMITTEE OF MINISTERS	11 September 2013	Resolution (CM/ResCSS(2013)5E) on the application of the European Code of Social Security and its Protocol

C. Other information

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

France

A. Execution of the judgments of the European Court of Human Rights

CASE	DATE OF THE CASE	RESOLUTION	CONCLUSION
ASSOCIATION LES TEMOINS DE JEHOVAH (No. 8916/05)	5 October 2012	CM/ResDH(2013)184 (26 September 2013)	Examination closed

B. Resolutions, signatures and ratifications

NATURE	DATE	TITLE
RESOLUTION FROM THE COMMITTEE OF MINISTERS	11 September 2013	Resolution (CM/ResCSS(2013)6E) on the application of the European Code of Social Security and its Protocol

C. Other information

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

Georgia

A. Execution of the judgments of the European Court of Human Rights

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

B. Resolutions, signature and ratifications

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

C. Other information

■ PACE: Statement by the PACE pre-electoral delegation which visited Georgia (25.09.2013)

The PACE pre-electoral delegation noted a more open, and equally competitive, electoral environment compared to other recent elections. To achieve this, cases of politically-motivated violence and intimidation of opposition supporters, pressure on officials to resign prematurely from their elected or appointed positions, and undue interference of local officials in the election process must be excluded during the election campaign ([Read more](#)).

Germany

A. Execution of the judgments of the European Court of Human Rights

CASE	DATE OF THE CASE	RESOLUTION	CONCLUSION
STANDARD MEDIEN AG (No. 42773/08)	8 January 2013	CM/ResDH(2013)186 (26 September 2013)	Examination closed

B. Resolutions, signatures and ratifications

NATURE	DATE	TITLE
RESOLUTION FROM THE COMMITTEE OF MINISTERS	11 September 2013	Resolution (CM/ResCSS(2013)7E) on the application of the European Code of Social Security and its Protocol

C. Other information

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

Greece

A. Execution of the judgments of the European Court of Human Rights

CASE	DATE OF THE CASE	RESOLUTION	CONCLUSION
KOSTADIMAS AND OTHERS (No. 20299/09 AND No. 27307/09)	26 September 2012	CM/ResDH(2013)176 (18 September 2013)	Examination closed
TAKUSH (No. 2853/09)	17 April 2012	CM/ResDH(2013)177 (18 September 2013)	
KOSMOPOULOU (No. 60457/00)	5 May 2004	CM/ResDH(2013)178 (18 September 2013)	
TSITSIRIGGOS (No. 29747/09)	17 April 2012	CM/ResDH(2013)179 (18 September 2013)	

B. Resolutions, signature and ratifications

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

C. Other information

■ Commissioner for Human Rights welcomed Greek State's action against Golden Dawn (30.09.2013)

The Commissioner for Human Rights welcomed the Greek State's action against Golden Dawn. He stated that it was a major step forward in the protection of the rule of law and democracy in Greece, and hopefully a decisive move to end impunity for Golden Dawn's criminal activity. He thus encouraged the authorities to pursue with resolve their action and to apply both the common criminal and anti-racism legislation so as to provide full redress and protection also to migrants who have been the main targets of Golden Dawn's violence (No press release).

Hungary

A. Execution of the judgments of the European Court of Human Rights

CASE	DATE OF THE CASE	RESOLUTION	CONCLUSION
SZOMBATFALVI (No. 50232/09)	29 January 2013	CM/ResDH(2013)187 (26 September 2013)	Examination closed
HEINCZEL (No. 54619/12)			
CSAK AND OTHERS (No. 55948/12)			
BEKE AND ERK (No. 59875/12)			
HARCZ (No. 40704/12)	12 February 2013		
HORVATH (No. 42792/12)			
URBAN (No. 32711/12)			
VAN MEYEREN (No. 25395/10)	19 February 2013		
KECENOVIC (No. 64380/12)	26 March 2013		
SZABADOS (No. 70835/12)			
TOKAJI (No. 35663/10)			
TOREKI (No. 72291/12)			
GASPAR (No. 81112/12)	9 April 2013		

B. Resolutions, signatures and ratifications

NATURE	DATE	TITLE
SIGNATURE	26 September 2013	Convention on the counterfeiting of medical products and similar crimes involving threats to public health (CETS No. 211)

C. Other information

- GRECO: Publication of a compliance report (11.09.2013)

[Read the report.](#)

Ireland

A. Execution of the judgments of the European Court of Human Rights

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

B. Resolutions, signatures and ratifications

NATURE	DATE	TITLE
RESOLUTION FROM THE COMMITTEE OF MINISTERS	11 September 2013	Resolution (CM/ResCSS(2013)8E) on the application of the European Code of Social Security and its Protocol

C. Other information

■ GRETA: Publication of the first report on Ireland (26.09.2013)

GRETA called on the Irish authorities to ensure that all victims of trafficking were identified as such and provided with assistance and protection. In its first report on Ireland, GRETA underlined that several important steps had been taken by the authorities in recent years – including the adoption of anti-trafficking legislation, a comprehensive action plan and the creation of specialised bodies. However, there was a need to further involve NGOs and other parts of civil society in drawing up and implementing anti-trafficking policy, including by giving them a formal role in identifying victims. GRETA asked the Irish authorities to ensure that the accommodation and other services available were adapted to the specific needs of victims of trafficking. The Irish authorities should also strengthen efforts to tackle trafficking for labour exploitation, as well as improving prevention and protection measures concerning children. The report stressed that gaps in the procedure for identifying victims, together with a low conviction rate for trafficking-related offences, might mean that the true scale of the problem was underestimated. The report includes comments from the Irish authorities ([read the report](#)).

Italy

A. Execution of the judgments of the European Court of Human Rights

CASE	DATE OF THE CASE	RESOLUTION	CONCLUSION
RUFFOLO AND TWO OTHERS (Nos. 21359/05+)	10 May 2012	CM/ResDH(2013)188 (26 September 2013)	Examination closed
BASSANI AND COLOMBO (No. 26329/03)	19 June 2012		
SERGI (No. 17608/03+)			
ANDRENELLI (No. 44109/11)	4 September 2012		

B. Resolutions, signatures and ratifications

NATURE	DATE	TITLE
RATIFICATION	10 September 2013	Convention on preventing and combating violence against women and domestic violence CETS No. 210
RESOLUTION FROM THE COMMITTEE OF MINISTERS	11 September 2013	Resolution (CM/ResCSS(2013)9E) on the application of the European Code of Social Security and its Protocol

C. Other information

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

KOSOVO

All reference to Kosovo, whether to the territory, institution or population shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo

A. Execution of the judgments of the European Court of Human Rights

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

B. Resolutions, signatures and ratifications

NATURE	DATE	TITLE
RATIFICATION	10 September 2013	Convention on preventing and combating violence against women and domestic violence (CETS No. 210)

C. Other information

■ FCNM: Publication of the 3rd Advisory Committee Opinion (13.09.2013)

[Read the opinion](#) - [read the comments submitted by the United Nations Interim Administration Mission in Kosovo \(UNMIK\)](#).

Luxembourg

A. Execution of the judgments of the European Court of Human Rights

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

B. Resolutions, signatures and ratifications

NATURE	DATE	TITLE
RESOLUTION FROM THE COMMITTEE OF MINISTERS	11 September 2013	Resolution (CM/ResCSS(2013)10E) on the application of the European Code of Social Security and its Protocol

C. Other information

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

Moldova

A. Execution of the judgments of the European Court of Human Rights

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

B. Resolutions, signature and ratifications

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

C. Other information

■ PACE: Moldova committed to meeting Council of Europe standards, but ‘fundamental issues’ remained outstanding (09.09.2013)

PACE’s Monitoring Committee acknowledged the continuous commitment of the Republic of Moldova to complying with Council of Europe standards, but pointed out that a series of fundamental issues still need to be addressed to ensure the sustainability of democratic institutions ([Read more](#) - [Draft Resolution](#)).

■ PACE: Full support for the European aspirations of the Republic of Moldova (19.09.2013)

The President of the PACE hailed the clear willingness of the Republic of Moldova to advance on the path towards European integration, however, progress must still be made in order to fulfil the obligations and commitments the country undertook when it joined the Council of Europe. In this state of mind, the President considered the Assembly’s monitoring report as a sound basis for bringing forward reforms of the justice sector and the Prosecutors’ Office, combating corruption, promoting pluralism in the media, and tackling discrimination ([Read more](#)).

■ Commissioner for Human Rights: Judicial reform needs to be accelerated in the Republic of Moldova (30.09.2013)

Releasing a report on his visit to the Republic of Moldova, the Commissioner said the on-going reform should lead towards an independent, impartial and effective justice system able to improve human rights protection ([Read more](#) - [Read the Report](#)).

Netherlands

A. Execution of the judgments of the European Court of Human Rights

CASE	DATE OF THE CASE	RESOLUTION	CONCLUSION
E.M.S. (No. 52269/11)	26 March 2013	CM/ResDH(2013)189 (26 September 2013)	Examination closed

B. Resolutions, signatures and ratifications

NATURE	DATE	TITLE
RESOLUTION FROM THE COMMITTEE OF MINISTERS	11 September 2013	Resolution (CM/ResCSS(2013)11E) on the application of the European Code of Social Security and its Protocol

C. Other information

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

Norway

A. Execution of the judgments of the European Court of Human Rights

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

B. Resolutions, signatures and ratifications

NATURE	DATE	TITLE
RESOLUTION FROM THE COMMITTEE OF MINISTERS	11 September 2013	Resolution (CM/ResCSS(2013)12E) on the application of the European Code of Social Security and its Protocol

C. Other information

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

Poland

A. Execution of the judgments of the European Court of Human Rights

CASE	DATE OF THE CASE	RESOLUTION	CONCLUSION
ANTONICELLI (No. 2815/05)	19 August 2009	CM/ResDH(2013)190 (26 September 2013)	Examination closed
KULIKOWSKI (No. 18353/03)			
ARCINSKI (No. 41373/04)	15 December 2009		
SZPARAG (No. 17656/06)	5 October 2010		
URBANOWICZ (No. 2815/05)			
JAN ZAWADZKI (No. 648/02)	6 October 2010		
KULIKOWSKI (No. 18353/03)	21 March 2011		
WŁODARCZYK (No. 16286/07)	11 October 2011		
WERSEL (No. 30358/04)	13 December 2011		
MIROSLAW WOJCIECHOWSKI (No. 18063/07)	20 December 2011		
DOMBROWSKI (No.9566/10)	18 January 2012		
NOWASZEWSKI (No. 7272/09)	27 March 2012		
SZUBERT (No. 22183/06)	5 July 2012		
KORGUL (No. 35916/08)	17 July 2012		
LASKOWSKA (No. 77765/01)	13 June 2007		

B. Resolutions, signature and ratifications

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

C. Other information

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

Portugal

A. Execution of the judgments of the European Court of Human Rights

CASE	DATE OF THE CASE	RESOLUTION	CONCLUSION
NOVO AND SILVA (No. 53615/08)	25 December 2012	CM/ResDH(2013)192 (26 September 2013)	Examination closed

B. Resolutions, signatures and ratifications

NATURE	DATE	TITLE
RESOLUTION FROM THE COMMITTEE OF MINISTERS	11 September 2013	Resolution (CM/ResCSS(2013)13E) on the application of the European Code of Social Security and its Protocol

C. Other information

■ FCNM: Receipt of the third cycle State Report (24.09.2013)

Portugal submitted on 24 September 2013 its third state report in English pursuant to Article 25, paragraph 2, of the Framework Convention for the Protection of National Minorities. It is now up to the Advisory Committee to consider it and adopt an opinion intended for the Committee of Ministers ([read the report](#)).

Romania

A. Execution of the judgments of the European Court of Human Rights

CASE	DATE OF THE CASE	RESOLUTION	CONCLUSION
HRISTEA (No. 13947/06)	10 January 2012	CM/ResDH(2013)193 (26 September 2013)	Examination closed
NEGREA (No. 15960/05)	11 September 2012		
CRACIUN (No. 25198/06)	25 September 2012		
HRIHORCIUC (No. 25031/09)			
RAILEANU (No. 6845/05)			
SC ROMCREATIV GRUP SA (No. 33727/05)			
CONSTANTIN (No. 33440/05)	2 October 2012		
BUTUC (No. 6899/03)	16 October 2012		
POPESCU VIOREL ALEXANDRU (Nos. 34745/04+)	11 December 2012		
HULEA (No. 33411/05)	2 January 2013	CM/ResDH(2013)194 (26 September 2013)	

B. Resolutions, signatures and ratifications

NATURE	DATE	TITLE
RESOLUTION FROM THE COMMITTEE OF MINISTERS	11 September 2013	Resolution (CM/ResCSS(2013)14E) on the application of the European Code of Social Security and its Protocol

C. Other information

■ Access to justice for persons with disabilities: Commissioner for Human Rights Muižnieks intervened in hearing on milestone case before the Strasbourg Court (04.09.2013)

The Commissioner, taking part in a hearing before the ECHR on a case concerning the treatment of a person with disabilities in Romania, considered that effective equality for persons with disabilities requires removing the barriers that prevent them from accessing courts to claim their human rights ([Read more](#) - [See the webcast](#)).

Russian Federation

A. Execution of the judgments of the European Court of Human Rights

CASE	RESOLUTION	CONCLUSION
GARABAYEV GROUP OF CASES (SEE RESOLUTION FOR DETAILS)	CM/ResDH(2013)200 (26 September 2013)	Exhortation made to Domestic Authorities to develop without further delays an appropriate mechanism to ensure that applicants benefit from immediate and effective protection against unlawful or irregular removal

B. Resolutions, signature and ratifications

[No work deemed relevant for the NHRSs for the period under observation]

C. Other information

■ PACE: Committee urged full investigation of Sergei Magnitsky's death (04.09.2013)

PACE's Committee on Legal Affairs and Human Rights, approving a report on "Refusing impunity for the killers of Sergei Magnitsky", said to be "appalled" by this death and by the fact that none of the persons responsible have yet been held to account. They underlined that targeted sanctions against individuals involved, such as visa bans and account freezes, should be considered as means of last resort ([Read more](#) - [Full Report](#) - [Addendum](#)).

■ PACE: Stop homophobic legislation in the Russian Federation (06.09.2013)

The General Rapporteur on the rights of LGBT people of the PACE pointed out a wave of homophobic propaganda which is hitting the Russian Federation, forming the basis of new laws and law proposals. He reiterated his call on political leaders and legislators to refrain from promoting prejudice and discrimination against LGBT people ([Read more](#) - [Read the Resolution 1948](#)).

Slovak Republic

A. Execution of the judgments of the European Court of Human Rights

CASE	DATE OF THE CASE	RESOLUTION	CONCLUSION
PAULIK (No. 10699/05)	10 January 2007	CM/ResDH(2013)195 (26 September 2013)	Examination closed
JURKOVIC (No. 7349/11)	2 October 2012	CM/ResDH(2013)180 (18 September 2013)	
FILIPOVA (No. 75265/11)	6 November 2012		
LISKOVA (No. 29110/10)	11 December 2012		
KARSAY (No. 17996/11)			
NADZAM AND OTHERS (No. 642/11)	15 January 2013		
NOSKO AND OTHERS (No. 19474/12)			
GONDA (No. 12321/11)	29 January 2013		
SAJMIR (No. 17506/12)			

B. Resolutions, signature and ratifications

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

C. Other information

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

Slovenia

A. Execution of the judgments of the European Court of Human Rights

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

B. Resolutions, signatures and ratifications

NATURE	DATE	TITLE
RESOLUTION FROM THE COMMITTEE OF MINISTERS	11 September 2013	Resolution (CM/ResCSS(2013)15E) on the application of the European Code of Social Security and its Protocol
RATIFICATION	26 September 2013	Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201)

C. Other information

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

Spain

A. Execution of the judgments of the European Court of Human Rights

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

B. Resolutions, signatures and ratifications

NATURE	DATE	TITLE
RESOLUTION FROM THE COMMITTEE OF MINISTERS	11 September 2013	Resolution (CM/ResCSS(2013)16E) on the application of the European Code of Social Security and its Protocol

C. Other information

■ GRETA: Publication of the first report on Spain (27.09.2013)

GRETA noted that the Spanish authorities have taken a number of steps in the area of action against trafficking in human beings, such as adopting a national action plan to combat human trafficking for sexual exploitation and a framework for the identification and referral of trafficking victims, but several important challenges remained, according to a report published by GRETA. GRETA acknowledged the considerable work done in Spain to combat trafficking for the purpose of sexual exploitation, but underlined the importance of tackling other forms of trafficking. There was a particular need for measures to prevent labour exploitation in high-risk sectors of the economy and to address the particular vulnerability of children to trafficking. In its report, GRETA stressed the importance of increasing the level of co-ordination between public agencies at national and regional levels and strengthening the involvement of civil society in the development, implementation and evaluation of anti-trafficking measures. The identification of victims of trafficking would be improved if more frontline actors were involved in the decision-making process, including NGOs, labour inspectors, social workers and medical staff. Forced removals of possible victims of trafficking should be avoided, said GRETA. The shortcomings in the identification of trafficking victims at borders and in detention centres for irregular migrants, as well as the lack of access to asylum procedures for victims of trafficking, could result in foreign nationals being deported without having been duly identified as victims of trafficking. GRETA also urged the Spanish authorities to improve the assistance and protection of all victims of trafficking and to ensure that they had effective access to compensation. The number of convictions for human trafficking was still very low and GRETA asked the authorities to improve the specialisation and training of police investigators, prosecutors and judges ([read the report](#)).

Sweden

A. Execution of the judgments of the European Court of Human Rights

CASE	DATE OF THE CASE	RESOLUTION	CONCLUSION
MENDEL (No. 28426/06)	7 July 2009	CM/ResDH(2013)196 (26 September 2013)	Examination closed

B. Resolutions, signatures and ratifications

NATURE	DATE	TITLE
RESOLUTION FROM THE COMMITTEE OF MINISTERS	11 September 2013	Resolution (CM/ResCSS(2013)17E) on the application of the European Code of Social Security and its Protocol

C. Other information

■ Commissioner for Human Rights' concerns about police file on Roma in Sweden (23.09.2013)

The Commissioner for Human Rights stressed in an interview that the police file on Roma in Sweden runs counter to human rights standards, including the case law of the ECHR, the recommendations of the ECRI and the decisions of the United Nations Human Rights Committee. Condemning this file, he stated his readiness to further discuss this issue with the Swedish authorities ([Read more](#)).

Switzerland

A. Execution of the judgments of the European Court of Human Rights

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

B. Resolutions, signatures and ratifications

NATURE	DATE	TITLE
RESOLUTION FROM THE COMMITTEE OF MINISTERS	11 September 2013	Resolution (CM/ResCSS(2013)18E) on the application of the European Code of Social Security and its Protocol
SIGNATURE	11 September 2013	Convention on preventing and combating violence against women and domestic violence (CETS No. 210)

C. Other information

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

Turkey

A. Execution of the judgments of the European Court of Human Rights

CASE	DATE OF THE CASE	RESOLUTION	CONCLUSION
VARNAVA (16064/90 AND 8 OTHERS)	18 September 2009	CM/ResDH(2013)201 (26 September 2013)	Exhortation made to Domestic Authorities to pay just satisfaction to the applicant
BASAK (No. 56080/08)	18 September 2012	CM/ResDH(2013)181 (18 September 2013)	Examination closed
KAYA AND OTHERS (No. 23587/09)			
HUSEYIN AND OTHERS (No. 28972/09)			
ASLAN (No. 48571/10)			
SULAR AND OTHERS (No. 37799/11)	2 October 2012		
YASIN DEMIR (No. 13431/11)	16 October 2012		
VARI (No. 41656/08)	13 November 2012		
KUCUKKAYA (No. 13783/11)			
AYDOGMUS (No. 14631/11)			
AKSARI (No. 11515/08)	20 November 2012		
EKINCI (No. 15009/08)	27 November 2012		
YUCE (No. 61725/08)			
ALADAG (No. 19051/09)			
ARSLANSEN (No. 25907/09)			
ALADAG (No.40090/09)			
GUZEL (No. 38101/11)			

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Part Two – Information by country

OZDEMIR (No. 52992/11)	27 November 2012	CM/ResDH(2013)181 (18 September 2013)	Examination closed
SEZER (No. 67453/11)			
BATIL (No. 70897/11)			
GUL (No. 74855/11)			
KELES (No. 74860/11)			
BICER (No. 74870/11)			
SUNMA (No. 78565/11)			

B. Resolutions, signatures and ratifications

NATURE	DATE	TITLE
RESOLUTION FROM THE COMMITTEE OF MINISTERS	11 September 2013	Resolution (CM/ResCSS(2013)19E) on the application of the European Code of Social Security and its Protocol
SIGNATURE	13 September 2013	Convention for the Protection of Human Rights and Fundamental Freedoms (CETS No. 213)

C. Other information

[No work deemed relevant for the NHRSSs for the period under observation]

Ukraine

A. Execution of the judgments of the European Court of Human Rights

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

B. Resolutions, signature and ratifications

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

C. Other information

■ CPT: Publication of a report and its response of the Ukrainian authorities (05.09.2013)

The Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) published the report on its December 2012 ad hoc visit to Ukraine, together with the Ukrainian authorities' response. The main objective of the visit was to re-examine the manner in which prisoners serving sentences were treated in so-called "correctional colonies". The CPT's report indicates that there has been a definite improvement as regards the manner in which inmates are treated by staff in Correctional Colony No. 89 in Dnipropetrovsk, which was first visited by the Committee in 2009. It appeared that the action taken to put a stop to the ill-treatment of prisoners observed during the previous visit had started to bear fruit ([read more](#) - [read the report](#) - [read the response of the Ukrainian authorities](#)).

United Kingdom

A. Execution of the judgments of the European Court of Human Rights

CASE	DATE OF THE CASE	RESOLUTION	CONCLUSION
SUFİ AND ELMİ (Nos. 8319/07 AND 11449/07)	28 November 2011	CM/ResDH(2013)197 (26 September 2013)	Examination closed
OTHMAN (ABU QATADA) (No. 8139/09)	9 May 2012	CM/ResDH(2013)198 (226 September 2013)	
H. (No. 22241/08)	18 September 2012	CM/ResDH(2013)182 (18 September 2013)	
A.H.M (No. 67792/10)	4 December 2012		
ABU AND OTHERS (No. 4487/12)	15 January 2013		

B. Resolutions, signatures and ratifications

NATURE	DATE	TITLE
RESOLUTION FROM THE COMMITTEE OF MINISTERS	11 September 2013	Resolution (CM/ResCSS(2013)20E) on the application of the European Code of Social Security and its Protocol

C. Other information

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