



# REGULAR SELECTIVE INFORMATION FLOW

FOR THE ATTENTION OF THE NATIONAL HUMAN RIGHTS STRUCTURES

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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 (V.I.P., EA 3642 – 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.

- **Right to life (Art. 2)**

**AYDAN V. TURKEY (No. 16281/10) (IN FRENCH ONLY) (No. 16281/10) – Importance 2 – 12 march 2013 – Violations of Article 2 (substantive and procedural) – (i) Domestic authorities’ failure to prove that the use of lethal force had been absolutely necessary and (ii) domestic authorities’ failure to conduct an effective investigation into the death of the applicant’s relative – Violation of Article 6 § 1 – Excessive length of proceedings**

The case concerned the accidental death of a passer-by who was shot by a gendarme on the fringes of a demonstration.

#### Article 2 (substantive)

In the Court’s view, it was not sufficiently established that the attack had been extremely violent. Therefore, it was not established that the use of lethal force, which had caused the death of the applicant’s relative, had been absolutely necessary within the meaning of Article 2. Furthermore, while the domestic courts had granted the gendarme a discharge, the Court considered that the application of such a discharge in this case was incompatible with the terms of Article 2 of the Convention. It therefore found a violation of that Article.

#### Article 2 (procedural)

The Court held that the authorities had not acted with the requisite diligence. Moreover, the Court considered that the domestic courts should have conducted more detailed inquiries or reassessed the

evidence in order to explain the contradictions between the gendarmes' statements and those of the witnesses. Accordingly, the domestic authorities had not conducted an effective investigation into the death of the applicants' relative and there had therefore been another violation of Article 2.

#### Article 6 § 1

The Court noted that the two sets of proceedings instituted by the applicants had lasted for over seven years and two months and had still not been concluded. The Court considered that the length of the proceedings was excessive, in breach of Article 6 § 1.

#### Article 41 (just satisfaction)

The Court held that Turkey was to pay EUR 15,000 to the applicants in respect of pecuniary damage, up to EUR 50,000 to the applicants in respect of non-pecuniary damage, and EUR 5,000 to the applicants in respect of costs and expenses.

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

**GÜLAY ÇETİN V. TURKEY (NO. 44084/10) (IN FRENCH ONLY) – Importance 2 – 5 February 2013 - Violation of Article 3 – Inadequacy of arrangements for protecting pre-trial detainees with serious illnesses – Violation of Article 3 in conjunction with Article 14 – Discrimination between remand and convicted prisoners – Application of Article 46 – Recommendations made to domestic authorities to avoid new violations**

The case concerned a person who complained that she had been kept in prison, initially pending trial and later following her conviction for murder, despite suffering from advanced cancer.

#### Article 3

The Court differentiated between the pre-trial detention period from the post-trial detention period. Regarding the pre-trial detention, the Court assessed there was a lack of a clear rule in the domestic system requiring judges to have due regard to the prisoner's clinical picture when applying domestic law. Indeed, this led the judges to an interpretation, which breached Article 3. Regarding the post-trial procedure, the Court held that domestic authorities were responsible for many delays in examining the applicant's requests for release based on her health. Therefore the Court concluded that the conditions of the applicant's detention during this time amounted to inhuman and degrading treatment, in breach of Article 3.

#### Article 3 in conjunction with Article 14

The Court referred in this connection to the [Recommendation of the Committee of Ministers on the European Prison Rules](#), which called for the elimination of all forms of discrimination between remand and convicted prisoners. The Court considered that there had been no legitimate reason to depart from that principle in the applicant's case. Accordingly, the fact that the applicant had not been entitled to the protective measures applicable to convicted prisoners with serious illnesses had amounted to a violation of Article 14 in conjunction with Article 3.

#### Application of Article 46

The Court advised that Turkish law should afford equivalent protection to people in pre-trial detention and hence put an end to the discrimination they currently faced. Finally, the Court advised to simplify the currently very formal and long procedure for forensic medical examinations.

#### Article 41 (just satisfaction)

The Court held that Turkey was to pay the applicant's heirs 20,000 euros (EUR) in respect of non-pecuniary damage and EUR 2,000 for costs and expenses.

**SALAKHOV AND ISLYAMOVA V. UKRAINE (No. 28005/08) – Importance 2 – 14 march 2013 – Four violations of Article 3 – Inadequate medical care in detention; inadequate medical assistance provided to the applicant; unjustified handcuffing of the applicant in hospital; mental suffering of the applicant’s mother – Violation of Article 2 (substantive and procedural) – (i) Domestic authorities’ failure to protect the life of the applicant and, (ii) to conduct an adequate investigation into the circumstances of his death – Violation of Article 34 – Domestic authorities’ failure to comply promptly with the interim measure indicated by the Court on 17 June 2008**

The case concerned the lack of appropriate medical care given to a detainee, who died from AIDS two weeks after he was released from detention.

#### Article 3

Regarding the domestic authorities’ failure to submit copies of any relevant medical documents in the proceedings, the Court held that the applicant had not received adequate medical assistance for his deteriorating health in the detention centres, even assuming that the authorities had been unaware of his HIV infection. There had accordingly been a violation of Article 3 as regards the medical care in the detention facilities. Moreover, as the domestic authorities had acknowledged themselves, the Court found that the medical assistance provided to the applicant in the hospital was inadequate. There had therefore been another violation of Article 3. Furthermore, the Court found a violation of Article 3 on account of the handcuffing of the applicant in hospital. There was no indication that he had ever behaved violently or attempted to escape. His handcuffing could therefore not be justified by security considerations and in view of his poor state of health it had to be considered inhuman and degrading. Finally, the Court considered that the applicant’s mother had been a victim of inhuman treatment, in violation of Article 3. To reach this conclusion, the Court took numbers of factors into account, including the parent-child bond between her and her son and the activeness of her efforts to save his life.

#### Article 2 (substantive and procedural)

The Court found that the authorities had not done everything reasonably possible in the circumstances, in a timely manner, to try to save the applicant’s life. There had therefore been a violation of Article 2. Furthermore, the Court held that domestic authorities had failed to account sufficiently for the deterioration of the applicant health and his subsequent death. There had accordingly been a violation of Article 2 on that account as well.

#### Article 34

The Court held that there was no acceptable explanation for the domestic authorities’ failure to take immediate action to comply with the interim measure. The Court found that domestic authorities had failed to meet their obligations under Article 34.

#### Article 41 (just satisfaction)

The court held that Ukraine was to pay the applicant EUR 50,000 in her capacity as her son’s successor in the proceedings and EUR 10,000 in her personal capacity in respect of non-pecuniary damage and EUR 925 in respect of costs and expenses.

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

**OSTENDORF V. GERMANY (No.15598/08) – Importance 2 – 7 March 2013 – No violation of Article 5 § 1 (right to liberty and security) – Justified placement in police custody of a football supporter to prevent him from taking part in hooligan violence**

The case concerned a football supporter’s complaint about his four-hour police custody in order to prevent him from organising and taking part in a violent brawl between football hooligans.

The Court first considered that, despite the relatively short duration of his detention, the applicant had been deprived of his liberty within the meaning of Article 5 § 1.

#### Article 5 § 1 (c)

The Court held that the applicant’s situation did not fall into the scope of article 5 § 1 (c). His police custody had served purely preventive purposes and was not aimed at bringing him before a judge in a criminal trial. Therefore, the Court disagreed with the domestic government’s opinion that the Court’s

case law should be reversed to the effect that Article 5 § 1 (c) should be interpreted to cover also preventive police custody in circumstances such as in the applicant's case. Such an interpretation could not be reconciled with the wording of Article 5 § 1 (c) as a whole, which was to be read in conjunction with Article 5 § 3 (right of a detained person to trial within a reasonable time). Moreover, The Court was not convinced that the State's obligation under Articles 2 and 3 to protect the public from offences should be taken into account in the interpretation of Article 5 § 1 in that it warranted an authorisation of preventive police custody.

#### Article 5 § 1 (b)

The Court found that the applicant's custody for four hours had been proportionate to the aim of securing the immediate fulfilment of his obligation – which was in the public interest – not to hinder the peaceful running of a sports event involving a large number of spectators. His custody had therefore been justified under Article 5 § 1 (b).

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

#### **GANI V. SPAIN (No. 61800/08) – Importance 2 – 19 February 2013 – No violation of Article 6 §§ 1 and 3 (d) – Fairness of proceedings despite the applicant's inability to question the victim of a rape he had been convicted for**

The case concerned a convicted rapist's claim that he had not been given the opportunity to question the victim even though she was the only witness against him.

The Court recalled that admitting statements made by absent witnesses as evidence did not result in a breach of Article 6 and that an overall examination had to be carried out in order to determine whether the applicant's defence rights had been restricted. The Court maintains that the Spanish authorities could not be held responsible for a lack of diligence in this case. Firstly, the applicant's counsel had failed to attend a judicial interview with the victim during the investigative stage of the proceedings; secondly, the victim's statement at the hearing had been interrupted because of severe post-traumatic stress, later confirmed by medical experts. Alternative measures had been taken, however, in order to assure the rights of the defence, including reading out the victim's statements at the hearing and the trial court's thorough assessment of the evidence brought before it.

Therefore, the Court considers that the measures instituted by the Spanish authorities could sufficiently counterbalance the impossibility of the applicant to cross-examine the victim, resulting in a verdict that the applicant's right to a fair trial had not been deprived.

#### **GARCIA MATEOS V. SPAIN (No. 38285/09) (IN FRENCH ONLY) – Importance 2 – 19 February 2013 – Violation of Article 6 § 1 combined with Article 14 – Domestic authorities' failure to remedy discrimination on grounds of sex**

The case concerned a supermarket employee who had asked for a reduction in her working time because she had to look after her son, who at the time was under six years old.

The Court observed that the State's Constitutional Court, despite ruling in favour of the applicant by finding a violation of the principle of non-discrimination, had not properly enforced the execution of the decision given by the national courts and that a decision in favour of the applicant was not depriving her of "victim" status unless remedies were taken against this violation. When the applicant submitted a compensation claim because she was no longer qualified for a working-time reduction, her child had passed the age-limit and the Constitutional Court refused her claim without giving any indication about the possibility of taking her claim to other jurisdictions. Therefore from the Court's point of view, the reduction in working time had not been settled on the merits and her claim for compensation (her child having passed the age-limit) was refused according to the Constitutional Court's institutional law that did not provide a compensation right as a result of a violation of a fundamental right. Consequently, the Court found a violation of Article 6 § 1 in conjunction with Article 14.

#### Article 41(just satisfaction)

The Court held that Spain was to pay the applicant EUR 16,000 in respect of non-pecuniary damage.

**VARELA GEIS V. SPAIN (NO. 61005/09) (IN FRENCH ONLY) – Importance 2 – 5 March 2013 – Violation of Art. 6 §§ 1 and 3 (a) and (b) – Domestic authorities’ failure to notify to the applicant the amendment of charges against him**

A bookshop owner who sold publications about the Holocaust complained that he had been convicted on appeal of “disseminating ideas or doctrines justifying acts of genocide”, an offence not corresponding either to the charges against him or to his conviction at first instance.

The Court acknowledged that the Convention did not impose any special formal requirements as to the manner in which the accused were to be informed of the nature and cause of the accusation against them, but the provision of full, detailed information concerning the charges (both the material facts and their legal classification) was nevertheless an essential prerequisite for ensuring that the proceedings were fair and enabling the accused to prepare their defence. Therefore, while it is an undisputed right of the domestic court of appeal to reclassify the alleged offence in the case before it, the domestic court had not informed the applicant of the amended charge before the judgment, which led to the breach of the invoked article.

Under Article 41 (just satisfaction), the Court held that Spain was to pay the applicant EUR 8,000 euros in respect of non-pecuniary damage and EUR 5,000 in respect of costs and expenses.

**OLEYNIKOV V. RUSSIA (No 36703/04) – Importance 3 – 14 March 2013 – Violation of Article 6 – Disproportionate rejection by Domestic courts’ of the applicant claim concerning the repayment of a loan**

The case concerned a Russian national who complained about the refusal by the Russian courts to examine his claim concerning the repayment of a loan to the Trade representation of North Korea.

The Court held that the limitation of the applicant’s right of access to court had pursued the legitimate aim of promoting good relations between States through the respect of national sovereignty. However, it concluded that the Russian courts had failed to examine whether the nature of the transaction underlying the claim was of a private law nature and to take into account the provisions of international law in favour of restrictive immunity. The Court thus considered that the rejection by the domestic Courts of the applicant’s claim concerning the repayment of his loan had been disproportionate and had impaired the very essence of his right of access to a court, in violation of Article 6 § 1.

The applicant made no claim for compensation of non-pecuniary damage or for costs and expenses. Accordingly, the Court made no such award under Article 41 (just satisfaction).

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

**B. V. ROMANIA (NO. 1285/03) (IN FRENCH ONLY) – Importance 2 – 19 February 2013 – Two violations of Article 8 – Improperness of the psychiatric confinement of the applicant; deprivation of the applicant’s right to take part in the decision-making process concerning the placement of her children**

This case concerned the psychiatric confinement of a mother and the placement of her two minor children in residential care as a result of that decision.

The Court pointed out that there had been numerous precedents of improper confinement of individuals in Romania with psychiatric disorders, in spite of recent encouraging legislative changes in favour of patients’ rights mainly by enhancing the cooperation between hospital facilities and the competent authority in cases where there was no legal representative. In this case, however, the just balance between the interests of the person suffering from psychiatric disorders and other legitimate interests was not established. The Court noted a number of omissions questioning the procedure, which led to the compulsory admission of the applicant to the hospital. Thus, there was no evidence to suggest that the medical committee responsible for confirming the confinement measure had been in accordance with domestic law, nor was there any indication that the applicant was notified by the relevant confinement decision. There had therefore been a violation of Article 8 of the Convention.

Regarding the placement in care of her children, the Court observed the absence of special protection measures, especially through the official appointment of a lawyer, the designation of a guardian, or the impossibility of the applicant to have regular contact with the social workers, a contact that would have



been the best mean for the applicant to communicate her opinion to the authorities. Therefore, there had been a further violation of Article 8.

Under Article 41 (just satisfaction), the Court held that Romania was to pay the applicant EUR 10,000 in respect of non-pecuniary damage.

**RAW AND OTHERS V. FRANCE (NO. 10131/11) (IN FRENCH ONLY) – Importance 2 – 7 March 2013 – Violation of Art. 8 - Domestic authorities’ failure to comply with an order to return children to their mother in the United Kingdom**

The case concerned the failure to execute a judgment confirming an order to return underage children to their mother in the United Kingdom, their divorced parents having shared residence rights. The children wished to stay with their father in France.

The Court noted the rapidity with which the French authorities reacted once the procedure provided for by the Hague Convention had been launched. Thus, the Court acknowledged that the French authorities had used various methods to convince the father to cooperate in organising the children’s return to the United Kingdom. However, the Court emphasised that the French authorities gradually reduced their activity. Besides, the Court did not dispute the domestic authorities’ decision to give priority to an approach based on cooperation and negotiation rather than coercive measures against the father, it put forward that the domestic authorities had not taken all of the measures that they could reasonably have been demanded of them to facilitate execution of the domestic Court of Appeal’s judgment. Finally, the Court held that the children’s opinion had to be taken into account when applying the Hague Convention and Brussels Regulation II *bis*, but their objections were not necessarily sufficient to make a decision on their interests.

Just satisfaction (Article 41)

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

**BERNH LARSEN HOLDING AS AND OTHERS V. NORWAY (No. 24117/08) – Importance 2 – 14 march 2013 – No violation of Article 8 – Legitimate tax authorities’ request for company to provide copy of data stored in computer servers used jointly by several companies**

The case concerned the complaint by three Norwegian companies about a decision of the tax authorities ordering tax auditors to be provided with a copy of all data on a computer server used jointly by the three companies.

The Court found that effective and adequate safeguards against abuse had been in place and a fair balance had been struck between the companies’ right to respect for “home” and “correspondence” and their interest in protecting the privacy of persons working for them, on the one hand, and the public interest in ensuring efficient inspection for tax assessment purposes, on the other hand. The Court held in particular that if the domestic relevant provisions did not confer on the tax authorities an unlimited discretion, the domestic measure had in part been made necessary by the applicant companies’ own choice to opt for “mixed archives” on a shared server. There had accordingly been no violation of Article 8.

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

**EON V. FRANCE (IN FRENCH ONLY) (NO. 26118/10) – Importance 2 – 14 March 2013 – Violation of Article 10 – Disproportionate criminal penalty imposed on the applicant for having insulted the President of France**

The case concerned the applicant’s conviction for insulting the President of France. The applicant had waved a placard reading “Casse-toi, pov’con” (“Get lost, you sad prick”), a phrase uttered by the President himself several months previously.

The Court firstly held that the applicant’s conviction had amounted to “interference by public authority” with his right to freedom of expression. As the applicant’s criticisms had been political in nature, there was therefore little scope under Article 10 for restrictions on freedom of expression in the political sphere. Moreover, the applicant had chosen to adopt a satirical approach. The Court thus held that

criminal penalties for such a conduct were likely to have a chilling effect on satirical contributions to discussion of matters of public interest, such discussion being fundamental to a democratic society. The criminal penalty imposed on the applicant had been disproportionate to the aim pursued and unnecessary in a democratic society. There had accordingly been a violation of Article 10.

Under Article 41 (just satisfaction), the Court held that the finding of a violation of Article 10 constituted sufficient just satisfaction for the non-pecuniary damage sustained by the applicant.

## 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
ARMENIA	19 February 2013	<a href="#">MELIKYAN</a> (NO. 9737/06)	2	Violation of Art. 6 § 1	Deprivation of the applicant's right to challenge the legality of a decree before the domestic courts
AZERBAIJAN	14 March 2013	<a href="#">INSANOV</a> (NO. 16133/08)	2	Two violations of Art. 3	Poor conditions of detention in two different detention facilities
				Violation of Art. 6 § 1 (in respect of the civil proceedings)	Domestic courts' failure to guarantee the applicant's attendance at the hearings concerning the conditions of his detention and lack of adequate medical assistance
				Violation of Art. 6 § 1 taken together with Art. 6 § 3 ( c ) and ( d ) ( in respect of the criminal proceedings)	Domestic authorities' failure to provide effective legal assistance to the applicant or to grant him the right to examine witnesses
BULGARIA	19 February 2013	<a href="#">PETKO PETKOV</a> (NO. 2834/06)	2	Violation of Art. 6 § 1	Dismissal of the applicant's claim on the basis of new case-law which had not been accessible to him
	12 March 2013	DJALTI (IN FRENCH ONLY) (NO. 31206/05)	3	Violation of Art. 5 § 1  Violation of Art. 5 § 4	Domestic authorities' lack of diligence during a deportation procedure pending against the applicant, leading to his irregular detention  Lack of a prompt judicial review assessing the lawfulness of the applicant's detention; inability of the domestic court responsible for the review to order the applicant's release should his detention be found unlawful
THE CZECH REPUBLIC	21 February 2013	VECEK (IN FRENCH ONLY) (NO. 3252/09)	3	Two violations of Art. 5 § 4	Domestic authorities' failure to comply with procedural safeguards in proceedings concerning the applicant's applications for release at two different dates
“THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA”	26 February 2013	<a href="#">PAPADAKIS</a> (NO. 50254/07)	2	Violation of Art. 6 § 1	Applicant's conviction based on evidence obtained by use of secret surveillance and undercover agents
				Violation of Art. 6 § 3 (d)	Applicant's inability to confront and question in court the main witness

<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>GERMANY</b>	14 March 2013	<a href="#">B.B AND F.B</a> (Nos. 18734/09 AND 9424/11)	3	Violation of Art. 8	Domestic courts' decision to withdraw parental authority on the sole account of children's statements
<b>MONTENEGRO</b>	5 March 2013	<a href="#">A. AND B.</a> (No. 37571/05)	2	Violation of Art. 1 of Prot. No. 1	State's banks' failure to register the savings of the applicants, depriving them from having those savings converted to the State's public debt
<b>POLAND</b>	26 February 2013	<a href="#">KOWRYGO</a> (No. 6200/07)	3	Violation of Art. 5 § 3	Excessive length of the applicant's detention on remand
	12 March 2013	<a href="#">ZARZYCKI</a> (No. 15351/03)	2	No violation of Art. 3	Adequate assistance provided in detention to the applicant, a physically disabled person
<b>ROMANIA</b>	19 February 2013	CIOLAN <a href="#">(IN FRENCH ONLY)</a> (No. 24378/04)	3	Violation of Art. 3	Poor conditions of detention (in particular, overcrowding and shared beds)
	5 March 2013	<a href="#">GEANOPOL</a> (No. 1777/06)	3	Violation of Art. 3	Poor conditions of detention
		MANOLACHI <a href="#">(IN FRENCH ONLY)</a> (No. 36605/04)	3	Violation of Art. 6 § 1	Unfairness of criminal proceedings on account of domestic courts' failure to hear the applicant or the witnesses after an initial judgement in which he had been acquitted
		STANA <a href="#">(IN FRENCH ONLY)</a> (No. 44120/10)	3	Violation of Art. 3	Poor conditions of detention
<b>RUSSIA</b>	19 February 2013	<a href="#">VASILY VASILYEV</a> (No. 16264/05) AND <a href="#">ZUYEV</a> (No. 16262/05)	3 and 2	Violation of Art. 3	Poor conditions of the two applicants' pre-trial detention (overcrowding, sanitary conditions, inadequate food, insufficient lighting)
				Violation of Art. 5 § 1	Unlawful short period of pre-trial detention
				No violation of Art. 5 § 1	Lawfulness of another period of pre-trial detention
				Violation of Art. 5 § 2	Domestic authorities' failure to promptly inform one of the applicants of the charges against him
				No violation of Art. 5 § 4	Appropriate speediness of the review of appeal against a detention order
				Two violations of Art. 5 § 4	Excessive length of review of the remaining detention orders or requests for release; domestic courts' failure to consider the substance of one of the applicants' request for release
		<a href="#">YEFIMOVA</a> (No. 39786/09)	3	No violation of Art. 3	No evidence that the applicant would face ill-treatment in case of extradition
Violation of Art. 5 § 1 (f)	Unlawfulness of the applicant's detention during extradition process				

RUSSIA (CONTINUED)	19 February 2013 <i>(continued)</i>			No violation of Art. 5 § 1 (f)	Lawfulness of the applicant's detention during her pending extradition process	
				No violation of Art. 5 § 1 (f)	Lawfulness of extradition proceedings	
				Two violations of Art. 5 § 4	Excessive length of proceedings concerning the appeals against detention orders as well as ineffective judicial review of those detention orders; applicant's inability to obtain judicial review of detention for the period preceding his extradition process	
	14 March 2013		<a href="#">ALPATU ISRAILOVA</a> (No. 15438/05)	2	Two violations of Art. 2	Domestic authorities' failure to protect the life of the applicant's husband, who is presumed dead following his detention by unidentified State agents; lack of an effective investigation in that respect
					Violation of Art. 3	Mental suffering of the applicant on account of domestic authorities' failure to carry out an effective investigation concerning the abduction of the applicant's husband
					Violation of Art. 5	Undocumented detention of the applicant's husband
					Violation of Art. 8	Unlawful search of the applicant's family home (absence of a search warrant or any proper authorisation or safeguards)
					Violation of Art. 13 in conjunction with Articles 2 and 3	Lack of effective remedies regarding the criminal investigation into the disappearance of the applicant's husband
					No violation of Art. 34	No pressure on the applicant to withdraw her complaint on account of her questioning and summoning by domestic authorities
			<a href="#">AVKHADOVA AND OTHERS</a> (No. 47215/07)	3	Two violations of Art. 2	Domestic authorities' failure to protect the life of the applicants' relative who is presumed dead following his unacknowledged detention by State servicemen; lack of an effective criminal investigation in that respect
					Violation of Art. 3	Mental suffering of the applicants on account of domestic authorities' failure to carry out an effective investigation concerning the disappearance of the applicants' relative
Violation of Art. 5					Unlawful and unacknowledged detention of the applicants' relative	

RUSSIA (CONTINUED)				Violation of Art. 13 in conjunction with Art. 2 and Art. 3	Lack of effective remedies regarding the criminal investigation into the disappearance of the applicants' relative
		<a href="#">KASYMAKHUNOV AND SAYBATALOV</a> (Nos. 26261/05 AND 26377/06)	2	Violation of Art. 7 (concerning the second applicant)	Applicant's inability to foresee that his membership to a radical Islamic association would make him criminally liable under domestic law on account of domestic authorities' failure to officially publish the Supreme Court's decision which construed domestic law provisions in that way
		<a href="#">KRYLOV</a> (No. 36697/03)	3	Violation of Art. 6 § 1 in conjunction with Art. 6 § 3 ( c )	Domestic authorities' failure to provide the applicant with legal assistance during his appeal hearing
SLOVENIA	28 February 2013	<a href="#">MESESNEL</a> (No. 22163/08)	3	Violation of Art. 6 § 1	Applicant's inability to question the only witness in her case, whose statement had served as the decisive basis for her conviction
				Violation of Art. 6 § 3 (d)	Unfairness of proceedings on account of the applicant's inability to examine one witness
		<a href="#">MILENOVIĆ</a> (No. 11411/11)	3	Violation of Art. 6 § 1	Lack of public hearing
UKRAINE	21 February 2013	<a href="#">FEYA, MPP AND OTHERS</a> (Nos. 27617/06 AND 126 OTHER APPLICATIONS)	3	Violation of Art. 6 § 1 Violation of Art. 1 of Protocol No. 1 Violation of Art. 13	Delayed enforcement of judgments in the applicants' favour
TURKEY	19 February 2013	<a href="#">KEMAL BAS</a> (No. 38291/07)	3	Two violations of Art. 3	Disproportionate use of force by the police during a demonstration; domestic authorities' failure to examine effectively allegations of ill-treatment
	26 February 2013	<a href="#">BOZKIR AND OTHERS</a> (No. 24589/04)	3	No violation of Art. 2 Violation of Art. 2	No evidence to show that disappearance of the applicants' close relatives lead to their deaths Domestic authorities' failure to carry out an investigation in order to establish the reason of the disappearances and the potential subsequent deaths

TURKEY (CONTINUED)				Violation of Art. 13	Domestic authorities' failure to carry out any meaningful investigation into the disappearances, leading to an absence of effective remedy for the applicants
	5 March 2013	OYGUR ( <a href="#">IN FRENCH ONLY</a> ) (No. 6649/10)	3	Violation of Art. 3	Domestic authorities' failure to provide the applicant with adequate medical care despite a doctor's request for his transfer to the emergency unit of a public hospital
		SALIH SALMAN KILIÇ ( <a href="#">IN FRENCH ONLY</a> ) (No. 22077/10)	2	Violation of Art. 5 § 1	Unlawful detention of the applicant
			Violation of Art. 5 § 3	Excessive length of pre-trial detention (45 days)	

### 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
ITALY	5 March 2013	CAROLIS AND LOLLI ( <a href="#">IN FRENCH ONLY</a> ) (No. 33359/05)	Violation of Art. 8	Entry of the applicants' name in a bankruptcy register; time limitation (5 years) to apply for rehabilitation
		GIUSEPPE ROMANO ( <a href="#">IN FRENCH ONLY</a> ) (No. 35659/02)	Violation of Articles 6 § 1 and 1 of Protocol No. 1	Excessive length of bankruptcy proceedings
	12 March 2013	STEA AND OTHERS ( <a href="#">IN FRENCH ONLY</a> ) (No. 32843/03)	Violation of Art. 1 of Protocol No. 1	Occupation of the applicants' lands by domestic authorities without formal expropriation or compensation
RUSSIA	19 February 2013	SALKAZANOV AND OTHERS ( <a href="#">IN FRENCH ONLY</a> ) (NOS. 65795/09 AND 73 OTHERS)	Violation of Articles 6 § 1 and 1 of Protocol No. 1	Setting aside of final judgments in the applicants' favour
	14 March 2013	<a href="#">ASMAYEV</a> (No. 44142/05)	Violation of Articles 6 § 1 and 1 of Protocol No. 1	Quashing by way of supervisory review of a final judgment in the applicant's favour
		YEMELYANOVY AND OTHERS ( <a href="#">IN FRENCH ONLY</a> ) (NOS. 21264/07 AND 28 OTHERS)	Violation of Articles 6 § 1 and 1 of Protocol No. 1	Delayed enforcement of judgments awarding a "housing allowance" to former workers at mines
SERBIA	5 March 2013	<a href="#">STOJILKOVIC AND OTHERS</a> (No. 36274/08)	Violation of Articles 6 § 1 and 1 of Protocol No. 1	Non-enforcement of final judgments in the applicants' favour
TURKEY	5 March 2013	EKICI AND EVLIYAAGLU ( <a href="#">IN FRENCH ONLY</a> ) (NOS. 47280/09 AND 42956/09)	Violation of Art. 5 § 3	Excessive length of pre-trial detention

#### 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
GREECE	14 March 2013	X-CODE LYSEIS PLIROFORIKIS A.E. ( <a href="#">IN FRENCH ONLY</a> ) (No. 57628/09)
HUNGARY	12 March 2013	<a href="#">MESZAROS</a> (No. 23559/09)
		<a href="#">SANDOR</a> (No. 31069/11)
PORTUGAL	12 March 2013	MOURA ( <a href="#">IN FRENCH ONLY</a> ) (No. 43146/11)
		ROGEIRO ( <a href="#">IN FRENCH ONLY</a> ) (No. 39607/10)
		BARATA ( <a href="#">IN FRENCH ONLY</a> ) (No. 22851/11)
		CARDOSO ( <a href="#">IN FRENCH ONLY</a> ) (No. 30130/10)
RUSSIA	19 February 2013	<a href="#">NOZHKOV</a> (No. 9619/05)
		<a href="#">TERESHKIN</a> (No. 13601/05)
SLOVAKIA	19 February 2013	<a href="#">A.H.</a> (No. 23386/09)
		<a href="#">PALGUTOVA</a> (No. 25368/10)
	5 March 2013	<a href="#">KRELA AND OTHERS</a> (No. 59644/09)
		<a href="#">LAUFIK</a> (No. 5718/10)
TURKEY	19 February 2013	Eskici ( <a href="#">IN FRENCH ONLY</a> ) (No. 23123/06)



**B. The decision on admissibility / inadmissibility / striking out of the list, including due to friendly settlements**

Those decisions are published with a slight delay of two to three weeks on the Court's website. Therefore the decisions listed below cover **the period from 31 January to 15 February 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 VIOLATIONS (KEYWORDS)	DECISION
ARMENIA	5 February 2013	<a href="#">GAGIK JHANGIRYAN</a> (No. 8696/09)	Applicant's dismissal from office and deprivation of rank in violation of Art. 10, Art. 11 (violation of the applicant's right to freedom of peaceful assembly), Art. 8 (violation of the applicant's right to private life), Art. 14 (discriminatory treatment based on his political views)	Inadmissible as manifestly ill-founded
	12 February 2013	<a href="#">DAVIT MATEVOSYAN</a> (No. 61730/08)	In particular, Art. 3 (inhuman and degrading treatment by police officers), Art. 5 §§ 1 (c) and 3 (lack of reasonable suspicion on the applicant's detention and arrest, unlawful arrest and detention), Art. 6 § 1 (unfair trial, lack of independence and impartiality of the domestic courts), Art. 6 § 3 (d) (applicant's inability to question properly the police officers who witnessed against him, applicant not allowed to summon to the trial witnesses on his behalf), Art. 7 (conviction on the basis of acts not criminally punishable), Articles 10 and 11 (prosecution and conviction of the applicant in breach of his right to freedom of expression and peaceful assembly), Art. 13 (lack of effective remedy against the alleged violations of the applicant's rights under Articles 5, 6, 10 and 11)	Partly adjourned (concerning claims under Articles 6 § 3 (d), 10, 11 and 14), partly inadmissible as manifestly ill-founded (concerning claim under Articles 3, 5 §§ 1 and 3, 6 §§ 1 and 3 (d), 7, 13 and 18)
AUSTRIA	12 February 2013	<a href="#">HERMENEGILD SCHNEEWEISS AND OTHERS</a> (No. 24258/07)	Art. 6 (unreasonable length of proceedings)	Partly inadmissible (the second applicant cannot claim to be a victim), partly incompatible <i>ratione materiae</i> with the provisions of the Convention (concerning the first, third, fourth and fifth applicants), partly inadmissible for complaint lodged out of time (concerning the first and fifth applicants)

BULGARIA	12 February 2013	<a href="#">STOYAN TODOROV TODOROV</a> (No. 8321/11)	Art.3 (poor material conditions in prison hospital, insufficient and inadequate medical care provided to the applicant in prison), Art.13 (lack of effective remedies in that respect), Art. 8 and 14 (discriminatory regime in prison based on the applicant's state of health)	Inadmissible as manifestly ill-founded
FINLAND	12 February 2013	<a href="#">A.N.H.</a> (No. 70773/11)	In particular, Art. 3 (risk of ill-treatment in case of forced return to Italy, inhuman and degrading treatment and deprivation of liberty by Italian authorities), Articles 6 and 13 (no effective remedy allowing the applicant to remain in Finland pending the outcome of his challenge to his removal), Articles 3, 5, 8, 13 and 34 (see case for more details)	Partly inadmissible for non-exhaustion of domestic remedies (concerning claims under Articles 5 and 8), partly incompatible <i>ratione materiae</i> with the provisions of the Convention (concerning claims under Art. 3 against Finland for alleged violations of Art. 3 by Italian authorities), partly struck out of the list (concerning claims under Articles 3 and 13)
		<a href="#">J. AND OTHERS</a> (No. 51555/09)	Art. 8 (in particular, applicants' children taken into public care and placement, disruption of family life)	Inadmissible as manifestly ill-founded
FRANCE	5 February 2013	<a href="#">MONIQUE CADOT</a> (IN FRENCH ONLY) (No. 1647/09)	Art. 10 (applicant's conviction for defamation amounting to the violation of her right to freedom of expression), Art.11 (violation of the applicant's right to freedom of peaceful assembly in that regard)	Inadmissible as manifestly ill-founded

GERMANY	12 February 2013	<a href="#">KLAUS GÜNTER ANNEN</a> (No. 55558/10)	Art. 10 (applicant's criminal conviction for defamation amounting to the violation of his right to freedom of expression), Art.6 § 1 (Federal Constitutional Court's refusal to give reasons for its decision not to entertain the applicant's complaint)	Inadmissible as manifestly ill-founded
HUNGARY	12 February 2013	<a href="#">ATTILA CSORBA</a> (No. 61053/12)	Art. 2 (life-threatening injury caused by police forces), Art. 3 (permanent disability and depression caused by the police authorities action), Art. 6 (unfair civil proceedings and its outcome), Art. 11 (violation of the applicant's right to freedom of assembly)	Partly inadmissible as manifestly ill-founded, partly inadmissible for introduction of the complaint out of time (concerning claim under Art.11)
ITALY	12 February 2013	<a href="#">GIUSEPPE CAMPISI</a> (IN FRENCH ONLY) (No. 10948/05)	Art. 6 (unfairness of criminal proceeding)	Inadmissible as manifestly ill-founded
		<a href="#">ACHILLE OCCHETTO</a> (IN FRENCH ONLY) (No. 14507/07)	Art. 3 of Protocol No. 1 (quashing of the decision of an electoral office), Art. 6 (lack of impartiality and independence of the Council of state)	Partly adjourned (concerning claim under Art.3 of Protocol No.1), partly incompatible <i>ratione materiae</i> with the provisions of the Convention (concerning claim under Art.6)
		<a href="#">CESARE PREVITI</a> (No. 1845/08)	Art.6 (lack of equity of criminal proceedings, lack of impartiality of domestic jurisdictions), Art. 7 alone or in conjunction with Art.14 (no benefit of the prescription periods introduced by a domestic law, breach of the principle of the presumption of innocence), Art. 4 of Protocol No. 7 (breach of the principle <i>ne bis in idem</i> )	Inadmissible as manifestly ill-founded

LATVIA	5 February 2013	<a href="#">ANSIS IGARS</a> (No. 11682/03)	In particular, Art. 3 and 13 (ill-treatment during pre-trial investigation, lack of effective remedies in that regard, no effective mechanism for investigating those allegations, lack of adequate reaction of the Senate of the Supreme Court to the information regarding the alleged ill-treatment), poor conditions of pre-trial detention, Art.6 § 1 (breach of the right to a fair trial, use of unlawfully obtained evidence in violation of Art.3), Art.8 (breach of the principle of the presumption of innocence)	Partly inadmissible as manifestly ill-founded (concerning claim under Art. 3), partly inadmissible for introduction of the complaint out of time (concerning claim under Art.6 §§ 1 and 2)
POLAND	5 February 2013	<a href="#">ADAM WYSOCKI</a> (IN FRENCH ONLY) (No. 16963/10)	Art. 3 (detention of the applicant despite his poor health)	Inadmissible as manifestly ill-founded
	12 February 2013	<a href="#">CZESŁAW WOJTKUN</a> (No. 3682/06)	Art.3 (poor conditions of detention), Art.6 § 1 (unfair decisions of military courts)	Partly struck out of the list of cases (it is no longer justified to pursue the application concerning claim under Art. 3), partly inadmissible for introduction of the complaint out of time (concerning claim under Art. 6 § 1)

ROMANIA	5 February 2013	<p><a href="#">ALEXANDRU ENACHE</a> (IN FRENCH ONLY) (No. 16986/12)</p>	<p>Art. 3 (poor conditions of detention), Art.6 §§ 1 et 3 (breach of the applicant's right to a fair trial), Art. 6 § 2 (breach of the right of the presumption of innocence), Art. 7 (unlawful conviction), Art. 8 (breach of the right to respect for family life caused by the applicant criminal conviction), Art. 9 (breach of his right to freedom of religion), Art. 13 (lack of an effective remedy, in those respects), Art. 14 in conjunction with Art. 8 and Art. 1 of Protocol No.12 (discriminatory treatment based on a domestic law, his ethnic group and his job)</p>	<p>Partly adjourned (concerning claims under Art. 3 and Art. 14 in conjunction with Art. 8), partly inadmissible as manifestly ill-founded (concerning the remainder of the application)</p>
		<p><a href="#">ȘTEFAN VASILE LAZĂR AND TEOFIL LUCA</a> (IN FRENCH ONLY) (NOS. 14249/07 AND 42605/07)</p>	<p>Art.6 §§ 1 and 3 (d) (unfairness of criminal proceedings), Art. 3 (first applicant's poor material conditions of detention), Art. 5 §§ 1 and 3 (first applicant's unlawful deprivation of liberty while in custody), Art. 5 §§ 1(c), 2,3 and 4 (unlawfulness and lack of reasons of the decision to put the second applicant in custody, excessive length of custody), Art. 6 § 1 (unreasonable length of proceeding and seizure of sums of money during the second applicant apprehension by the domestic authorities)</p>	<p>Partly adjourned (concerning claims under Art.6 §§ 1 and 3 (d) and Art.3), partly inadmissible as manifestly ill-founded (concerning the remainder of the application)</p>
		<p><a href="#">DORINEL MIHAI MUCEA</a> (No. 24591/07)</p>	<p>In particular, Art. 3 (poor conditions of detention), Art. 5 (unlawful and excessive length of placement in police custody). Art. 6 (breach of the applicant's right of the presumption of innocence), Articles 6 and 8 (breach of the applicant's right to private life and to his right to be presumed innocent), Articles 8 and 14 (submission to different treatment from one of the applicant's co-accused)</p>	<p>Partly adjourned (concerning claim under Art. 8), partly inadmissible as manifestly ill-founded (concerning the remainder of the application)</p>

ROMANIA (CONTINUED)	5 February 2013 (continued)	<a href="#">VIRGIL DAN VASILE</a> (IN FRENCH ONLY) (No. 35517/11)	Art. 6 § 1 (unlawfulness and unfairness criminal proceeding), Art. 6 § 3 (d) (conviction based on the declarations of an infiltrated agent), Art. 5 § 1 (unlawful deprivation of liberty), Art. 7 (conviction on the basis of a non-existent offense), Art. 34 (excessive time-limit)	Partly adjourned (concerning claims under Art.6 §§ 1 and 3 (d), partly inadmissible as manifestly ill-founded (concerning the remainder of the application)
	12 February 2013	<a href="#">BRÎNDUȘA CIMBRU AND 413 OTHER APPLCIATIONS</a> (No. 2665/06)	Articles 6 § 1, 14, Art.1 of both Protocol No.1 and Protocol No.12 (different outcomes in similar cases due to divergent interpretation of the same legal conviction)	Inadmissible as manifestly ill-founded
RUSSIA	5 February 2013	<a href="#">ALEKSEY NIKOLAYEVICH NORKIN</a> (No. 21056/11)	Art. 3 (poor conditions of detention resulting in the applicant's infection with tuberculosis), Art. 13 (lack of an effective remedy in that respect), Articles 6 and 13 (various irregularities in civil proceedings for compensation)	Partly inadmissible for introduction of the complaint out of time (concerning claims under Articles 3 and 13), partly inadmissible as manifestly ill-founded (concerning claims under Articles 6 and 13)
SERBIA	5 February 2013	<a href="#">DRAGOLJUB KECMAN</a> (No. 10968/04)	Art.1 of Protocol No.1 in conjunction with Art.14 (applicant's inability to benefit from a domestic law)	Incompatible <i>ratione materiae</i> with the provisions of the Convention
		<a href="#">VLADAN MIJAILOVIĆ</a> (No. 14366/08)	Art. 6 § 1 (rejection of the applicant's civil claim, domestic courts' failure to consider his requests not to pay litigation costs and to be provided with a lawyer free of charge), Art. 14 and Art. 1 of Protocol No. 12 (discrimination against the applicant on the ground of his indigence)	Partly incompatible <i>ratione materiae</i> with the provisions of the Convention (concerning claim under Art. 6 § 1), partly inadmissible as manifestly ill-founded (concerning claims under Art. 14 and Art.1 of Protocol No.12)
	12 February 2013	<a href="#">DRAGANA JOVIČIĆ</a> (No. 42716/11)	Articles 3, 6 and 13 (outcome of criminal proceedings, violation of the applicant right to family life, lack of an effective remedy in that respect)	Inadmissible for non-exhaustion of domestic remedies

SERBIA (CONTINUED)	12 February 2013 (continued)	<a href="#">ANDREA MIHAILOVIĆ</a> (No. 39275/12)	Art. 2 of Protocol No. 1 (public school's failure to allow the applicant to pass exams)	Inadmissible for non-exhaustion of domestic remedies
		<a href="#">NEBOJŠA SOKOLOVIĆ</a> (No. 10958/08)	Art. 6 § 1 (outcome and excessive length of civil proceedings)	Struck out of the list (concerning the length of civil proceedings), partly inadmissible as manifestly ill-founded (concerning the outcome of civil proceedings)
		<a href="#">JOVANKA STOKIĆ</a> (No. 54689/12)	Art. 6, Art. 3 of Protocol No. 7 (insufficient amount of compensation for non-pecuniary damage awarded by the Constitutional Court, allegedly to deprive the applicant of the status of victim of violation of her right to a hearing within a reasonable time)	Inadmissible as manifestly ill-founded
THE NETHERLANDS	5 February 2013	<a href="#">MUSHIN AHMAD ABDULRAHMAN</a> (No. 66994/12)	Art. 8 (breach of the applicant's right to respect for family life on account of domestic authorities' decision not to grant him a residence permit)	Inadmissible for introduction of the complaint out of time
		<a href="#">JUVENAL PATRICK NGENDAKUMANA</a> (No. 16380/11)	Art. 3 (risk of a lack of proper medical care regarding the applicant's mental condition in case of deportation to Burundi)	Inadmissible (complaint lodged out of time)
THE UNITED KINGDOM	5 February 2013	<a href="#">FINTAN PAUL O'FARRELL AND OTHERS</a> (No. 31777/05)	Art. 6 § 1 (unfairness of proceedings), Art. 5 § 4 (detention in Slovakia pending extradition)	Inadmissible as manifestly ill-founded
TURKEY	5 February 2013	MEHMET BAYRAKCI ( <a href="#">IN FRENCH ONLY</a> ) (No. 2643/09)	Art. 14 (discrimination against the applicant, a disabled person), Articles 6 and 13 (lack of effective remedies in that respect)	Partly inadmissible for non-exhaustion of domestic remedies (concerning claim under Art. 14), partly inadmissible as manifestly ill-founded (concerning claims under Articles 6 and 13)
		ŞÜKRÜ BAYTEKİN ET SÜHEYLÂ BAYTEKİN ( <a href="#">IN FRENCH ONLY</a> ) (No. 59707/09)	In particular, Art. 2 (military authorities' failure to protect the applicants' son, amounting to his death), Art. 3 (applicants' son obligation to do military service despite his state of health and the conditions), Art. 5 (deprivation of liberty caused by the obligation to do military service), Art. 6 (lack of independence and impartiality of military jurisdictions)	Inadmissible as manifestly ill-founded

<b>TURKEY</b> (CONTINUED)	5 February 2013 <i>(continued)</i>	SELIM ÖNDER <a href="#">(IN FRENCH ONLY)</a> (No. 14359/10)	Art. 8 (poor conditions of military service amounting to a breach of the applicant's physical and psychological integrity)	Inadmissible as manifestly ill-founded
	12 February 2013	MEHMET ÇELİK <a href="#">(IN FRENCH ONLY)</a> (No. 36505/10)	Articles 5 and 6 (unlawful deprivation of liberty, unlawful duration of detention pending trial and excessive length of criminal proceeding), Art.3 (poor conditions of detention), Art. 14 (discriminatory treatment based on the release of the co-accused while the applicant was in detention)	Partly inadmissible for non-exhaustion of domestic remedies (concerning the excessive length of detention), partly inadmissible as manifestly ill-founded (concerning the alleged unreasonable length of the proceeding and the alleged discriminatory treatment)
		<a href="#">EMINE ÖZDEMİR AND TERZAN ÖZDEMİR</a> (No. 54846/08)	Art. 2 (unlawful murder of the applicants' son and widow by village guards, lack of an adequate and effective conduct of investigation into his death by domestic authorities), Art. 3 (ill-treatment, lack of investigation into the applicants' allegations of ill-treatment), Art. 5 (deprivation of the applicants' liberty), Art.13 (lack of an effective remedy in those regards)	Inadmissible for introduction of the complaint out of time
		ALI RIZA SÖZEN <a href="#">(IN FRENCH ONLY)</a> (No. 53329/12)	Art. 6 § 2 (breach of the principle of the presumption of innocence), Articles 6 § 1 and 13 (lack of access to a court, lack of an effective remedy), Art.14 (discriminatory treatment)	Inadmissible as manifestly ill-founded
		<a href="#">ABDURRAHMAN TEKİN</a> (No. 42899/11)	Art. 3 (ill-treatment), Art. 13 (lack of an effective and serious investigation by the domestic authorities and lack of an effective remedy in this regard), Art. 14 (discriminatory treatment on the grounds of ethnic origin and political opinions)	Inadmissible (complaint lodged out of time)
<b>UKRAINE</b>	5 February 2013	<a href="#">TETYANA VIKTORIVNA AVRAAMOVA</a> (No. 2718/12)	In particular, Art. 3 (poor conditions of detention), Art. 5 §§ 1 and 3 (arbitrariness and length of the applicant pre-trial detention), Art. 5 § 2 (no promptly informed about the reasons for her arrest), Art. 5 § 4 (no adequate judicial review of the lawfulness of her detention)	Partly inadmissible (premature complaint concerning fairness of the criminal proceeding), partly adjourned (concerning claims under Articles 3, 5 §§ 1, 3 and 5, 18), partly inadmissible as manifestly ill-founded (concerning the remainder of the application)



<b>UKRAINE</b> (CONTINUED)	5 February 2013 (continued)	<a href="#">VYROBNYCHE PIDPRYYEMSTVO 'TRANSVUGILYA', TOV</a> (No. 15164/09)	Art. 6 § 1 and Art.1 of Protocol No.1 (prolonged non- enforcement of domestic decisions in the applicant company favour)	Struck out of the list
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### C. 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	KEYWORDS OF QUESTIONS SUBMITTED TO THE PARTIES
<b>BOSNIA AND HERZEGOVINA</b>	14 March 2013	<a href="#">ZORNIC</a> (No. 3681/06)	Alleged violation of Art. 3 of Protocol No. 1 taken alone and in conjunction with Article 14 – Ineligibility to stand for election to the House of Peoples and the Presidency of Bosnia and Herzegovina
<b>GEORGIA</b>	11 March 2013	<a href="#">GAMTSEMLIDZE</a> (No. 2228/10)	Alleged violations of Art. 2 – Killing of the applicants' relative as a result of an excessive use of force by police officer and lack of an effective investigation in that respect; Art. 6 § 1 – Unfairness of criminal proceedings
<b>ITALY</b>	5 March 2013	<a href="#">LOCASCIA AND OTHERS</a> (No. 35648/10)	Alleged violations of Articles 2 and 8 – Domestic authorities' failure to secure, clean up and reclaim the area after the closure of a plan; Art. 14 – Lower level of protection afforded to residents of a region; Articles 6, 13 and 1 of Protocol No. 1 – Lack of an effective remedy to obtain the restitution of a tax paid by the applicant for the collection and disposal of municipal solid waste
<b>ROMANIA</b>	20 February 2013	<a href="#">JULA</a> (No. 46167/09)	Alleged violations of Articles 9, 14 and 2 of Protocol No. 1 – Denial of religious education to children belonging to the Greek Catholic church
<b>RUSSIA</b>	6 March 2013	<a href="#">ISMAILOVA</a> (No. 51699/12)	Alleged violations of Art. 8 – Disproportionate nature of the applicant's expulsion and detention pending expulsion in comparison to the offence committed; Art. 2 of Protocol No. 4 – Special regime of entering Norilsk for foreign nationals; Art. 4 of Protocol No. 7 – Two convictions of the applicant for the same offence (administrative fine and expulsion)

<p><b>“THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA”</b></p>	<p>22 February 2013</p>	<p><a href="#">ORTHODOX OHRID ARCHDIOCESE</a> (No. 3532/07)</p>	<p>Alleged violations of Articles 9 and 11 – Domestic authorities’ refusal to register the Archdiocese; Articles 14 and 1 of Protocol No. 12 – Impossibility to acquire legal personality due to the applicant’s religion</p>
<p><b>THE UNITED KINGDOM</b></p>	<p>21 February 2013</p>	<p><a href="#">A.W.</a> (No. 4867/11)</p>	<p>Alleged violations of Art. 2 of Protocol No. 1 – Removal of the applicant, a vulnerable and profoundly disabled young man, from a school for children with severe learning disabilities; Art. 14 – Discrimination against the applicant on ground of his disabilities; Art. 8 – Emotional and physical harm suffered by the applicant during the eighteen months he was not attending school; Art. 13 – Limitation period for bringing a complaint under the Human Rights Act 1998</p>

## 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).

## 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 February – 15 March 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

FEBRUARY 2013		
13-20	CPT visit to Montenegro	<a href="#">Read more</a>
19	PACE President Official visit to Luxembourg	<a href="#">Announcement and debriefing of the visit</a>
21-22	Conference on “Poverty and Inequality in Societies of Human Rights, the paradox of democracies” (Strasbourg, France)	<a href="#">Programme</a>
25-26	PACE President Official visit to Romania	<a href="#">Announcement of the visit</a>
26-27	PACE Co-rapporteurs fact-finding visit to Hungary to prepare an opinion on a request for the opening of a monitoring procedure	<a href="#">Announcement of the visit</a>
27 – 1 MARCH	PACE rapporteur fact-finding visit to Hungary in the framework of the preparation of his report on "Tackling discrimination on the grounds of sexual orientation and gender identity"	<a href="#">Announcement of the visit</a>
MARCH 2013		
4	ECRI visit to Romania	<a href="#">Read more</a>
	GRETA round-table to support anti-trafficking efforts in Nicosia (Cyprus)	No details provided
5	PACE President meeting with UN Secretary General	<a href="#">Announcement of the visit</a>
	1164 <sup>th</sup> meeting of the Committee of Ministers	<a href="#">Read more</a>
7	Seminar on the collective complaint mechanism in Helsinki (Finland)	<a href="#">Programme</a>
11	Hearing on the theme “Internet and politics: the impact of new information and communication technology on democracy” by the PACE Culture Committee, in Paris	<a href="#">Announcement of the meeting</a>
11-13	PACE President official visit to Serbia	<a href="#">Announcement of the visit</a>
11-15	GRETA’s 16 <sup>th</sup> meeting (Strasbourg, France)	<a href="#">List of adopted decisions</a>

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

13	PACE Committee on Political Affairs and Democracy meeting in Rabat (Morocco).	<a href="#">Announcement of the meeting</a>
14	12 <sup>th</sup> Meeting of the Network of Contact Parliamentarians to stop sexual violence against children (Berlin, Germany) on the theme "What child protection strategies can be introduced at the national level to effectively fight sexual violence against children?"	<a href="#">Announcement of the meeting</a>
15	Hearing on "Energy diversification as a fundamental contribution to sustainable development" at the Bundestag in Berlin (Germany) by the Committee on Social Affairs, Health and Sustainable Development of PACE	<a href="#">Announcement of the meeting</a>
	Conference on "Immigration, a source of wealth and duties for Europe" (Brussels, Belgium)	<a href="#">Programme</a>
19	Parliamentary conference in Warsaw organised by the Committee on Equality and Non-Discrimination of the PACE in co-operation with the Sejm, the lower house of the Polish parliament. The focus on this conference will be Freedom of expression for lesbian, gay, bisexual and transgender (LGBT) people, including their right to organise marches and rallies	<a href="#">Announcement of the meeting</a>
<b>APRIL 2013</b>		
3-12	Visit of the Commissioner for Human Rights to the Russian Federation	No details provided
4-5	PACE co-rapporteurs visit to Ukraine	<a href="#">Announcement of the visit</a>

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

### A. European Social Charter (ESC)

#### **The decision on the merits of the complaint No. 68/2010 European Council of Police Trade Unions (CESP) v. France became public (06.03.2013)**

In this case, registered on 18 May 2011, the complainant trade union alleged that the situation in France was not in conformity with Article 4 (right to a fair remuneration) of the Revised European Social Charter ([Read more](#)).

### 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)

#### **ECRI published conclusions on the implementation of its priority recommendations in respect of Albania, Austria, Estonia and the United Kingdom (19.02.2013)**

ECRI published conclusions on the implementation of a number of priority recommendations made in its country reports on Albania, Austria, Estonia and the United Kingdom, which had been released in 2010 ([Read more](#)).

#### **ECRI published new report on Liechtenstein (19.02.2013)**

ECRI published its fourth report on Liechtenstein. ECRI's Chair, Ms Eva Smith, said that, while there were positive developments, some issues of concern remained, including the legislation on Foreigners and the absence of a comprehensive civil and administrative legal framework aimed at combating racial discrimination in all fields of life ([Read more](#) – read the report: [\[EN\]](#) – [\[FR\]](#) – [\[DE\]](#)).

#### **ECRI published new report on Ireland (19.02.2013)**

ECRI published its fourth report on Ireland. ECRI's Chair, Ms Eva Smith, welcomed positive developments, but regretted that a number of concerns persisted. For example, a single protection determination procedure for persons in need of a protection status had not been adopted in Ireland and asylum seekers might not engage in paid employment ([Read more](#) – read the report: [\[EN\]](#) – [\[FR\]](#)).

#### **ECRI to prepare report on Romania (14.03.2013)**

A delegation of ECRI visited Romania from 4 to 8 March 2013 as the first step in the preparation of a monitoring report. During its visit, ECRI's delegation gathered information on the implementation of the recommendations it made to the authorities in its 2005 report and discussed new issues that had emerged since ([Read more](#)).

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

### **The Advisory Committee adopted opinions on Switzerland, Kosovo\* and Bosnia and Herzegovina (07.03.2013)**

The Advisory Committee on the FCNM adopted three opinions under the third cycle of monitoring the implementation of this convention. The Opinion on Switzerland was adopted on 5 March 2013, the Opinion on Kosovo\* was adopted on 6 March 2013 and the Opinion on Bosnia and Herzegovina was adopted on 7 March 2013. They are restricted for the time being. The opinions will be submitted to the Committee of Ministers, which is to adopt conclusions and recommendations ([See the opinions](#)).

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

### **Serbia: receipt of the third cycle State Report (14.03.2013).**

Serbia submitted on 14 March 2013 its third state report, pursuant to Article 25, paragraph 2, of the FCNM. It is now up to the Advisory Committee to consider it and adopt an opinion intended for the Committee of Ministers (Read the report: [\[EN\]](#) – [\[SR\]](#)).

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

### **Addendum to the Compliance Report on Austria was published (19.02.2013).**

This was the joint first and second evaluation round ([Read the report](#)).

### **GRECO praised UK parliament, judges and prosecutors for taking corruption prevention seriously (06.03.2013).**

“Nothing emerged during the current evaluation which could indicate any element of corruption in relation to judges, nor is there evidence of judicial decisions being influenced in an inappropriate manner”, according to the 46-page report. In this context, the report also emphasised transparency in the judicial system and a lack of delays in handling cases by judges, stressing that the European Court of Human Rights had only found 22 cases since 1975 of “undue delays of judicial proceedings” ([Read more](#) – [Read the report](#)).

### **Second Compliance Report on the United Kingdom was published (06.03.2013).**

This was the third evaluation round ([Read the report](#)).

### **Compliance report on Serbia was published (06.03.2013).**

This report is the third evaluation round ([Read the report](#)).

### **Addendum to the Compliance Report on the Russian Federation was published (15.03.2013).**

This report was the joint first and second evaluation round ([Read the report](#)).

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

### **MONEYVAL report on the 4th round assessment visit in Republic of Moldova was published (18.02.2013)**

The report was adopted at MONEYVAL’s 40th Plenary Meeting (Strasbourg, 3 - 7 December 2012). The MONEYVAL 4th cycle of assessments was a follow-up round, in which important FATF

Recommendations have been re-assessed, as well as all those for which the state concerned received "Non-Compliant" (NC) or "Partially Compliant" (PC) ratings in its 3rd round report. This report on Moldova was not, therefore, a full assessment against the FATF 40 Recommendations and 9 Special Recommendations but was an update on major issues in the AML/CFT system in Moldova. According to MONEYVAL's procedures, Republic of Moldova will have to submit a follow-up report on the implementation of the report's recommendations by December 2014 ([Read the report](#)).

## **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 intergovernmental work

### A. New signatures, ratifications and entries into force of the Treaties of the Council of Europe

COUNTRY	CONVENTION	RATIF.	SIGN.	DATE
ALBANIA	Convention on Mutual Administrative Assistance in Tax Matters as amended by its 2010 Protocol ( <a href="#">ETS No. 127</a> )		X	1 March 2013
ANDORRA	Council of Europe Convention on preventing and combating violence against women and domestic violence ( <a href="#">CETS No. 210</a> )		X	22 February 2013
BELARUS	Convention on the Conservation of European Wildlife and Natural Habitats ( <a href="#">ETS No. 104</a> )	X		19 February 2013
BELGIUM	Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse ( <a href="#">CETS No. 201</a> )	X		8 March 2013
BOSNIA AND HERZEGOVINA	Council of Europe Convention on preventing and combating violence against women and domestic violence ( <a href="#">CETS No. 210</a> )		X	8 March 2013
BULGARIA	Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism ( <a href="#">CETS No. 198</a> )	X		25 February 2013
ESTONIA	Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism ( <a href="#">CETS No. 198</a> )		X	7 March 2013
ICELAND	Additional Protocol to the Criminal Law Convention on Corruption ( <a href="#">ETS No. 191</a> )	X		6 March 2013
ITALY	Council of Europe Framework Convention on the Value of Cultural Heritage for Society ( <a href="#">CETS No. 199</a> )		X	27 February 2013

LATVIA	Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse ( <a href="#">CETS No. 201</a> )		X	7 March 2013
LITHUANIA	Convention on Mutual Administrative Assistance in Tax Matters ( <a href="#">ETS No. 127</a> )		X	7 March 2013
	Protocol amending the Convention on Mutual Administrative Assistance in Tax Matters ( <a href="#">CETS No. 208</a> )		X	7 March 2013
THE NETHERLANDS	Agreement on Illicit Traffic by Sea, implementing Article 17 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances ( <a href="#">ETS No. 156</a> )	X		7 March 2013
TURKEY	Agreement on Illicit Traffic by Sea, implementing Article 17 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances ( <a href="#">ETS No. 156</a> )	X		26 February 2013
SWITZERLAND	European Landscape Convention ( <a href="#">ETS No. 176</a> )	X		22 February 2013

**Please note that,** following the ratification of Protocol No. 3 to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities concerning Euro regional Co-operation Groupings (ECGs) ([CETS No. 206](#)) by Germany, Slovenia, the Former Yugoslav Republic of Macedonia and Ukraine, it entered into force on 1<sup>st</sup> March 2013.

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

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

## C. Other news of the Committee of Ministers

### Council of Europe high officials attended UN Commission on Status of Women (04.03.2013)

Gilbert Saboya Sunyé, Minister of Foreign Affairs of Andorra and Chairman of the Committee of Ministers, Jean-Claude Mignon, President of the Parliamentary Assembly, and Gabriella Battaini-Dragnoni, Deputy Secretary General, addressed the UN Commission on the Status of Women, to promote the Istanbul Convention as an efficient and practical tool for governments to prevent and combat violence against women and domestic violence. In her speech, the Deputy Secretary General stressed that the Convention was drafted in Europe, but is not meant for Europe only. Any state can accede to it or use it as a model for national and regional legislation and policies. High-level bilateral meetings were also on the agenda of the Council of Europe high officials' visit to New York. A side event on the Convention's added value was organised by the Council of Europe and the French Permanent mission to the UN, with the participation of Najat Vallaud-Belkacem, Minister for Women's Rights and Government Spokesperson of France, and Lakshmi Puri, Assistant Secretary-General of

the United Nations and Deputy Executive Director of UN Women ([Read the Istanbul Convention](#) – Read the speech by Gilbert Saboya Sunyé [[in French only](#)]).

**1164<sup>th</sup> Meeting (DH) of the Committee of Ministers (5-7.03.2013)**

See above "[Part II – Execution of the judgments of the Court](#)"

**Statement of the Committee of Ministers on recent executions in Japan and the United States (13.03.2013)**

At the meeting of the Ministers' Deputies on 13 March 2013, the Committee of Ministers of the Council of Europe adopted the following statement: "The Committee of Ministers deplores the executions which have recently taken place in Japan and in the United States of America, 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. The Committee of Ministers reiterates its unequivocal opposition to capital punishment in all places and in all circumstances. It remains determined to continue its efforts towards global abolition and calls again on the Japanese and American authorities to put an end to this inhumane practice" ([Read the statement](#)).

## 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
RESOLUTION	1923	<p>Reinforcing the selection processes for experts of key Council of Europe human rights monitoring mechanisms.</p> <p>In consideration of the fact that the credibility of the Council of Europe depends on the efficacy and quality of its key human rights monitoring mechanisms, the PACE asserted that their members should be chosen only for their competence and relevant experience. The PACE proposed general minimum standards for the selection procedure. (<a href="#">Read more</a>)</p>	8 March 2013
	1924	<p>Industrial heritage in Europe.</p> <p>The PACE recalled Europe's pioneering role in global industrialisation and considered that the effective protection of the European industrial heritage would require a European label. The PACE, calling for continuous encouragement of public involvement and volunteer work that generates awareness and appreciation of the value of the industrial heritage, supported the campaign of the European Federation of Associations of Industrial and Technical Heritage (E-FAITH) calling for a European Industrial Heritage Year in 2015. (<a href="#">Read more</a>)</p>	
RECOMMENDATION	2012	<p>Reinforcing the selection processes for experts of key Council of Europe human rights monitoring mechanisms.</p> <p>The Parliamentary Assembly referred to <a href="#">Resolution 1923 (2013)</a> on the same subject and invited the Committee of Ministers to take into account its recommendations therein with respect to the reinforcement of national selection procedures and the quality of experts. Also, the PACE emphasised that the rules, which guarantee the independence of human rights monitoring bodies should provide for the withdrawal or the dismissal of an expert, found to be in a conflict of interest situation. (<a href="#">Read more</a>)</p>	8 March 2013

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

### **➤ Themes**

#### **“The promise to end violence against women is a commitment which must be honoured” (05.03.2013)**

Jean Claude Mignon, President of the PACE, issued a declaration saying, “the promise to end violence against women is a commitment which must be honoured”. He pointed out the fact that the Istanbul Convention provides states with the means of doing so. Jean Claude Mignon said the Council of Europe has a major instrument at its disposal, namely the Convention on preventing and combating violence against women and domestic violence, also known as the Istanbul Convention, which is the first binding text combining all the necessary ingredients: preventing violence, protecting victims, prosecuting those responsible and implementing integrated policies ([Side event at the 57th Session of the Commission on the Status of Women](#) )

#### **Jean-Claude Mignon and Ban Ki-moon reiterated their desire to work together (06.03.2013)**

Jean-Claude Mignon, PACE President, during his talks in New York with Ban Ki-moon, the UN Secretary General, and Lakshmi Puri, Deputy Director of UN Women, stated his desire to launch a joint appeal to as many countries as possible to ratify the Istanbul Convention to ensure that this instrument can come into force as soon as possible. He also warmly welcomed the [COMMIT](#) initiative launched by UN Women, under which a number of Council of Europe countries have already undertaken to ratify the Istanbul Convention. Jean-Claude Mignon and Ban Ki-moon reiterated their determination to work together on a number of conflicts in Europe and its neighbourhood and stressed that both organisations share the same values, with a common foundation, namely respect for human rights and the aspiration to peace ([Read more](#) – UN Women’s Website : [EN](#) – [FR](#) – [ES](#))

#### **Preserving European industrial heritage (08.03.2013)**

In a resolution (1924) adopted by the Standing Committee meeting in Paris, the PACE has made a series of practical recommendations to member States with a view to preserving Europe’s industrial heritage. To ensure that such protection is effective, the PACE has proposed that a European label for industrial heritage be developed. The PACE has also invited the EU and UNESCO to consider the possibility of launching, together with the Council of Europe, a European Industrial Heritage Year in 2015 ([Read more](#))

#### **Internet and politics: warning against the risk of manipulation and populist excesses (11.03.2013)**

Anne Brasseur, rapporteur on the subject of “Internet and politics” said at the end of a hearing on Internet and politics held by the Culture Committee in Paris, that since the Internet belongs to all the participants who make it up it does not actually belong to anybody, which means that it cannot be controlled as such and could be regarded as an area of absolute freedom. However, this apparent total freedom can lead to excesses. She notably drew attention to the problems linked to the digital divide, which risked generating a new form of exclusion and to the risk of Internet being hijacked by the authorities as a tool for controlling their citizens to the extent of actually negating the freedoms which the Internet seeks to serve as a vehicle for. ([Read more](#))

#### **The Committee on Culture in favour of appointing a European ombudsperson to ensure that the rights of young people are respected and protected (13.03.2013)**

PACE’s Committee on Culture, Science, Education and Media, meeting in Paris, adopted a draft recommendation on “Young people’s access to fundamental rights” on the basis of a report by Michael Connarty, in which it pointed out that education is “a pillar of youth empowerment” and that measures must be taken rapidly to allow young people to make a successful start to their working lives. The committee underlined the importance of transversal policies and co-operation in this field and proposed that the Committee of Ministers be asked to appoint a European ombudsperson “to ensure

that the rights of young people are respected and protected” ([Read more](#) – [Read the draft recommendation](#) – [Read the report on Young Europeans: an urgent educational challenge](#)).

### **Protecting on-line consumers: 30 million cyber-attacks in February 2013 alone (13.03.2013)**

Greater awareness, transparency and accountability are essential in order to improve security in cyberspace, according to rapporteur Axel Fischer, speaking at a hearing organised by PACE’s Culture Committee in Paris, on “Improving user protection and security in cyberspace”. He emphasised that, while it is possible to impose a transparency requirement on commercial service providers and intermediaries, this may be more difficult where private social networks and user-generated content are concerned. He said there were 30 million attacks in cyberspace in the month of February alone, which may be giving an idea of the extent of the problem of consumer protection on the Internet. The rapporteur also proposed an agreement on a list of prohibited commercial practices and on pan-European benchmarking of quality standards in the commercial sector ([Read more](#)).

### **PACE parliamentary network in Berlin compared national strategies on child sex abuse (15.03.2013)**

Working with people who have the potential to become abusers to stop them ever harming children and setting up “children’s houses” for child-friendly justice were among a number of innovative approaches to tackling child sex abuse discussed at a meeting of PACE’s ONE in FIVE network in Berlin the 14<sup>th</sup> March 2013. Participants also discussed the need for better data collection on where and how child abuse is taking place, how resources should be divided between addressing past abuse and preventing it in the future, and the need to anchor children’s rights in national constitutions ([Read more](#)).

#### ➤ *Countries*

### **Armenia: Armenian election generally well-administered and fundamental freedoms respected, but some key concerns remain (19.02.2013)**

Armenia’s presidential election was generally well-administered and was characterised by a respect for fundamental freedoms, including those of assembly and expression, concluded the delegation on international election observation. At the same time, a lack of impartiality on the part of the public administration and the misuse of administrative resources resulted in a blurring of the distinction between the activities of the state and those of the ruling party, the statement said ([Read more](#)).

### **Hungary: LGBT people’s rights: PACE rapporteur discussed developments in Hungarian legislation (01.03.2013)**

Håkon Haugli, PACE rapporteur on “Tackling discrimination on the grounds of sexual orientation and gender identity”, ended a three-day fact-finding visit to Hungary during which discussions focused on the developments in Hungarian legislation and their possible impact on the situation of LGBT people, as well as on the implementation of the existing anti-discrimination regulations ([Read more](#)).

### **Hungary: PACE co-rapporteurs expressed their concerns about proposed Constitutional amendments in Hungary (06.03.2013)**

Following their visit to Budapest from 25 to 27 February 2013, the co-rapporteurs of the PACE for the opinion on the opening of a monitoring procedure in respect of Hungary, Kerstin Lundgren and Jana Fischerová, have expressed their concern about the recently proposed amendments to the Hungarian Constitution (the so-called fourth amendment). They declared being concerned about the reintroduction, in this amendment, of a number of provisions that have been declared unconstitutional by the Constitutional Court of Hungary, and which the Venice Commission has indicated run counter to European standards ([Read more](#) – [Motion signed by the 24 members of the Assembly](#)).

**Romania: Jean-Claude Mignon: ‘Acceptance of cohabitation in Romania reflects that country's democratic maturity’ (26.02.2013)**

PACE President Jean-Claude Mignon, concluding an official two-day visit to Bucharest, said that the acceptance of political cohabitation reflects Romania's democratic maturity. Even if problems persist, for example in the fight against corruption, Mr Mignon noted the considerable progress achieved, and declared being convinced that Romania is destined to play a more important role in Europe in the future ([Read more](#)).

**PACE President addresses the Romanian parliament (26.02.2013)**

Speaking in the Romanian parliament, Jean-Claude Mignon, President of the PACE, welcomed “Romania's contribution to stability in the region”. Referring to last summer's political crisis, the President said to be pleased that the country had managed to settle its differences peacefully, seeing this as a “sign of democratic maturity” which he had “never doubted”. He also welcomed the “positive developments concerning Romania's relations with the European Court of Human Rights”. ([Read more](#) – Read the speech [[in French only](#)])

**Serbia: PACE President supports Serbia on the path to European integration (12.03.2013)**

In his speech to the Serbian National Assembly, the PACE President Jean-Claude Mignon welcomed the major progress made by Serbia in honouring the commitments and obligations it entered into upon becoming a member of the Council of Europe. However, he added that there are still some areas where further efforts are required, and pointed out the necessity of resolving the situation regarding Kosovo which remains a sensitive issue, in order to sustain peace and reconciliation in the region ([Read more](#) – Speech of Jean Claude Mignon to the Serbian National Assembly [[in French only](#)]).

**Tunisia: The transition process in Tunisia must not be jeopardised, said PACE rapporteur (21.02.2013)**

Anne Brasseur, rapporteur of the PACE on Tunisia, endorsed the statement made by Jean Claude Mignon, President the PACE, and condemned the murder of Chokri Belaid, leader of one of the opposition parties, aimed at destabilising the democratic transition process in Tunisia. As PACE rapporteur supporting the Tunisian revolution, called on all political stakeholders to act responsibly and constitute a stable government in order to honour the expectations of all Tunisians who made the revolution because they want to turn Tunisia into a democratic state ([Read more](#)).

**Ukraine: PACE rapporteur said status of Tymoshenko and Lutsenko should be tested against definition of ‘political prisoner’ adopted by PACE (21.02.2013)**

Pieter Omtzigt, at the end of a three-day information visit to Ukraine (19-21 February 2013), during which he met Mr Lutsenko in prison, stated it is urgent to address the status of former Prime Minister Yulia Tymoshenko and of the former Interior Minister Yuri Lutsenko as ‘political prisoners’ within the meaning of the definition adopted by the PACE in October 2012. He pointed out the resolution 1862 (2012), had already called on the President of Ukraine to consider all legal means available for him to release Ms Tymoshenko and Mr Lutsenko, and indicated that if these demands were not met it could consider possible sanctions ([Read more – Resolution 1862](#))

**PACE rapporteurs strongly criticised the revocation of the parliamentary mandate of Ukrainian opposition MP Serhiy Vlasenko (07.03.2013)**

The monitoring co-rapporteurs for Ukraine of the PACE, Mailis Reps and Marietta de Pourbaix-Lundin, together with the Rapporteur on “Keeping political and criminal responsibility separate”, Pieter Omtzigt, have jointly expressed their deep concern and disappointment at the revocation of the parliamentary mandate of Ukrainian opposition MP Serhiy Vlasenko by a decision of the Ukrainian High Administrative Court. The three rapporteurs asserted this “raises the spectre that Mr Vlasenko was being punished for being a political ally and legal adviser to jailed former Prime Minister Yulia Tymoshenko”. The monitoring co-rapporteurs for Ukraine of the PACE also announced their intention to visit Ukraine the 4 and 5 April in order to discuss the case of Mr Vlasenko with the competent authorities ([Read more](#)).

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

### ➤ *Countries*

#### **The Czech Republic: Stronger efforts needed to end segregation of Roma (21.02.2013)**

The Commissioner, releasing a report based on his visit carried out on 12-15 November 2012 said that in spite of encouraging steps undertaken by the authorities, such as integration strategies, segregation of Roma children, notably at school, remained a serious human rights concern in the Czech Republic ([Read more](#) – [Read the comments of the Czech Republic](#)).

#### **Concerted efforts are needed to achieve progress on human rights protection in the Republic of Moldova (08.03.2013)**

At the end of his four-day visit in Moldova, Nils Muižnieks, Council of Europe Commissioner for Human Rights said that the Republic of Moldova needs to continue its efforts to strengthen the independence, integrity and impartiality of the judiciary, while placing human rights at the forefront of on-going reforms. He welcomed the National Human Rights Action Plan as a positive step, but pointed out the need to ensure better communication about it, both internally and externally ([Read More](#)).

### ➤ *Themes*

#### **Europe should not fear migrants (15.03.2013)**

The Commissioner Nils Muižnieks addressed a speech opening the conference “Immigration – a source of wealth and duties for Europe“ organised in Brussels by the French Economic, Social and Environmental Council, the European Economic and Social Committee, and the Council of Europe. He noted that migration continues to be a hot topic for many European countries, torn in a tug of war between the need for migrants, notably due to the demographic crisis of the native populations and the shortage of supply in workforce, on one hand, and a widespread fear of migrants, on the other hand ([Read the speech](#)).



**Part VIII: Activities and news of the Peer-to-Peer Network (under the auspices of the Directorate of Human Rights)**

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

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