



# 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 feed-back that may allow for the improvement of the format and the contents of this tool.

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

## A. Judgments

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

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

Some judgments are only available in French.

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

#### Note on the Importance Level:

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

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

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

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

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

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

**[TURLUYEVA V. RUSSIA](#) – No. 63638/09 – Importance 2 – 20 June 2013 – Violations of Article 2 – (i) Domestic authorities’ liability for the presumed death of the applicant’s son; (ii) Domestic authorities’ failure to protect the life of the applicant’s son; (iii) Domestic authorities’ failure to conduct an effective investigation into the applicant’s son disappearance – Violation of Article 3 – Domestic authorities’ insufficient reaction to the distress and anguish of the applicant – Violation of Article 5 – Unlawful detention of the applicant’s son – Violation of Article 13 in conjunction with Article 2 – Lack of legal remedies available to the applicant**

The case concerned the disappearance of the applicant’s son after last having been seen at the premises of a police regiment.

#### Article 2

As domestic authorities had failed to provide any plausible explanation of what had happened to the applicant’s son following his detention and disappearance, the Court held that the liability for his presumed death was attributable to the domestic authorities, which constituted a violation of Article 2.

By their failure to act rapidly and decisively after having been aware of the unlawful deprivation of liberty of the applicant’s son, the domestic authorities had not taken operative measures which might have been expected to avoid risking the missing man’s life. There had accordingly been a violation of Article 2 on account of the failure to protect the applicant’s son life.

As to the adequacy of the investigation, the Court observed that it had been plagued by numerous delays. The Court noted that the lack of cooperation with the investigators and allegations of threats to the applicant's brother-in-law. Therefore, the investigation could be considered as ineffective, which constituted a further violation of Article 2.

#### Article 3

The applicant had suffered and continued to suffer of distress and anguish as a result of her inability to find out about the fate of her son and the authorities' reaction to her complaints. Therefore, the Court found that there had been a violation of Article 3.

#### Article 5

The Court held that there had been a particularly grave violation of Article 5 in account of the applicant's son detention without any legal grounds or official acknowledgement.

#### Article 13 in conjunction with Article 2

There had been a violation of Article 13 in conjunction with Article 2, on account of the lack of legal remedies available to the applicant

#### Article 41 (just satisfaction)

The Court held that domestic authorities were to pay the applicant EUR 60,000 in respect of non-pecuniary damage and EUR 3,000 in respect of costs and expenses.

### **NENCHEVA AND OTHERS V. BULGARIA (IN FRENCH ONLY) – No. 48609/06 – Importance 2 – 18 June 2013 – Violation of Article 2 (substantive and procedural) – Domestic authorities' failure to protect the lives of vulnerable children and to conduct an effective investigation**

The case concerned the death of fifteen children and young adults in a home for physically and mentally disabled young people, as a consequence of cold and shortages of food, medicines and basic necessities.

In the Court's view, the civil compensation remedy available to the applicants had not been sufficient in the exceptional circumstances of the case to satisfy the respondent domestic authorities' obligations under Article 2 of the Convention. The Court considered that the domestic authorities had breached their obligation to protect the lives of vulnerable children placed under its care and had failed in its duty to implement appropriate procedural mechanisms, thereby failing to protect the public interest. The Court therefore held that there had been a violation of Article 2 of the Convention.

Under Article 41 (just satisfaction), the Court held that Bulgaria was to pay EUR 10,000 to each of the applicants in respect of non-pecuniary damage, and EUR 2,000 in respect of costs and expenses into the account of the Association for European Integration and Human Rights. As to the remaining applicants, the Court considered that the present judgment constituted self-sufficient just satisfaction for the non-pecuniary damage alleged.

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

**A.G.A.M, D.N.M, M.K.H, M.Y.H AND OTHERS, N.A.N.S., N.M.B., N.M.Y. AND OTHERS, S.A. V. SWEDEN (Nos. 71680/10, 28379/11, 72413/10, 50859/10, 68411/10, 68335/10, 72686/10, 66523/10) – Importance 2 (Cases of S.A v. Sweden and M.Y.H and Others), Importance 3 (the six other cases) – 27 June 2013 – No violation of Article 2 and/ or Article 3 – No evidence to confirm that the applicants would be exposed to a real risk of inhuman or degrading treatment or of becoming victims of honour-related crimes in the event of extradition in southern of central Iraq (for the applicants in the cases D.N.M and S.A.) or in Kurdistan (for the applicants in the other six cases)**

All eight cases concerned the deportation of failed asylum-seekers, originally from Baghdad, Mosul and Kirkuk, to Iraq. The applicants in the cases D.N.M and S.A alleged that if they were to be removed to Iraq, they would be at risk of becoming victims of honour-related crimes due to their relations with women whom were disapproved by their families, while the other six applicants alleged that they would be at risk of persecution if deported to Iraq due to being Christian, a religious minority in the country.

The Court noted that each of the applicants' claims had been examined and rejected by the Migration Board and the Migration Court particularly because the incidents of which the applicants were victim were mostly related to general security in Iraq at the time and that the applicants were not in need of asylum in Sweden since a number of years had since passed and the level of violence had thus declined.

The Court took into consideration the current national and international reports available and the gradual improvement that had been made. Despite the applicants' personal circumstances (cases D.N.M and S.A) and that their belonging to a vulnerable minority (the other six cases) would risk their lives and /or facilitate inhuman or degrading treatment if removed, the Court held that all ten applicants could relocate to other regions in Iraq such as Kurdistan in the north (concerning the six other cases) or to southern and central Iraq (cases D.N.M and S.A).

Therefore, there would be no violation of Articles 2 and 3 of the Convention if the applicants were removed in southern or central Iraq or in Kurdistan.

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

**MORICE V. FRANCE ([IN FRENCH ONLY](#)) (No. 29369/10) – Importance 2 – 11 June 2013 – Violation of Article 6 § 1 – Unfair constitution of the Cassation Court on account of a member of the Court who had expressed his support for a judge who was a party to the proceedings against the applicant – No violation of Article 10 – Domestic authorities' proportionate decision to penalise the applicant for having publicly attacked an investigating judge and the functioning of the judicial system**

This case concerned the conviction of a lawyer for public defamation of the judges responsible for investigating the death of a judge in Djibouti following the publication of an article in a daily newspaper where the applicant attacked the investigating judge and the functioning of the judicial system.

Article 6 § 1

The Court noted that the applicant contested the impartiality of a member of the Cassation Court who had publicly expressed his support for a judge who, at the time, was being criticised for the method in which she was conducting an investigation into a case concerning the Church of Scientology. In the present case, the investigating judge was a party to the proceedings against the applicant and although there is no proof implying that she had not been objective in this case, the judge who had expressed his support for the investigating judge several years earlier, dismissed the applicants' appeals, thus upholding his conviction. There had therefore been a violation of Article 6.

No violation of Article 10

The Court held that the applicant had publicly attacked the investigating judge and the functioning of the judicial system, a behaviour that exceeded the limits that lawyers were to respect when publicly criticising the justice system. The serious nature of the comments in question had the potential to undermine public confidence in the judicial system and provided sufficient grounds to penalise the applicant for defamation. Accordingly, there had been no violation of Article 10.

Article 41 (just satisfaction)

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

**SOFIRAN AND BDA V. FRANCE ([IN FRENCH ONLY](#)) (No. 63684/09) – Importance 3 – 17 June 2013 – No violation of Article 6 § 1 – The authorities' refusal to provide assistance in executing a judicial decision did not impair the right to a court – No violation of Article 1 or Protocol No. 1 – The authorities' refusal to grant police assistance to enforce the judicial decision did not impair the right to a court**

The case concerned the non-execution of an eviction order issued by a court in favour of the applicant company. In June 1997, when Renault announced its intention to sell a vehicle firm to the applicant company, approximately half of the firm's employees went on strike and occupied the firm's premises for nearly a year.

#### No violation of Article 6 § 1

The Court held that the eviction order had not been executed as a result of the administrative authority's refusal to grant police assistance in order to avoid greater public disorder.

However, the Court reiterated that the company had correctly submitted a request after a seven month period and that the applicant's company had been put in a state of compulsory liquidation on 21 November 1997, a brief time period after the purchase of the site, thus indicating that the refusal to grant police assistance in order to execute the judicial decision had not been the cause of the losses for which the applicant sought compensation.

Therefore, the Court unanimously concluded that the French authorities' refusal to provide assistance in executing the judicial order did not impair the right to a court. There had not been a violation of Article 6 § 1 of the Convention.

#### No violation of Article 1 of Protocol No. 1

The Court dismissed the complaint under Article 1 of Protocol No. 1 for the same reasons as those established in respect to Article 6 § 1 and concluded unanimously that there had been no violation of Article 1 of Protocol No. 1 of the Convention.

#### **YOUTH INITIATIVE FOR HUMAN RIGHTS V. SERBIA – No. 48135/06 – Importance 2 – 25 June 2013 – Violation of Article 10 – Interference with the applicant NGO's right to freedom of expression**

The case concerned the Domestic Intelligence Agency's refusal to make the information obtained via electronic surveillance available for the applicant NGO.

#### Article 10

The Court held that the applicant NGO had legitimately requested information of interest to the general public. The refusal to give access to that information had therefore been an interference with the applicant NGO's right to freedom of expression. Moreover, the agency's refusal had not been in accordance with its own domestic law. The Court therefore concluded that the agency's obstinate reluctance to comply with a final and binding order by domestic body had been in defiance of domestic law. There had accordingly been a violation of Article 10.

#### Article 46 (Execution of judgments)

The Court found that the most natural execution of its judgment would have been to secure that the intelligence agency provide the applicant with the information requested (namely, how many people were subjected to electronic surveillance by that agency).

#### Article 41 (Just satisfaction)

The court held that the agency was to provide the applicant NGO with the information it had requested and that the finding of a violation constituted sufficient just satisfaction for any non-pecuniary damage sustained.

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

#### **VONA V. HUNGARY (No.35943/10) - 9 July 2013 - Importance 2 - No violation of Article 11 - Domestic authorities' proportionate decision to dissolve an association involved in anti-Roma rallies and paramilitary parading**

The case concerned the dissolution of an association on account of the anti-Roma rallies and demonstrations organised by its movement.

The Court recalled that a state was entitled to take preventive measures to protect democracy as long as it was established that a movement or association had started to take concrete steps in public life to implement a policy incompatible with the standards of the Convention. Yet it was the case as the association had recourse to paramilitary formation, which, in view of Hungary historical experience, had an intimidating effect on members of a racial minority (Roma) and because such paramilitary marches had gone beyond the mere expression of a disturbing or offensive idea, which is protected under the Convention.

As regards the dissolution of the association, the Court noted that the association was the organisational backup of the movement. Moreover, the general public could have perceived the state as legitimising such a menace, had the authorities continued to acquiesce in the activities of the Movement and the Association by upholding their legal existence. Thus, the Court concluded that the domestic authorities were entitled to dissolve the association, all the more since the members were not banned from continuing political activities in other forms.

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

**ANCHUGOV AND GLADKOV V. RUSSIA – No. 11157/04 – Importance 2 – 04 July 2013 – Violation of Article 3 of Protocol No.1 – Domestic authorities’ failure to justify the withdrawal of voting rights to prisoners**

The case concerned two prisoners who complained that their disenfranchisement had violated their right to vote and had prevented them from participating in a number of elections.

Article 3 of Protocol No.1

The Court held that whether the applicant’s disenfranchisement could pursue the aim of enhancing civic responsibility and respect for the rule of law, the domestic authorities had failed to justify that the restrictions on the applicants were proportionate. The Court noted in particular that the disenfranchisement concerned a wide range of offenders and sentences from two months to life and from relatively minor offences to the most serious ones.

Moreover, the Court rejected the domestic authorities’ argument that this case was essentially different from the cases against other countries in which the Court had addressed the issue of disenfranchisement, as the ban on prisoners’ voting rights was laid down in the Constitution rather than in an act of parliament. The Court encouraged the domestic authorities to explore all possible ways to ensure compliance with Article 3 of Protocol No.1, including through some form of political process or by interpreting the domestic constitution in harmony with the Convention.

Article 41 (just satisfaction)

The Court stated that the finding of a violation constituted in itself sufficient just satisfaction for any non-pecuniary damage sustained by the applicants, and dismissed their claim for just satisfaction.

- **Freedom of movement (Art. 2 of Protocol No. 4)**

**KHLYUSTOV V. RUSSIA (No. 28975/05) – 11 July 2013 – Importance 2 – Violation of Article 2 of Protocol No. 4 – Travel ban of almost two years on debtor without assessment of his individual circumstances - Domestic courts’ failure to assess the justification and proportionality of the restrictions**

The case concerned the applicant’s complaint about a series of six-month travel bans imposed on him by the bailiffs’ service for his failure to pay a judgment debt to a private person.

The Court first found that the measure prohibiting the applicant to leave the country was in accordance with the domestic law. As regards the question of whether the interference had been “necessary in a democratic society”, the Court held that, according to the Domestic Constitutional Court’s interpretation of this law, the bailiff should have indicated the grounds of such a decision. However, the bailiff’s grounds did not take into account the applicant individual situation nor did it explain how the travel ban could serve to collect the debt of the applicant. Furthermore, the domestic courts, when reviewing the decisions of the bailiffs’ service, had not assessed the justification and proportionality of the travel restrictions.

Under Article 41 (just satisfaction), the court held that Russia was to pay the applicant EUR 2,000 in respect of non-pecuniary damage and EUR 500 in respect of costs and expenses.



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

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

STATE	DATE	CASE TITLE	IMP.	CONCLUSION	KEY WORDS
ALBANIA	25 June 2013	<a href="#">KACIU AND KOTORRI</a> (Nos. 33192/07 AND 33194/07)	2	Violation of Art. 3 (substantive and procedural) (concerning the first applicant)	Ill-treatment of the applicant while in police custody in order to extract a confession
				Violation of Art. 6 § 1 in conjunction with Art. 6 § 3 (c) (concerning the first applicant)	Unfairness of proceedings on account of the applicant's deprivation of legal assistance before making his statements, which were then used as an exclusive basis for his conviction
				Violation of Art. 6 § 1 (concerning the second applicant)	Unfairness of proceedings on account of the admission and use of incriminating statements obtained by ill-treatment
				Violation of Art. 6 § 1 (concerning both applicants)	Excessive length of proceedings (approximately 6 years and 11 months)
AUSTRIA	20 June 2013	<a href="#">WALLISHAUSER (No. 2)</a> (No. 14497/06)	2	No violation of Art. 1 of Prot. No. 1	Applicant's social security contribution does not constitute a disproportionate or excessive burden
				No violation of Art. 14 in conjunction with Art. 1 of Prot. No. 1 or Art. 6	Applicant's social security contribution cannot be qualified as a disproportional measure and cannot provide any basis on which a violation can be found
AZERBAIJAN	20 June 2013	<a href="#">ABDULGADIROV</a> (No. 24510/06)	2	Violation of Art. 6 §§ 1 and 3 (c)	Unfairness of proceedings on account of the applicant who was denied his right to be heard in person to effectively argue his points of appeal
	4 July 2013	<a href="#">RZAKHANOV</a> (No. 4242/07)	3	Violation of Art. 3	Poor conditions of detention (cramped cell, lack of ventilation, poor quality of food)
CZECH REPUBLIC	20 June 2013	<a href="#">LAVRECHOV</a> (No. 57404/08)	3	No violation of Art. 1 of Prot. No. 1	Domestic court's decision to forfeit the applicant's bail maintained the fair balance between public interest and the applicant's right
HUNGARY	18 June 2013	<a href="#">BOR</a> (No. 50474/08)	3	Violation of Art. 6 § 1	Excessive length of proceedings (10 years and 7 months)
				Violation of Art. 8	Domestic courts' failure to determine enforceable measures in order to protect the applicant from excessive noise disturbance
	25 June 2013	<a href="#">GALL</a> (No. 49570/11)	3	Violation of Art. 1 of Prot. No. 1	Disproportionate taxation on account of the applicant's severance pay (98% tax rate)

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

<b>HUNGARY</b> <i>(continued)</i>	2 July 2013	<a href="#">FEHÉR</a> (No. 69095/10)	3	Violation of Art. 3	Poor conditions of detention: overcrowding, limited time spent outside
		<a href="#">R. Sz.</a> (No. 41838/11)	2	Violation of Art. 1 of Protocol No. 1	Disproportionate taxation of the applicant's severance pay
<b>ITALY</b>	25 June 2013	<a href="#">ANGHEL</a> (No. 5968/09)	3	Violation of Art. 6 § 1	Domestic authorities' failure to grant the applicant legal representation in a timely manner; misleading information provided to the applicant regarding his appeal procedure
				No violation of Art. 8	No failure of the domestic court to strike a fair balance between the competing interests of the applicant and those of his child, taking into consideration the implications that a possible return from the country where he lives with his mother to the country where the applicant lives would have had for the child who was integrated into the relevant state's society
	9 July 2013	<a href="#">DI GIOVANNI</a> ( <a href="#">IN FRENCH ONLY</a> ) (No. 51160/06)	2	No violation of Art. 10	Disciplinary warning not violating the applicant's right to freedom of expression
<b>LATVIA</b>	25 June 2013	<a href="#">GRIMAILOVS</a> (No. 6087/03)	2	Violation of Art. 3	Ineffective investigation into the applicant's allegations of ill-treatment by police
				Violation of Art. 3	Inadequate prison facilities regarding the applicant's physical disability (particularly his inability to independently access various prison facilities, including the sanitation facilities) and lack of adequate assistance in that respect
	2 July 2013	<a href="#">HOLODENKO</a> (No. 17215/07)	3	Two violations of Art. 3	Excessive use of force by the police against the applicant; Inadequate investigation by domestic authorities
<b>LITHUANIA</b>	18 June 2013	<a href="#">BANEL</a> (No. 14326/11)	2	Violation of Art. 2	Domestic authorities' failure to protect the life of the applicant's son while not providing an adequate and timely response consonant with domestic law obligations
	9 July 2013	<a href="#">VARNAS</a> (No. 42615/06)	2	Violation of Art. 1 in conjunction with Art. 8	Domestic authorities' refusal to authorise conjugal visits during the applicant's pre-trial detention, while authorising such visits for convicted prisoners
<b>MALTA</b>	9 July 2013	<a href="#">DEGUARA CARUANA GATTO AND OTHERS</a> (No. 14796/11)	3	Violation of Art. 1 of Protocol No. 1	Applicants' inability to be awarded compensation for the expropriation of their property
				Violation of Art. 6 § 1	Excessive length of proceedings (over two decades)

ROMANIA	18 June 2013	<a href="#">CONSTANTIN TUDOR</a> (No. 43543/09)	3	Violation of Art. 3	Poor conditions of detention, particularly overcrowding and lack of hygiene
		<a href="#">PLESCA</a> ( <a href="#">IN FRENCH ONLY</a> ) (No. 2158/08)	2	Violation of Art. 2 (procedural)	Ineffective investigation concerning the death of the applicant's daughter (the domestic authorities failed to clarify the circumstances that led to her death)
		<b>S.C COMPLEX HERTA IMPORT EXPORT S.R.L. LIPOVA</b> ( <a href="#">IN FRENCH ONLY</a> ) (No. 17118/04)	3	No violation of Art. 1 of Prot. No. 1	No failure of domestic authorities to maintain a fair balance between public interest and the applicant's right of ownership while the fine imposed on him was not excessive nor disproportionate
		<a href="#">SERENY</a> (No. 13071/06)	3	Violation of Art. 6 § 1	Excessive criminal proceedings (more than 7 years)
	25 June 2013	<b>ASSOCIATION DES PERSONNES VICTIMES DU SYSTEME S.C ROMPETROL S.A. ET S.C. GEOMIN S.A. ET AUTRES</b> ( <a href="#">IN FRENCH ONLY</a> ) (No. 24133/03)	3	Violation of Art. 6 § 1	Excessive length of proceedings (more than 11 years)
		<b>GHEORGHE COBZARU</b> ( <a href="#">IN FRENCH ONLY</a> ) (No. 6978/08)	3	Violation of Art. 2 (substantive and procedural)	Domestic authorities' failure to protect the life of the applicant's son (killed by a police officer after a car chase for having stolen a car) and lack of a prompt and effective investigation in that respect
		<a href="#">NICULESCU</a> (No. 25333/03) <a href="#">VALENTINO ACATRINEI</a> (No. 18540/04)	3	Violation of Art. 8 (concerning both applicants)	Lack of safeguards in the procedure for telephone interceptions on grounds of national security
				No violation of Art. 6 §§ 1 and 3 (concerning the first applicant)	Lawfulness of the proceedings (neither the initial questioning nor the use of transcripts in the trial breached the applicant's defence rights or played a decisive role in securing her conviction)
	No violation of Art. 6 §§ 1 and 3 (concerning the second applicant)			Lawfulness of the proceedings (neither the use of transcripts in the trial nor the alteration of the legal classification of the facts breached the applicant's defence rights or played a decisive role in securing his conviction)	
			Violation of Art. 3 (concerning the first applicant)	Poor conditions of detention (overcrowding and lack of hygiene)	
9 July 2013	<b>BOBES</b> ( <a href="#">IN FRENCH ONLY</a> ) (No. 29752/05)	3	Violation of Art. 6 § 1 and § 3 (d)	Applicant's inability to have a witness examined	

ROMANIA (continued)	9 July 2013	CIOBANU (IN FRENCH ONLY) (No. 4509/08)	2	Violation of Art. 3 by Romania	Poor conditions of detention
				Violation of Art. 5 § 1 by Romania	Domestic courts' refusal to deduct the time the applicant spent under house arrest in Italy from his prison sentence in Romania
		HAMVAS (IN FRENCH ONLY) (No. 6025/05)	3	Violation of Art. 5 § 3	Excessive length of the applicant's pre-trial detention (3days) and domestic courts' failure to justify the applicant continued detention
		SICA (IN FRENCH ONLY) (No. 12036/05)	3	Violation of Art. 6 § 1 and § 3 (d)	Applicant's inability to examine the witnesses
RUSSIA	20 June 2013	SIDIKOVY (No. 73455/11)	3	Violation of Art. 3	Applicant's exposure to ill-treatment in the event of extradition to Tajikistan
				No violation of Art. 5 § 1 (f)	Domestic court's compliance with the requirement of diligence
				No violation of Art. 5 § 4	Lawful detention of the applicants while they were not deprived of their right to engage in proceedings in order to assess their detention
	27 June 2013	ABASHEV (No. 9096/09)	2	Violation of Art. 5 § 5	Domestic authorities' denial of an enforceable right to compensation for the applicant's detention
				GOROVOY (No. 54655/07)	3
		Violation of Art. 5 § 3	Excessive length of the pre-trial detention		
		PLETMENTSEV (No. 4157/04)	3		
				YEPISHIN (No. 591/07)	2
	Violation of Art. 13	Ineffective and inaccessible remedy under domestic law enabling the applicant to complain about the general conditions of his detention			
	No violation of Art. 34	Lawfulness of domestic authorities' refusal to assist the applicant for postal costs of corresponding with the ECHR			
4 July 2013	BALAKIN (No. 21788/06)	2	No violation of Art. 6 § 1	Effective access to court while the domestic court hold it had no jurisdiction	

<b>RUSSIA</b> (continued)	4 July 2013	<a href="#">BAYSULTANOVA AND OTHERS</a> (No. 7461/08)	3	Violation of Art. 2	Abduction of the applicants' relative by military forces resulting in a presumption of death; Domestic authorities' failure to conduct an effective investigation into the disappearance
				Violation of Art. 3	Applicants' psychological distress after the disappearance of their relative
				Violation of Art. 5	Unlawful detention of the applicants' relative
				Violation of Art. 14 in conjunction with Art. 2 and 3	Lack of effective remedies
<b>SPAIN</b>	18 June 2013	<b>R.M.S</b> ( <a href="#">IN FRENCH ONLY</a> ) (No. 28775/12)	2	Violation of Art. 8	Domestic authorities' lack of sufficient effort to enforce the right of the applicant to live with her daughter (of which she had been deprived on the sole basis of economic reasons)
<b>TURKEY</b>	18 June 2013	<b>GUN AND OTHERS</b> ( <a href="#">IN FRENCH ONLY</a> ) (No. 8029/07)	2	Violation of Art. 11	Relevant state's failure to strike a fair balance between the public safety interest and the applicants' right to protest
	25 June 2013	<b>ABDULSITAR AKGUL</b> ( <a href="#">IN FRENCH ONLY</a> ) (No. 31595/07)	3	Violation of Art. 5 § 3	Domestic judge's failure to examine the lawfulness of the applicant's detention
				Violation of Art. 5 § 4	Applicant's inability to challenge his detention
	25 June 2013	<b>MUSTAFA TUNC AND FECIRE TUNC</b> ( <a href="#">IN FRENCH ONLY</a> ) (No. 24014/05)	2	Violation of Art. 2 (procedural)	National authorities' failure to independently and effectively investigate the death of the applicants' son due to the implication of the domestic military court
				3	Violation of Art. 2 (procedural)
	2 July 2013	<b>GÜLBAHAR ÖZER AND OTHERS</b> (No. 44125/06)	3		Violation of Art. 2
3				Two violations of Art. 3	Military mistake resulting in the applicant's ill-treatment Ineffective investigation by domestic authorities

<b>TURKEY</b> <i>(continued)</i>	9 July 2013	<b>ALTINAY</b> <b>(IN FRENCH ONLY)</b> <b>(No. 37222/04)</b>	2	No violation of Art. 14 taken together with Art. 2 of Protocol No. 1	No discrimination in the difference of coefficient applied to graduates from professional and generalist schools
				Violation of Art. 14 taken together with Art. 2 of Protocol No. 1	Unforeseeable change of rules on access to university at the time when the applicant made his educational choice and absence of a transitional period applicable to the applicant's case
		<b>BOZDEMIR AND YESILMEN</b> <b>(No. 33860/03)</b>	3	No violation of Art. 3	No evidence to prove allegations of ill-treatment
				Violation of Art. 3	Domestic authorities' failure to conduct an effective investigation into allegations of ill-treatment
				No violation of Art. 5	Lawfulness of detention in police custody
<b>DINC AND ÇAKIR</b> <b>(IN FRENCH ONLY)</b> <b>(No. 66066/09)</b>	2	Violation of Art. 5 § 3	Excessive length of the pre-trial detention		
<b>SUBASI AND ÇOBAN</b> <b>(No. 20129/07)</b>	2	Two violations of Art. 3	Poor conditions of detention Domestic authorities' failure to conduct an effective investigation		
<b>UKRAINE</b>	27 June 2013	<b>KIROVOGRADOB LENERGO, PAT</b> <b>(No. 35088/07)</b>	3	Violation of Art. 1 of Protocol No. 1	State's failure to enforce domestic law by which the state had to carry out a reimbursement

### 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
MOLDOVA	9 July 2013	BESLIU ( <a href="#">IN FRENCH ONLY</a> ) (No. 28178/10)	Violation of Art. 6 § 1	Calling into question of final judgment in the applicant's favour
POLAND	9 July 2013	<a href="#">ZIRAJEWSKI</a> (No. 32501/09)	Violation of Articles 5 § 3 and 6 § 1	Excessive length of detention on remand and of criminal proceedings
ROMANIA	9 July 2013	BALAN ( <a href="#">IN FRENCH ONLY</a> ) (No. 24398/04)	Violation of Art. 1 of Prot. No. 1 alone and in conjunction with Art. 14	Unlawful and discriminatory taxation of the allowance paid to the applicant when he retired
		STANCIULESCU ( <a href="#">IN FRENCH ONLY</a> ) (No. 5998/03)	Violation of Art. 6 § 1	Breach of the principle of legal certainty, on account of domestic supreme court's decision to pronounce a judgment that went against its established case-law
RUSSIA	20 June 2013	KOSTENKO ( <a href="#">IN FRENCH ONLY</a> ) (No. 32845/02)	Violation of Articles 6 § 1 and 1 of Prot. No. 1	Domestic authorities' failure to enforce a final judgment
		<a href="#">ZELENKEVICH AND OTHERS</a> (No. 14805/02)	Violation of Articles 6 and 1 of Prot. No. 1	Quashing by way of supervisory review of a binding and enforceable judgment in the applicants' favour
TURKEY	25 June 2013	KAPLAN ( <a href="#">IN FRENCH ONLY</a> ) (No. 40343/08)	Violation of Art. 6 § 1	Excessive length of criminal proceedings
	2 July 2013	UCAN AND OTHERS ( <a href="#">IN FRENCH ONLY</a> ) (No. 37377/05)	Violation of Art. 6 § 1	Excessive length of proceedings
UKRAINE	20 June 2013	<a href="#">PYSARSKYY AND OTHERS</a> (NOS. 20397/07 AND 164 OTHERS APPLICATIONS) <a href="#">TSIBULKO AND OTHERS</a> (NOS. 65656/11 AND 294 OTHER APPLICATIONS)	Violations of Articles 6 § 1, 13 and 1 of Prot. No. 1 and	Non-enforcement of final decisions in the applicants' favour in good time, lack of effective domestic remedies (in respect of 411 of these applications)

#### 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
SLOVAKIA	25 June 2013	<a href="#">CSAKO</a> (No. 47386/07)
		<a href="#">SIKA (No.7)</a> (No. 1640/07)
	9 July 2013	<a href="#">UNTERMAYER</a> (No. 6846/08)
SLOVENIA	20 June 2013	<a href="#">JEZNIK</a> (No. 32238/08)



## 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.

STATE	DATE OF DECISION TO COMMUNICATE	CASE TITLE	KEY WORDS OF QUESTIONS SUBMITTED TO THE PARTIES
AZERBAIJAN	21 June 2013	<a href="#">HUSEYNOV</a> (No. 59135/09)	Alleged violation of Article 3 - Ill-treatment by the police, failure of the domestic authorities to investigate the applicant's allegations of ill-treatment; Article 5 - Unlawful arrest of the applicant by the police; Article 10 - Applicant forced not to exercise his journalistic activity by the police; Article 11 - Interference with a gathering in a private café by the police
		<a href="#">JAFAROV</a> (No. 54204/08)	Alleged violation of Article 3 - Involvement of domestic authorities in an attack against the applicant; domestic authorities' failure to carry out an effective investigation; Article 10 – Use of force against the applicant because of his journalistic activity
	24 June 2013	<a href="#">HAJIBEYLI</a> (No. 2204/11)	Alleged violation of Article 13 combined with Article 3 of Protocol No. 1 - Arbitrary disqualification of the applicants from running for elections; in particular, lack of transparency and of sufficient safeguards against arbitrariness in the procedures for verification of voter signatures in support of their candidacy and for examination of their complaints, arbitrary decisions of the electoral commissions and domestic courts, which were also contrary to a number of requirements of the domestic electoral law. Article 14 - Deliberate and unlawful practical measures implemented by the government against the applicants. Article 11 - Unnecessary requirement of collecting 450 voter signatures in support of the applicants' candidacies
BULGARIA	2 July 2013	<a href="#">ÜNSPED PAKET</a> <a href="#">SERVISI SAN. VETIC.</a> <a href="#">A.S.</a> (No. 3503/08)	In particular, alleged violation of Article 1 of Protocol No. 1 – Seizure of one of the company's lorries following the discovery of illegal substances in the driver's cabin

FINLAND	19 June 2013	<a href="#"><u>RUOTSALAINEN</u></a> (No. 10626/12)	Alleged violation of Articles 8 and 9 - Delivery of a free Evangelic-Lutheran newspaper to the applicant household while none of the members of the family is a member of that Church
GERMANY	18 June 2013	<a href="#"><u>BLÜHDORN</u></a> (No. 62054/12)	Alleged violation of Article 5 - Internment in a psychiatric hospital despite the lack of diagnosis of a mental illness
LATVIA	24 June 2013	<a href="#"><u>DMITRIJEVS</u></a> (No. 49037/09)	Alleged violation of Articles 3 and 13 – Domestic court’s failure to award the applicant a compensation for a period in which he had unlawfully served a sentence in a more strict prison regime than the one he was entitled to
		<a href="#"><u>SIA AKKA/LAA</u></a> (No 562/05)	Alleged violation of Article 1 of Protocol No. 1 – Domestic courts’ unjustified restriction of authors’ rights to freely conclude licence agreements for the use of their musical works and to request equitable remuneration thereof; Article 6 - Insufficiently reasoned and controversial interpretation and application of copyrights legislation by domestic courts; Article 13 combined with Article 1 of Protocol No. 1 - Domestic courts’ refusal to grant injunction against broadcasting companies
LITHUANIA	5 July 2013	<a href="#"><u>KARDISAUSKAS</u></a> (No. 62304/12)	Alleged violation of Article 3 – Domestic authorities’ failure to conduct an effective investigation into the circumstances of the applicant's attack and injury in prison; Article 6§1 - Prevention of the applicant from obtaining compensation for the damage he sustained while in prison and unreasonable length of the pre-trial investigation (9 years)
ROMANIA	19 June 2013	<a href="#"><u>BARZA AND OTHERS</u></a> (Nos. 45234/08)	Alleged violation of Article 6 - Domestic courts’ failure to examine the merits of the case and all the applicants' arguments and submissions; Article 1 of Protocol No. 1 - Unlawful nationalisation of the applicant's properties by the government Decision no. 974/2002

ROMANIA	19 June 2013	<a href="#">FAUR</a> (No. 11501/09)	Alleged violation of Article 3 - Poor conditions of detention (in particular, applicant's exposure to cigarette smoke despite he is non-smoker and has health problems because of smoke)
		<a href="#">MIHALACHE</a> (No. 54012/10)	Article 4 of Protocol No. 7 - Applicant's prosecution and conviction twice for the same offence
THE UNITED KINGDOM	20 June 2013	<a href="#">DOHERTY</a> (No. 76874/11)	Alleged violation of Article 5 § 4 – In particular, no review of the lawfulness of the applicant's detention by a tribunal according to a process that complied with all the requirements of that provision; Lack of any Article 5§4-compliant body during the first four years of the applicant's detention; Article 5§1 – Unlawful detention
		<a href="#">MARTUZEVICIUS</a> (No. 13566/13)	Alleged violation of Article 3 – Risk of ill-treatment in case of extradition to Lithuania, given the severity of the applicant's mental health condition
TURKEY	19 June 2013	<a href="#">YALÇIN</a> (No. 34417/10)	Alleged violation of Article 9 - Domestic authorities' refusal to make the necessary arrangements in prison for the applicant to perform the Friday prayers, one of the requirements of his religion, Islam.

## 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 June – 15 July 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.

JUNE 2013		
5-17	Visit to Poland by the CPT	<a href="#">Read more</a>
9-21	Visit to Turkey by the CPT	<a href="#">Read more</a>
17-21	60th GRECO Plenary Meeting	<a href="#">Decisions</a>
	Participation of the MONEYVAL to FATF Working Groups and Plenary Meeting in Oslo	<a href="#">See more below</a>
17	Publication by the MONEYVAL of its report 'Special Assessment of the Effectiveness of the Customer Due Diligence Measures in the Banking Sector in Cyprus'	<a href="#">Read the report</a> - <a href="#">Press release</a>
20	Adoption of three opinions on Latvia, Montenegro and the Netherlands by the Advisory Committee on the FCNM	<a href="#">See more below</a>
21-24	PACE delegation to observe the parliamentary elections in Albania	<a href="#">Announcement of the visit - Joint statement from heads of delegations - Conclusion of the international observers</a>
24	Opening of PACE's Summer Part Session	<a href="#">Read more</a>
26	Publication of MONEYVAL report on the 4th round assessment visit in Poland	<a href="#">Read the report</a> - <a href="#">Executive Summary</a> - <a href="#">Addendum</a> - <a href="#">Press release</a>
	Publication of the MONEYVAL annual activity report for 2012	<a href="#">Annual Report 2012</a> - <a href="#">Press Release</a>

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

27	Publication of the Second Compliance Report on Albania by GRECO	<a href="#">Read the report</a>
	Publication of the Second Compliance Report on Lithuania by GRECO	<a href="#">Read the report</a>
	Publication of the Interim Compliance Report on the Netherlands by GRECO	<a href="#">Read the report</a>
<b>JULY 2013</b>		
1-5	GRETA's 17th meeting in Strasbourg	<a href="#">See more below</a>
1	Publication of the Fourth Round Evaluation report on Luxembourg by GRECO	<a href="#">See more below</a>
	Publication of Addendum to the Compliance Report on Italy by GRECO	<a href="#">Read the report</a>
2	PACE Russia monitors' fact-finding visit to Yaroslavl and Moscow (until 4 July)	<a href="#">Announcement of the visit</a>
3	Publication by the CPT of the Danish government's response to the report on the visit to Greenland (September 2012)	<a href="#">Read the report</a> - <a href="#">Read more</a>
4	Publication by the CPT of its report on Malta	<a href="#">Read the report</a> - <a href="#">Read more</a> - <a href="#">Read the Maltese authorities' response</a>
5	Publication of the Compliance Report on Georgia by GRECO	<a href="#">Read the report</a>
	Meeting between UN and GRETA members to join forces and fight trafficking in persons in Europe and beyond	<a href="#">Read more</a>
8-11	Visit of the Advisory Committee on the FCNM in Lithuania	<a href="#">Read more</a>
8-10	PACE monitoring co-rapporteurs' fact-finding visit to Montenegro	<a href="#">Announcement of the visit</a> - <a href="#">Conclusion of the visit</a>

9	Publication of conclusions by the ECRI on the implementation of the its priority recommendations in respect of France, Poland and “the former Yugoslav Republic of Macedonia”	<a href="#">See more below</a>
	Publication by the ECRI of a new report on Finland	<a href="#">Read the report - Finnish version</a> - <a href="#">Read more</a>
	Publication by the ECRI of a new report on Portugal	<a href="#">Read the report - Portuguese version</a> - <a href="#">Read more</a>
	Publication by the ECRI of a new report on San Marino	<a href="#">Read the report - Italian version</a> - <a href="#">Read more</a>
10	1176th meeting of the Ministers' Deputies	<a href="#">Read more</a> - <a href="#">Meeting file</a>
	Awards by the Committee of Ministers	<a href="#">See more below</a>
10-11	PACE President visit to Bulgaria	<a href="#">Announcement of the visit</a> - <a href="#">Conclusion of the visit</a>
11	Publication of the Second Compliance Report on Spain by GRECO	<a href="#">Read the report</a>
12	Publication of the decision on admissibility and the merits in the case Comité européen d'action spécialisée pour l'Enfant et la Famille dans leur milieu de vie (EUROCEF) v. France	<a href="#">Decision</a> - <a href="#">Summary</a> - <a href="#">More information</a>

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

### A. European Social Charter (ESC)

#### **Exchange of views with Mr Gerhard Reissner, President of the Consultative Council of European Judges (01.07.2013)**

The European Committee of Social Rights had an exchange of views with the President of the Consultative Council of European Judges (CCJE), Mr Gerhard Reissner. The Committee wished to encourage national judges to apply the ESC directly and refer to its case law. The CCJE proposed to prepare an Opinion for the attention of the Committee of Ministers on the role of judges in the protection of social rights. The CCJE's opinions are usually shared with judges in the member states.

### 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)

#### **Publication of conclusions by the ECRI on the implementation of its priority recommendations in respect of France, Poland and "the former Yugoslav Republic of Macedonia" (09.07.2013)**

The ECRI published conclusions on the implementation of a number of priority recommendations made in its country reports on France, Poland and "the former Yugoslav Republic of Macedonia" which had been released in 2010. As part of the fourth round of ECRI's monitoring work, a new process of interim follow-up had been introduced with respect to up to three recommendations made in each of ECRI's country reports. Two years following the publication of each report, ECRI addressed a communication to the government concerned asking what had been done in connection with the recommendations for which priority follow-up was requested. On the basis of the response from the government and information gathered from other sources, ECRI drew up its conclusions on the way in which its recommendations had been followed up. These conclusions concern only the priority recommendations and do not aim at providing a comprehensive analysis of all developments in the fight against racism and intolerance in the state concerned. Through the new interim follow-up procedure, ECRI sought to assist Council of Europe member states in fine-tuning their response to the recommendations made in its country reports (Read the reports: [France](#), [Poland](#) and ["the former Yugoslav Republic of Macedonia"](#)).

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

#### **Adoption of three opinions on Latvia, Montenegro and the Netherlands by the Advisory Committee (18, 19 and 20.06.2013)**

The Advisory Committee on the FCNM adopted three country-specific opinions under the second cycle of monitoring of the implementation of this convention in States Parties. The Opinion on Latvia was adopted on 18 June, the Opinion on Montenegro on 19 June, and the Opinion on the Netherlands on 20 June 2013. They are restricted for the time being. These three opinions will now be submitted to the Committee of Ministers, which is to adopt conclusions and recommendations ([find the opinions](#) - restricted access for the moment).



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

### **Publication of the Fourth Round Evaluation report on Luxembourg: further progress on corruption prevention expected (01.07.2013)**

GRECO welcomed the progressive introduction of rules of conduct concerning the integrity of Members of Parliament, judges and prosecutors. It stressed, however, that much remained to be done to ensure the consistency and effectiveness of rules on the prevention of corruption. GRECO supported the proposals to adopt a code of conduct for parliamentarians which would deal more effectively with such issues as gifts and other benefits granted to MPs, conflicts of interest and the declaration of income and assets. The current mechanism for the declaration of income and activities by parliamentarians, which is based on the Parliament's Rules of Procedure, lacks effectiveness and is only taken seriously by parliamentarians to a variable degree. The future declaration system needs to provide for the publication of more precise data on the various elements of parliamentarians' financial situations, as well as for effective sanctions in case of non-compliance. A compendium of ethical rules was adopted for judges and prosecutors last May, which fills the gaps in respect of probity-related matters. GRECO nonetheless called for greater consistency in statutory rules on the integrity of judges and prosecutors since, for the time being, they covered only partially non-professional judges and prosecutors. Moreover, they did not cover all the courts homogeneously with a difficult interpretation for the public at large but also for the practitioners concerned. GRECO also supported the creation of a judicial council and planned to make the prosecutors' office more independent. The introduction of a court management policy, including periodic appraisal of judges and prosecutors by their superiors, would also contribute to limiting certain risks to the integrity of the judicial system. GRECO will assess the implementation of the 14 recommendations issued to Luxembourg in the first half of 2015 ([read the report](#)).

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

### **Financial Action Task Force (FATF) Working Groups and Plenary Meeting in Oslo (17-21.06.2013)**

MONEYVAL participated in the working groups meetings and the last plenary meeting held under the Norwegian Presidency. The Chairman's summary provides an overview of the major outcomes of the Plenary. At this meeting, the FATF had updated its public statement, which identified jurisdictions with strategic anti-money laundering and countering the financing of terrorism (AML/CFT) deficiencies. Also, as part of its on-going review of compliance with the AML/CFT standards, the FATF had identified jurisdictions which have strategic AML/CFT deficiencies for which they have developed an action plan with the FATF ([Chairman's summary](#) - [FATF Public Statement](#) - [Improving AML/CFT Compliance: On-going Process](#)).

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

### **GRETA's 17th meeting in Strasbourg (1-5.07.2013)**

GRETA adopted final evaluation reports on Belgium, Ireland and Spain, taking into account the comments received from the national authorities. These reports will be sent to the national authorities concerned who will be asked to submit any final comments within one month. At the expiry of this time-limit GRETA's reports, together with possible final comments received from the authorities, will be made public. GRETA also approved draft reports concerning the implementation of the Convention by Luxembourg, Serbia and Slovenia. GRETA decided to transmit these draft reports to the national authorities concerned and to ask them to submit their comments within two months. The comments will be taken into account when GRETA draws up its final evaluation reports. GRETA's draft reports remain confidential until their final adoption. During the meeting GRETA held an exchange of views with the United Nations Special Rapporteur on trafficking in persons, especially women and children, Ms Joy Ngozi Ezeilo ([list of decisions](#)).

## 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
ARMENIA	Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms ( <a href="#">CETS No.213</a> )		X	24 June 2013
ANDORRA	Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms ( <a href="#">CETS No.213</a> )		X	24 June 2013
AUSTRIA	Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms ( <a href="#">CETS No.213</a> )		X	25 June 2013
CROATIA	European Convention on Information on Foreign Law ( <a href="#">ETS No. 62</a> )		X	17 June 2013
CYPRUS	Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms ( <a href="#">CETS No.213</a> )		X	24 June 2013
DENMARK	Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms ( <a href="#">CETS No.213</a> )		X	24 June 2013
FINLAND	Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms ( <a href="#">CETS No.213</a> )		X	24 June 2013
FRANCE	Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms ( <a href="#">CETS No.213</a> )		X	24 June 2013
GERMANY	Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms ( <a href="#">CETS No.213</a> )		X	24 June 2013

<b>ICELAND</b>	Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms ( <a href="#">CETS No. 213</a> )		X	9 July 2013
<b>IRELAND</b>	Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms ( <a href="#">CETS No.213</a> )	X	X	24 June 2013
<b>ITALY</b>	Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms ( <a href="#">CETS No.213</a> )		X	24 June 2013
<b>JAPAN</b>	Convention on Mutual Administrative Assistance in Tax Matters ( <a href="#">ETS No.127</a> )	X		28 June 2013
	Protocol amending the Convention on Mutual Administrative Assistance in Tax Matters ( <a href="#">CETS No.208</a> )	X		28 June 2013
<b>LIECHTENSTEIN</b>	Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms ( <a href="#">CETS No.213</a> )		X	24 June 2013
<b>LUXEMBOURG</b>	Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms ( <a href="#">CETS No.213</a> )		X	24 June 2013
<b>MONACO</b>	Additional Protocol to the Criminal Law Convention on Corruption ( <a href="#">ETS No. 191</a> )	X	X	10 July 2013
<b>MOROCCO</b>	European Convention on Information on Foreign Law ( <a href="#">ETS No. 062</a> )	X		19 June 2013
	Additional Protocol to the European Convention on Information on Foreign Law ( <a href="#">ETS No. 097</a> )	X		19 June 2013
	European Convention on the Protection of the Archaeological Heritage ( <a href="#">ETS No. 066</a> )	X		19 June 2013
	Anti-Doping Convention ( <a href="#">ETS No. 135</a> )	X		19 June 2013

<b>NORWAY</b>	Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms ( <a href="#">CETS No.213</a> )		X	24 June 2013
<b>PORTUGAL</b>	Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms ( <a href="#">CETS No.213</a> )		X	24 June 2013
<b>ROMANIA</b>	Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms ( <a href="#">CETS No.213</a> )		X	24 June 2013
<b>SAN MARINO</b>	Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms ( <a href="#">CETS No.213</a> )		X	24 June 2013
<b>SLOVAKIA</b>	Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms ( <a href="#">CETS No.213</a> )		X	24 June 2013
<b>SLOVENIA</b>	Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms ( <a href="#">CETS No.213</a> )		X	24 June 2013
<b>SPAIN</b>	Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms ( <a href="#">CETS No.213</a> )		X	24 June 2013
<b>SWEDEN</b>	Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms ( <a href="#">CETS No.213</a> )		X	25 June 2013
	Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse ( <a href="#">CETS No.201</a> )	X		28 June 2013
<b>THE UNITED KINGDOM</b>	Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms ( <a href="#">CETS No.213</a> )		X	24 June 2013

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

NATURE OF THE TEXT	TEXT NUMBER	OBJECT	DATE
RESOLUTION	<a href="#">CM/Del/Dec(2013)117_2volresE</a>	1172nd meeting (DH), 4-6 June 2013 - Resolutions adopted - revised	19 June 2013
	<a href="#">CM/ResCMN(2013)4E</a>	Resolution on the implementation of the FCNM by Spain (Adopted by the Committee of Ministers on 10 July 2013 at the 1176th meeting of the Ministers' Deputies)	10 July 2013
	<a href="#">CM/ResChS(2013)14E</a>	Resolution - Collective Complaint No. 82/2012 by the European Committee for Home-Based Priority Action for the Child and the Family (EUROCEF) against France (Adopted by the Committee of Ministers on 10 July 2013 at the 1176th meeting of the Ministers' Deputies)	
RECOMMENDATION	<a href="#">CM/RecChL(2013)4E</a>	Recommendation of the Committee of Ministers on the application of the European Charter for Regional or Minority Languages by Switzerland (Adopted by the Committee of Ministers on 10 July 2013 at the 1176th meeting of the Ministers' Deputies)	10 July 2013
	<a href="#">CM/RecChL(2013)6E</a>	Recommendation of the Committee of Ministers on the application of the European Charter for Regional or Minority Languages by Bosnia and Herzegovina (Adopted by the Committee of Ministers on 10 July 2013 at the 1176th meeting of the Ministers' Deputies)	

<b>RECOMMENDATION</b>	<a href="#">CM/RecChL(2013)5E</a>	Recommendation of the Committee of Ministers on the application of the European Charter for Regional or Minority Languages by Hungary (Adopted by the Committee of Ministers on 10 July 2013 at the 1176th meeting of the Ministers' Deputies)	10 July 2013
	<a href="#">CM/Rec(2013)1E /</a>	Recommendation of the Committee of Ministers to member states on gender equality and media (Adopted by the Committee of Ministers on 10 July 2013 at the 1176th meeting of the Ministers' Deputies)	

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

#### **Edward Nalbandian outlined the priorities of the Committee of Ministers' Chairmanship to PACE (24.06.2013)**

Armenian Foreign Minister Edward Nalbandian presented a communication from the Committee of Ministers to the Parliamentary Assembly and answered questions from delegates. Mr Nalbandian detailed priority areas for the Organisation's work during the Armenian Chairmanship, emphasising the particular importance of efforts to tackle hatred, racism, xenophobia and intolerance by fostering dialogue and exchange ([read the speech](#) - [Communication on the activities of the Committee of Ministers](#)).

#### **Awards by the Committee of Ministers (10.07.2013)**

The Committee of Ministers has adopted three resolutions awarding European Diploma of Protected Areas to the Retezat National Park in Romania, to the Burren Region in Ireland and to the Khosrov Forest Reserve in Armenia respectively ([resolution about Armenia](#) - [resolution about Ireland](#) - [resolution about Romania](#)).

## 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	<a href="#">1940</a>	<p><i>The situation in the Middle East</i></p> <p>The PACE reiterated its support for a two “democratic and pluralist” states solution and called on the Israeli authorities to guarantee the same individual rights to all Israeli citizens. (<a href="#">Read more</a>)</p>	25 June 2013
	<a href="#">1941</a>	<p><b>Hungary:</b> <i>Request for the opening of a monitoring procedure</i></p> <p>The PACE decided not to open a monitoring procedure but resolved to closely follow the situation, since serious concerns remain about the extent to which the country is complying with its obligations. (<a href="#">Read more</a>)</p>	
	<a href="#">1942</a>	<p><b>Morocco:</b> <i>Evaluation of the partnership for democracy in respect of the Parliament of Morocco</i></p> <p>The PACE was globally satisfied but expressed its concerns about the human rights situation in Morocco, and stressed the importance for the authorities to take all necessary measures to address the raised issues. (See more below)</p>	
	<a href="#">1945</a>	<p><i>Putting an end to coerced sterilisations and castrations</i></p> <p>The PACE stated that coerced, non-reversible sterilisations and castrations constitute grave violations of human rights and human dignity. (<a href="#">Read more</a>)</p>	26 June 2013
	<a href="#">1946</a>	<p><i>Equal access to health care</i></p> <p>The PACE stated that access to health is a key aspect of the right to health, a fundamental human right. (<a href="#">Read more</a>)</p>	
	<a href="#">1947</a>	<p><i>Popular protest and challenges to freedom of assembly, media and speech</i></p> <p>The PACE reasserted the right of individuals to demonstrate against their democratically elected governments.</p>	27 June 2013

RESOLUTION	<a href="#">1948</a>	<p><i>Tackling discrimination on the grounds of sexual orientation and gender identity</i></p> <p>The PACE regretted that prejudice, hostility and discrimination on the grounds of sexual orientation and gender identity remain a serious problem. (<a href="#">Statement of the French minister for women's rights</a>)</p>	27 June 2013
	<a href="#">1949</a>	<p><i>Post-monitoring dialogue with “the former Yugoslav Republic of Macedonia”</i></p> <p>The PACE called on the Macedonian authorities to intensify efforts to combat discrimination and expressed its concern about the highly controversial Lustration Law. (<a href="#">Read more</a>)</p>	
	<a href="#">1950</a>	<p><i>Keeping political and criminal responsibility separate</i></p> <p>The PACE asserted that politicians shall be effectively protected from criminal prosecutions based on their political decisions, expressing doubts about broad “abuse of office” laws. (<a href="#">Read more</a>)</p>	28 June 2013
RECOMMENDATION	<a href="#">2021</a>	<p><i>Tackling discrimination on the grounds of sexual orientation and gender identity</i></p> <p>The PACE referred to its resolution 1948 and, based on a report, it condemned the legislation prohibiting “homosexual propaganda”. (See more below)</p>	27 June 2013

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

### ➤ Themes

#### On World Refugee Day, PACE President deplored ‘unprecedented’ suffering of Syrian refugees (19.06.2013)

Jean-Claude Mignon, President of the PACE, pointed out at the occasion of the World Refugee Day the drastic situation of the Syrian refugees, which reached an unprecedented level of suffering. ([Read more](#))

#### PACE committee called for protection of ‘whistleblowers’ who reveal state wrongdoing (24.06.2013)

The PACE’s Committee on Legal Affairs and Human Rights stated in a draft resolution that “whistleblowers”, who disclose state wrongdoing in the public interest, should be protected from retaliation, provided they acted in good faith and followed procedure. ([Read more](#))

#### After an urgent debate, PACE deplored ‘recent cases of excessive use of force’ to disperse demonstrators (27.06.2013)

Following a debate on “Popular protest and challenges to freedom of assembly, media and speech”, the PACE has reiterated its call on authorities to ensure that police action, where necessary, remains proportionate. ([Read more](#))



### **PACE committee condemned violations of the physical integrity of children (27/06/2013)**

The PACE Committee on Social Affairs, Health and Sustainable Development adopted a report condemning medically unjustified operations or interventions which may have serious consequences for the physical integrity of children such as circumcision of young boys for religious reasons, female genital mutilation, or the submission to or coercion of children into piercings, tattoos or plastic surgery. ([Read more-Adopted report](#))

### **PACE approved draft Protocol No. 16 to the European Convention on Human Rights (28/06/2013)**

The PACE allowed the draft Protocol No. 16 to the European Convention on Human Rights to be adopted by the Committee of Ministers and opened for signature and ratification. The text provides for the possibility for the highest courts in the member states to obtain, from the ECHR, opinions on questions of principle relating to the interpretation or application of rights and freedoms defined in the Convention and its protocols. ([Read more](#))

### **PACE said no to legislation on prohibiting 'homosexual propaganda' (27/06/2013)**

The members of the PACE expressed their clear view that these laws and draft laws, which are at variance with freedom of expression and the prohibition of discrimination on account of sexual orientation and gender identity, “risk legitimising the prejudice and hostility which is present in society and fuelling a climate of hatred against LGBTs”. ([Read more](#))

#### ➤ *Countries*

### **Iran: PACE committee head called for release of human rights defenders as ‘act of reconciliation’ (26/06/2013)**

The Chairperson of PACE’s Committee on Political Affairs and Democracy has transmitted to Iran’s President Hassan Rohani his hope that an act of reconciliation can be achieved as soon as possible, returning to freedom the human rights defenders held in Iranian prisons. ([Read more](#))

### **Morocco: PACE satisfied with the first review of the partnership for democracy with the country’s Parliament (25/06/2013)**

The PACE underlined the “important step taken by Morocco on the path to democratic reform”, in adopting the new constitution, and stressed the importance of continuing the reform process. ([Read more](#)) ([Speech of the President of Morocco’s Assembly of Representatives](#))

### **Palestine: PACE rapporteur called on Hamas to respect promise to PACE on ending executions (24/06/2013)**

After the execution of two so-called ‘collaborators’ made public by the authorities in Gaza, the PACE rapporteur responsible for assessing the ‘Partnership for democracy’, in which the Palestinian National Council (PNC) took upon itself to maintain the moratorium on executions, called on Hamas to respect its obligations. ([Read more](#))

### **Russia: PACE rapporteur expressed concern at ‘Foreign Agents’ Law (25/06/2013)**

The PACE rapporteur on the strengthening the protection and role of human rights defenders, has expressed serious concern at Russia’s “Foreign Agents” legislation. ([Read more](#))

**PACE's rapporteur on Magnitsky case very disappointed with the judgment (11.07.2013)**

The Rapporteur on "Refusing impunity for the killers of Sergei Magnitsky" for the PACE was disappointed at the guilty verdicts pronounced by a Moscow court the 11th of July. ([Read more](#))

**US: PACE rapporteur called on Texas not to execute Kimberly McCarthy (26/06/2013)**

The General Rapporteur on abolition of the death penalty for the PACE invited the US to join the growing consensus among democratic countries that protect human rights and human dignity by abolishing the death penalty. ([Read more](#))

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

### ➤ *Countries*

#### **Justice and reconciliation long overdue in the Balkans (09/07/2013)**

The Commissioner for Human Rights pointed out that reconciliation in the Balkans must come through justice, that is, the effective investigation and prosecution of war-related crimes and the provision of adequate reparation to all war victims ([Read more](#)).

#### **Estonia should eliminate child statelessness (20/06/2013)**

The Commissioner for Human Rights expressed his concerns about the high number of child that remain stateless in Estonia. Releasing a report on the subject, he stated that this situation must be remedied urgently and pointed out a number of problems to be addressed such as corporal punishment, sexual abuse, violence and bullying in schools ([Read more-Report of the Commissioner](#)).

#### **Russian legislation and practice on NGOs should be revised (15/07/2013)**

The Commissioner for Human Rights, releasing an opinion on the legislation of the Russian Federation on non-commercial organisations, stated that this legislation's complexity and the excessive discretion in applying it, may impede the legitimate exercise of two fundamental human rights, such as freedom of expression and association ([Read more-Read the Commissioner's Opinion](#)).

#### **Turkey: police violence must not go unpunished (08/07/2013)**

"All instances of excessive use of force by the police must be fully investigated and adequately punished" recalled Nils Muižnieks, at the end of a visit to Istanbul and Ankara, during which he discussed the Gezi Park events and other human rights issues ([Read more](#)).

### ➤ *Themes*

#### **Secret surveillance must respect human rights (27/06/2013)**

In an opinion editorial published by the Guardian, the Commissioner underscored that privacy is a fundamental human right essential to live in dignity and security, which cannot be forfeited so easily. In this perspective, European states should change the dominant security narrative which implies that privacy is a luxury that can be waived indiscriminately ([Read the article](#)).

#### **Five steps to increase women's safety (10/07/2013)**

In an opinion editorial published by New Europe, the Commissioner warned that violence against women is one of the most widespread and serious human rights violations occurring every day in Europe and further drew the attention of member states to five key areas where gender sensitive measures should be reinforced ([Read the article](#)).

#### **The Srebrenica genocide: victims still await justice (11/07/2013)**

The Commissioner for Human Rights, participating in a commemoration of the Srebrenica genocide underscored that victims and their relatives are still haunted by this act of genocide, as well as by the slow pace of accountability and truth-seeking. He stated, "justice must be done" ([Read more](#)).

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