



UNIVERSITÉ DE  
VERSAILLES  
ST-QUENTIN-EN-YVELINES



VIP  
Centre de recherche  
Versailles Saint-Quentin  
Institutions Publiques



# REGULAR SELECTIVE INFORMATION FLOW

FOR THE ATTENTION OF THE NATIONAL HUMAN RIGHTS STRUCTURES

ISSUE N°107  
(16 March – 15 April 2013)

Information **selected** by the « Versailles St-Quentin Institutions Publiques » research centre (Versailles St-Quentin-en-Yvelines University, France), under the responsibility of the Directorate of Human Rights (DG I) of the Council of Europe

For any queries please contact:  
[eugen.cibotaru@coe.int](mailto:eugen.cibotaru@coe.int)

# TABLE OF CONTENTS

<b>Introduction .....</b>	<b>3</b>
<b>Part I: The activities of the European Court of Human Rights.....</b>	<b>4</b>
A. Judgments .....	4
1. Judgments deemed of particular interest to the NHRSS .....	4
2. Other judgments issues in the period under observation.....	9
3. Repetitive cases.....	13
4. Length of proceedings cases .....	14
B. The decision on admissibility / inadmissibility / striking out of the list, including due to friendly settlements.....	15
C. The communicated cases .....	17
<b>Part II: The execution of the judgments of the Court.....</b>	<b>19</b>
<b>Part III: Events, visits and reports .....</b>	<b>20</b>
<b>Part IV: The work of other Council of Europe monitoring mechanisms .....</b>	<b>23</b>
A. European Social Charter (ESC).....	23
B. European Committee for the Prevention of Torture and inhuman or Degrading Treatment or Punishment (CPT) .....	23
C. European Committee against Racism and Intolerance (ECRI).....	23
D. Framework Convention for the Protection of National Minorities (FCNM) .....	23
E. Group of States against Corruption (GRECO) .....	23
F. Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL).....	24
G. Group of Experts on Action against Trafficking in Human Beings (GRETA).....	24
<b>Part V: The inter-governmental work .....</b>	<b>25</b>
A. The new signatures and ratifications of the Treaties of the Council of Europe .....	25
B. Recommendations and Resolutions adopted by the Committee of Ministers.....	26
C. Other news of the Committee of Ministers .....	27
<b>Part VI: The parliamentary work .....</b>	<b>28</b>
A. Resolutions and Recommendations of the Parliamentary Assembly of the Council of Europe (PACE).....	28
B. Other news of the Parliamentary Assembly of the Council of Europe (PACE) .....	28
<b>Part VII: The work of the Office of the Commissioner for Human Rights .....</b>	<b>31</b>
<b>INDEX .....</b>	<b>32</b>

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

**The preparation of the RSIF is funded jointly by the University of Versailles-St-Quentin-en-Yvelines and the Directorate of Human Rights (Directorate General of Human Rights and Rule of Law - DG I). It is entrusted to Ms Alix Motais de Narbonne, Barbara Sanchez-Cadinot, Sarah Kaczmarczyk, Mariella Sognibé and Mrs Pavlos Marinatos and Yohann Ralle, with the technical assistance of Mr Guillaume Verdier and under the supervision of Thibaut Fleury Graff, Associate Professor at Versailles-St-Quentin-en-Yvelines University.**

## 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)**

**MEHMET SENTÜRK AND BEKİR SENTÜRK V. TURKEY ([IN FRENCH ONLY](#)) (No. 13423/09) – Importance 1 – 9 April 2013 – Violation of Article 2 (substantive and procedural aspect) – (i) Domestic authorities’ failure to protect the patient’s physical well-being by providing appropriate medical care and (ii) domestic authorities’ failure to conduct an effective criminal investigation leading to establish the full responsibility of the medical staff concerned**

The case concerned the death of a pregnant woman following a series of misjudgements by medical staff at different hospitals and the subsequent failure to provide her with emergency medical treatment when her condition was known to be critical.

#### Article 2

The Court held that the applicants’ relative had been denied access to appropriate emergency treatment, which in itself amounted to a violation of the substantive aspect of Article 2. Moreover, the Court concluded that the investigations by the domestic authorities had not been able to shed light on the events. In particular, the Court found that domestic criminal procedure had not afforded the opportunity to establish the full responsibility of the medical staff concerned, which amounted to a second violation of Article 2.

Just satisfaction (Article 41)

The court held that Turkey was to pay the applicants EUR 65,000 in respect of non-pecuniary damage and EUR 4,000, less the sum of EUR 850 already received in legal aid, in respect of costs and expenses.

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

**I.K. v. AUSTRIA (No. 2964/12) – Importance 2 – 28 March 2013 – Violation of Article 3 – Risk of ill-treatment in case of removal to Russia**

The case concerned the complaint by a Russian national of Chechen origin that his removal from Austria to Russia would expose him to the risk of ill-treatment, as his family had been persecuted in Chechnya.

The Court put forward that the domestic Court did not take into account recent reports documenting the practice of collective punishment of relatives and suspected supporters of alleged insurgents in Russia. The Court also relies on recent violations of Article 3 it has found in numerous judgments in respect of disappearances and ill-treatment in Chechnya. Besides, there was no indication in the documents before the Court that the applicant would be at a lesser risk of persecution upon return to Russia than his mother (who has been granted asylum).

Article 41 (just satisfaction)

The court held that Austria was to pay the applicant EUR 5,031.23 in respect of costs and expenses.

**VALIULIENE V. LITHUANIA (No. 33234/07) – Importance 2 – 26 March 2013 – Violation of Article 3 – Inadequate protection against acts of domestic violence, in particular, lack of a prompt criminal investigation and its discontinuation by the public prosecutor**

The case concerned the complaint by a woman who suffered domestic violence and the authorities' failure to investigate her allegations of ill-treatment against her partner.

Article 3

The Court noted that the applicant had addressed the city district court as early as February 2001 to bring a private prosecution against her partner. She had provided specific descriptions of each incident of ill-treatment and had indicated the names of several witnesses. Despite domestic authorities' prompt initial actions, the investigation had been suspended on numerous occasions following the transfer of the case to the public prosecutor. The Court noted in particular that the fact that the prosecutor's decisions had been quashed by a higher prosecutor as not being thorough enough indicated a serious flaw on the part of domestic authorities. Therefore, the Court concluded unanimously that there had been a violation of Article 3.

Article 41 (just satisfaction)

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

**H. AND B. v THE UNITED KINGDOM (Nos. 70073/10 AND 44539/11) – Importance 2 – 9 April 2013 – No violation of article 3 – Applicants' failure to prove that their personal circumstances would expose them to a real risk of inhuman or degrading treatment if they were removed to Afghanistan**

The case concerned two Afghan national's allegation that if expelled from the United Kingdom to Afghanistan, they would face a real risk of ill-treatment not only in view of the indiscriminate violence in the destination country, but also because they risked being targeted on account of their earlier collaboration with the international community's forces operating in Afghanistan at the relevant time.

The Court recalled that an expulsion by a Contracting State could give rise to an issue under Article 3, but, in principle, it was for the applicants to provide evidence illustrating this and for the Court to examine the foreseeable consequences of sending them to Afghanistan. The Court concluded that the applicants failed to provide evidence to prove that there were substantial grounds for believing that they would be exposed to a real risk of ill-treatment if removed to Afghanistan. Therefore, there would be no violation of Article 3 of the Convention if the applicants were removed to Kabul.

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

**ABDI V. THE UNITED KINGDOM (No. 27770/08) – Importance 2 – 9 April 2013 – Violation of Article 5 – Unlawful detention**

The case concerned a complaint by a Somali national that he was kept in detention for more than three years, pending his proposed deportation to his country of origin.

The Court recalled that where the lawfulness of detention is in issue, the European Convention refers essentially to national law and lays down the obligation to conform to rules of national law. Thus, the Court held that the applicant's detention could not be regarded as lawful under domestic law because the regular reviews required by the Secretary of State's published policy were not carried out. Therefore, there had been a violation of Article 5. Given that conclusion, the Court did not consider it to examine the applicant's complaints under Article 5 § 1 of the Convention concerning the length of his detention.

Article 41 (Just satisfaction)

The Court held that the U.K. to pay the applicant EUR 1,500 in respect of non-pecuniary damage. It also awarded EUR 7,000 for his lawyers' costs and expenses.

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

**ZORICA JOVANOVIĆ V. SERBIA (No. 21794/08) – Importance 2 – 26 March 2013 – Violation of Article 8 – Continuing violation of the applicant's right to respect for her family life due to the domestic authorities' continuing failure to provide her with credible information as to the fate of her son – Application of Article 46 – Measures in order to provide credible answers regarding the fate of each missing child and an adequate compensation to all parents in a similar situation**

The case concerned the alleged death of the applicant's healthy new-born son in 1983 in a state-run hospital. The applicant was never allowed to see the body of her son and suspects that he may even be still alive and unlawfully given up for adoption.

Article 8

The Court holds that the applicant remains to this day without a credible answer concerning the fate of her son in 1983. She never saw the dead body of her son, the cause of his death has never been determined and his death has never been officially recorded. Furthermore, no adequate consideration was given to the criminal complaint filed by the applicant's husband while domestic authorities affirmed in a series of reports that inadequacies existed in the applicable legislation at the time concerning the death of new-borns in hospitals as well as in the response of the state given to the allegations. Despite several promising official initiatives between 2003 and 2010, the report of December 2010 concluded that no changes were necessary to be made in the already modified legislation. However, those changes could only be applied to future situations and did not cover the applicant and parents in a similar situation who had to go through with such an ordeal in the past.

Therefore, the Court concluded that there had been a violation of Article 8.

Application of Article 46 (binding force and implementation)

The Court held that, given the significant number of potential applicants, domestic authorities had to take, a year after the present judgment becomes final, the necessary measures to provide credible answers regarding the fate of every missing child and adequate compensation to all parents in a situation similar to the applicant's, a process supervised by an independent body with adequate powers.

#### Article 41 (Just satisfaction)

The Court held that the state was to pay the applicant EUR 10,000 in respect of non-pecuniary damage and EUR 1,800 for her lawyers' costs and expenses.

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

**REZNIK V. RUSSIA (No. 4977/05) – Importance 2 – 4 April 2013 – Violation of Article 10 – Domestic authorities' failure to prove that defamation proceedings against a lawyer were proportionate to the legitimate aim of protection of the reputation of others**

The case concerned defamation proceedings against the president of the city bar for critical statements on a live TV show about the conduct of male prison warders who had searched a female lawyer during the visiting to her client in prison.

The Court held that the domestic courts had failed to perform any balancing exercise between the need to protect the plaintiffs' reputation and the public interest, the right to freedom of expression. The Court considered in particular that the domestic courts had failed to provide sufficient reasons for establishing an objective link between the president of the bar's statement in question and the claimants in the defamation action.

#### Article 41 (Just satisfaction)

The Court held that the state was to pay EUR 4,000 to the applicant in respect of costs and expenses.

- **Freedom of Assembly (Art. 11)**

**VYERENTSOV V. UKRAINE (No. 20372/11) – Importance 1 – 11 April 2013 – Violation of Article 11 – lack of sufficient legal basis in domestic law to justify the interference with the applicant's rights to freedom of assembly – Violation of Article 7 – Absence of clear and foreseeable legislation laying down the rules for the holding of peaceful demonstrations – Violation of Article 6 §§ 1 and 3 (b), (c) and (d) – Domestic courts' unlawful and arbitrary decisions – Article 46 – Need for a reform of the domestic country's legislation and administrative practice to establish the requirements for the organisation and holding of peaceful demonstrations.**

The case concerned a human rights activist who had been sentenced to three days of administrative detention for holding a demonstration without permission, even though such permission was not required by domestic law.

#### Article 11

The Court noted in particular that domestic legislation lacked a clear and foreseeable procedure for organising and holding peaceful demonstrations, as proved by inconsistencies in domestic courts' rulings. Even though the domestic Constitution provides for general rules as to the possible restrictions on the freedom of assembly, the Court noted that those rules required further elaboration in the domestic law. The Court therefore found a violation of Article 11.

#### Article 7

The Court held that, in the absence of clear and foreseeable legislation laying down the rules for the holding of peaceful demonstrations, the applicant's punishment for breaching an inexistent procedure was incompatible with Article 7 of the Convention.

#### Article 6 §§ 1 and 3

Facing the applicant's impossibility to assess the charge against him, the refusal by the domestic court to the applicant's request to be represented by a lawyer, the failure of the domestic court of Appeal to remedy those violations since, the Court held that there had been a violation of Article 6 §§ 1 and 3 (b), (c), and (d)

#### Application of Article 46

The Court stressed that specific reforms in domestic country's legislation and administrative practice should be urgently implemented in order to bring such legislation and practice in accordance with the Court's conclusions in the present judgment and to ensure their compliance with the requirements of Articles 7 and 11 of the Convention.

Article 41 (just satisfaction)

The Court held that domestic authorities were to pay the applicant EUR 6,000 in respect of non-pecuniary damage.

- **Right to education (Art. 2 of Protocol No. 1)**

**TARANTINO AND OTHERS V. ITALY (Nos. 25851/09, 29284/09 AND 64090/09) – Importance 2 – 2 April 2013 – No violation of Article 2 of Protocol No. 1 – Reasonable domestic legislation limiting access to universities to study dentistry and medicine**

The case concerned eight students' complaints about the restrictions imposed on them by domestic legislation aimed at limiting access to universities, following their unsuccessful attempts to obtain a place in the faculties of medicine and dentistry.

The Court essentially focused its reasoning on the proportionality of the restrictions. As to the entrance examination requirement, it found that this method had been a proportionate measure in order to guarantee a minimum level of education in the universities. As to the *numerus clausus*, the material resources of universities and society's need for a particular profession had achieved a balance between the interests of the applicants and those of society at large: the restriction was proportionate because it applied to both public and private universities (i.e. regardless of the financial ability of the candidates) and because it allowed to mitigate unemployment (burden for society at large).



## 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 judgments<sup>1</sup>. For more detailed information, please refer to the cases.

STATE	DATE	CASE TITLE	IMP.	CONCLUSION	KEY WORDS
AUSTRIA	4 April 2013	<a href="#">C.B</a> (No. 30465/06)	2	No violation of Art. 6 §§ 1 and 3 (d)	Fairness of proceedings despite domestic court's refusal to consider the opinion of a private expert commissioned by the applicant, to allow the expert and three other persons to testify as witnesses and the private expert's refusal to submit certain unspecified questions to the court-appointed expert
		<a href="#">JULIUS KLOIBER SCHLACHTHOF GMBH AND OTHERS</a> (Nos. 21565/07, 21572/07, 21575/07 AND 21580/07)	3	Violation of Art. 6 § 1	Payment order proceedings not decided by a domestic tribunal
BELGIUM	11 April 2013	FIROZ MUNEER ( <a href="#">IN FRENCH ONLY</a> ) (No. 56005/10)	2	No violation of Art. 5 § 1	Lawfulness of the applicant's detention
				Violation of Art. 5 § 4	Lack of prompt judicial review regarding the lawfulness of the applicant's detention
BULGARIA	26 March 2013	<a href="#">ASEN KOSTOV</a> (No. 48445/06) AND <a href="#">BARBORSKI</a> (No. 12811/07)	3	Violation of Art. 5 §1 (in both cases)	Length of detention exceeding the actual sentences imposed on the applicants in criminal proceedings
				Violation of Art. 5§5 (in the case <i>Asen Kostov</i> )	Lack of enforceable right to seek compensation in respect of the applicant's illegal detention
ESTONIA	28 March 2013	<a href="#">KOROBV AND OTHERS</a> (No. 10195/08)	2	Violation of Art. 3	Ill-treatment during arrest and detention for one of the applicants
				No violation of Art. 3	No ill-treatment during arrest and detention for three other applicants
				Violation of Art. 3	Lack of an effective investigation into the applicants' complaints

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

HUNGARY	19 March 2013	<a href="#">X.Y.</a> (No. 43888/08)	2	Violation of Art. 5 §1	Unlawfulness of pre-trial detention
				Violation of Art. 5 §3	Excessive length of pre-trial procedure, domestic authorities' failure to take into account the deterioration of the applicant's psychological health
				Violation of Art 5 §4	Domestic authorities' failure to let the applicant access relevant documents in his case file
MOLDOVA	9 April 2013	<a href="#">IURCU</a> (No. 33759/10)	3	Two violations of Art. 3	Ill-treatment of the applicant while in police custody and lack of an effective investigation in that respect
				Violation of Art. 13	Lack of an effective remedy in respect of violation of Art. 3
POLAND	4 April 2013	<a href="#">OLSZEWSKI</a> (No. 21880/03)	2	Violation of Art. 3	Poor conditions of detention
	9 April 2013	<a href="#">KURKOWSKI</a> (No. 36228/06)	2	No violation of Art. 3	No ill-treatment in detention given the brevity of the applicant's stay in the cells (two periods of four days)
				No violation of Art. 5 § 3	Justified pre-trial detention given the complexity of the investigation and the absence of significant periods of inactivity of the investigation
				Violation of Art. 8	Unlawful domestic authorities' refusal to allow the applicant's family visits on certain occasions; domestic authorities' failure to strike a fair balance between the public and the applicant's interests on account of unjustified restrictions on direct contact between the applicant and his family

ROMANIA	19 March 2013	<a href="#">BLEJUSCA</a> (NO. 7910/10)	3	Violation of Art. 3	Poor conditions of detention
	26 March 2013	ACATRINEI AND OTHERS ( <a href="#">IN FRENCH ONLY</a> ) (NO. 10425/09 AND 71 OTHER APPLICATIONS)	3	Violation of Art. 2 (in respect of 65 of the applicants)	Lack of an effective investigation into the deaths of the applicants' family members
				Violation of Art. 3 (in respect of the seven other applicants)	Lack of an effective investigation into allegations of ill-treatment
		GYÖRGYPÁL ( <a href="#">IN FRENCH ONLY</a> ) (No. 29540/08)	3	Violation of Art. 3	Poor conditions of detention
		NICULESCU-DELLAKEZA ( <a href="#">IN FRENCH ONLY</a> ) (No. 5393/04)	3	Violation of Art. 6 §1	Domestic courts' failure to hear the applicant
				Violation of Art. 10	Disproportionate interference with the applicant's right to freedom of expression
	9 April 2013	FLUERAS ( <a href="#">IN FRENCH ONLY</a> ) (No. 17520/04)	3	Violation of Art. 6 § 1	Domestic authorities' failure to examine any witnesses and conviction of the applicant despite his acquittal by two lower domestic jurisdictions

RUSSIA	28 March 2013	<a href="#">NOVAYA GAZETA AND BORODYANSKIY</a> (No. 14087/08)	2	No violation of Art. 10	No breach of the applicant's freedom of expression on account of his conviction in libel proceedings
	4 April 2013	<a href="#">IVAKHNENKO</a> (No. 12622/04)	2	Violation of Art. 3	Poor conditions of detention
		<a href="#">MARKARYAN</a> (No. 12102/05)	3	Two violations of Art. 3	Ill-treatment of the applicant while in police custody and lack of an effective investigation in that respect
	11 April 2013	<a href="#">MANULIN</a> (No. 26676/06) <a href="#">VYATKIN</a> (No. 18813/06)	3	Violation of Art. 3 – in both cases	Poor conditions of detention in a remand centre
				Violation of Art. 5 § 3 – in both cases	Extension of pre-trial detention on insufficient grounds
		<a href="#">OCHELKOV</a> (No. 17828/05)	3	Three violations of Art. 3	Ill-treatment by police on two separate occasions and lack of an adequate investigation in that respect
		<a href="#">SHIKUTA</a> (No. 45373/05)	3	Violation of Art. 5 § 1	Unlawful detention
				No violation of Art. 5 § 3	Justified length of pre-trial detention given the complexity of the case and the amount of evidence which needed to be examined
				Violation of Art. 5 § 4	Lack of a prompt review of the lawfulness of the applicant's detention
SERBIA	26 March 2013	<a href="#">LUKOVIĆ</a> (No. 43808/07)	3	Violation of Art. 5 § 3	Reasonable length of pre-trial detention
	4 April 2013	<a href="#">MOMCILOVIĆ</a> (No. 23103/07)	3	Violation of Art. 6 § 1	Unlawful constitution of Domestic Supreme Court
	9 April 2013	<a href="#">ANDELKOVIC</a> (No. 1401/08)	2	Violation of Art. 6 § 1	Unfairness of proceedings on account of domestic court's arbitrary ruling
SLOVAKIA	26 March 2013	<a href="#">VRABEC AND OTHERS</a> (No. 31312/08)	3	Violation of Art. 6 § 1	Domestic courts' failure to address all the applicants' arguments and arbitrary dismissal of their claim

TURKEY	19 March 2013	MIMTAS ( <a href="#">IN FRENCH ONLY</a> ) (NO. 23698/07)	3	Two violations of Art. 3	Ill-treatment during the applicant's transfer to a prison; Lack of an effective investigation in that respect
		SOLAKOGLU AND OTHERS ( <a href="#">IN FRENCH ONLY</a> ) (NO. 3674/09 AND 31 OTHER APPLICATIONS)	3	Violation of Art. 6 §1	Domestic authorities' failure to communicate to the applicant procedure documents
	26 March 2013	<a href="#">COSAR</a> (No. 22568/05)	3	No violation of Art. 3	No ill-treatment during custody
				Violation of Art. 3	Domestic courts' failure to examine effectively the applicant's complaint
				No violation of Art. 6 §1	Fair trial as the domestic court took into account every statements and not just only those contested by the applicant
	9 April 2013	<a href="#">BÖBER</a> (No. 62590/09)	3	Two violations of Art. 3	Ill-treatment by two police officers and lack of an effective investigation into the applicant's allegations
		DAGABAKAN AND YILDIRIM ( <a href="#">IN FRENCH ONLY</a> ) (No. 20562/07)	3	Two violations of Art. 3	Ill-treatment in police custody and lack of an effective investigation in that respect

### 3. Repetitive cases

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

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

STATE	DATE	CASE TITLE	CONCLUSIONS	KEYWORDS
POLAND	9 April 2013	<a href="#">KOZŁOWSKI</a> (No. 24250/11)	No violation of Art. 6 § 1	Fairness of proceedings
UKRAINE	11 April 2013	<a href="#">ROZHENKO AND OTHERS</a> (Nos. 2644/04 and 23 others)  <a href="#">TERNOVIK AND OTHERS</a> (Nos. 19430/06 and 19 others)	Violation of Articles 6 § 1, 13 and 1 of Prot. No. 1	Non-enforcement in good time of judgments given in the applicants' favour against state-owned or state-controlled entities

#### 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	11 April 2013	Tziovara and Gemeliari ( <a href="#">IN FRENCH ONLY</a> ) (No. 66608/09)
ITALY	2 April 2013	Caruso ( <a href="#">IN FRENCH ONLY</a> ) (No. 24817/03)
PORTUGAL	2 April 2013	Alves ( <a href="#">IN FRENCH ONLY</a> ) (No. 54312/10)
		Alves ( <a href="#">IN FRENCH ONLY</a> ) (No. 5340/11)
ROMANIA	2 April 2013	<a href="#">MACOVEI</a> (No. 38128/03)
		<a href="#">SERCARU</a> (No. 13088/09)
RUSSIA	11 April 2013	<a href="#">ABORINA</a> (No. 28222/06)
		<a href="#">VERSHININ</a> (No. 9311/05)
TURKEY	2 April 2013	<a href="#">ALHAN</a> (No. 8163/07)
		<a href="#">KIRANEL</a> (No. 26964/09)
		<a href="#">OZDEMIR</a> (No. 33625/09)
		<a href="#">UÇAR</a> (No. 5485/07)
UKRAINE	4 April 2013	Tkachenko ( <a href="#">IN FRENCH ONLY</a> ) (No. 1278/06)

## 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 15 February to 2 March 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
BULGARIA	19 February 2013	<a href="#">HARAKCHIEV AND TOLUMOV</a> (Nos. 15018/11 AND 61 199/12)	Art. 3 (lack of prospect of release, poor material conditions of detention), Art. 13 (lack of effective remedies in that respect), Art. 8 (breach of the respect of the correspondence between the applicants and their lawyers)	Partly inadmissible as manifestly ill-founded (concerning the first applicant's claim under Art. 8), partly adjourned (concerning the claim under Art.13, the first applicant's life imprisonment without commutation, the material conditions of the applicants' detention, the second applicant claim under Art.8)
THE CZECH REPUBLIC	19 February 2013	<a href="#">OLDŘICH KINSKY AND 9 OTHER APPLICATIONS</a> (No. 21547/06)	Art.6 (unfairness of civil proceedings), Art.1 of Protocol No.1 (domestic law wrongly applied), Art.14 (discrimination against the first applicant on the ground of his origins)	Partly struck out of the list (concerning claim under Art.6), partly inadmissible (concerning claims under Art.1 of Protocol No.1 and Art.14)
ROMANIA	19 February 2013	<a href="#">COSTINIU</a> (No. 22016/10)	Art. 3 (handcuffing of the applicant), Art.8 (public exposure of the applicant), Art.13 (lack of an effective remedy in that respect)	Partly inadmissible for non-exhaustion of domestic remedies (concerning claims under Articles 3 and 8), partly inadmissible as manifestly ill-founded (concerning claim under Art.13)
		<a href="#">TUTURAS</a> (No. 51866/07)	Art.3 (poor conditions of detention), Art.5 (unlawful placement in police custody and detention pending trial), Art.6 §§ 1 and 3 (c) (unfairness of criminal proceedings), Art.6 § 2 (breach of the principle of the presumption of innocence)	Partly struck out of the list (concerning claim under Art.3), partly inadmissible as manifestly ill-founded (concerning the remainder of the application)

SWEDEN	19 February 2013	<a href="#">ATAYEVA AND BURMAN</a> (No. 17471/11)	Art.3 (risk of ill-treatment in case of deportation of the first applicant to Turkmenistan), Art.8 (deprivation of the applicant's possibility to apply for a resident permit if deported)	Partly inadmissible as manifestly ill-founded (concerning claim under Art.3), partly admissible (concerning claim under Art.8)
		<a href="#">NEIJ AND SUNDE KOLMISOPPI</a> (No. 40397/12)	Art.10 (convictions based on a breach of the applicants right to receive and impart information)	Inadmissible as manifestly ill-founded
UKRAINE	19 February 2013	<a href="#">KRIVOBOKOV</a> (No. 38707/04)	Art.3 of Protocol No.1 (obligation to pay an electoral deposit to stand as a candidate, lack of obligation under domestic law to complete the declaration of means by hand), Art.6 § 1 (outcome of domestic jurisdiction)	Incompatible <i>ratione materiae</i> with the provisions of the Convention
		<a href="#">SOSNOVSKIY</a> (No. 9450/06)	In particular, Articles 5 §§ 1 (c) and 3 (unlawful arrest and detention), Articles 3 and 6 § 3 (b) (poor conditions of detention amounting to impossibility for the applicant to prepare his defence), Articles 6 § 1, 13, 17 and 1 of Protocol No.12 (refusal of domestic court to consider the applicant complaint against the judge, lack of an effective remedy in respect of his complaints about conditions of detention)	Partly adjourned (concerning claims under Articles 3, 5 § 1, 6 § 1 and 13), partly inadmissible as manifestly ill-founded



### 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>AZERBAIJAN</b>	8 April 2013	<a href="#">MAMMADOV</a> (No. 15172/13)	Alleged violations of Art. 5 – in particular, unlawful and arbitrary deprivation of liberty, detention despite the absence of a reasonable suspicion that the applicant had committed a criminal offence, and domestic court's failure to correct the mistakes committed by a first-instance court; Art. 6 – Breach of the applicant's right to presumption of innocence; Art. 18 – Restriction of the applicant's right for purposes other than those prescribed in the Convention
<b>BELGIUM</b>	2 April 2013	BACIU ( <a href="#">IN FRENCH ONLY</a> ) (NOS. 4743/12 AND 4 OTHERS)	In particular, alleged violations of Articles 3 and 14 – Poor conditions of detention; Art. 6§1 – Domestic court's decision not to apply Art. 6§1 to sentence enforcement's proceedings
<b>GEORGIA</b>	4 April 2013	<a href="#">BAGHASHVILI</a> (NOS. 5168/06 AND 2 OTHERS)	Alleged violation of Art. 2 – Killing of the applicants' son by law-enforcement agents and lack of an effective investigation in that respect
<b>"THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA"</b>	9 April 2013	<a href="#">GAVRILOV</a> (No. 7837/10)	Alleged violations of Art. 2 – Domestic authorities' failure to take appropriate steps to safeguard the applicant's life and provide an effective investigation of his allegations; Art. 10 – Domestic authorities' failure to punish those responsible for the violation of the applicant's right to freedom of expression
	10 April 2013	<a href="#">ANDONOVSKI</a> (No. 24312/10)	Alleged violations of Art. 3 – Acts of police brutality and lack of investigation in that respect; Art. 6 – Proceedings terminated rapidly and inactivity of the public prosecutor

<b>RUSSIA</b>	22 March 2013	<a href="#"><u>M.S.</u></a> (No. 8589/08)	Alleged violations of Art. 3 – Ill-treatment by police officers and poor conditions of detention, including inadequate medical care; Art. 6 – In particular, false accusation and conviction on drugs charges; Articles 3 and 14 – Discrimination on account of the applicant's status as "a prag" and HIV-infected-person; Art. 34 – Domestic authorities' refusal to dispatch the applicant's letters addressed to the Court
<b>SLOVAKIA</b>	18 March 2013	<a href="#"><u>Z.K.</u></a> (No. 13606/11)	Alleged violations of Art. 3 – Forced and unlawful sterilisation of the applicant in a public hospital and lack of an effective investigation in that respect; Art. 8 – Forced sterilisation interfering with the applicant's private life; Art. 12 – Forced sterilisation amounting to a denial of the applicant's right to found a family
<b>TURKEY</b>	28 March 2013	<a href="#"><u>DEMIRTAS</u></a> (No. 8732/11)	Alleged violations of Articles 1, 9, 10 and 13 – Conviction of the applicant under the Prevention of Terrorism Act; Articles 6 and 14 – Continuation of criminal proceedings against the applicant after he became a parliamentarian

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

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

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



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

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

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

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

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

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

[READ THE REPORT](#)  
[PDF]

## Part III: Events, visits and reports

This part presents events, visits and reports that either took place or were announced<sup>2</sup> during the period under observation (16 March – 15 April 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

MARCH 2013		
10	Visit of MONEYVAL in Israel	No more details
11	Visit of ECRI in Germany	<a href="#">More information</a>
	Visit of ECRI in Belgium	<a href="#">More information</a>
15	Publication of a complaint submitted by the Federation of Catholic Family Associations in Europe (FAFCE) against Sweden	<a href="#">Read the complaint</a> [PDF]
18	59 <sup>th</sup> GRECO Plenary Meeting in Strasbourg	<a href="#">Read the decisions adopted</a> [PDF]
19	Visit of the Advisory Committee on the FCNM in the Netherlands	<a href="#">More information</a>
21	ECRI Joint Statement on International Day for the Elimination of Racial Discrimination	<a href="#">More information</a>
	Committee of Ministers' Chairman address to the Congress of Local and Regional Authorities	<a href="#">More information</a>
22	Round-table held in Chisinau by the GRETA to support the anti-trafficking efforts in the Republic of Moldova	No more details
25	Visit of the Advisory Committee on the FCNM in Latvia	<a href="#">More information</a>
26	7 <sup>th</sup> Council of Europe Conference on the European Landscape Convention in Strasbourg	No more details
26-28	PACE President Official visit to Ukraine	<a href="#">More information</a>
27	1166 <sup>th</sup> meeting of the Ministers' Deputies	No more details
	GRECO's report on Finland	<a href="#">Read the report</a> [PDF]
28	GRECO's report on Iceland	<a href="#">Read the report</a> [PDF]

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

APRIL 2013		
2-3	PACE President official visit to Finland	<a href="#">More information</a>
3	GRECO's compliance report on Norway	<a href="#">Read the report</a> [PDF]
	GRECO's compliance reports on the Republic of Moldova	<a href="#">Read the report</a> [PDF]
4	GRECO's compliance report on the Czech Republic	<a href="#">Read the report</a> [PDF]
4-5	PACE Pre-electoral mission to Bulgaria	<a href="#">More information</a>
	PACE President official visit to Norway	<a href="#">More information</a>
5	GRECO's compliance report on Cyprus	<a href="#">Read the report</a> [PDF]
	Comments of the government of Romania on the third opinion of the Advisory Committee on the implementation of the FCNM	Read the comments [EN – RO] [PDF]
5-8	PACE delegation observed the presidential election in Montenegro	<a href="#">More information</a>
6-9	PACE's Sub-Committee on the Middle East's visit to Jordan	<a href="#">Announcement of the visit</a>
8-11	PACE Co-rapporteurs fact finding visit to Georgia	<a href="#">Announcement of the visit</a>
9	Advisory Committee of the FCNM's third opinion on Ukraine	<a href="#">Read the opinion</a> [PDF] Read the comments of the government [EN – UKR] [PDF]
	MONEYVAL's 41 <sup>st</sup> Plenary Meeting	No more details
10	MONEYVAL's fourth round assessment visit in Lithuania	<a href="#">Read the report</a> [PDF]
11	Follow-up visit of the Advisory Committee on the FCNM in Sweden	Programme (in Swedish only) [PDF]
12	Seminar in Budapest on housing rights in Hungary hosted by FEANTSA and Housing Rights Watch	<a href="#">Programme</a> [PDF]
12-13	PACE rapporteurs fact-finding visit to Athens (Greece)	<a href="#">More information</a>
14-17	PACE President's visit to Moscow (Russia) (10 <sup>th</sup> Council of Europe Conference of Culture Ministers)	<a href="#">More information</a>
16	3 <sup>rd</sup> ENSACT Joint European Conference on "Social action in Europe: toward inclusive policy and practice" (Istanbul, Turkey)	<a href="#">Programme</a>
17-19	PACE co-rapporteurs fact-finding visit to Albania	<a href="#">More information</a>

<b>22-26</b>	PACE Spring session	<a href="#">More information</a>
<b>25</b>	6 <sup>th</sup> Fundamental Rights Platform Meeting organised by the Fundamental Rights Agency of the European Union (Vienna, Austria)	<a href="#">Programme</a> [PDF]
<b>MAY 2013</b>		
<b>13</b>	264 <sup>th</sup> Session of the ECRI	No more details
<b>22 – 25</b>	Human Rights Commissioner's visit to Azerbaijan	No more details

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

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

#### **Publication of the decision on the merits of the complaint lodged by Defence for Children International (DCI) against Belgium (21.03.2013)**

The decision on the merits of the European Committee on Social Rights in the case DCI v. Belgium, Complaint No. 69/2011, became public on 21 March 2013. It concerned foreign children living accompanied or not, either as illegal residents or asylum seekers in Belgium, who were, according to the complainant organisation, excluded from social assistance. ([More information](#) – [read the decision](#) [PDF]).

### **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)**

#### **Joint statement on International Day for the Elimination of Racial Discrimination: Austerity is no excuse for racism (21.03.2013)**

"The social fallout from the on-going global economic crisis must not become an excuse to allow racism and prejudice to go unchecked", said the Representatives of the European Union Agency for Fundamental Rights (FRA), the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and the ECRI, in a joint statement to mark the International Day for the Elimination of Racial Discrimination ([more information](#)).

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

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

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

#### **Finland encouraged to further sharpen its tools to prevent corruption (27.03.2013)**

Finland has an effective system for preventing corruption among members of parliament, judges and prosecutors. However, there is still room for improvement – particularly with regard to conflicts of interest among parliamentarians. These were the main findings of an evaluation report published by the GRECO. The report noted that Finland is widely regarded as being one of the least corrupt countries in Europe, and that perceptions of corruption among parliamentarians, judges and prosecutors are relatively low. Despite a long tradition of limited regulation in this area, Finland also has a good record of implementing anti-corruption measures suggested by GRECO itself ([read the report](#) [PDF] – [more information](#)).

### **Iceland urged to further strengthen anti-corruption measures (28.03.2013)**

Due to its unique circumstances, Iceland faces particular challenges in preventing corruption among its key institutions. Significant improvements have been made recently, but there is still work to be done. These were the main findings of an evaluation report published by the GRECO. The report noted that Iceland's small population size and remote location mean that interlinked personal and professional relationships can give rise to conflicts of interest. It also highlighted the on-going re-appraisal of the informal checks and balances in Icelandic society and the concepts of transparency and corruption following the banking collapse in 2008 ([read the report](#) [PDF] - [more information](#)).

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

#### **MONEYVAL to carry out evaluation of anti-money laundering in the Cypriot banking sector (25.03.2013)**

MONEYVAL will participate in an independent evaluation of the implementation of the anti-money laundering framework in Cypriot financial institutions, alongside a private international audit firm. MONEYVAL has responded positively to the invitation of the Chairman of the Euro group Working Group (on behalf of the Troika institutions) to undertake an evaluation of Customer Due Diligence (CDD) measures in the Cypriot banking sector to assist the decision-making process on Cyprus's request for financial assistance from the Euro area. This is an exceptional assessment which MONEYVAL has agreed to undertake outside its normal cycles of mutual evaluation. It will focus exclusively on the effectiveness of Customer Due Diligence measures in the banking sector alone. Council of Europe press contact: [pressunit@coe.int](mailto:pressunit@coe.int)

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

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



## Part V: The inter-governmental work

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

COUNTRY	CONVENTION	RATIF.	SIGN.	DATE
<b>AZERBAIJAN</b>	Additional Protocol to the Criminal Law Convention on Corruption ( <a href="#">ETS No. 191</a> )	X		3 April 2013
<b>COSTA RICA</b>	Convention on Mutual Administrative Assistance in Tax Matters <b>as amended by its 2010 Protocol</b> ( <a href="#">ETS No. 127</a> )	X		5 April 2013
<b>GEORGIA</b>	Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters ( <a href="#">CETS No. 182</a> )		X	25 March 2013
	Additional Protocol to the Criminal Law Convention on Corruption ( <a href="#">ETS No. 191</a> )		X	
	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	
<b>HUNGARY</b>	Convention on Action against Trafficking in Human Beings ( <a href="#">CETS No. 197</a> )	X		4 April 2013
	European Agreement on Regulations governing the Movement of Persons between Member States of the Council of Europe ( <a href="#">ETS No. 25</a> )		X	11 April 2013

<b>LATVIA</b>	European Social Charter (revised) ( <a href="#">ETS No. 163</a> )	X		26 March 2013
<b>LITHUANIA</b>	Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse ( <a href="#">CETS No. 201</a> )	X		9 April 2013
<b>MOLDOVA</b>	Third Additional Protocol to the European Convention on Extradition ( <a href="#">CETS No. 209</a> )		X	12 April 2013
<b>SLOVENIA</b>	Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters ( <a href="#">ETS No. 182</a> )	X		26 March 2013
<b>URUGUAY</b>	Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data ( <a href="#">ETS No. 108</a> )	X		10 April 2013
	Additional Protocol to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, regarding supervisory authorities and trans border data flows ( <a href="#">ETS No. 181</a> )	X		

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

NATURE OF THE TEXT	TEXT NUMBER	OBJECT	DATE
<b>RESOLUTIONS</b>	<a href="#">CM/ResDip(2013)1E</a>	Renewal of the European Diploma of Protected Areas awarded to the Belovezhskaya Pushcha National Park (Belarus)	27 March 2013
	<a href="#">CM/ResChS(2013)4E</a>	Implementation of the ESC (Conclusions XIX-4 (2011), provisions related to "Children, families, migrants")	
	<a href="#">CM/ResChS(2013)5E</a>	Implementation of the ESC (revised) (Conclusions 2011, provisions related to "Children, families, migrants")	

<b>RESOLUTIONS</b> (CONTINUED)	<a href="#">CM/ResChS(2013)6E</a>	Médecins du Monde – International v. France, Complaint No. 67/2011	27 March 2013 (continued)
	<a href="#">CM/Res(2013)3E</a>	Sexual behaviours of blood donors that have an impact on transfusion safety	
<b>RESOLUTION</b>	<a href="#">CM/ResChS(2013)7E</a>	Collective Complaint No. 61/2010 by the European Roma Rights Centre (ERRC) against Portugal	10 April 2013

### C. Other news of the Committee of Ministers

#### **Committee of Ministers' Chairman addressed the Congress of Local and Regional authorities (21.03.2013)**

Speaking before the Congress of Local and Regional authorities, the Minister of Foreign Affairs of Andorra Gilbert Saboya Sunyé, Chairman of the Committee of Ministers, underlined the importance for political representatives to demonstrate through vigilance and focused action that they were equal to the challenges facing them. He stressed that this was all the more important in times of crisis and called for particular attention to be given to the protection of democratic processes and social cohesion in the knowledge that these both can be victims of the negative consequences of the economic climate ([read the speech](#) [PDF]).

#### **Andorran Minister for Tourism and Environment Francesc Camp spoke at the 7th Council of Europe Conference on the European Landscape Convention (27.03.2013)**

"The preservation and enhancement of the landscape are important factors in building up harmonious coexistence in our towns and regions, within societies which are increasingly culturally diverse", said Mr Francesc Camp, speaking on behalf of the Andorran Chairmanship of the Committee of Ministers. The Minister took this opportunity to present Andorra's National Landscape Strategy to the Conference. The European Landscape Convention is the first ever international treaty exclusively devoted to all the dimensions of the European landscape. It thus covers not only landscapes which might be considered outstanding but also every day and degraded landscapes. The Conference informed all the parties involved of progress in the work of implementing the Convention, and addressed a number of practical questions raised in this connection (no more information).

#### **Execution of the Court's judgments: fewer repetitive cases but more files before the Committee of Ministers (10.04.2013)**

The Committee of Ministers made public the annual report for 2012 on its supervision of the execution of judgments and decisions of the European Court of Human Rights. In accordance with the European Convention on Human Rights, the Committee of Ministers is responsible for supervising the execution of the Court's judgments by the states concerned. The statistics revealed a steady decrease in the number of judgments brought before the Committee concerning repetitive cases which were well-founded. At the same time, the number of closed cases was up. This positive trend seemed linked with various factors including the emphasis placed on the need to guarantee the effectiveness of domestic remedies as an integral part of every process of executing a judgment. ([More information - read the annual report for 2012](#) [PDF]).

## Part VI: The parliamentary work

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

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

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

#### ➤ Themes

#### **Member states must include the issue of the fundamental rights of religious communities in their external relations (18.03.2013)**

The Political Affairs Committee of the PACE, meeting in Rabat, recommended that member states take into account, in their external relations, the question of respect for the fundamental rights of religious communities and the matter of their protection. The report by Luca Volontè, pointed out that violence against persons because of their religion, has increased in the past few years and remains a cause for concern in a number of countries. Accordingly, the committee urged all states in which violence against religious communities has occurred to unequivocally condemn all forms of discrimination and intolerance based on religion and beliefs ([Read more](#) – [Read the draft resolution](#) [PDF]).

#### **Some countries 'slipping back' to discrimination against LGBT people, said PACE rapporteur (18.03.2013)**

The PACE rapporteur Håkon Haugli stated that some Council of Europe member states are "squarely slipping back" towards greater discrimination on the ground of sexual orientation and gender identity. He explained that if all countries are facing challenges, there is a group of countries which systematically oppose any decision that would lend recognition or explicitly affirm rights for LGBTs. In addition, Mr Haugli pointed out the biggest problems in these countries were restrictions of freedom of expression, association, and a refusal to consider sexual orientation and gender identity as unlawful reasons for discrimination ([Read more](#) - [Read the full memorandum](#) [PDF]).

#### **States should pursue child sex offenders for acts committed abroad, said PACE committee (18.03.2013)**

PACE's Social Affairs Committee stated that Council of Europe member states should enact laws enabling them to prosecute "child sex tourists" for acts committed abroad. It thus called for child sex tourism to be made an "extra-territorial" offence, and for states to abolish the "dual criminality rule" which requires an act to be an offence in both countries before prosecution can proceed ([Read more](#) – [Read the adopted text](#) [PDF]).

#### **Too many children are still born stateless, said PACE rapporteur (19.03.2013)**

Boriss Cilevics, rapporteur on 'Access to nationality and the effective implementation of the European Convention on Nationality', stressed that political will is necessary in order to avoid stateless. He also reported that the trend towards excluding long-term immigrants from access to the nationality of the country of residence hinders their full integration in this country ([Read more](#)).

### **Privatisation of public services does not always have the expected results, pointed out Rules Committee (19.03.2013)**

The members of the Committee on Rules of Procedure, Immunities and Institutional Affairs, asserted austerity measures, particularly spending cuts brought about by methods including wage cuts and privatisation, did not always yield the expected results. The Committee held a hearing on the subject "Europe's public administrations in flux: public service under threat?" which was concluded by the affirmation that public services cannot be built on the contingencies of the moment and the state remains a guarantor of social, economic and territorial cohesion ([Read more](#)).

### **Prison overcrowding – Legal Affairs Committee sounded the alarm (20.03.2013)**

According to the Council of Europe, 21 member states have problems of overcrowding in prisons, with more than 100 prisoners per 100 prison places. In a draft resolution, the Legal Affairs Committee said that prison overcrowding is unacceptable and invited the member states to promote the use of non-custodial sentences, especially for first-time and non-violent offenders, young offenders and women ([Read more](#) – [Read the draft resolution](#) [PDF]).

### **The EU and its member states need to assist the countries beyond their eastern borders more to deal with migratory pressures (05.04.2013)**

The Migration Committee, meeting in Rabat, considered that much more needs to be done in the spirit of international co-operation and burden-sharing by the EU and its member states to assist the countries beyond their eastern borders to deal with migratory pressures ([Read more](#)).

#### **➤ Countries**

### **Turkey: Monitoring Committee unanimously adopted draft resolution on post-monitoring dialogue with Turkey (22.03.2013)**

Josette Durrieu, rapporteur of the PACE, supported the statement issued by the PACE President welcoming the PKK leader's call for a truce. In a draft resolution adopted on the basis of her report, the Monitoring Committee highlighted, among other things, the started reforms of the justice system, as well as the substantial progress made since 2004 in promoting the cultural and linguistic rights of the Kurds. On the other hand, it reiterated its request for an in-depth review of the legal provisions and administrative measures relating in particular to the provisions of the Criminal Code and anti-terrorism legislation ([Read more](#)).

### **Georgia: PACE monitoring co-rapporteurs for Georgia welcomed the adoption of 25 march's constitutional amendment (26.03.2013)**

The monitoring co-rapporteurs for Georgia of the PACE have welcomed the adoption, with broad bipartisan support, of a constitutional amendment which removed the possibility for the President to appoint a new government without the parliament's approval. They asserted that it takes away an important source of misunderstanding and tension ([Read more](#)).

**Finland: Jean-Claude Mignon welcomed Finnish government action to help young people (03.04.2013)**

The PACE President congratulated Finland on being one of the countries to host an annual youth parliament, similar to the Council of Europe's Youth Assembly. He also expressed keen interest in the Finnish government's "youth guarantee" scheme, a public-private partnership introduced at the beginning of 2013 ([Read more](#)).

**Bulgaria: The country needs free and fair elections in order to overcome crisis, said PACE pre-electoral delegation (05.04.2013)**

The six-member pre-electoral delegation of the PACE stated the need of free and fair elections in Bulgaria as the only way to give the next parliament the legitimacy it needs in order to overcome the political and social crisis. It therefore called on the authorities to restore the trust in the democratic process "so that the street protests can transform into participation" ([Read more](#)).

**Josette Durrieu: 'Jordan needs our support in receiving the Syrian refugees on its territory' (07.04.2013)**

Josette Durrieu, Chair of the Assembly Sub-Committee on the Middle East, emphasised the urgent need for support from the international community in Jordan. She added that over 2 000 new persons are arriving at Za'atri refugee camp every day, and concluded by saying that, with the region destabilised by the Israeli-Palestinian problem and the conflict in Syria, the international community needs a stable Jordan ([Read more](#)).

**Montenegro: Election professionally and efficiently administered, but allegations of misuse of state resources persist (08.04.2013)**

Montenegro's presidential election on 7 April was professionally and efficiently administered, but allegations of the misuse of state resources and a blurring of the line between state activities and candidate campaigning continued to be at odds with OSCE commitments and Council of Europe standards stated the international observers ([Read more](#)).

**PACE rapporteur welcomed the creation of ombudsman in Turkey (04.04.2013)**

The PACE rapporteur Jordi Xuclà has welcomed the recent establishment of the Ombudsman institution in Turkey which now needs some time to become mature and fully effective. Despite a generally positive assessment of the first months of the implementation of the Ombudsman Law, the rapporteur pointed out some outstanding issues which needed further reconsideration such as the lack of competence to seize the Constitutional Court ([Read more](#)).

**Ukraine: Respect for Council of Europe commitments is an 'essential stage' on Ukraine's path to European integration (27.03.2013)**

Jean Claude Mignon, President of the PACE, welcomed the clear willingness expressed by Ukraine's highest authorities to scrupulously respect their obligations and commitments to the Council of Europe, as well as the decisions of the ECHR. He added that respect for these commitments would be an essential stage on Ukraine's path to European integration ([Read more](#)).

**Ukraine: PACE President welcomed the liberation of Yuri Lutsenko (08.04.2013)**

PACE President Jean Claude Mignon warmly welcomed the liberation of former Interior Minister Yuri Lutsenko. He called on the Ukrainian authorities to rapidly find a solution, in line with Council of Europe principles, to the emblematic case of former Prime Minister Yulia Tymoshenko, and to reform the legal system so that such cases do not recur ([Read more](#)).

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

### **Estonia: All children should be citizens (27.03.2013)**

Nils Muižnieks, Council of Europe Commissioner for Human Rights, urged Estonia to grant to all children citizenship automatically at birth, even when their parents are stateless. He added that it's in the best interests of the child as this is key to enjoying fully all human rights. The Commissioner also welcomed the on-going reform of the Child Protection Act ([Read more](#)).

### **“The former Yugoslav Republic of Macedonia”: Bridging interethnic divisions should be a top priority for the country (09.04.2013)**

“Several milestones have been reached since the signing of the Ohrid Framework agreement which ended the 2001 conflict, including in the areas of local government, the use of languages and equitable representation. However, deep politicisation along party lines and political patronage undermine social cohesion”, said Nils Muižnieks, Council of Europe Commissioner for Human Rights, releasing a report based on his November 2012 visit to the country ([Read more](#) – [Read the comments of the Republic of Macedonia on the report](#) [PDF]).

### **Croatia: the human dignity of transgender persons is to be fully respected (11.04.2013)**

In the context of the on-going reform of the Croatian Registries Act, the Commissioner has called on the Croatian authorities to take advantage of this occasion to clarify the legal framework governing the official recognition of trans persons' preferred gender. The Commissioner has drawn authorities' attention to the recommendations contained in his Office report “[Discrimination on grounds of sexual orientation and gender identity in Europe](#)” [PDF] stressing that “requirements for gender recognition should not be harmful for the health, dignity and family life of trans persons” (Letters to the Minister of Public Administration, [Mr Arsen Bauk](#), and to Chairperson of the Parliamentary Gender Equality Committee, [Ms Nansi Tireli](#)).

### **Russia: reforms should strengthen human rights in the justice system (11.04.2013)**

The Commissioner welcomed the fact that the Russian authorities have started to address several structural shortcomings in the justice system identified by the European Court of Human Rights. However, he noted that much remains to be done to ensure access to justice, remedy serious human rights violations and prevent the flow of repetitive applications before the Court. In addition, during his ten days visit to Russia, he stated to the authorities his concerns about the 2012 Law on Non-Commercial Organisations Performing the Function of Foreign Agents, which “contains a very broad and vague definition of the notion of political activity” ([Read more](#)).

## INDEX

Albania, 21  
Austria, 5, 9, 22  
Azerbaijan, 17, 22, 25  
Belarus, 26  
Belgium, 9, 17, 20, 23  
Bulgaria, 9, 15, 21, 30  
Costa Rica, 25  
Croatia, 31  
Cyprus, 21, 24  
Estonia, 9, 15, 31  
Finland, 20, 21, 23, 30  
France, 1, 14  
Georgia, 17, 21, 25, 29  
Germany, 20  
Greece, 14, 21  
Hungary, 10, 21, 25  
Iceland, 20, 24  
Israel, 20  
Italy, 8, 14  
Jordan, 21, 30  
Latvia, 20, 26  
Lithuania, 5, 21, 26  
Moldova, 10, 20, 21, 26  
Montenegro, 21, 30  
Norway, 21  
Poland, 10, 13  
Portugal, 14, 27  
Romania, 11, 14, 21  
Russia, 5, 7, 12, 14, 18, 21, 31  
Serbia, 6, 12  
Slovakia, 12, 18  
Slovenia, 26  
Sweden, 16, 20, 21  
The Czech republic, 15, 21  
“The former Yugoslav Republic of Macedonia”, 17, 31  
The Netherlands, 20  
The United Kingdom, 5, 6  
Turkey, 4, 5, 13, 14, 18, 21, 29, 30  
Ukraine, 7, 13, 14, 16, 20, 21, 30  
Uruguay, 26