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# 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 (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 feedback that may allow for the improvement of the format and the contents of this tool.

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## PART I: THE ACTIVITIES OF THE EUROPEAN COURT OF HUMAN RIGHTS

### A. Judgments

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

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

Some judgments are only available in French.

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

#### Note on the Importance Level:

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

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

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

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

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

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

**MOHAMMED V. AUSTRIA (No. 2283/12) – Importance 3 – 6 June 2013 – Violation of Article 13 in conjunction with Article 3 – Domestic authorities’ failure to protect the applicant against forced transfer to another member state – No violation of Article 3 – Sufficient access to asylum proceedings in that country**

The case concerned the allegations of a Sudanese national whose forced transfer from Austria to Hungary under the EU Dublin Regulation would subject him to conditions amounting to inhuman treatment. He also complained that his second asylum request in Austria did not have a suspensive effect.

#### Article 13 in conjunction with Article 3

The Court noted in particular that an asylum seeker in the applicant’s situation – with respect to whom a transfer order had already been rendered – did not have the possibility to apply to the immigration police to have the decision on his forced transfer re-examined. Thus, the applicant had been deprived of protection against forced transfer in the course of the proceedings concerning his second asylum application in Austria. There had accordingly been a violation of Article 13 in conjunction with Article 3

### No violation of Article 3

The Court took note, through reports published in particular by the United Nations High Commissioner for Refugees (UNHCR), of the ill-treatment to which asylum-seekers had been systematically exposed upon arrival to Hungary. However, on December 2012, numerous legislative amendments adopted by the Hungarian Parliament, minimised the number of detained asylum-seekers.

### Article 41(just satisfaction)

The Court held that the finding of a violation of the Convention constituted sufficient just satisfaction for the non-pecuniary damage sustained by the Applicant. It further held that Austria was to pay the Applicant EUR 4,868.28 in respect of costs and expenses.

### **M. E. V. FRANCE ([IN FRENCH ONLY](#)) (No. 50094/10) – 6 JUNE 2013 – Importance 2 – Violation of Article 3 – Risk of ill-treatment in case of the removal of a Coptic Christian to Egypt – No violation of Article 13 taken in conjunction with Article 3 – No lack of effective remedy given the domestic “fast-track procedure” in asylum proceedings**

The case concerned a Coptic Christian from Egypt who had fled religious persecution in his home country. As he delayed in applying for asylum in France, his request was registered under the fast-track procedure while he was in a detention centre.

### Article 3

The Court examined recent reports related to the general situation of Coptic Christians in Egypt to conclude there were still violence and persecutions against them. Furthermore, the applicant provided strong evidence to show that he was a potential prime target for persecution and violence as a known convicted proselytiser, be he free or imprisoned. After remarking there was no protection to wait from domestic authorities, the Court concluded there would be a violation of Article 3 if the applicant was removed to Egypt.

### Article 13 taken in conjunction with Article 3

The Court noted the applicant had to respect very tight deadlines, similar to these required with the normal procedure. However, the Court rejected the applicant's explanation concerning his being unaware before of the domestic procedure for seeking asylum. Consequently, the Court held that the applicant did have effective remedies and he could not invoke short time limits while he was responsible for his own delay in lodging an appeal.

### Article 41 (just satisfaction)

The Court held that France was to pay the applicant EUR 700 in respect of costs and expenses.

### **[EREMIA V. MOLDOVA](#) (No. 3564/11) – 28 May 2013 – Importance 2 – Violation of Article 3 – Domestic authorities' failure to take effective measures to protect the applicant from domestic violence – Violation of Article 8 – Domestic authorities' failure to prevent an interference with the rights of the applicant's daughters – Violation of Article 14 in conjunction with Article 3 and 8 – Domestic authorities' failure to deal with domestic violence reflect a discriminatory attitude towards the applicant as a woman.**

The case concerned the applicants' complaint about the domestic authorities' failure to protect her and her daughters from the violent and abusive behaviour of her husband, a police officer.

### Article 3

Despite the existence of a legislative framework allowing measures to be taken against people accused of domestic violence, the Court noted the lack of decisive action by the domestic authorities to protect the applicant from further domestic violence. The Court thus concluded that this lack of effective measures had amounted to a breach of Article 3 in respect of the applicant.

#### Article 8

The Court stressed that the authorities had been aware of an interference with the rights of the applicant's daughters under Article 8 and that they had not taken all reasonable measures in order to prevent it. The Court therefore concluded that the domestic authorities had not properly complied with their obligations under Article 8 in respect of the applicant's daughters.

#### Article 14 taken in conjunction with Article 3 and 8

The Court reiterated that state's failure to protect women against domestic violence breached their right to be equally protected under the law. The Court noted that in this case, the applicant had been repeatedly subjected to domestic violence whilst authorities had been well aware of the situation. Therefore, the Court held that the authorities' failure to deal with the violence had effectively amounted to repeatedly condoning it, which reflected a discriminatory attitude towards the applicant as a woman. Accordingly, the Court concluded that there had been a violation of Article 14 taken in conjunction with Article 3.

#### Article 41 (just satisfaction)

The Court held that the Republic of Moldova was to pay the applicant EUR 15,000 in respect of non-pecuniary damage and EUR 2,150 for costs and expenses.

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

#### **AVILKINA AND OTHERS V. RUSSIA (No. 1585/09) – Importance 2 – 6 June 2013 – Violation of Article 8 – Domestic authorities' failure to strike a fair balance between the applicants' right to respect for their private life and the domestic prosecutor's aim of protecting public health**

The case concerned the alleged harassment of the applicants, who are members of a religious organisation, the applicants complained about disclosure of their medical files to the domestic prosecution authorities after refusing to have blood transfusions during their stay in public hospitals.

The Court concluded that the disclosure of confidential medical information concerning the applicants by the prosecutor's office was not justified by pressing social need. In particular, the hospital where the applicants had been treated had not reported any alleged criminal behaviour on either applicant's behalf. There had therefore been a violation of Article 8.

Under Article 41 (just satisfaction), the Court held that Russia was to pay EUR 5,000 to each applicant in respect of non-pecuniary damage, and up to EUR 2,522 for costs and expenses

#### **GARNAGA V. UKRAINE (No. 20390/07) – 16 May 2013 – Importance 2 – Violation of Article 8 – Domestic authorities' failure to justify the restrictions on a change of a patronymic name**

The case concerned the Ukrainian authorities' refusal to allow the applicant to change her patronymic name (i.e. the middle name derived from the father's forename).

The Court held in particular that the applicable law had not been clear enough and that the authorities had not given a justification for the restrictions on changing the patronymic while at the same time there was almost complete liberty to change one's forename or surname. The Court noted that domestic authorities had not balanced the relevant interests at stake and had therefore failed to fulfil their obligation to secure the applicant's right to respect for her private life. There had accordingly been a violation of Article 8.

Under Article 41 (just satisfaction), the Court held, by a majority, that the finding of a violation constituted in itself sufficient just satisfaction for any non-pecuniary damage suffered by the applicant and it held unanimously that Ukraine was to pay her EUR 222 in respect of costs and expenses.

- **Prohibition of discrimination (Article 14)**

**LEVENTOGLU ABDULKADIOGLU V. TURKEY (No.7971/07) – 28 May 2013 – Importance 3 – Violation of Article 14 in conjunction with Article 8 – Domestic authorities’ failure to justify difference in treatment on grounds of sex between persons in an analogous situation**

The case concerned the complaint by a woman that, under domestic law, she was not allowed to keep just her maiden name in official documents after getting married, whereas married men kept their surname.

The Court held that domestic authorities have not been able to advance any objective and reasonable justification to the difference of treatment and that the impossibility for married women to use just their maiden name was discriminatory. There had accordingly been a violation of Article 14 in conjunction with Article 8.

The applicant had not submitted any claim under Article 41 (just satisfaction). Accordingly, the Court did not make an award on that account.

- **Protection of property (Art. 1 of Protocol No. 1)**

**NEDELICHEVA AND OTHERS V. BULGARIA (No. 5516/05) – 28 MAY 2013 – Importance 3 – Two violations of Article 1 of Protocol No. 1 – Domestic authorities’ refusal to provide the applicants with compensation due to them; delays in the restitution process of their land**

The case concerned Bulgarian nationals complaining that the domestic authorities had refused to restore to them land expropriated from their ancestors and on which the state-owned seaside resort had subsequently been constructed.

The Court held that the authorities had failed to enforce a final court judgment in which the applicants had been awarded compensation in lieu of restitution of the land and that they had been responsible for lengthy delays in the procedures for restitution and compensation. Contrary to another similar case, the Court put forward that the complaint was admissible because it was about the compensation and not about the provision of an alternative means of completing the restitution process. There had accordingly be two violations of Article 1 of Protocol No. 1.

Under Article 41 (just satisfaction), the Court awarded the eight applicants EUR 12,000, to be divided in accordance with their inheritance shares, for damage related to the delays in the restitution process, and EUR 3,324 to the applicants, jointly, for costs and expenses. It held that the claim arising from the authorities’ failure to enforce the court judgments was not yet ready for decision.

## 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>.

STATE	DATE	CASE TITLE	IMP.	CONCLUSION	KEY WORDS
<b>AZERBAIJAN</b>	30 May 2013	<a href="#">ZEYNALOV</a> (No. 31848/07)	3	Violation of Art. 6 § 1	Unlawful constitution of domestic Supreme Court
<b>BULGARIA</b>	28 May 2013	<a href="#">SABEV</a> (No. 27887/06)	3	Violation of Art. 3	Poor conditions of detention
				Violation of Art. 13	Lack of an effective remedy with respect to violation of Art. 3
	4 June 2013	<a href="#">VASILEV</a> (No. 7963/05)	3	Violation of Art. 6 § 1	Domestic courts' failure to examine four witnesses in the applicant's favour
<b>ESTONIA</b>	30 May 2013	<a href="#">MARTIN</a> (No. 35985/09)	3	Violation of Art. 6 §§ 1 and 3 (c)	Unfairness of proceedings on account of the applicant's inability to access legal assistance
<b>FRANCE</b>	30 May 2013	<a href="#">RAFAA</a> ( <a href="#">IN FRENCH ONLY</a> ) (No. 25393/10)	3	Violation of Art. 3	Applicant's exposure to ill-treatment in case of extradition to Morocco
<b>GERMANY</b>	16 May 2013	<a href="#">RADU</a> (No. 20084/07)	2	No violation of Art. 5 § 1	Lawfulness of the prolongation of the applicant's confinement in a psychiatric clinic (the applicant's behaviour presented signs that he would have committed further unlawful acts upon his release)
<b>GREECE</b>	13 June 2013	A. F. ( <a href="#">IN FRENCH ONLY</a> ) (No. 53709/11)	2	Violation of Art. 3	Poor conditions of detention by the border police
<b>HUNGARY</b>	11 June 2013	<a href="#">PRIZZIA</a> (No. 20255/12)	2	Violation of Art. 8	Non-enforcement of final judgments concerning the applicant's right to see his son

<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



LATVIA	28 May 2013	<a href="#">SOROKINS AND SOROKINA</a> (No. 45476/04)	3	Violation of Art. 3 (procedural)	Ineffective investigation into the applicant's allegations of ill-treatment
				No violation of Art. 6 § 1	No evidence that the applicant's self-incriminatory statements had been obtained by coercion; additionally, applicant's failure to contest their credibility before the domestic court
				Violation of Art. 6 § 1	Excessive length of criminal proceedings
	11 June 2013	<a href="#">BANNIKOV</a> (No. 19279/03)	2	Violation of Art. 5 § 3	Excessive length of the applicant's pre-trial detention
MONTENEGRO	4 June 2013	<a href="#">VUKELIĆ</a> (No. 58258/09)	2	Violation of Art. 6 § 1	Domestic authorities' inactivity to enforce a domestic judgment
POLAND	28 May 2013	BARAN ( <a href="#">IN FRENCH ONLY</a> ) (No. 53315/09)	3	Violation of Art. 5 § 1	Unlawful detention
	4 June 2013	<a href="#">KOSTECKI</a> (No. 14932/09)	3	Violation of Art. 5 § 5	Lack of compensation with respect to the violation of Art. 5 § 1
ROMANIA	4 June 2013	<a href="#">HANU</a> (No. 10890/04)	3	No violation of Art. 6 § 1 and 3 (d)	No domestic authorities' failure to examine witnesses in the applicant's favour
		<a href="#">IULIAN POPESCU</a> (No. 24999/04)	3	Violation of Art. 6 § 1	Domestic courts' failure to properly examine the evidence
		<a href="#">STELIAN ROȘCA</a> ( <a href="#">IN FRENCH ONLY</a> ) (No. 5543/06)	2	Violation of Art. 34	Applicant's inability to obtain documents from his criminal file
				Violation of Art. 5 § 1	Applicant's detention for the purpose of unjustified psychiatric examinations
				Violation of Art. 5 § 5	No compensation obtained by the applicant for unlawful detention
				Violation of Art. 13 in conjunction with Art. 8	Domestic authorities' failure to provide the applicant with an effective remedy for the attempt to his reputation
		<a href="#">TEODOR</a> ( <a href="#">IN FRENCH ONLY</a> ) (No. 46878/06)	2	Violation of Art. 6 § 2	Domestic courts' verdict against the applicant ignoring the expiry of the statute of limitations
	11 June 2013	<a href="#">MARIN VASILESCU</a> ( <a href="#">IN FRENCH ONLY</a> ) (No. 62353/09)	3	Violation of Art. 3	Inhuman and degrading treatment in police cells

RUSSIA	23 May 2013	<a href="#">E. A.</a> (No. 44187/04)	3	Violation of Art. 3	Non appropriate medical care in detention (HIV necessary medical care)
		<a href="#">MALOFEYEVA</a> (No. 36673/04)	3	Violation of Art. 5 § 2	Domestic authorities' failure to promptly inform the applicant of the reasons for her arrest
				Violation of Art. 5 § 4	Lack of a prompt review of the lawfulness of the applicant's detention
				Violation of Art. 6 §§ 1 and 3	Unfairness of proceedings (lack of public hearing), lack of proper notification of the charges against the applicant and deprivation of her right to benefit from adequate time and facilities in order to prepare her defence
				Violation of Art. 11, assessed in the light of Art. 10	Disproportionate interference with the applicant's right to freedom of assembly in conjunction with her right to freedom of expression
	30 May 2013	<a href="#">DAVIDIDZE</a> (No. 8810/05)	3	Two violations of Art. 3	Ill-treatment by police officers and ineffective investigation in that respect
		<a href="#">OOO 'VESTI' AND UKHOV</a> (No. 21724/03)	3	No violation of Art. 10	No breach of the applicants' right to freedom of expression (proportionate and legitimate domestic authorities' decision to protect the reputation of a named individual against unfounded accusations)
				No violation of Art. 6 § 1	Both applicants were given a reasonable opportunity to present their case before the domestic courts
	13 June 2013	<a href="#">ROMENSKIY</a> (No. 22875/02)	3	Violation of Art. 6 § 1	Domestic trial court's partiality
		<a href="#">SIVOGRAD AND ZENOV</a> (No. 14758/08)	3	Violation of Art. 6 § 1	Non-enforcement of a precedent domestic judgment
				Violation of Art. 1 of Protocol No. 1	Applicants' inability to get combat allowances they were granted by domestic court

SWITZERLAND	11 June 2013	HASANBASIC ( <a href="#">IN FRENCH ONLY</a> ) (No. 52166/09)	2	Violation of Art. 8	Domestic authorities' disproportionate refusal to grant the applicant a settlement permit for family reunion
TURKEY	23 May 2013	<a href="#">K.</a> (No. 69235/11)	3	No violation of Art. 3	No risk of ill-treatment in case of the applicant's extradition
				No violation of Art. 5 § 1 (f)	Lawfulness of the applicant's detention and appropriate conduct of the extradition proceedings
				Violation of Art. 5 § 4	Excessive length of detention orders' review
	4 June 2013	<a href="#">CAKIR AND OTHERS</a> (No. 25747/09)	3	Violation of Art. 6 § 1	Domestic courts' failure to provide the applicants with copies of the judgment
				Violation of Art. 1 of Protocol No. 1	Applicants' inability to get compensation they were awarded
		<a href="#">HIKMET YILMAZ</a> (No. 11022/05)	3	Violation of Art. 6 § 3 (c) in conjunction with Art. 6 § 1	Domestic authorities' failure to allow the applicant to access a lawyer
		ÖZALP ULUSOY ( <a href="#">IN FRENCH ONLY</a> ) (No. 9049/06)	3	Two violations of Art. 3	Security forces' ill-treatment and domestic authorities' ineffective investigation in that respect
				Violation of Art. 11	Domestic authorities' infringement of the applicant's freedom to demonstrate
		RIFAT DEMİR ( <a href="#">IN FRENCH ONLY</a> ) (No. 24267/07)	3	Violation of Art. 5 § 3	Excessive length of the applicant's pre-trial detention and pre-trial proceedings
				Violation of Art. 6 § 1	Domestic authorities' failure to provide the applicant with an effective remedy for the length of his pre-trial detention
UKRAINE	16 May 2013	<a href="#">BARILO</a> (No. 9607/06)	3	Violation of Art. 3	Poor conditions of detention and inadequate medical assistance regarding the applicant's diabetes
				Violation of Art. 5 § 1	Unlawful detention
				Violation of Art. 13	Lack of an effective remedy

UKRAINE (CONTINUED)	16 May 2013 (continued)	<a href="#">CHORNIY</a> (No. 35227/06)	3	Violation of Art. 6 § 3 (b) in conjunction with Art. 6 § 1	Unfairness of proceedings due to the domestic court's failure to provide the applicant with a copy of the judgement while he was preparing to appeal against it
		<a href="#">MAKSYMENKO AND GERASYMENKO</a> (No. 49317/07)	2	Violation of Art. 1 of Prot. No. 1	Lack of a compensation for the deprivation, due to domestic law, of the applicants' property
		<a href="#">SAMOYLOVICH</a> (No. 28969/04)	3	Violation of Art. 3	Poor conditions of detention (overcrowding and unsatisfactory levels of hygiene)
				Violation of Art. 5 § 1 (c)	Unlawful pre-trial detention
				Violation of Art. 5 § 3	Excessive pre-trial detention (more than 5 years)
				Violation of Art. 6 § 1	Excessive length of criminal proceedings
		<a href="#">VASYLCHUK</a> (No. 24402/07)	2	No violation of Art. 3	No degrading treatment by putting away a stick necessary to the applicant to walk
				Violation of Art. 3	Domestic authorities' ineffective investigation
				Violation of Art. 8	Disproportionate search of the applicant's house (broken items, non-respect of the warrant)
		<a href="#">GAVULA</a> (No. 52652/07)	3	Violation of Art. 3	Poor conditions of detention (overcrowding and unsatisfactory hygiene)
				Violation of Art. 5 § 1	Unlawful detention (absence of any decision in this regard and unacknowledged detention of the applicant for one day)
				Violation of Art. 5 § 3	Excessive length of pre-trial detention (7 years)
				Violation of Art. 6 § 1	Excessive length of proceedings (more than 8 years and a half)
		<a href="#">KOMAROVA</a> (No. 13371/06)	3	No violation of Art. 3	No failure of domestic authorities to safeguard the applicant's health during her detention
				Violation of Art. 5 § 3	Excessive length of pre-trial detention

<b>UKRAINE (CONTINUED)</b>	13 June 2013	<a href="#">KOROSTYLYOV</a> (No. 33643/03)	3	Violation of Art. 34	Domestic authorities' refusal to provide the applicant with copies of document from his case file
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### 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
<b>SERBIA</b>	28 May 2013	<a href="#">ANDELIC AND OTHERS</a> (No. 57611/10 AND 166 OTHERS)	Violation of Articles 6 and 1 of Prot. No. 1	Non-enforcement of a final judgment awarding the applicants salary arrears in an employment dispute
<b>TURKEY</b>	28 May 2013	YASAR ERIS ( <a href="#">IN FRENCH ONLY</a> ) (No. 53214/09)	Violation of Articles 5 § 3 and 5 § 5	Excessive length of pre-trial detention and lack of an effective remedy to obtain compensation

### 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
<b>HUNGARY</b>	28 May 2013	<a href="#">MAGYAR CEMENT KFT</a> (No. 33795/08)
	11 June 2013	<a href="#">BAKSA</a> (No. 44880/08)
		<a href="#">GUEST ZRT</a> (No. 36999/08)
		<a href="#">SZEPE</a> (No. 77669/12)

TURKEY	28 May 2013	AKMAN AND OTHERS ( <a href="#">IN FRENCH ONLY</a> ) (No. 2267/08)
		AKMANSOY ( <a href="#">IN FRENCH ONLY</a> ) (No. 14787/07)
		KIRMAC ( <a href="#">IN FRENCH ONLY</a> ) (No. 36233/06)
		TANER GÜNDÜZ ( <a href="#">IN FRENCH ONLY</a> ) (No. 32000/06)
		TEKIN ( <a href="#">IN FRENCH ONLY</a> ) (No. 26252/06)
	11 June 2013	MEHMET ERKEK ( <a href="#">IN FRENCH ONLY</a> ) (No. 45070/05)

## B. The communicated cases

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

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

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

STATE	DATE OF DECISION TO COMMUNICATE	CASE TITLE	KEYWORDS OF QUESTIONS SUBMITTED TO THE PARTIES
<b>AZERBAIJAN</b>	29 May 2013	<a href="#">JARULLAYEVA</a> (No. 8055/11)	Alleged violation of Article 13 and Article 3 of Protocol No. 1 - Arbitrary disqualification of the applicant from running for election. In particular, lack of transparency in procedures about verification of votes and examination of her complaints; lack of sufficient safeguards against arbitrariness; arbitrary decisions from the electoral commissions and domestic courts, contrary to many requirements of the domestic electoral law
<b>BULGARIA</b>	11 June 2013	<a href="#">PENCHEVA AND PENCHEV</a> (No. 77818/12)	In particular, alleged violation of Article 8 and Article 2 § 2 of Protocol No. 4 – Domestic authorities refusal to allow the second applicant to leave the country with his mother; domestic legislation requirement of both parents' consent in order for their minor child to travel abroad with only one of them, irrespective of the duration of the travel and of the parent who's the primary carer of the child
<b>CROATIA</b>	16 May 2013	<a href="#">MUSAP AND MILINKOVIC</a> (No. 10161/13)	In particular, alleged violation of Articles 3 and 8 - Domestic authorities' failure to comply with their positive obligation to institute criminal proceedings for the offence of child abuse committed against the first applicant
	31 May 2013	<a href="#">BLJAKAJ</a> (Nos. 74448/12 AND OTHERS)	Alleged violation of Article 2 – Domestic authorities' failure to protect the right to life of the applicants' relatives. No damages obtained by the applicants in that respect
	3 June 2013	<a href="#">MARIC</a> (No. 50132/12)	Alleged violation of Article 8 – Applicant's inability to obtain any information about the burial place of his stillborn child

<b>GEORGIA</b>	4 June 2013	<a href="#">SARISHVILI-BOLKVADZE</a> (Nos. 58240/08 AND ONE OTHER APPLICATION 67813/11)	Alleged violation of Article 2 – Domestic authorities' failure to ensure a proper and risk-safe functioning of the relevant civilian hospitals and to conduct meaningful investigations about the medical errors which caused the death of the applicants' sons
<b>GERMANY</b>	3 June 2013	<a href="#">ENGWER</a> (No. 76871/12)	Alleged violation of Article 5 - In particular, no sufficient causal connection between the applicant's criminal conviction by the Potsdam Regional Court in 2000 and the retrospective order for his preventive detention made by that court in 2010 to detain him in prison. Alleged violation of Article 7 - Breach of the prohibition on retrospective punishment by his retrospective preventive detention because no order for his preventive detention under domestic law was possible at the time of his offense (April 2000) since it only came into force in July 2004
		<a href="#">ZIERD</a> (No. 75095/11)	Alleged violation of Article 3 – Forced administration of medication on the applicant's son with considerable side-effects. Alleged violation of Articles 2, 3, 5, 6 and 8 – Interference with the applicant's right to lodge a complaint about her late son's subjection to forced medical treatment, and alleged interference by the forced medication with the applicant's own rights as she suffered considerably of the situation of her son
<b>ICELAND</b>	3 June 2013	<a href="#">JOHANNESSEN AND OTHERS</a> (Nos. 22007/11)	Alleged violation of Article 4 of Protocol No. 7 – Proceedings against the applicants based on identical facts about imposition of tax surcharges and subsequent criminal trial for aggravated tax offences
<b>MOLDOVA</b>	12 June 2013	<a href="#">STADNITCHI</a> (No. 47764/09)	Alleged violation of Article 4 of Protocol No. 7 – Proceedings against the applicants based on identical facts.
<b>POLAND</b>	3 June 2013	<a href="#">WYGODA AND WYGODA</a> (No. 6738/12)	Alleged violation of Article 3 – Excessive length of domestic authorities' investigation concerning responsibility for the alleged medical malpractice resulting in serious health damage
<b>SPAIN</b>	22 May 2013	<a href="#">RAJI AND OTHERS</a> (No. 3537/13)	In particular, alleged violation of Article 3 – Risk of homelessness and social exclusion of the applicants, in case of enforcement of the eviction and demolition order of their home.
<b>TURKEY</b>	21 May 2013	<a href="#">S. A.</a> (No. 74535/10)	In particular, alleged violation of Articles 3, 5 § 1 and 6 § 3 – Unlawful and poor conditions of detention at the airport and at the Foreigners' Removal Centre
	29 May 2013	<a href="#">ÖNER AND TÜRK</a> (No. 51962/12)	Alleged violation of Article 10 – Criminal proceedings against the applicant based on his speech concerning the problems of Kurdish people



TURKEY (CONTINUED)	29 May 2013 (continued)	<a href="#">TÜT</a> (No. 57640/11)	Alleged violation of Articles 6, 7, 9, 10, 13 and 14 – Conviction of the applicant on account of his participation in a demonstration and chanting slogans under domestic provisions for the prevention of terrorism
	5 June 2013	<a href="#">BAKIR</a> (Nos. 46713/10 AND OTHERS)	Alleged violation of Article 6 – Inability for the applicants to challenge the veracity of pieces of evidence because of unreasoned refusal of the domestic court; illegal video footage of the demonstrations made by the police; Alleged violation of Articles 10 and 11 – Interference with the applicants' right to demonstrate, chant slogans and carry banners.
	12 June 2013	<a href="#">USAR</a> (No. 57509/11)	Alleged violation of Article 6 – Erroneous assessment of the applicant's act as an offense; alleged violation of Articles 10 and 11 – Breach of the applicant's rights with the detention and the conviction
		<a href="#">YÖN</a> (No. 4242/09)	Alleged violation of Article 6 – Lack or impartiality and independence of the Supreme Military Administrative Court; breach of the principle of equality of arms due to the lack of communication to the applicant of the written opinion submitted by the principal public prosecutor to the Supreme Military Administrative Court
UKRAINE	3 June 2013	<a href="#">DOLGANIN</a> (No. 18404/07)	Alleged violation of Article 3 – Ill-treatment at a police station (handcuffing to a heater, no access to the toilets, no water, no adequate medical assistance provided) and lack of effective investigation into the applicant's complaints about ill-treatment; alleged violation of Article 5 – Unlawful detention and domestic authorities' refusal to order the release of the applicant on medical grounds; alleged violation of Articles 6 and 13 - In particular, no respect of the applicant's right to defence and conviction on the basis of his confession given under duress; length of the proceedings.
		<a href="#">LUNEV</a> (No. 4725/13)	Alleged violation of Article 3 – No adequate medical assistance provided in detention; incompatibility of the applicant's state of health with detention; lack of effective investigation into allegations of ill-treatment; Alleged violation of Article 34 – Interference with the applicant's right to petition

UKRAINE (CONTINUED)	3 June 2013 (continued)	<a href="#">SADKOV</a> (No. 21987/05)	Alleged violation of Article 3 – Ill-treatment by the police, the prosecutor and the guards escorting the applicant to court hearings; no adequate examination of his complaint at the domestic level; lack of adequate medical assistance in detention; prosecutors’ inaction about this lack; Alleged violation of Article 5 – Unlawful arrest, pre-trial and post-conviction detention; question of lawfulness of the applicant’s pre-trial detention not considered thoroughly and without delay; alleged violation of Articles 6, 7 and 13 – Breach of the applicant’s right to mount a defence during the investigation; unlawful conviction based on false evidence and evidence obtained under torture; alleged violation of Article 34 – Impediment of the application to the Court by the authorities.
		<a href="#">ZHERDEV</a> (No. 34015/07)	Alleged violation of Article 3 - Physical and psychological ill-treatment of the applicant by the investigative authorities to obtain false self-incriminating statement; ineffective investigation about this complaint; alleged violation of Article 5 – Arbitrary arrest and detention; excessive length of detention pending criminal proceedings; alleged violation of Article 6 – Unfairness of criminal proceedings, in particular on account of the breach of the applicant’s right to defend himself and to participate effectively in the proceedings (exclusion of his parents from representing his interests in the beginning of the proceedings including his first questionings and choosing a lawyer); no legal representation available to him during the first questioning, the identification parade and the seizure of his clothes; malpractice engaged by lawyers; unfair reference by the domestic judicial authorities to his confessions given under duress as a basis for his conviction
	5 June 2013	<a href="#">BEKETOV</a> (No. 44436/09)	Alleged violation of Article 3 – Ill-treatment by police and ineffective investigation in that respect; ill-treatment in detention (no water during court hearings, lack of appropriate medical treatment); alleged violation of Article 5 – Unlawful detention and no consideration by the Court of the applicant’s arguments about poor material conditions and lack of adequate medical assistance in the pre-trial detention facility; alleged violation of Article 13 – Lack of effective remedy in those respects; domestic authorities’ failure to comply with the Court’s decision under Rule 39

## 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 1172th meeting (DH) (4-6 June 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 May – 15 June 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.

MAY 2013		
13-17	Visit to Portugal by the CPT	<a href="#">Read more</a>
	GRETA's first evaluation round visit to Azerbaijan	<a href="#">Read more</a>
16	123 <sup>rd</sup> session of the Committee of Ministers	<a href="#">See below</a>
17	Meeting in Vienna to discuss the implementation of GRETA's recommendations by Austria	<a href="#">See below</a>
20-23	GRETA's first evaluation visit to "the former Yugoslav Republic of Macedonia"	<a href="#">Read more</a>
21-22	Council of Europe's parliamentary conference on the role of national parliaments in media regulation in London	<a href="#">Read more</a>
21-24	Western Sahara Conflict: PACE rapporteur visit to Rabat and Laayoune (Morocco)	<a href="#">Announcement of the visit</a>
24	GRECO's Third Addendum to the Compliance Report on Ukraine published	<a href="#">Read the report</a>
26-28	PACE President official visit to Azerbaijan	<a href="#">Conclusion of the visit</a>
27-31	Visit to Serbia by the Advisory Committee on the FCNM	<a href="#">Read more</a>
	GRETA's first evaluation visit to Sweden	<a href="#">Read more</a>
28	Publication of the Belgian and Dutch governments' responses to the report on the CPT visit to Tilburg in October 2011	<a href="#">Read the response [FR]</a>
	GRETA's round-table in Sofia to support anti-trafficking efforts in Bulgaria	<a href="#">See below</a>
28-29	PACE President official visit to Georgia	<a href="#">Announcement of the visit</a>
29	1171st meeting of the Ministers' Deputies	<a href="#">See below</a>
30	Seminar of the ECRI for national independent authorities combating racism and intolerance held in Strasbourg	<a href="#">Read more</a>
	GRECO's Fourth Round Evaluation Report about Slovenia published	<a href="#">See below</a>
31	Meeting of the PACE Standing Committee in Yerevan (Armenia)	<a href="#">Announcement of the meeting</a>

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

JUNE 2013		
3-5	PACE rapporteurs' fact finding visit to Bosnia and Herzegovina	<a href="#">Announcement of the visit</a>
3-7	Visit to Poland by the FCNM	<a href="#">Read more</a>
	GRETA's first evaluation visit to the Netherlands	<a href="#">Read more</a>
5	Visit to Poland by the CPT	<a href="#">Read more</a>
9-21	Visit to Turkey by the CPT	<a href="#">Read more</a>
10-11	PACE delegation pre-electoral mission to Albania	<a href="#">Announcement of the visit</a>
10-12	PACE President official visit to "the former Yugoslav Republic of Macedonia"	<a href="#">Conclusion of the visit</a>
11-12	1173rd meeting of the Ministers' Deputies	<a href="#">See below</a>
11-13	PACE rapporteurs' fact finding visit to Azerbaijan	<a href="#">Conclusion of the visit</a>
13	Publication of GRECO's General Activity Report 2012	<a href="#">See below</a>
17-19	PACE President's visit to Algeria	<a href="#">Announcement of the visit</a>

## 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 the International Federation for Human Rights (FIDH) against Greece (05.06.2013)**

The complaint concerned the effects of massive environmental pollution on the health of persons living near the Asopos River and the industrial area of Inofyta, located 50 km north of Athens. In its decision, the European Committee of Social Rights held that the Greek authorities had failed to take appropriate measures to remove as far as possible the causes of ill-health and to prevent as far as possible diseases, *inter alia*, taking into account of the deficiencies in the implementation of existing regulations and programmes regarding the pollution of Asopos River and its negative effects on health; the lack of co-ordination on the subject between competent bodies at national, regional and local level, and failed to take appropriate measures to provide advisory and educational facilities for the promotion of health in the present case. The Committee concluded unanimously that these deficiencies constitute a violation of Article 11§§ 1, 2 and 3 (Right to protection of health) of the Charter ([read the complaint](#) - [read the decision](#) - [summary of the decision on the merits](#)).

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

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

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

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

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

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

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

#### **Fourth Round Evaluation Report about Slovenia published (30.05.2013)**

GRECO acknowledged that Slovenia had improved the integrity rules for Members of Parliament, judges and prosecutors. However it also found that much remained to be done to educate them about integrity and conflicts of interest, and to ensure a better implementation of the corruption prevention legal framework. GRECO concluded that in Slovenia there were clear rules in place for issues such as the acceptance of gifts and incompatibilities of posts and functions with regard to parliamentarians, judges and prosecutors. It also noted that a new online asset declaration system seemed to offer guarantees for improved compliance in the future. On the other hand, GRECO pointed out the need to establish a set of rules of conduct, accompanied by a mechanism of supervision and sanction for misconduct. GRECO also called for a reinforcement of the role of the governing bodies of the judiciary and the prosecution service in developing integrity and managing corruption risks. Finally, the Group expressed concern that the responsibilities over the prosecution service had been transferred from the Ministry of Justice to the Ministry of the Interior, and that this might lead to a reduction of the independence of prosecutors. The implementation of the 19 recommendations addressed to Slovenia will be assessed by GRECO in the second half of 2014 ([read the report](#) - [Slovenian version](#)).

### **GRECO's General Activity Report 2012 published (13.06.2013)**

In its annual report, GRECO called on European states to bolster the legal and institutional capacity of their parliamentarians, judges and prosecutors in order to prevent and unequivocally address corruption in their own ranks. GRECO concluded that these three professional groups needed to better internalise prevention corruption as part of their daily jobs and be proactive in developing precise and transparent codes of conduct reinforced by credible mechanisms of supervision and sanction ([read more](#) - [read the report](#)).

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

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

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

#### **Meeting to discuss the implementation of GRETA's recommendations by Austria (17.05.2013)**

A round-table meeting on the follow-up given to GRETA's first report and the Committee of the Parties' recommendation on the implementation of the Convention on Action against Trafficking in Human Beings by Austria took place in Vienna on 17 May 2013. The meeting was organised in the framework of the Task Force on Combating Human Trafficking, which is composed of representatives of relevant ministries, agencies and civil society in Austria. The participants discussed progress made since the publication of GRETA's report on Austria in September 2011 and ways in which the Council of Europe can support Austria in its anti-trafficking efforts. Austria is expected to provide information of the measures taken to implement the recommendations made by GRETA and the Committee of the Parties by 26 September 2013 ([GRETA's Evaluation Report and Government's Comments](#) - [Recommendation of the Committee of the Parties](#)).

#### **Round-table to support anti-trafficking efforts in Bulgaria (28.05.2013)**

A round-table meeting on the follow-up to be given to GRETA's first report and the Committee of the Parties' recommendation on the implementation of the Convention on Action against Trafficking in Human Beings by Bulgaria took place in Sofia on 28 May 2013. The meeting was co-organised by the Anti-Trafficking Division of the Council of Europe and the Bulgarian National Commission for Combating Trafficking in Human Beings. It brought together some 40 representatives of relevant governmental bodies and non-governmental and international organisations who discussed progress made since the publication of GRETA's report on Bulgaria in December 2011 and remaining challenges. The meeting was used to identify ways in which the Council of Europe could further support Bulgaria in its anti-trafficking efforts. Bulgaria is expected to provide information of the measures taken to implement the recommendations made by GRETA and the Committee of the Parties by 30 January 2014 ([GRETA's Evaluation Report and Government's Comments](#) - [Recommendation of the Committee of the Parties](#)).

## 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
AUSTRIA	Convention on Mutual Administrative Assistance in Tax Matters <b>as amended by its 2010 Protocol</b> ( <a href="#">ETS No. 127</a> )		X	29 May 2013
BELIZE	Convention on Mutual Administrative Assistance in Tax Matters <b>as amended by its 2010 Protocol</b> ( <a href="#">ETS No. 127</a> )	X	X	29 May 2013
BOSNIA AND HERZEGOVINA	Additional Protocol to the European Convention on Information on Foreign Law ( <a href="#">ETS No. 097</a> )	X	X	17 May 2013
	European Convention on Information on Foreign Law ( <a href="#">ETS No. 062</a> )			
THE CZECH REPUBLIC	Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems ( <a href="#">ETS No. 189</a> )		X	17 May 2013
ESTONIA	Convention on Mutual Administrative Assistance in Tax Matters <b>as amended by its 2010 Protocol</b> ( <a href="#">ETS No. 127</a> )		X	29 May 2013
FINLAND	European Convention on the Legal Protection of Services based on, or consisting of, Conditional Access ( <a href="#">ETS No. 178</a> )	X	X	30 May 2013



<b>GHANA</b>	Convention on Mutual Administrative Assistance in Tax Matters <b>as amended by its 2010 Protocol</b> ( <a href="#">ETS No. 127</a> )	X		29 May 2013
<b>GREECE</b>	Convention on Mutual Administrative Assistance in Tax Matters ( <a href="#">ETS No. 127</a> )	X		29 May 2013
	Protocol amending the Convention on Mutual Administrative Assistance in Tax Matters ( <a href="#">CETS No. 208</a> )			
<b>IRELAND</b>	Convention on Mutual Administrative Assistance in Tax Matters <b>as amended by its 2010 Protocol</b> ( <a href="#">ETS No. 127</a> )	X		29 May 2013
<b>ITALY</b>	Civil Law Convention on Corruption ( <a href="#">ETS No. 174</a> )	X		13 June 2013
	Criminal Law Convention on Corruption ( <a href="#">ETS No. 173</a> )			
<b>LATVIA</b>	Convention on Mutual Administrative Assistance in Tax Matters <b>as amended by its 2010 Protocol</b> ( <a href="#">ETS No. 127</a> )		X	29 May 2013
<b>LITHUANIA</b>	Convention on preventing and combating violence against women and domestic violence ( <a href="#">CETS No. 210</a> )		X	7 June 2013
<b>LUXEMBOURG</b>	Convention on Mutual Administrative Assistance in Tax Matters <b>as amended by its 2010 Protocol</b> ( <a href="#">ETS No. 127</a> )		X	29 May 2013
<b>MALTA</b>	Convention on Mutual Administrative Assistance in Tax Matters <b>as amended by its 2010 Protocol</b> ( <a href="#">ETS No. 127</a> )	X		29 May 2013

<b>MOROCCO</b>	Convention on Mutual Administrative Assistance in Tax Matters <b>as amended by its 2010 Protocol</b> ( <a href="#">ETS No. 127</a> )		X	21 May 2013
<b>NIGERIA</b>	Convention on Mutual Administrative Assistance in Tax Matters <b>as amended by its 2010 Protocol</b> ( <a href="#">ETS No. 127</a> )		X	29 May 2013
<b>THE NETHERLANDS</b>	Protocol amending the Convention on Mutual Administrative Assistance in Tax Matters ( <a href="#">CETS No. 208</a> )	X		29 May 2013
<b>SAN MARINO</b>	European Charter of Local Self-Government ( <a href="#">ETS No. 122</a> )		X	16 May 2013
<b>SAUDI ARABIA</b>	Convention on Mutual Administrative Assistance in Tax Matters <b>as amended by its 2010 Protocol</b> ( <a href="#">ETS No. 127</a> )		X	29 May 2013
<b>SINGAPORE</b>	Convention on Mutual Administrative Assistance in Tax Matters <b>as amended by its 2010 Protocol</b> ( <a href="#">ETS No. 127</a> )		X	29 May 2013
<b>SLOVAKIA</b>	Convention on Mutual Administrative Assistance in Tax Matters <b>as amended by its 2010 Protocol</b> ( <a href="#">ETS No. 127</a> )		X	29 May 2013
<b>UKRAINE</b>	Protocol amending the Convention on Mutual Administrative Assistance in Tax Matters ( <a href="#">CETS No. 208</a> )	X		22 May 2013

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

NATURE OF THE TEXT	TEXT NUMBER	OBJECT	DATE
RESOLUTION	<a href="#">CM/ResChS(2013)9E</a>	Collective Complaint No. 57/2009 by the European Council of Police Trade Unions (CESP) against France	29 May 2013
	<a href="#">CM/Res(2013)8E</a>	Integration of a network of national regulators of the sports betting market within the programme of activities of the Enlarged Partial Agreement on Sport (EPAS)	
	<a href="#">CM/ResDH(2013)115E</a>	Manushaqe Puto and 11 other judgments against Albania concerning the failure to enforce final domestic judicial and administrative decisions	10 June 2013
	<a href="#">CM/ResChS(2013)11E</a>	Defence for Children International (DCI) against Belgium - Complaint No. 69/2011	11 June 2013
	<a href="#">CM/ResChS(2013)10E</a>	European Council of Police Trade Unions (CESP) against France - Complaint No. 68/2011	
	<a href="#">CM/ResCMN(2013)2E</a>	Implementation of the FCNM by Sweden	
	<a href="#">CM/Res(2013)9E</a>	Metals and alloys used in food contact materials and articles	
	<a href="#">CM/ResChS(2013)12E</a>	The Central Association of Carers in Finland against Finland - Complaint No. 70/2011	

<b>RESOLUTION</b> ( <i>CONTINUED</i> )	<a href="#">CM/ResChS(2013)13E</a>	The Central Association of Carers in Finland against Finland - Complaint No. 71/2011	11 June 2013 ( <i>continued</i> )
<b>RECOMMENDATION</b>	<a href="#">CM/RecChL(2013)3E</a>	Application of the European Charter for Regional or Minority Languages by Serbia	11 June 2013

## C. Other news of the Committee of Ministers

### 123rd session of the Committee of Ministers (16.05.2013)

The 123rd session of the Committee of Ministers was held in Strasbourg with Gilbert Saboya Sunyé, Minister for Foreign Affairs of Andorra, in the Chair. At the end of the meeting, the Chairmanship of the Committee of Ministers was passed by Andorra to Armenia. The Ministers' discussions chiefly revolved around a report by the Secretary General on strengthening the impact of the actions undertaken by the Council of Europe concerning democracy, human rights and rule of law. They encouraged the Secretary General to continue his efforts to optimise the functioning and coordination of the Organisation's monitoring mechanisms while taking care that better use was made of the conclusions drawn from the monitoring actions. For that purpose, the Ministers invited the Secretary General to present them regularly with a situation report on democracy, human rights and rule of law in Europe founded on the conclusions of the monitoring mechanisms, accompanied by definite proposals for action. Co-operation with the European Union and Council of Europe policy towards neighbouring regions were also on the meeting agenda. During the session, the Committee of Ministers also adopted Protocol No. 15 to the Convention for the Protection of Human Rights and Fundamental Freedoms. The Protocol will be opened for signature by member states on 24 June 2013 ([read more](#) - [speech by the Secretary General](#) - [Protocol No. 15 to the Human Rights Convention](#) - [priorities of the Armenian Chairmanship](#)).

### 1171st meeting of the Ministers' Deputies (29.05.2013)

The Council of Europe Commissioner for Human Rights presented his annual activity report for 2012 together with his 1st quarterly activity report for 2013. The Deputies also examined the Secretary General's 7th consolidated report on the conflict in Georgia, with the participation of Mr Davit Zalkaliani, First Deputy Minister for Foreign Affairs of Georgia. The Deputies agreed to the request by the Kingdom of Morocco for observer status with the European Commission for the Efficiency of Justice (CEPEJ), as well as to the request of the Republic of Colombia to be invited to accede to the Convention on Cybercrime (ETS No. 185). Finally, the Deputies held an exchange of views with Ms Liesbeth Lijnzaad, the Chair of the Committee of Legal Advisers on Public International Law (CAHDI) (Read the [Meeting file](#)).

### 1173rd meeting of the Ministers' Deputies (11-12.06.2013)

The Ministers' Deputies held a thematic debate on "The role of human rights defenders and the Council of Europe's interaction with civil society". During this meeting, they also adopted a Declaration on risks to fundamental rights stemming from digital tracking and other surveillance technologies. In this text, the Committee recalled in particular that tracking and surveillance measures by law enforcement authorities must comply with the European Convention on Human Rights and strictly respect the limits, requirements and safeguards set out in the Data Protection Convention 108 of the Council of Europe. In the field of the fight against corruption, the Committee took note of general activity report for 2012 of the GRECO and held an exchange of views with Mr Marin Mrčela, President of GRECO (Read the [meeting file](#) - [Declaration on risks to fundamental rights stemming from digital tracking and other surveillance technologies](#) - [GRECO's general activity report for 2012](#)).

## 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	1938	<b>Promoting alternatives to imprisonment:</b> The PACE reaffirmed the principle that imprisonment should be a measure of last resort and invited all member states to vigorously promote the use of non-custodial sentences notably for first-time and non-violent offenders, young offenders and women ( <a href="#">Read more</a> )	31 May 2013
	1939	<b>Parental leave as a way to foster gender equality:</b> The PACE encouraged the member states to replace the various types of leave currently available (maternity, paternity, parental, childcare leave) with a single parental leave, available to both parents and to be shared equally ( <a href="#">Read more</a> )	

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

- *Themes*

#### Homophobia, not homosexuality, is the disease to eradicate (16.05.2013)

Håkon Haugli, General rapporteur on the rights of LGBT people of the PACE, stated at the occasion of the International Day against homophobia that this is the disease which must be eradicated in order to achieve full respect for the human rights of all. He added that politicians have a special responsibility to ensure that this objective is pursued with resolve, and should lead by example ([Read more](#)).

#### PACE President called for reinforced Council of Europe action on the standards it upholds (16.05.2013)

In his address to the Committee of Ministers of the Council of Europe at its 123rd session, PACE President Jean-Claude Mignon called for reinforcement of Council of Europe action in the fields of democracy, human rights and the rule of law ([Read more](#)).

### **Tackling discrimination on the grounds of sexual orientation and gender identity (24.05.2013)**

The PACE Committee on Equality and Non-Discrimination expressed deep concern at the repeated infringement, in some member states, of the right of freedom of assembly and freedom of expression in relation to LGBTs and at the clear setback in this area due to the introduction of laws and draft laws on the prohibition of so-called homosexual propaganda ([Read more](#) - [Statement of the PACE General rapporteur on LGBT rights](#)).

### **PACE committee gave green light to plan for Strasbourg Court opinions on points of principle (27.05.2013)**

PACE's Legal Affairs Committee has given its green light to a proposal which would allow states' highest courts to obtain opinions from the ECtHR on questions of principle relating to the interpretation or application of rights and freedoms defined in the European Convention and its protocols ([Read more](#) ).

### **'The scourge of corruption must be eradicated' said PACE Rapporteur (27.05.2013)**

According to the Legal Affairs and Human Rights Committee, corruption remains a major problem in Europe, which poses a serious threat to the rule of law and has a devastating effect on human rights. It was notably suggested that parliaments do more to scrutinise how far governments implement the recommendations of the Council of Europe's anti-corruption bodies GRECO and MONEYVAL ([Read more](#)).

### **Is resettlement and relocation of refugees just a drop in the ocean? (04.06.2013)**

At a hearing on the resettlement of refugees held by the Committee on Migration, Eric Voruz, rapporteur on the subject, called for increased solidarity between European countries. Despite the many resettlement and relocation measures and programmes, many participants regarded these as mere drops in the ocean ([Read more](#) - [Report on Integration test for Migrants](#)).

### **Israeli-Palestinian peace process: two 'democratic and pluralist' states for two peoples (06.06.2013)**

On the basis of a report on the situation in the Middle East, the Committee on Political Affairs and Democracy of the PACE, reiterated its support for a solution establishing "two democratic and pluralist states" for two peoples. The Committee added that issues of standards should also be addressed so that, ultimately, whether in territories under Israeli or Palestinian control, all people, Arabs and Jews, Israeli and Palestinian citizens, will enjoy respect for human rights, democracy and the rule of law ([Read more](#)).

### **PACE rapporteur called on Palestinian authorities to 'respect agreement' and prevent possible executions in Gaza (11.06.2013)**

The rapporteur on the Palestinian National Council's 'Partnership for democracy' with the PACE, has called on the relevant Palestinian authorities to "respect their agreement with PACE" and prevent any executions from taking place in Gaza ([Read more](#)).

- *Countries*

### **Albania: Albania needs the 23 June elections to meet Council of Europe standards, said PACE pre-electoral delegation (11.06.2013)**

"Albania needs the 23 June elections to meet Council of Europe standards, in order to confirm its genuine commitment to democracy, respect for the rule of law and protection of human rights" concluded a pre-electoral delegation of the PACE ([Read more](#)).

**Belarus: PACE Rapporteurs warned against threatened execution (13.06.2013)**

The General Rapporteur on the abolition of the death penalty for the PACE, and the rapporteur on the situation in Belarus, have expressed deep concern at press reports according to which another death sentence was handed down in the country. They stressed that Belarus is the only country in Europe still applying the death penalty ([Read more](#)).

**Georgia: PACE monitors reacted to recent developments (27.05.2013)**

The co-rapporteurs for the monitoring of Georgia by the PACE have called on the Georgian authorities to ensure that the legal proceedings against former Prime Minister Merabishvili and former Healthcare Minister Tchiaberashvili are conducted transparently and in a way, which fully respects Georgia's obligations under Articles 5 and 6 of the European Convention on Human Rights. In addition, they strongly condemned the homophobic violence that erupted in Tbilisi on 17 May on the occasion of a rally marking the International Day Against Homophobia ([Read more](#)).

**Germany: PACE rapporteur welcomed the authorities' determination to combat excesses of sect (10.06.2013)**

Following a fact-finding visit to Berlin, the rapporteur of the Committee on Legal Affairs and Human Rights has welcomed the German authorities' determination to combat the phenomenon of "sectarian abuse" ([Read more](#)).

**Russia: PACE Rapporteur said that prejudice against LGBTs has been turned into law (11.06.2013)**

Commenting on the Duma's unanimous adoption of the law banning propaganda for "non-traditional sexual relations", the rapporteur on 'Tackling discrimination on the grounds of sexual orientation and gender identity' stated that the Duma has turned prejudice against LGBTs into law ([Read more](#)).

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

### **Azerbaijan: greater freedom of expression and assembly urgently needed (27.05.2013)**

Journalists, bloggers, activists and other independent thinkers continue to experience severe limitations to their freedom of expression in Azerbaijan, said Nils Muižnieks, the Council of Europe Commissioner for Human Rights. He asserted releasing all persons who are in detention because of the views they hold and express should be a priority for the Azerbaijani authorities in order to protect freedom of expression, noting that this should be accompanied by measures to enhance the independent and impartial review of the relevant cases by the judiciary ([Read more](#)).

### **Council of Europe Commissioner for Human Rights and OSCE media freedom representative concerned at further restrictions to free expression in Azerbaijan (06.06.2013)**

The Council of Europe Commissioner for Human Rights, Nils Muižnieks, and the OSCE Representative on Freedom of the Media, Dunja Mijatovic, expressed serious concern at the promulgation by the President of Azerbaijan of amendments extending the application of criminal defamation provisions to online expression on 4 June 2013 ([Read more](#)).

### **Spain: Human rights need particular protection in times of economic crisis and austerity budgets (07.06.2013)**

The Commissioner for Human Rights at the end of his visit to Madrid and Seville encouraged the Spanish authorities to assess and limit the negative impact of budgetary cuts on the most vulnerable groups, in particular children and persons with disabilities ([Read more](#)).

### **Turkey: The commissioner said that the use of force against peaceful demonstrators must stop immediately (05.06.2013)**

The Commissioner expressed serious concern about the situation in Turkey, where the extremely disproportionate use of force by the police against demonstrators in Gezi Park has sparked demonstrations in many provinces. He stated that the use of force against peaceful demonstrators must stop immediately and the Turkish authorities must ensure that their handling of the situation fully complies with human rights standards. Moreover, he added it is now necessary that the Turkish authorities effectively investigate all allegations of human rights violations in order to establish the truth and punish those law enforcement officials responsible for such violations ([Read more](#)).



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