

SUPERVISION OF THE EXECUTION OF JUDGMENTS AND DECISIONS OF THE EUROPEAN COURT OF HUMAN RIGHTS



7th Annual Report
of the Committee of Ministers
2013

COUNCIL OF EUROPE
COMMITTEE OF MINISTERS

**SUPERVISION OF THE EXECUTION
OF JUDGMENTS AND DECISIONS**
OF THE EUROPEAN COURT
OF HUMAN RIGHTS

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2013

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Table of contents

I. Foreword by the 2013 Chairs of the “Human Rights” meetings	7
II. Remarks by the Director General of the Directorate General of Human Rights and Rule of Law	9
Introduction	9
Continued positive evolution of statistics	9
The efforts to guarantee the long term effectiveness of the system.....	10
Conclusion	12
III. The Committee of Ministers’ supervision of the execution of judgments and decisions – scope and modalities	15
Introduction	15
A. Scope of the supervision	16
B. New supervision modalities: a twin-track approach to improve prioritisation and transparency	19
Generalities	19
Identification of priorities: twin track supervision	19
Continuous supervision based on action plans/reports.....	20
Transparency.....	20
Practical modalities	20
Simplified procedure for the supervision of payment of just satisfaction	21
Necessary measures adopted: end of supervision	22
C. Increased interaction between the Court and the Committee of Ministers	22
D. Friendly settlements	23
IV. Improving the execution process: a permanent reform work	25
A. Guaranteeing long term effectiveness: main trends.....	25
B. The Interlaken – Izmir – Brighton process	26
C. Reinforcement of cooperation activities	30
D. The support provided by the Human Rights Trust Fund	30
Appendix 1: Statistics 2013	33
Introduction	33
A. Overview of developments in the number of cases from 1996 to 2013	35
B. General statistics.....	36
B.1. Pending cases	36
B.2. New cases	37
B.3. Cases closed.....	38

C. Detailed statistics by State for 2013	39
C.1. Development of case load, by State.....	39
C.2. Main cases or groups of cases under enhanced supervision involving important structural and/or complex problems (Classification by state at 31 December 2013).....	42
C.3. Additional statistics at 31 December 2013: Respect of payment deadlines and just satisfaction amounts.....	54
C.4. Additional statistics at 31 December 2013: Respect of payment deadlines, average execution time and new cases decided under Protocol No. 14.....	58
C.5. Main themes under enhanced supervision (On the basis of the number of leading cases).....	61
C.6. Main States with cases under enhanced supervision (On the basis of the number of leading cases).....	61
D. New working methods: Additional statistics	62
1. Classification of new cases	62
2. Results of the classification	62
3. Cases closed.....	63
4. Transfers.....	63
5. Action plans/reports.....	63
6. Cases/groups of cases examined during a meeting – results	64
7. Distribution of leading cases pending classified under enhanced supervision, by state	65
E. Judgments with indications of relevance for execution	66
1. Pilot Judgments final in 2013.....	67
2. Judgments with indications of relevance for the execution (under Article 46) final in 2013.....	68

Appendix 2: Thematic overview of the most important developments occurred in the supervision process in 2013.....	75
Introduction	75
A. Right to life and protection against torture and ill-treatment.....	76
A.1. Actions of security forces	76
A.2. Positive obligation to protect the right to life.....	85
A.3. Ill-treatment – specific situations.....	86
B. Prohibition of slavery and forced labour	87
C. Protection of rights in detention	87
C.1. Poor detention conditions	87
C.2. Unjustified detention and related issues	97
C.3. Detention and other rights	100
D. Issues related to foreigners.....	101
D.1. Unjustified expulsion or refusal of residence permit.....	101
D.2. Detention in view of expulsion	107

E. Access to and efficient functioning of justice.....	110
E.1. Excessive length of judicial proceedings	110
E.2 Lack of access to a court	121
E.3. No or delayed enforcement of domestic judicial decisions	122
E.4. Non-respect of the final character of court judgments	127
E.5. Unfair judicial proceedings – civil rights.....	127
E.6. Unfair judicial proceedings – criminal charges	128
E.7 Limitation on use of restrictions on rights	131
E.8 Organisation of judiciary	133
F. No punishment without law	134
G. Protection of private and family life.....	135
G.1. Home, correspondence and secret surveillance	135
G.2. Respect of physical or moral integrity.....	137
G.3. Disclosure or retention of information in violation of privacy.....	140
G.4. Establishment of paternity.....	141
G.5. Placement of children in public care, custody and access rights	142
H. Cases concerning environmental protection	143
I. Freedom of religion.....	143
J. Freedom of expression and information	143
K. Freedom of assembly and association.....	145
L. Right to marry	148
M. Effective remedies – specific issues	149
N. Protection of property	150
N.1. Expropriations, nationalisations	150
N.2. Disproportionate restrictions to property rights.....	151
O. Right to education	155
P. Electoral rights	155
Q. Freedom of movement.....	158
R. Discrimination.....	158
S. Co-operation with the European Court and respect of right to individual petition	163
T. Inter-State case(s)	164
Appendix 3: Other important developments and texts in 2013	169
1. Implementation of the Brighton Declaration.....	169
Measures to improve the supervision of the execution of the judgments and decisions of the European Court of Human Rights.....	169
2. Measures to improve the supervision of the execution of the judgments and decisions of the Court – (GT-REF.ECHR)	170
I. Introduction	170
II. Consolidated presentation of the means available to the Committee of Ministers when supervising the execution of the Court’s judgments on the basis of existing practices	170

III. Proposals for improvements of the tools at the Committee of Ministers' disposal for its supervision of the execution of the Court's judgments – presented in different contexts but never implemented, or at least not on a regular basis.....	174
3. Individual Application Right before the Turkish Constitutional Court.....	176
4. Ruling of the Plenum of the Supreme Court of the Russian Federation No.21	177

Appendix 4: Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of the friendly settlements..... 179

I. General provisions.....	179
Rule 1	179
Rule 2	179
Rule 3	179
Rule 4	179
Rule 5	180
II. Supervision of the execution of judgments.....	180
Rule 6 – Information to the Committee of Ministers on the execution of the judgment.....	180
Rule 7 – Control intervals	181
Rule 8 – Access to information	181
Rule 9 – Communications to the Committee of Ministers	182
Rule 10 – Referral to the Court for interpretation of a judgment	182
Rule 11 – Infringement proceedings.....	183
III. Supervision of the execution of the terms of friendly settlements.....	183
Rule 12 – Information to the Committee of Ministers on the execution of the terms of the friendly settlement.....	183
Rule 13 – Control intervals	183
Rule 14 – Access to information	184
Rule 15 – Communications to the Committee of Ministers	185
IV. Resolutions.....	185
Rule 16 – Interim Resolutions.....	185
Rule 17 – Final resolution.....	185

Appendix 5: Where to find further information on execution of the ECtHR judgments..... 187

Appendix 6: “Human Rights” meetings and Abbreviations 189

A. Committee of Ministers' HR meetings in 2012 and 2013	189
B. General abbreviations.....	190
C. Country codes	191

Index of cases cited in the thematic overview 193

I. Foreword by the 2013 Chairs of the “Human Rights” meetings

We have seen for the first time in 2013 a decrease in the number of cases pending before the Court and in the number of judgments to be executed pending before the Committee of Ministers. There are undoubtedly many reasons for this positive trend including the impact of the reform process which began at Interlaken.

We are also happy to be able to underline some additional achievements of 2013.

In the first place, there has been solid progress in the execution of judgments (including pilot judgments) concerning important structural or systemic problems. By the end of 2013 important measures required by each pilot judgment had been adopted, even if there was some delay and even if the effectiveness of some of these measures remains to be established.

In addition, the execution of numerous other judgments has led to the adoption of increasingly effective domestic remedies which, in turn, has contributed to a reduction in the number of new and pending repetitive cases. The Committee of Ministers has, consequently, been able to close its supervision of the execution of a record number of judgments this year.

Moreover, dialogue with governments has continued to improve. Of particular note was the welcome participation on several occasions of responsible Ministers at the Human Rights meetings of the Committee of Ministers during which they explained reforms in progress and difficulties encountered. Their attendance is a sign of their Government’s commitment to an effective execution process.

Furthermore, we would highlight the continued support provided, including by the Human Rights Trust Fund, to different Council of Europe cooperation activities, which have helped to speed up and/or improve the execution process. We have also noted the responsiveness of States to invitations by the Committee of Ministers to fully exploit the possibilities offered by these activities.

Finally, 2013 saw an increase in the number of cases examined in detail by the Committee of Ministers. In many cases we feel useful guidance has been provided to the States concerned.

These positive results must not, however, draw attention away from the necessity to continue to improve the execution process and the Committee of Ministers' contribution thereto. A number of important issues remain unresolved. Most importantly, while there has indeed been a decrease in the global number of pending cases, the proportion of cases raising important issues (structural/systemic issues or other complex problems) remains high. The national authorities should continue to address this by improving the application of the Convention in their national legal orders, by reinforcing dialogue between the national authorities and the Strasbourg organs as well as by rapidly adopting effective domestic remedies.

Any summary of 2013 would not be complete without mentioning the action taken following the Interlaken, Izmir and Brighton conferences to ensure the necessary reform of the Convention system in the light of present day needs. The Committee of Ministers adopted Protocol Nos. 15 and 16 in 2013 and these are now open for signature and ratification. It has continued its scrutiny of a number of more general execution issues: these are described in section IV of this Annual Report. It has also kept under review the tools at its disposal to ensure a timely and efficient execution of the Court's judgments. Moreover, it takes a particular interest in the continuing work of the CDDH on the long-term future of the Court and, in this respect it will also follow the work of the forthcoming Oslo Conference to be held in April 2014.

We would hope that the above-described positive trends will continue in 2014. This requires the political will to overcome the ongoing challenges to the Convention system including the lingering economic crisis and political concerns. We trust that our successors will ensure that the commitment demonstrated by the States in 2013 remains unwavering.

Armenia
Mr Armen Papikyan

Austria
Mr Rudolf Lennkh

Azerbaijan
Mr Emin Eyyubov

II. Remarks by the Director General of the Directorate General of Human Rights and Rule of Law

Introduction

The Convention has ever since its inception been considered, by the old Commission¹ as well as by the Court, as an important, even constitutional, element of European public order. The Convention has also been an essential instrument for the promotion of European cooperation and unification. Over the years it is, however, another aspect which has attracted primary attention, the success of the right of individual petition and the ever increasing number of cases brought before the Court. This aspect has also tainted the work of the Committee of Ministers as all cases concluding that there have been violations of the Convention, or in which the Court has accepted friendly settlements, have come before it for supervision of their execution. For many decades there has thus been a steady increase in the number of cases brought before the Convention organs, and this to the extent of threatening to suffocate the system. This situation has raised concerns, in particular as regards the domestic capacities to ensure rapid execution of the Court's judgments, and the effectiveness of domestic remedies.

The member States, supported by the Committee of Ministers, have in response deployed great efforts to come to grips with these problems and guarantee the long term effectiveness of the system, in particular since 2000 and the Ministerial Conference in Rome, celebrating the 50th anniversary of the Convention. This work has received new impetus since 2010 through the Interlaken process and the strong emphasis put on the principle of subsidiarity. An outline of the main developments is found in Section IV of this report.

Continued positive evolution of statistics

The annual reports 2011-2012 provided indications that positive results had started to come. The 2013 report confirms the trend and reveals a first decrease ever² in the total number of pending cases and an all-time high in the number of cases closed through final resolutions. In addition, it is a welcome signal that the decrease in the number of repetitive cases in which the Court has been compelled to render a judgment has continued. The statistics 2013 further reveal improvements of the respect of payment deadlines and confirm the trend that new cases are rapidly executed.

These positive trends echo those relating to the situation in the Court where a first decrease in the total number of pending cases has also been noted in 2013.

1. Abolished by Protocol No. 11.

2. Leaving aside the very first years of the Court's functioning when cases came sporadically.

The statistics reveal, however, that the execution of leading cases, i.e. cases revealing structural problems in a country, and thus requiring general measures, remains a major challenge. The number of pending leading cases has thus continued to increase as a result of the fact that the number of new leading cases continued to be higher than the number of closed cases. It is, however, noteworthy, that the increase was less important than in 2012 and that the Court produced less such cases this year than earlier years. Time will show whether this last development is a new trend or simply linked to fortuitous circumstances. It is moreover noteworthy that the number of *old*³ pending leading cases has also slightly increased. The statistics finally reveal that, even if the total number of pending repetitive cases is on the decrease, such cases remain frequent. Obviously more has to be done.

The efforts to guarantee the long term effectiveness of the system

The progress evidenced through the statistics invites an examination of recent developments as regards the efforts to guarantee the long term effectiveness of the Convention system. These developments appear promising.

The domestic capacities to ensure a rapid execution of the Court's judgments, the importance of which was also underlined in Committee of Ministers' Recommendation (2008)2, are constantly improving.

Among improvements figure prominently the effort undertaken by the "coordinators" (frequently the government agents), in order to define and coordinate execution actions required, and rapidly present action plans to the Committee of Ministers. Indeed, as is evident from the statistics, action plans are today regularly and rapidly received in almost all cases.

Domestic remedies are also being improved. This development is supported in a number of different ways, notably through: the execution of numerous judgments in which the Court has pinpointed shortcomings in the effectiveness of existing remedies; the Committee of Minister's insistence that the obligation to take general measures includes also to ensure the effectiveness of domestic remedies; the numerous training activities organised by the Council of Europe, including through the HELP program. Protocol N° 16 will offer additional support in this context. It is noteworthy that the effectiveness of domestic remedies has received special attention in several pilot judgments in view of the high risk of repetitive cases in the areas concerned: unreasonably lengthy proceedings, non-execution of judicial decisions, detention conditions and different issues linked with the right of property. Two important recent examples of initiatives to improve the effectiveness of domestic remedies, one concerning the Russian Federation, the other Turkey, are presented in Appendix 4.

From this perspective, it has been most encouraging to note the commitment demonstrated, both by states and by the Committee of Ministers, to ensure the execution of pilot judgments. Indeed, as matters stand today no pilot judgment

3. Pending before the Committee of Ministers for more than 5 years – see table C4 of appendix 1.

is unexecuted. The measures specifically prescribed by the Court in the operative provisions have all been taken, even if this has in certain cases taken a long time. What is now at issue is the real effectiveness of the measures taken as well as the possible need for additional measures to fully address the structural problems identified. This obviously underlines the importance of efficient domestic follow-up in the form of monitoring of progress, training activities and ensuring the availability of necessary resources. This positive development in the execution of pilot judgment underlines the potential of pilot judgments to support ongoing execution processes, in particular as regards the handling of repetitive applications. This support is not limited to the respondent states. Experience shows that pilot judgments serve as particularly important sources of inspiration also in other states confronted with similar problems.

Also outside of the pilot judgments - which remain rare - the Committee of Ministers and the Court have continued their efforts to provide relevant assistance to the States with a view to assist in the speedy solution of structural problems. The Committee of Ministers has thus, through the new working methods, increased its dialogue with the respondent states on important execution issues. Indeed, 2013 has seen yet an increase in this dialogue with more decisions concerning more states than earlier years. 114 cases / groups of cases concerning 27 states were thus the object of a more detailed examination with a view to assist execution (in 2012 it was 110 cases / groups of cases concerning 26 states and in 2011 it was 97 cases / groups of cases concerning 24 states). Also the Court has continued to deploy special efforts to assist execution by including in certain judgments, with reference to Article 46, different indications of relevance for the solution of structural problems⁴. This immediate support, from the Court already in the judgment, has been well received both by the states concerned and the Committee of Ministers when supervising execution of the Court's judgments, even if it is evident that many choices and problems appear only once the execution process has been engaged. This year's report presents relevant Court judgments, final in 2013, in a special section of the statistics, Section E.

Since a few years, these efforts are further supported by an increase in targeted cooperation activities. Those involving the Department for the execution of the Court's judgments are of particular relevance as they can precisely target the problems encountered and be organised speedily. The latter aspect is frequently crucial for successful execution. The Department's activities have also seen an increase in 2013, with continued support by the Human Rights Trust Fund. Experiences continue to be very encouraging. The Committee of Ministers has, in parallel, started to invite states, in more complex situations, to take full advantage of the Council of Europe's more general cooperation programs. Methods to better exploit possible synergies are also being established with the cooperation of the Department for the execution of the judgments of the Court. Cooperation with the Venice Commission has also been promoted in certain situations.

More generally, states constantly profit from the advice, opinions and recommendations of the Council of Europe's different expert bodies when seeking good solutions to structural problems revealed by the Court's judgments. The supervision

4. 17 such judgments thus became final in 2013, 28 in 2012, 22 in 2011 and 11 in 2010.

of execution provides frequently an interesting avenue to promote the taking into account of these additional means of assistance.

A further notable development is the increasing practice of government to keep, as appropriate, their parliaments informed of the situation concerning execution of judgments and the measures being taken in this regard. Such practices have been advocated by the Committee of Ministers in the above mentioned Recommendation (2008)² and supplement the Parliamentary Assembly's calls, notably in Resolution 1823(2011) (recently repeated in Resolution 1914(2013)), on national parliaments to monitor the effective implementation of the Convention standards at national level, and in particular to ensure that competent parliamentary committees are actively involved in the execution of the Court's pilot judgments and other judgments revealing structural problems. Numerous parliaments have already given effect to these calls. In line herewith, the Assembly has also started a training program in 2013, including visits to Strasbourg, for legal officers in charge of providing relevant parliamentary committee's with advice on Convention issues, including as regards the execution of the Court's judgments.

Lastly, I would like to highlight the increase in activity by civil society to assist execution. One expression hereof has been the increase in communications to the Committee of Ministers addressing different execution issues raised in pending cases. The number of such communications more than doubled in 2013. It may be noted that the timely submission of such communications has been largely facilitated by the Committee of Ministers' decision in January 2013 (see appendix 3) to publish well in advance the list of cases proposed for detailed examination at its meetings.

Conclusion

Even if there are still considerable challenges, notably to ensure the timely execution of cases revealing structural problems, important progress has been achieved. Whether the existing toolbox at the Committee of Ministers' disposal, described in document GT-REF-ECHR(2013)² rev 2 (presented in Appendix 5) is sufficient is presently under examination. The CDDH has already made a number of proposals for further measures (see document CDDH(2013)R79 Addendum I) and these have presently been sent to the Court for comments.

In this connection I have noted with satisfaction the recognition of the importance of the work of the Department for the execution of the judgments of the Court, both as regards the support it provides to the Committee of Ministers' supervision of execution and as regards its capacity to rapidly meet the frequent demands for targeted assistance activities (whether bi- or multilateral). I have, however, myself noted the frequent difficult choices the Department has to make between these two activities, both vital for efficient execution, as a result of the frequency of the HR meetings, the number of cases to be prepared for a detailed examination and the limited staff resources available. In the light hereof, I have noted with interest the CDDH's suggestion that the Committee of Ministers examine whether there is a need to reinforce the staff and information technology capacity of the Department (CDDH(2013)R79 Addendum I). Indeed, recommendations in the same direction were also made by the external audit by the French "Cour des Comptes" (CM(2013)100).

The audit recommended that, on account of the very nature of the tasks carried out by the Department, its permanent staff resources should be increased and its mandate revised by the Council to better clarify the Department's double role of providing advice to the Committee of Ministers and support to national authorities in their efforts to execute the judgments of the Court.

In the light hereof it is with great interest that we will all take cognizance of Committee of Ministers' examination of the results of the relevance of the progress made so far, notably in the context of the mandate it has given to the CDDH to consider the future of the European Court, starting with the oncoming Oslo conference on 7-8 April 2014.

III. The Committee of Ministers' supervision of the execution of judgments and decisions – scope and modalities

Introduction

1. The efficiency of execution of judgments and of the Committee of Ministers' supervision thereof (generally, carried out at the level of the Minister's Deputies) have been at the heart of the efforts over the last decade to guarantee the long term efficiency of the Convention system (see also Chapter IV). The Committee of Ministers thus reaffirmed at its 120th session in May 2010, in the pursuit of the Interlaken process started at the Interlaken High Level Conference in February 2010 (see Chapter IV), *"that prompt and effective execution of the judgments and decisions delivered by the Court is essential for the credibility and effectiveness of the Convention system and a determining factor in reducing the pressure on the Court."* The Committee added that *"this requires the joint efforts of member States and the Committee of Ministers"*.
2. As a consequence, the Committee of Ministers instructed its Deputies to step up their efforts to make execution supervision more effective and transparent. In line herewith the Deputies adopted new modalities for the supervision process as from 1 January 2011 (see section B below). As noted in the Annual Report 2011, these new modalities have proven their value and the Deputies confirmed them in December 2011.
3. The above efforts and developments have not changed the main elements of the obligation to abide by the Court's judgments. These have thus largely remained the same: redress must be provided to the individual applicant and further similar violations prevented. Certain developments have, nevertheless taken place. The continuing problem of repetitive cases has e.g. attracted the attention on the importance of prevention of new violations, including by rapidly setting up effective remedies.
4. The necessity of further developments of the Committee of Ministers' supervision procedure was discussed at the High Level Conference in Brighton in April 2012.
5. In the context of the follow-up to this conference the Committee of Ministers is considering the issue of tools at its disposal in order to ensure timely execution of the Court's judgments and the possible need of more efficient tools. The first results of the examination became available in December 2012 and in January and May 2013 (see Appendix 3, item 4). A number of issues linked with the supervision of execution have also been examined, or are being examined, by the inter-governmental steering committee for human rights – the CDDH. More details regarding the on-going reforms are found in Chapter IV.

6. The statistics for 2013 confirm the Committee of Ministers positive assessment in 2012, and notably that the priority system for examination of cases, inherent to the new twin-track supervision procedure, enables the Committee of Ministers to more efficiently focus its supervision effort. In fact, after the classifications made at the last HR meeting 2013 (3-5 December 2013), 22% (330 out of 1 469) leading cases pending before the Committee of Ministers for supervision of their execution were classified under enhanced supervision. The importance of this enhanced supervision procedure was underlined by the fact that these 22% were generating a significant number of repetitive cases, i.e. 63% (6 699) out of the total number of pending cases (10 642). Further statistics are presented in Appendix 1.

A. Scope of the supervision

7. The main features of the Contracting States' undertaking "*to abide by the final judgment of the Court in any case to which they are parties*" are defined in the Committee of Ministers' Rules of Procedure⁵ (Rule 6.2). The measures to be taken are of two types.

8. The first type of measures – **individual measures** – concern the applicants. They relate to the obligation to erase the consequences suffered by them because of the violations established so as to achieve, as far as possible, *restitutio in integrum*.

9. The second type of measures – **general measures** – relate to the obligation to prevent violations similar to that or those found or putting an end to continuing violations. In certain circumstances they may also concern the setting up of remedies to deal with violations already committed (see also §36).

10. The obligation to take individual measures and provide redress to the applicant has two aspects. The first is, for the State, to provide any just satisfaction - normally a sum of money - which the Court may have awarded the applicant under Article 41 of the Convention.

11. The second aspect relates to the fact that the consequences of a violation for the applicants are not always adequately remedied by the mere award of a just satisfaction by the Court or the finding of a violation. Depending on the circumstances, the basic obligation of achieving, as far as possible, *restitutio in integrum* may thus require further actions, involving for example the reopening of unfair criminal proceedings, the destruction of information gathered in breach of the right to privacy, the enforcement of an unenforced domestic judgment or the revocation of a deportation order issued against an alien despite a real risk of torture or other forms of ill-treatment in the country of destination. The Committee of Ministers issued a specific recommendation to member States in 2000 inviting them "*to ensure that there exist at national level adequate possibilities to achieve, as far as possible, 'restitutio in integrum'*" and, in particular, "*adequate possibilities of re-examination of the case,*

5. Called, since 2006, "Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements".

including reopening of proceedings, in instances where the Court has found a violation of the Convention” (Recommendation No. R(2000)2)⁶.

12. The obligation to take general measures aims at preventing violations similar to the one(s) found and may, depending on the circumstances, imply a review of legislation, regulations and/or judicial practice. Some cases may even involve constitutional changes. In addition, other kinds of measures may be required such as the refurbishing of a prison, increase in the number of judges or prison personnel or improvements of administrative procedures.

13. When examining general measures today, the Committee of Ministers pays particular attention to the efficiency of domestic remedies, in particular where the judgment reveals⁷ important structural problems (see also as regards the Court Section C below). The Committee also expects competent authorities to take different provisional measures, notably to find solutions to possible other cases pending before the Court⁸ and, more generally, to prevent as far as possible new similar violations, pending the adoption of more comprehensive or definitive reforms.

14. These developments are intimately linked with the efforts to ensure that execution supervision contributes to limit the important problem of repetitive cases in line with Recommendations CM/Rec(2004)6 and CM/Rec(2010)3 on domestic remedies and the recent developments of the Court’s case-law as regards the requirements of Article 46, notably in different “pilot judgments” adopted to support on-going execution processes (see Section C below).

15. In addition to the above considerations, the scope of the execution measures required is defined in each case on the basis of the conclusions of the European Court in its judgment, considered in the light of the Court’s case-law and Committee of Ministers practice⁹, and relevant information about the domestic situation. In certain situations, it may be necessary to await further decisions by the Court clarifying outstanding issues.

16. As regards the payment of just satisfaction, the execution conditions are usually laid down with considerable detail in the Court’s judgments (deadline, recipient, currency, default interest, etc.). Payment may nevertheless raise complex issues, e.g. as regards the validity of powers of attorney, the acceptability of the exchange rate used, the incidence of important devaluations of the currency of payment, the

6. Cf. Recommendation No. R(2000)2 on the re-examination or reopening of certain cases at domestic level following judgments of the European Court of Human Rights and Explanatory memorandum.

7. Whether as a result of the Court’s findings in the judgment itself or of other information brought forward during the Committee of Ministers’ examination of the case, *inter alia* by the respondent state itself.

8. Measures accepted by the Court include, besides the adoption of effective domestic remedies, also practices aiming at the conclusion of friendly settlements and/or adoption of unilateral declarations (see also the Committee of Ministers’ resolution Res(2002)59 concerning the practice in respect of friendly settlements).

9. See e.g. the judgments of the Court in the case of *Broniowski v. Poland*, judgment of 22/06/2004, § 194, in *Ramadhi v. Albania*, judgment of 13/11/2007, § 94, in *Scordino v. Italy*, judgment of 29/03/2006, § 237.

acceptability of seizure and taxation of the sums awarded etc. Existing Committee of Ministers practice on these and other frequent issues is detailed in a memorandum prepared by the Department for the execution of judgments of the Court (document CM/Inf/DH(2008)7final).

17. As regards the nature and the scope of other execution measures, whether individual or general, the judgments are generally silent. As stressed by the Court on numerous occasions, it belongs in principle to the respondent State to identify these measures under the Committee of Ministers' supervision. In this respect, national authorities may, in particular, find inspiration in the important practice developed over the years by other States, and in relevant Committee of Ministers recommendations. In an increasing number of cases, the judgment of the Court will also seek to provide assistance – so called “judgments with indication of interest for execution (under Article 46)”. In certain situations, the Court will even indicate specific execution measures (see below section C.).

18. This situation can be explained by the principle of subsidiarity, according to which respondent States are, in principle, free to choose the means to be put in place in order to meet their obligations under the Convention. However this freedom goes hand-in-hand with the Committee of Ministers' control. As a consequence, in the course of its execution supervision, the Committee of Ministers, may adopt, if necessary, decisions or Interim Resolutions in view of taking stock of the execution progress, and, where appropriate, encourage or express its concerns, make recommendations or give directions with respect to execution measures required.

19. The direct effect more and more frequently granted to the European Court's judgments by the domestic courts and national authorities, greatly facilitates the adoption of the necessary execution measures, both as regards adequate individual redress and rapid development of domestic law and practices to prevent similar violations, including by improving the efficiency of domestic remedies. Where execution through such direct effect is not possible, other avenues will have to be pursued, most frequently legislative or regulatory.

20. The Directorate General of Human Rights and Rule of Law, represented by the Department for the Execution of Judgments of the European Court, assists the Committee of Ministers with the supervision of the measures taken by the States in the execution of the Court's judgments¹⁰. The States can, in the context of their reflection on the needed execution measures, request different forms of support from the Department (advice, legal expertise, round tables and other targeted cooperation activities).

10. In so doing the Directorate General continues a tradition which has existed ever since the creation of the Convention system. By providing advice based on its knowledge of the practice in the field of execution over the years and of the Convention requirements in general, the Directorate General contributes, in particular, to the consistency and coherence of state practice in execution matters and of the Committee of Ministers' supervision of execution.

B. New supervision modalities: a twin-track approach to improve prioritisation and transparency

Generalities

21. The new modalities for the Committee of Ministers' supervision, developed in response to the Interlaken process, remain within the more general framework set by the Rules adopted by the Committee of Ministers in 2006¹¹. As from their entry into force in 2011, they have brought important changes to the working methods applied since 2004 in order to improve efficiency and transparency of the supervision process¹².

22. The new 2011 modalities stress the subsidiary nature of the supervision and thus the leadership role that national authorities, i.e. governments, courts and parliaments must play in defining and securing rapid implementation of required execution measures.

Identification of priorities: twin track supervision

23. In order to meet the call for increased efficiency the new modalities provide for a new twin track supervision system allowing the Committee to concentrate on deserving cases under what is called "enhanced supervision". Other cases will be dealt with under "standard supervision". The new modalities thus also give more concrete effect to the existing priority requirement in the Rules (Rule 4).

24. The cases which from the outset are liable to come under "enhanced supervision" are identified on the basis of the following criteria:

- ▶ Cases requiring urgent individual measures;
- ▶ Pilot judgments;
- ▶ Judgments otherwise disclosing major structural and/or complex problems as identified by the Court and/or by the Committee of Ministers;
- ▶ Interstate cases.

The classification decision is taken at the first presentation of the case to the Committee of Ministers.

25. The Committee of Ministers may also decide at any phase of the supervision procedure to examine any case under the enhanced procedure upon request of a member State or the Secretariat (see also paragraph 32 below). Similarly, a case under enhanced supervision may subsequently be transferred to standard supervision

11. The currently applicable Rules were adopted on 10/05/2006 (964th meeting of the Ministers' Deputies). On this occasion the Deputies also decided "*bearing in mind their wish that these rules be applicable with immediate effect to the extent that they do not depend on the entry into force of Protocol No. 14 to the European Convention on Human Rights, that these rules shall take effect as from the date of their adoption, as necessary by applying them mutatis mutandis to the existing provisions of the Convention, with the exception of Rules 10 and 11*". As a result of the Russian ratification of Protocol No. 14, the rules in their entirety entered into force on 1 June 2010.

12. The documents which explain the reform more in depth are presented on the Committee of Ministers web site and on the web site of the Department for the Execution of Judgments and decisions of the European Court (see notably CM/Inf/DH(2010)37 and CM/Inf/DH(2010)45 final).

when the developments of the national execution process no longer justify an enhanced supervision

Continuous supervision based on action plans/reports

26. The new working methods of 2011 have introduced a *new, continuous supervision* of the execution process. Indeed, all cases are under the permanent supervision of the Committee of Ministers which should receive, in real time, relevant information concerning the execution progress. Insofar as, in addition, all cases are now considered as being inscribed on the agenda of all Human Rights meetings and may also be inscribed on the agenda of ordinary meetings, the Committee can respond rapidly to developments where necessary.

27. The new modalities also confirm the development that the Committee of Ministers' supervision is to be based on *action plans* or *action reports* prepared by competent State authorities¹³. The action plans/reports present and explain the measures planned or taken in response to the violation(s) established by the European Court and should be submitted as soon as possible and, in any event, not later than 6 months after a judgment or decision has become final.

Transparency

28. In response to the call for increased transparency, the Committee of Ministers has decided that such plans and reports, together with other relevant information provided *will be promptly, made public (...), except where a motivated request for confidentiality is made at the time of submitting the information*, in which case it may be necessary to await the next Human Rights meeting to allow the Committee to decide the matter (see Rule 8 and decision taken at the 1100th Human Rights meeting, item "e").

29. The information received is in principle published on the web. This rule allows national parliaments, different State authorities, lawyers, representatives of civil society, national institutions for the promotion and protection of human rights, applicants and other interested persons to follow closely the development of the execution process in the different cases pending before the Committee. The applicants' submissions should in principle be limited to matters relating to the payment of just satisfaction and to possible individual measures (Rule 9).

30. As from 2013, the Committee of Ministers publishes also some 3-4 weeks before each HR meeting, the indicative list of cases proposed to be inscribed for detailed examination at the HR meeting.

Practical modalities

31. Under the framework of the *"standard supervision" procedure*, the Committee of Ministers' intervention is limited. Such intervention is provided for solely to confirm, when the case is first put on the agenda, that it is to be dealt with under

13. This system was partially put in place already in June 2009 as the Committee of Ministers formally invited States to henceforth provide, within six months of a judgment becoming final, an action plan or an action report as defined in document CM/Inf/DH(2009)29rev.

this procedure, and, subsequently, to take formal note of action plans/reports. Developments are, however, closely followed by the Department for execution of judgments. Information received and evaluations made by the Department are circulated as rapidly as possible in order to ensure that the Committee of Ministers can promptly intervene in case of need and *transfer the case* to the “enhanced supervision” procedure to define appropriate responses to new developments.

32. The classification under the “*enhanced supervision*” procedure, ensures that the progress of execution is closely followed by the Committee of Ministers and facilitates the support of domestic execution processes, e.g. in the form of adoption of specific decisions or interim resolutions expressing satisfaction, encouragement or concern, and/or providing suggestions and recommendations as to appropriate execution measures (Rule 17). The Committee of Ministers’ interventions may, depending on the circumstances, take other forms, such as declarations by the Chair or high-level meetings. The necessity of translating relevant texts into the language(s) of the State concerned and ensuring their adequate dissemination is frequently underlined (see also Recommendation CM/Rec(2008)2).

33. At the request of the authorities or of the Committee, the Department may also be led to contribute through various targeted cooperation and assistance activities (legislative expertise, consultancy visits, bilateral meetings, working sessions with competent national authorities, round-tables, etc.). Such activities are of particular importance for the cases under enhanced supervision.

Simplified procedure for the supervision of payment of just satisfaction

34. As regards *the payment of just satisfaction*, supervision has been simplified under the new working methods of 2011 and greater importance has been laid on applicants’ responsibility to inform the Committee of Ministers in case of problems. This way, the Department for the execution of the Court’s judgments limits itself in principle to register the payments of the capital sums awarded by the Court, and, in case of late payment, of the default interest due. Once this information has been received and registered the cases concerned are presented under a special heading on the Department’s website (www.coe.int/execution) indicating that the applicants now have two months to bring any complaints to the attention of the Department. Applicants have before had been informed through the letters accompanying the European Court’s judgments that *it is henceforth their responsibility to rapidly react to any apparent shortcoming* in the payment, as registered and published. If such complaints are received, the payment will be subject to a special examination by the Department, and if necessary, the Committee of Ministers itself.

35. If no complaint has been received within the two months deadline, the issue of payment of just satisfaction is considered closed. It is recalled that the site devoted to payment questions is now available in different languages (Albanian, French, Greek, Romanian, Russian and English- further language versions are under way).

Necessary measures adopted: end of supervision

36. When the respondent State considers that *all necessary execution measures have been taken*, it submits to the Committee a final action report proposing the closure of the supervision. Then starts running a six month period within which other States may submit possible comments or questions as regards the measures adopted and their ability to fully ensure the execution. To assist the Committee, the Secretariat also makes a detailed evaluation of the action report. If its evaluation is consistent with the one submitted by the authorities of the respondent State, a draft final resolution will thereafter be presented to the Committee for its adoption. If a divergence remains, it is submitted to the Committee for consideration of the issue(s) raised. When the Committee considers that all the necessary execution measures have been taken, the supervision concludes with the adoption of a *final resolution* (Rule 17).

C. Increased interaction between the Court and the Committee of Ministers

37. The European Court's interaction with the Committee of Ministers, in implementing Article 46, is constantly evolving. For several years now, the Court contributes to the execution process more and more frequently and in various ways, e.g. by providing, itself, in its judgments, recommendations as to relevant execution measures ("pilot" judgments and "judgments with indication of interest for execution (under Article 46)" in that the Court considers different questions linked with execution without resorting to a full-fledged pilot judgment procedure) or more recently by providing relevant information in letters addressed to the Committee of Ministers.

38. Today, the European Court thus provides such recommendations notably in respect of individual measures in a growing number of cases. Pursuant to Article 46, it may in certain circumstances, also decide the effect that should be given to the violation finding, order directly the adoption of relevant measures and fix the time limit within which the action should be undertaken. For example, in case of arbitrary detention, *restitutio in integrum* will necessarily require, among other things, release from detention. Thus, in several cases, the Court has ordered immediate release of the applicant¹⁴.

39. Moreover, in the context of general measures, notably in the "pilot" judgment procedure, the Court examines nowadays in more detail the causes behind the structural problems, with a view to making, where appropriate, recommendations or more detailed indications, and even require the adoption of certain measures within specific deadlines (see Rule 61 of the Rules of Court). In this context, to support more complex execution processes, the Court has used the "pilot" judgment procedure

14. See *Assanidze v. Georgia*, No. 71503/01, judgment of 08/04/2004, *Ilascu v. Republic of Moldova and Russian Federation*, No. 48787/99, judgment of 08/07/2004 and *Fatullayev v. Azerbaijan*, No. 40984/07, judgment of 22/04/2010.

across a range of contexts¹⁵, generating, or risking to generate, an important number of repetitive cases, notably in order to insist on the rapid setting up of effective domestic remedies and to find solutions for already pending cases¹⁶. (*For further information on “Pilot” judgments and other judgments with indications of interest for execution, under Article 46, brought before the Committee of Ministers in 2013, see the E. table below*).

40. The improved prioritisation in the framework of the new working modalities and the development of the Court’s practices, in particular as regards “pilot” judgment procedures, appear to make it possible to limit significantly the number of repetitive cases linked to important structural problems (especially where “pilot” judgment procedures are combined with the “freezing” of the examination of all similar pending applications).

D. Friendly settlements

41. The supervision of the respect of undertakings made by States in friendly settlements accepted by the European Court follows in principle the same procedure as the one outlined above.

15. See for instance *Broniowski v. Poland* (application No. 31443/96; Grand Chamber judgment of 22/06/2004 – pilot judgment procedure brought to an end on 06/10/2008); *Hutten-Czapska v. Poland* (application no. 35014/97, Grand Chamber judgment of 19/06/2006 and Grand Chamber friendly settlement of 28/04/2008).

16. See e.g. *Burdov No. 2 v. Russian Federation*, No. 33509/04, judgment of 15/01/2009; *Olaru v. Republic of Moldova*, No. 476/07, judgment of 28/07/2009 and *Yuriy Nikolayevich Ivanov v. Ukraine*, No. 40450/04, judgment of 15/10/2009.

IV. Improving the execution process: a permanent reform work

A. Guaranteeing long term effectiveness: main trends

1. The main developments affecting the Convention for the Protection of Human Rights and Fundamental Freedoms (the Convention), leading to the present system, put in place by Protocol No. 11 in 1998, have been briefly described in previous Annual reports.

2. The increasing pressure on the Convention system has, however, led to further efforts to ensure the longterm effectiveness of the system. The starting point for these new efforts was the Ministerial Conference in Rome in November 2000 which celebrated the 50th anniversary of the Convention. The three main avenues followed since then have been to improve:

- ▶ the domestic implementation of the Convention in general;
- ▶ the efficiency of the procedures before the European Court of Human Rights (the Court);
- ▶ the execution of the Court's judgments and its supervision by the Committee of Ministers.

3. The importance of these three lines of action has been regularly emphasised at ministerial meetings and also at the Council of Europe's 3rd Summit in Warsaw in 2005 and in the ensuing plan of action. A big part of the implementing work was entrusted to the Steering Committee on Human Rights (CDDH). Since 2000 the CDDH has presented a number of different proposals. These in particular led the Committee of Ministers to:

- ▶ adopt seven recommendations to states on various measures to improve the national implementation of the Convention¹⁷, including in the context of execution of judgments of the Court;

17. Recommendation No. R(2000)2 on the re-examination or reopening of certain cases at domestic level following judgments of the European Court of Human Rights;
– Recommendation Rec(2002)13 on the publication and dissemination in the member states of the text of the European Convention on Human Rights and of the case-law of the European Court of Human Rights;
– Recommendation Rec(2004)4 on the European Convention on Human Rights in university education and professional training;
– Recommendation Rec(2004)5 on the verification of the compatibility of draft laws, existing laws and administrative practice with the standards laid down in the European Convention on Human Rights;
– Recommendation Rec(2004)6 on the improvement of domestic remedies.

- ▶ adopt Protocol No. 14¹⁸, both improving the procedures before the Court and providing the Committee of Ministers with certain new powers for the supervision of execution (in particular the possibility to lodge with the Court requests for the interpretation of judgments and to bring infringement proceedings in case of refusal to abide by a judgment) ;
- ▶ adopt new rules for the supervision of the execution of judgments and of the terms of friendly settlements (adopted in 2000, with further important amendments in 2006) in parallel with the development of the Committee of Ministers' working methods;
- ▶ reinforce subsidiarity by inviting states in 2009 to submit (at the latest six months after a certain judgment has become final) action plans and/or action reports (covering both individual and general measures), today regularly required in the context of the new 2011 supervision modalities agreed.

4. Relevant texts are published on the web site of the Department for the Execution of Judgments of the Court. Further details with respect to the developments of the Rules and working methods are found in Chapter III and also in previous Annual reports

B. The Interlaken – Izmir – Brighton process

5. Shortly after adoption of Protocol no. 14, the Warsaw Summit invited a Group of Wise Persons to report to the Committee of Ministers on the long-term effectiveness of the Convention control mechanism. Follow-up to this report, presented in November 2006, was impaired by the continuing non-entry into force of Protocol No. 14. Fresh impetus was, however, received as a result of the High Level Conference on the future of the Court, organised by the Swiss Chairmanship of the Committee of Ministers in Interlaken in February 2010. On the eve of the conference, the final ratification of Protocol 14 was received, so that the Protocol could enter into force. The declaration and action plan adopted at the Interlaken Conference have had an

The status of implementation of these five recommendations has been evaluated by the CDDH. Civil society was invited to assist the governmental experts in this evaluation (see doc. CDDH(2006)008 Add.1). A certain follow-up also takes place in the context of the supervision of the execution of the Court's judgments. Subsequently the Committee of Ministers has adopted a special recommendation regarding the improvement of execution:

- Recommendation CM/Rec(2008)2 on efficient domestic capacity for rapid execution of judgments of the European Court of Human Rights.

- Recommendation CM/Rec(2010)3 on effective remedies for excessive length of proceedings.

In addition to these recommendations to member states, the Committee of Ministers has also adopted a number of resolutions addressed to the Court:

- Resolution Res(2002)58 on the publication and dissemination of the case-law of the Court;
- Resolution Res(2002)59 concerning the practice in respect of friendly settlements;
- Resolution Res(2004)3 on judgments revealing an underlying systemic problem,

as well as in 2013 the following non-binding instruments intended to assist national implementation of the Convention:

- a Guide to good practice in respect of domestic remedies;
- a Toolkit to inform public officials about the State's obligations under the Convention.

18. This Protocol, now ratified by all contracting parties to the Convention, entered into force on 1st June 2010. A general overview of major consequences of the entry into force of the Protocol No. 14 is presented in the information document DGHL-Exec/Inf(2010)1.

important follow up, supported and developed by the Izmir Conference, organised by the Turkish Chairmanship of the Committee of Ministers, and the Brighton Conference, organised by the Chairmanship of the United Kingdom. The results of these conferences have been endorsed by the Committee of Ministers at its ministerial sessions, including a number of operational decisions following the Brighton Conference.

The national dimension of this development has been underlined by the special conferences organised by successive Chairs of the CM, recently by the Ukrainian Chairmanship (Kiyv Conference, see AR 2011) and the Albanian Chairmanship (Tirana Conference 2012). The 2013 Chairs of the CM have all had as a common priority to bring the Council of Europe closer to the citizens, notably by ensuring transparent information, rigorous training and education in human rights.

6. On a practical level, the new reform process has considered a wide range of issues such as the implementation of the Convention at domestic level (including notably awareness raising, effective remedies, the implementation of the different recommendations adopted by the Committee of Ministers and co-ordination with other mechanisms, activities and programmes of the Council of Europe); the scope of the right of individual petition (including access to the Court and the admissibility criteria); the functioning of the Court (notably the filtering of applications and the pursuit of the policy of identifying priorities for dealing with cases and of identification in judgments of structural problems); the handling of repetitive applications by the States (including the facilitation of friendly settlements and unilateral declarations, good co-operation with the Committee of Ministers in order rapidly to adopt the general measures required and, the Committee of Ministers bringing about a cooperative approach including all relevant parts of the Council of Europe) and by the Court (including possible new procedural approaches); the supervision of the execution of judgments (making supervision more effective and transparent) and the possibilities of simplified procedures for amending the Convention. Many of the above themes are interlinked.

7. Among the first results was the Minister's Deputies' adoption in December 2010 of new working methods as from 1 January 2011, notably resting on a new twin-track system for better prioritisation of supervision, emphasising in particular judgments revealing important structural problems, including pilot judgments. Further details about the new modalities are given in Chapter III, Section B above¹⁹.

8. In parallel, the CDDH presented in December 2010 its final report "on measures that result from the Interlaken Declaration that *do not require* amendment of the Convention"²⁰. Among these figured a number of issues related to the execution of judgments and the Committee of Minister's supervision thereof; notably the possibility of extending execution supervision also to cases closed by the Court with decisions on the basis of unilateral declarations by the government of the respondent state. This proposal was, however, not taken up by the Committee.

19. The documents at the basis of the reform are available on the Committee of Ministers web site and on the web site of the Department for the Execution of Judgments and decisions of the Court (see notably CM/Inf/DH(2010)37 and CM/Inf/DH(2010)45 final).

20. See document CDDH(2010)13 Addendum I.

9. As regards issues *possibly requiring amendments* to the Convention, the CDDH adopted an interim activity report in April 2011 and a final report in February 2012. Proposals considered related to the means of filtering applications, the Court's handling of repetitive applications, the introduction of fees for applicants and other forms regulating access to the Court, changes to the admissibility criteria, and allowing the Court to render advisory opinions at the request of domestic courts. A separate report of June 2012 examined the possible introduction of a simplified procedure for amending certain provisions of the Convention.

10. Following the political guidance given at the Brighton Conference in April 2012, further initiatives have been taken.

The CDDH was thus mandated to prepare *two draft protocols* to the Convention (preparatory work carried out by working group GT-GDR-B). The two protocols were adopted by the CM in 2013 and are now open for signature and ratification. *Protocol No. 15* concerns notably the principle of subsidiarity and the States' margin of appreciation in implementing the Convention, certain admissibility criteria (reduction of the time limit for submitting applications, the safeguards for application of the « significant disadvantage » criterion) and questions related to the Court (age limits for judges, relinquishment of jurisdiction in favour of the grand chamber). Protocol No. 16 allows the highest courts and tribunals of a High Contracting Party, as specified by the latter, to request the Court to give advisory opinions on questions of principle raised in cases pending before the former, relating to the interpretation or application of the rights and freedoms defined in the Convention.

11. The CDDH was moreover mandated to examine (preparatory work carried out by working group GT-GDR-A) the measures taken by the member States *to implement the relevant parts of the Interlaken and Izmir declarations*. This culminated in a series of recommendations as regards notably awareness raising, effective remedies and the execution of the Court's judgments, including pilot judgments, the drawing of conclusions from judgments against other states and provision to applicants of information on the Convention and the Court's case-law. The recommendations directly addressing the execution of the Court's judgments were reproduced in the 2012 annual report. A second mandate related to the effects of Protocol No. 14 and the implementation of the Interlaken and Izmir Declarations on the situation of the Court. Certain statistics regarding the impact of this Protocol on the CM are presented in the statistical part of the annual reports - see appendix 1, table C.4.

12. The Committee of Ministers also gave mandates to the CDDH to examine a series of other questions, some of which had close links to execution and the Committee of Ministers' supervision thereof²¹.

One of the questions examined related to the advisability and modalities of a *representative application procedure* before the Court in case of numerous complaints alleging the same violation of the ECHR against the same state (preparatory work

21. Further mandates to the CDDH related to the development of a toolkit for public officials on the State's obligations under the Convention and the preparation of a guide to good practices as regards effective remedies. The work carried out under these mandates did not, however, cover the obligations linked to execution or the question of remedies necessary to ensure execution – cf. CM Recommendation (2000)2 cited above (the work carried out by working group GT-GDR-D).

carried out by working group GT-GDR-C). The CDDH's conclusion was that, taking into account in particular the Court's existing tools, there would be no significant added value to such a procedure in the current circumstances, although subsequent developments could render a re-examination of the question necessary.

Another question related to the means to resolve *large numbers of applications resulting from systemic problems*, (preparatory work carried out by working group GT-GDR-D). The CDDH underlined that full, prompt and effective execution of judgments of the Court, friendly settlements or unilateral declarations and full co-operation of the respondent State with the CM were the most urgent measures to be implemented. In particular, the introduction by the respondent State of a carefully designed, effective domestic remedy allows the 'repatriation' of applications pending before the Court. The CDDH noted that recent experience had shown that this response could have an extremely powerful impact, but stressed, as frequently done by the CM in the context of its supervision of execution, that such 'repatriation' did not absolve the respondent State from resolving the underlying systemic problem.

13. The Committee of Ministers also decided to examine the question of *whether more efficient measures are required vis-à-vis states that fail to implement judgments in a timely manner*. This work supplements that previously undertaken relating to the problem of slowness and negligence in execution²², including the question of how best to prevent such situations from arising²³. The CM started its examination of this question in September 2012, in parallel to the mandate previously given to the CDDH to examine this question. The results of the Committee's first examination were presented in December 2012, and those of its working group GT-REF.ECHR in April 2013 (see appendix 3 text 2). Both were communicated to the CDDH to assist the special working group set up for the purpose (GT-GDR-E). This working group also benefitted from an exchange of views with representatives of civil society and other independent experts. The ensuing CDDH report of November 2013 noted the excessively large and growing number of judgments pending before the CM (on the basis of the statistics available until 2012) and found this to be a cause of serious concern, requiring remedial action. The report indicated that such action could include the more effective application of existing measures within the CM's new working methods, or the introduction of genuinely new, more effective measures, or both. Alongside this, the CM could consider whether there was a need to reinforce the staff and information technology capacity of the Department for the Execution of Judgments. The CDDH recalled that the question of execution of judgments and supervision thereof would potentially be amongst the issues that it would examine as part of its work on the longer-term future of the Convention system and the Court, including at a special conference to be held in Oslo in April 2014 (work to be conducted by group GT-GDR-F). Before continuing its own examination, the CM has requested an opinion on the proposals contained in the CDDH report from the Court.

22. In the context of this work the Secretariat has also presented several memoranda on the issue see notably CM/Inf(2003)37rev6, CM/Inf/DH(2006)18, CDDH(2008)14 Addendum II.

23. See for example the CDDH proposals in document CDDH(2006)008. The CDDH has also subsequently presented additional proposals – see document CDDH(2008)014 relating notably to action plans and action reports.

C. Reinforcement of cooperation activities

The Committee of Ministers has since 2006 provided special support for the further development of the special targeted co-operation activities carried out by the Department for the execution of judgments to support domestic execution processes in different ways (comprising for example legal expertise, round tables and training programmes). As part of these activities, an important multilateral conference was held in October 2012, in Antalya (Turkey), to allow states to share experiences, including with the CEPEJ, as to ways and means to resolve the important and complex problem of excessive length of proceedings. The conclusions of this conference are available on the Department's web site. Numerous activities, in the form of expert missions, training activities and legislative advice have taken place in 2013. Among these, the targeted cooperation activities related to the implementation of the pilot judgment in the *Maria Atanasiu* case, received particular attention – see the Committee of Ministers decision of June 2013 referred to in the thematic overview.

These activities receive, since 2009, important support from the Human Rights Trust Fund (see section D below) and are supplemented by regular visits to Strasbourg by officials from different countries, in order to take part in specific activities such as study visits, seminars or other events where the work of the Committee of Ministers on execution supervision is presented and/or specific questions on execution problems are discussed. These activities have continued and have been further developed in 2013.

14. The Committee of Ministers' recommendation CM/Rec(2008)2 to the member states on efficient domestic capacity for rapid execution of judgments of the European Court of Human Rights, continued also in 2013 to be (together with the other Committee recommendations cited above) an important element of the execution process and a constant source of inspiration in the bilateral relations established between different national authorities and the Department for the execution of judgments of the European Court of Human Rights²⁴.

15. These matters are now also being discussed in the context of the follow-up given to the Brighton Conference (see notably section B above). Efforts are also under way to better target the more general cooperation programs engaged with the member states taking into account the findings of monitoring bodies, notably as regards structural problems revealed by the judgments of the Court.

D. The support provided by the Human Rights Trust Fund

16. Targeted co-operation projects to assist on-going domestic execution processes have been widely supported by the Human Rights Trust Fund, set up in 2008 by the Council of Europe, the Council of Europe Development Bank and Norway, with contributions from Germany, the Netherlands, Finland, Switzerland and, more

24. Important positive developments in the different areas covered by this recommendation were noted at the multi-lateral conference organised in Tirana in December 2011(see further below under D). The conclusions are available on the Department's web site.

recently, from the United Kingdom. The fund supports in particular activities that aim to strengthen the sustainability of the Court in the different areas covered by the Committee of Ministers' seven recommendations regarding the improvement of the national implementation of the Convention and by ensuring the full and timely national execution of the judgments of the Court.

17. The execution related projects started in 2009. They have all included an important component of experience sharing between states in important areas of special interest.

The first projects related to non-execution of domestic court decisions (HRTF 1) and actions of security forces (HRTF 2). The HRTF 1 aimed at supporting the beneficiary countries' efforts to design and adopt effective norms and procedures at national level for a better enforcement of national court's judgments. The project has been implemented in Albania, Azerbaijan, Bosnia and Herzegovina, the Republic of Moldova, Serbia and Ukraine. The HRTF 2 project aimed at contributing to the execution of judgments of the European Court of Human Rights finding violations of the Convention concerning actions of security forces in the Chechen Republic (Russian Federation). Activities were developed from 2010 to 2012, and included the organisation of several important round tables, notably addressing issues concerning effective remedies against non-execution or delayed execution of domestic court decisions; restitution/compensation for properties nationalised by former communist regimes; and the development of effective domestic capacity to ensure the rapid execution of the judgments of the European Court, a particularly important problem when structural shortcomings such as non-execution of domestic court judgments are revealed by the Court's judgments. These projects terminated end of 2012.

18. Further projects are in the course of implementation, notably a project developed with the Turkish authorities on Freedom of expression and the Media in Turkey (HRTF 22), which aims at enhancing the implementation of the Convention in this field and another, multi-lateral, relating to detention on remand and effective remedies to challenge detention conditions (HRTF 18). It is expected that first project, HRTF 22, will contribute to change the practice of domestic courts, in particular of the Court of Cassation, in the interpretation of Turkish law in line with the Convention requirements and to prepare the ground to ensure legislative changes in order to align Turkish law with the Convention standards. 2013 activities notably included a High Level Conference on Freedom of Expression and Media Freedom in Turkey in Ankara 5 February 2013. The project HRTF 18 is intended to enable the beneficiary states to share good practice which are instrumental for the execution of the Court's judgments. The States which have joined the project are Bulgaria, Poland, the Republic of Moldova, Romania, the Russian Federation and Ukraine. 2013 activities have included the elaboration of a number of expert reports, including legislative advice.

Appendix 1: Statistics 2013

Introduction

The data presented in this appendix are based on the internal database of the Department for the Execution of Judgments of the European Court of Human Rights. The 2012 figures are included for comparison.

This appendix is divided in 5 sections.

Sections A, B and C present the data by calendar years, from the 1st of January to the 31st of December, in principle on the basis of the type of cases before the Committee of Ministers. Cases are distributed into three categories – leading, repetitive and isolated - depending on the necessity to take, or not, general measures²⁵.

Leading cases are, for the purposes of the execution of supervision, cases which have been identified - either by the Court already in its judgment or, afterwards by the Committee of Ministers - as revealing a new structural / general problem in a respondent State, and which thus require the adoption of new general measures (although these may already have been taken by the time the judgment is given), more or less important according to the case(s).

Leading cases also include pilot judgments and “judgments with indications of relevance for the execution (under Article 46)” delivered by the Court. Indeed, even if a number of these judgments do not reveal new structural or complex problems and are mostly intended to support an ongoing execution process, they contain, however, important recommendations or clarifications as regards general measures required. In order to better identify this support from the Court, a list of pilot-judgments and “judgments with indication of relevance for the execution (under Article 46)”, brought in 2013 before the Committee of Ministers, is contained in Section E of the present report.

Other cases include mainly “**repetitive**” cases, i.e. those relating to a structural or general problem already raised before the Committee of Ministers in one or several leading cases; these cases are usually grouped together with the leading case.

25. This categorisation of cases has been, since the 90's, an important basic tool to guide the execution and the supervision of the execution, as well as helping addressing the problem of repetitive cases. It is not formalised in a CM decision, but is reflected either in the judgment itself, or by contacts between the Department of the execution of judgments and the respondent State's authorities, or by the Committee of Ministers' examination in more complex issues. Since 2011, this basic categorisation is supplemented by a system of priorities identified by the Committee of Ministers within the framework of the new working methods, which stems from the necessity of urgent individual measures – see Section D of the statistics below.

Other cases also include the so-called “**isolated**” cases. These are, in particular, cases where the violations are so closely linked to the specific circumstances of the case, that no general measures are required. Isolated cases are presented separately in the statistics, in the context of the presentation of closed cases (cases in which a final resolution has been adopted). The reason is that the distinction between leading and isolated cases can be difficult to establish at the beginning of the examination of a case; it can thus happen that a case initially qualified as “isolated” is subsequently re-qualified as “leading” in the light of new information attesting to the existence of a general problem, or *vice versa*. Most States only have a few such cases.

The number of leading cases reflects that of structural problems dealt with by the Committee of Ministers, regardless of the number of single cases. Two elements should, however, be kept in mind:

- ▶ Leading cases are of varying importance. If some of them involve the adoption of important and complex reforms, others might refer to problems already solved or to specific sub-aspects of a more important problem, already under consideration by the Committee of Ministers, yet others can be solved by a simple change of case-law or administrative practice. Cases raising complex or important problems are, in principle, examined under the enhanced supervision procedure;
- ▶ Leading cases refer to the general measures and, normally, do not take into account questions related to individual measures.

Friendly settlements are included in one of the above-mentioned groups of cases depending on the nature of the undertakings agreed on and the specific character of the situation at issue.

It should be noted that, as from the entry into force of Protocol No. 14 on 1 June 2010, the new cases include decisions acknowledging friendly settlements concluded under Article 39§4 of the European Convention on Human Rights as well as judgments rendered by committees of three judges under Article 28 (1) b.

The Section D of the appendix presents more developed data based on the type of supervision. It presents the results of the **system of classification by priorities** in the framework of the twin track supervision procedure, applied by the Committee of Ministers since 2011 under to the new working methods.

It is recalled, that under this twin-track procedure, all cases should be examined under the standard supervision, unless, because of its specific nature, a case warrants consideration under the enhanced supervision.

It is also recalled, that among the types of cases examined under the enhanced supervision procedure (cf. Section III. B. of the report) are certain reference cases, e.g.:

- pilot judgments;
- judgments otherwise raising important structural and/or complex problems as identified by the Court or by the Committee of Ministers;
- interstate cases;

and also:

- judgments requiring urgent individual measures.

In addition, any case may be examined under the enhanced supervision procedure upon the request of a member State or the Secretariat. The request may be made at any stage of the supervision process.

These two practical supervision methods are parallel and interconnected. The transfer from the standard to the enhanced supervision or *vice versa* is always confirmed by a decision by the Committee of Ministers.

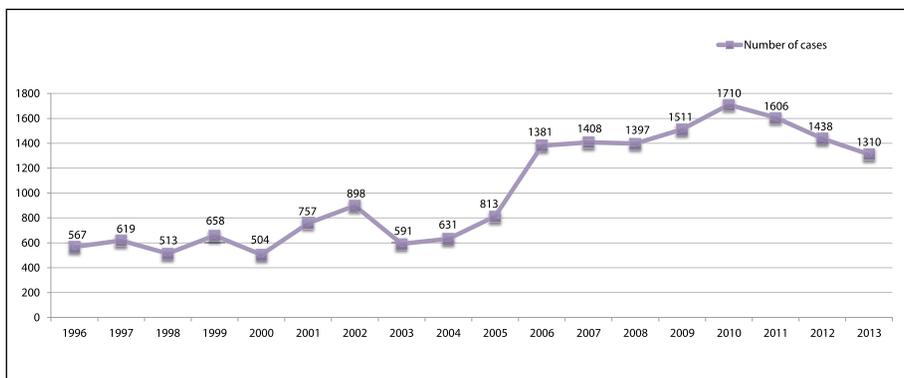
The classification of cases according to the twin-track supervision is done, in principle, during the 4 annual HR meetings. Thus, the period covered is not the calendar year, but the one corresponding to the dates for inclusion of the cases in the order of business of the meetings. This way, the 2013 data concerns, in principle, the cases which become final between the 4th October 2012 and the 3rd of October 2013²⁶, and the situation at the last DH meeting for the year.

Section E contains a presentation of the cases in which the Court provided special support to execution and to the Committee of Ministers' supervision thereof. The cases presented are "pilot" judgments and other "judgments with indications of relevance for the execution (under Article 46)" which became final in 2013.

A. Overview of developments in the number of cases from 1996 to 2013

The data presented include (as far as figures 1, 2 and 4 are concerned) also cases where the Committee of Ministers itself decided whether or not there had been a violation under former Article 32 of the Convention (even if this competence disappeared in connection with the entry into force of protocol No.11 in 1998, as far as new cases were concerned, but a number of such cases remain pending²⁷).

Figure 1. Development in the number of new cases that became final from 1996 to 2013



26. The dates for the HR meetings differ from year to year. The covering period for the classification changes consequently.

27. Mainly Italian excessive length of procedure cases.

Figure 2. Development in the number of cases pending at the end of the year, from 1996 to 2013

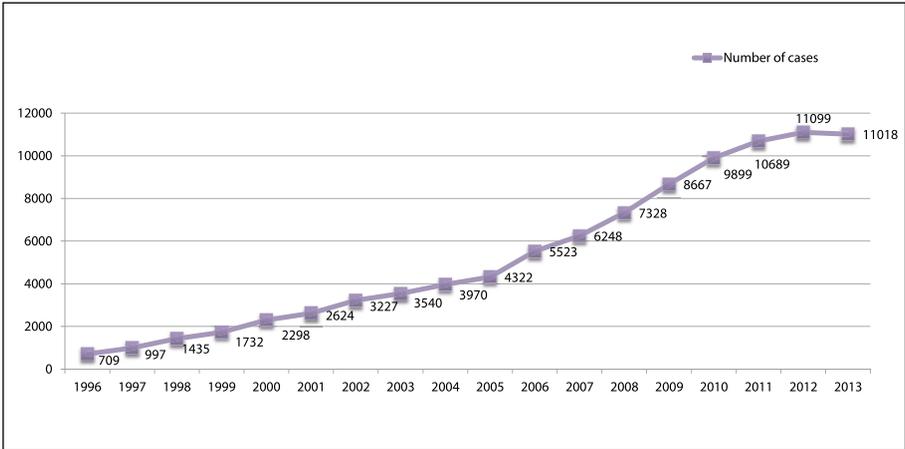
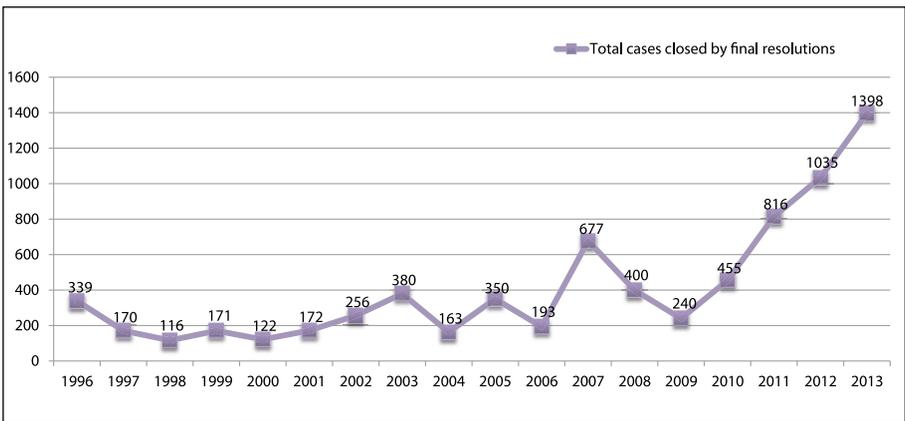


Figure 3. Development in closed cases, from 1996 to 2013

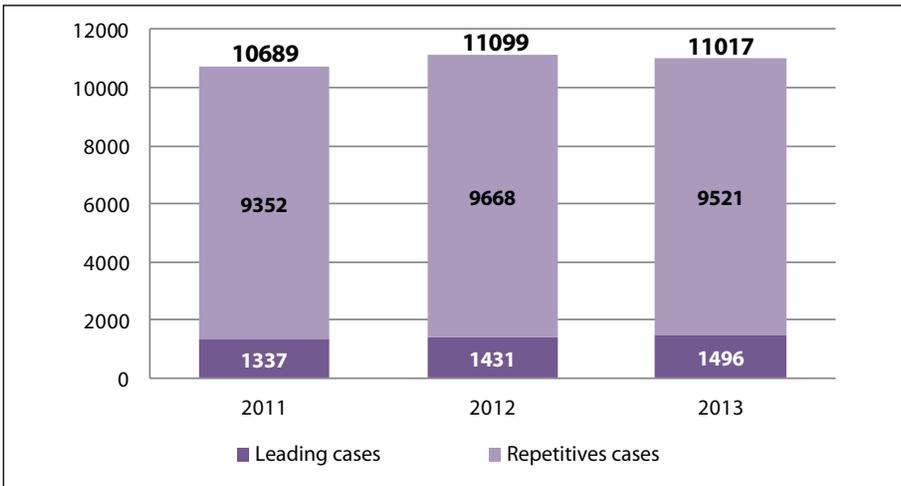


B. General statistics

B.1. Pending cases

The statistics reveal that the total number of pending cases has decreased in 2013 following the trend started in 2011 when this number had started to slow down significantly compared to the previous years. The total number of cases pending at 31 December 2013 has thus decreased by some 0.75 % as compared to 2012; whereas the increase was 4% from 2011 to 2012 and 8% from 2010 to 2011 (see below, Figure 4). At the same time the proportion of leading cases has increased with some 4 % as compared to 2012. The increase in 2012 as compared to 2011 was 7 %.

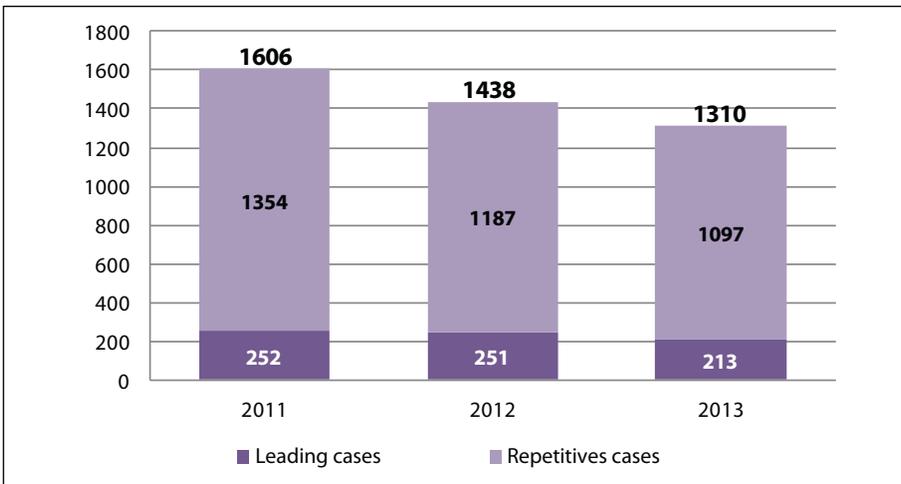
Figure 4. Evolution of pending cases at 31 December 2013



B.2. New cases

The total number of new cases for execution supervision has been marked by a new decrease for the third time in ten years, decreasing by some 9 % as compared to 2012. The decrease in 2012 as compared to 2011 was 10 %. The trend is similar if available information as regards unilateral declarations is added²⁸.

Figure 5. New cases which became final between 1 January and 31 December 2013

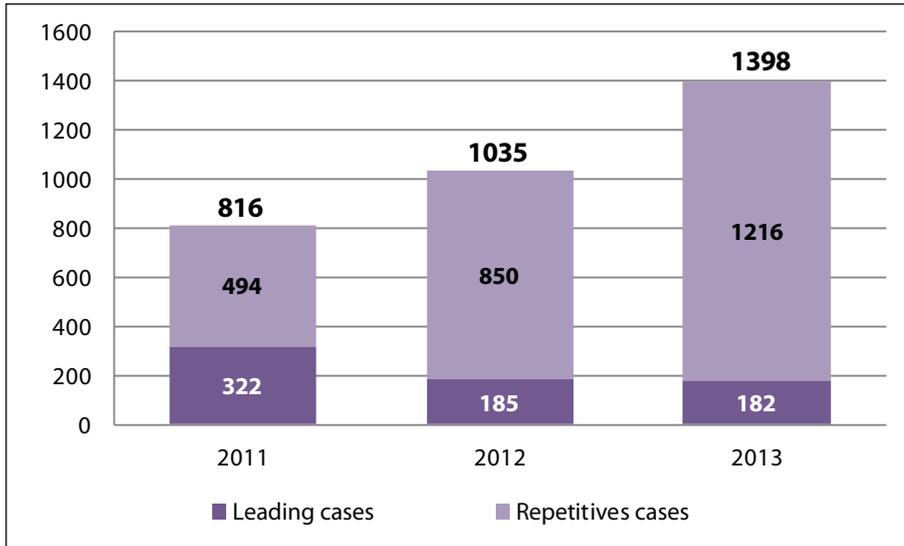


28. The execution of undertakings contained in unilateral declarations does not fall under the Committee of Ministers' supervision competence. That being said, unilateral declarations most often concern repetitive cases and an overview of the progress of these cases should take it into account. Available information indicates that a total of 197 decisions based on such declarations were taken in 2010, against 167 in 2011 and 159 in 2012 (data taken from HUDOC, the Court's statistics not encompassing this element).

B.3. Cases closed

The total number of cases closed by a final resolution continued to increase. In 2013 the increase amounted to almost 26 % as compared to 2012. The increase in 2012 as compared to 2011 was some 27% (see figure 6 below). The positive trend engaged already in 2009-2010 is thus continuing. As regards the number of leading cases closed, 2013 demonstrated a slight decrease as compared to 2012.

Figure 6. Cases closed by the adoption of a final resolution in 2013



C. Detailed statistics by State for 2013

C.1. Development of case load, by State

The table below presents the total number of cases and specifies the number of "leading cases", i.e. cases revealing structural problems. Certain additional statistics can be found in table C.3. and C.4.

State	New cases						Final resolutions						Pending cases					
	Total No. of cases		of which Leading cases ⁽ⁱ⁾		Total No. of cases		of which Leading cases ⁽ⁱⁱ⁾		Total No. of cases		of which Leading cases ⁽ⁱⁱ⁾		Total No. of cases		of which Leading cases ⁽ⁱⁱ⁾			
	2012	2013	2012	2013	2012	2013	2012	2013	2012	2013	2012	2013	2012	2013	2012	2013		
Albania	5	4	1	1						29	34	17	18					
Andorra	1		1							1	1	1	1					
Armenia	11	7	4	5						31	38	14	19					
Austria	14	10	4	3	7	2	6(1)	1		54	63	19	23					
Azerbaijan	19	19	2	6	1	1	1	1		63	81	25	33					
Belgium	6	11	3	4	11	1	7	1		48	58	17	21					
Bosnia and Herzegovina	15	9	9	1	8	1	2			24	33	18	12					
Bulgaria	62	49	12	10	41	58	21(4)	17(2)		366	357	108	99					
Croatia	32	51	7	9	19	16	5(1)	1		122	158	46	55					
Cyprus		1		1	1	27		3(1)		32	6	8	6					
Czech Republic	14	19	7	4	10	104	6	15(1)		111	27	20	9					
Denmark	7	1			4	7	3			7	1							
Estonia	5	4	4	3	1	4	1(1)	4(2)		8	8	6	5					
Finland	10	5			39	17	5(3)	2		54	42	11	11					
France	28	22	20	9	39	36	25(6)	24(3)		64	50	42	27					
Georgia	6	18	2	4	4	12	3	3(1)		24	30	18	21					

State	New cases				Final resolutions				Pending cases			
	Total No. of cases		of which Leading cases ⁽¹⁾		Total No. of cases		of which Leading cases ⁽¹⁾		Total No. of cases		of which Leading cases ⁽¹⁾	
	2012	2013	2012	2013	2012	2013	2012	2013	2012	2013	2012	2013
Germany	17	4	5	2	2	76	2	4	103	31	17	17
Greece	56	41	7	5	20	24	12	4	478	495	59	61
Hungary	75	116	6	8	83	83	10		251	285	24	35
Iceland	2		1						6	6	5	5
Ireland	3	4		1		2			11	13	3	5
Italy	49	34	6	6	2	9	1		2569	2593	62	69
Latvia	7	15	4	13	3	1			33	47	24	38
Liechtenstein												
Lithuania	5	6	3	5		1			31	36	13	19
Luxembourg	2	1	2	1	7	2	4	2	11	10	3	2
Malta	7	5	2	4		7		6(1)	24	22	14	13
Républic of Moldova	39	28	12	4	9	21	1		233	239	70	72
Monaco	1								1	1		
Montenegro	5	8	4	4		2		2(1)	9	15	8	10
Netherlands	6	3	3	1	4	1	3(1)		14	16	9	13
Norway	1	2	1	2		1		1	2	3	2	3
Poland	145	134	9	6	163	278	5(1)	20(5)	908	764	76	60
Portugal	31	16	6	1	21	23	3(1)	8(2)	123	117	15	8
Roumania	77	100	12	18	44	66	12(1)	25(4)	667	702	88	84
Russian Federation	125	122	20	10	3	9	1		1211	1325	157	170
San Marino	2				3	1			3	2	1	2
Serbia	56	49	13	4	46	31		2(1)	105	123	32	29
Slovak Republic	32	39	7	5	175	28	12(1)	6	48	60	14	17

State	New cases						Final resolutions						Pending cases					
	Total No. of cases		of which Leading cases ⁽ⁱ⁾		Total No. of cases		of which Leading cases ⁽ⁱⁱ⁾		Total No. of cases		of which Leading cases ⁽ⁱⁱ⁾		Total No. of cases		of which Leading cases ⁽ⁱ⁾			
	2012	2013	2012	2013	2012	2013	2012	2013	2012	2013	2012	2013	2012	2013	2012	2013		
Slovenia	17	30	5		5					241		271		16		17		
Spain	10	7	4	4	11	2	3(1)	2(2)		26		31		15		17		
Sweden	4	4	3	3	1	8	1	7		9		5		8		4		
Switzerland	6	4	6	1	8	1	8	1		8		11		8		8		
"The former Yugoslav Republic of Macedonia"	52	22	3	2	37	47				122		97		21		24		
Turkey	244	192	13	15	166	327	8(2)	8		1861		1727		178		188		
Ukraine	114	78	13	15	23	31				910		957		106		127		
United Kingdom	13	17	5	14	14	30	14	13		39		27		17		19		
Total	1438	1311	251	213	1035	1398	185(24)	182(26)		11099		11018		1431		1496		

(i) The figures also include potentially isolated cases. As indicated in the introduction, such cases are, for the time being, only specifically identified in the context of the closure of the Committee of Ministers' supervision.

(ii) The figures within parenthesis correspond to the number of cases, included in the global figure, accepted as isolated in the context of the Committee of Ministers' closure of its supervision.

C.2. Main cases or groups of cases under enhanced supervision involving important structural and/or complex problems²⁹ (Classification by state at 31 December 2013)

The structural and/or complex problems presented in the table below have been identified either directly by the Court in its judgments or by the Committee of Ministers in the course of the supervision process. The corresponding cases or groups of cases are, in principle, divided under enhanced supervision³⁰. The fact that some groups contain relatively few cases does not lessen the importance of underlying structural problems, in particular in view of their potential to generate repetitive cases and /or because of the general importance of the problem at issue (i.e. the excessive length of judicial proceedings).

State	Main case, including the pilot judgment when appropriate	Appl. No. (of the first case)	Date of final judgment	Number of cases pending before the Committee of Ministers	Case description (violation)
Albania	Caka group	44023/02	08/03/2010	5	N.B. The latest information on the state of execution can be found in Appendix 2, "Thematic overview".
	Driza group	33771/02	02/06/2008	10	Unfair criminal proceedings. (See App. 2: p. 128)
	Manushaqe Puto and Others – pilot judgment				Various problems linked to the restitution of properties nationalised under former communist regimes. (See App. 2: p. 122)
	Dybeku/Groni	41153/06	02/06/2008	2	Poor detention conditions in prison and unlawful detention. (See App. 2: p. 87)
Armenia	Kirakosyan group	31237/03	04/05/2009	4	Degrading treatment on account of poor conditions of detention in temporary detention facilities under the authority of the Ministry of the Interior. (See App. 2: p. 87)
	Minasyan and Semerjyan group	27651/05	07/09/2011	5	Unlawful expropriations or termination of leases. (See App. 2: p. 150)
	Virabyan	40094/05	02/01/2013	1	Ill-treatment and torture in police custody and absence of effective investigations. (See App. 2: p. 76)

29. The table is limited to cases originating in individual applications. The inter-state case Cyprus v. Turkey is presented in the "Thematic overview".

30. The table comprises, however, also "pilot" cases or, in addition, cases complemented with relevant indications for the execution (notably under Article 46), awaiting for classification at the HR meeting in March 2014.

State	Main case, including the pilot judgment when appropriate	Appl. No. (of the first case)	Date of final judgment	Number of cases pending before the Committee of Ministers	Case description (violation)
Azerbaijan	Mahmudov and Agazade group	35877/04	18/03/2009	2	N.B. The latest information on the state of execution can be found in Appendix 2, "Thematic overview". Unjustified convictions for defamation and/or unjustified use of imprisonment as a sanction for defamation; arbitrary application of anti-terror legislation. (<i>See App. 2: p. 143</i>)
	Mammadov/Mikayil Mammadov	34445/04	11/04/2007	2	Action of security forces (police): excessive use of force and torture or ill-treatment in police custody and/ or absence of effective investigations. (<i>See App. 2: p. 76</i>)
	Mirzayev group	50187/06	03/03/2010	15	Non-execution of final judicial decisions ordering the eviction of internally displaced persons unlawfully occupying apartments to the detriment of the rights of lawful tenants or owners. (<i>See App. 2: p. 123</i>)
	Muradova group	22684/05	02/04/2009	3	Excessive use of force by the police against journalists during demonstrations, and lack of an effective investigation. (<i>See App. 2: p. 177</i>)
Belgium	Namat Aliyev	18705/06	08/07/2010	9	Various breaches connected with the right to stand freely for elections, and the control of the legality of decisions by electoral commissions. (<i>See App. 2: p. 155</i>)
	Dumont group	49525/99	28/07/2005	24	Excessive length of civil and criminal proceedings. (<i>See App. 2: p. 110</i>)
	L.B.	22831/08	02/01/2013	4	Detention for long periods of time in institutions which do not offer the care and support required by a specific psychiatric condition. (<i>See App. 2: p. 88</i>)
	M.S.	50012/08	30/04/2012	1	Continuation of detention of foreigners notwithstanding findings that expulsion was impossible because of risks in receiving State. (<i>See App. 2: p. 107</i>)

State	Main case, including the pilot judgment when appropriate	Appl. No. (of the first case)	Date of final judgment	Number of cases pending before the Committee of Ministers	Case description (violation)
Bosnia and Herzegovina	Colić	1218/07	28/06/2010	7	Non-enforcement of final judgments ordering the state to pay certain sums in respect of war damage. (See App. 2: p. 124)
	Đokić Mago and others	6518/04 12959/05	04/10/2010 24/09/2012	2	Military apartments taken from members of the former Yugoslav People's Army ("YPA") in the aftermath of the war in Bosnia and Herzegovina. (See App. 2: p. 151)
	Maktouf and Damjanović	2312/08+	17/07/2013	1	War crime cases: retroactive application of new law with more severe sanctions. (See App. 2: p. 134)
	Sejdić and Finci	27996/06	22/12/2009	1	Ethnic-based discrimination on account of ineligibility of persons non-affiliated with one of the "constituent peoples" (Bosnians, Croats or Serbs) to stand for election to the House of Peoples (the upper chamber of Parliament) and the Presidency. (See App. 2: p. 156)
Bulgaria	C.G. and others group	1365/07	24/07/2008	7	Shortcomings of judicial control of expulsion and deportation of foreign nationals based on national security grounds (cf. <i>Al-Nashif</i> , see AR 2012). (See App. 2: p. 102)
	Djanzov group Finger – pilot judgment Kitov group Dimitrov – pilot judgment	45950/99 37346/05 37104/97 37346/05	08/07/2004 10/08/2011 03/07/2003 10/08/2011	60 62	Excessive length of civil and criminal proceedings; absence of effective remedies. (See App. 2: p. 110)
	Ekimdjev group	62540/00	30/01/2008	7	Insufficient guarantees against arbitrary use of the powers assigned by the law on special surveillance means; absence of an effective remedy. (See App. 2: p. 135)
	Kehayov group	41035/98	18/04/2005	21	Poor detention conditions in prisons and remand centres; absence of an effective remedy. (See App. 2: p. 88)

State	Main case, including the pilot judgment when appropriate	Appl. No. (of the first case)	Date of final judgment	Number of cases pending before the Committee of Ministers	Case description (violation)
Bulgaria	Nachova and Hristova / Velikova groups	43577/98	06/07/2005	8 22	N.B. The latest information on the state of execution can be found in Appendix 2, "Thematic overview". Excessive use of fire-arms or force by police officers during arrests; ineffective investigations. (See App. 2: p. 77)
	Stanev	36760/06	17/01/2012	1	Placement in social care homes of people with mental disorders: lawfulness, judicial review, conditions of placement. (See App. 2: p. 89)
Croatia	Yordanova and Others	25446/06	24/09/2012	1	Eviction of persons of Roma origin, on the basis of a legislation not requiring an adequate examination of the proportionality of the measure. (See App. 2: p. 136)
	Skendzic and Krznaric group	16212/08	20/04/2011	2	Lack of effective and independent investigations into crimes committed during the Croatian Homeland War (1991-1995). (See App. 2: p. 78)
Czech Republic	D.H.	57325/00	13/11/2007	1	Discriminatory assignment of children of Roma origin to special schools for children with special needs or suffering from a mental or social handicap, without any objective and reasonable justification. (See App. 2: p. 158)
Georgia	Gharibashvili/ Khaindrava and Dzamashvili/ Erukidze and Girgvliani/Mikiashevili/ Dvalishvili	11830/03	20/10/2008	6	Ineffective investigations into allegations of excessive use of force by the police. (See App. 2: p. 78)
Greece	Bekir-Ousta and others group	35151/05	11/01/2008	3	Refusal to register or dissolution of associations from the Muslim minority in Thrace. (See App. 2: p. 146)

State	Main case, including the pilot judgment when appropriate	Appl. No. (of the first case)	Date of final judgment	Number of cases pending before the Committee of Ministers	Case description (violation)
Greece	Diamantides No. 2	71563/01	19/08/2005	76	N.B. The latest information on the state of execution can be found in Appendix 2, "Thematic overview". Excessively lengthy proceedings before civil, criminal and administrative courts; absence of effective remedies in respect to civil and criminal proceedings. (<i>See App. 2: p. 173</i>)
	Michelloudakis – pilot judgment	54447/10	03/07/2012	54	
	Konti Arvaniti group	53401/99	10/07/2003		
	Glykantzi – pilot judgment rendered on 30/10/2012	40150/09	30/01/2013	193	
	Manios group	70626/01	11/06/2004		
	Vassilios Athanasiou – pilot judgment	50973/08	21/03/2011		
	Nisiotis	34704/08	20/06/2011	5	Inhuman and degrading treatment on account of poor conditions of detention in prison. (<i>See App. 2: p. 90</i>)
Greece / Belgium	M.S.S.	30696/09	21/01/2011	9	Shortcomings in the examination of asylum requests, including risks involved in case of direct or indirect return to the country of origin; poor detention conditions of asylum seekers and absence of adequate support when they are no longer detained; absence of an effective remedy. (<i>See App. 2: p. 108</i>)
	Horvath and Kiss	11146/11	29/04/2013	1	Discriminatory assignment of children of Roma origin to schools for children with mental disabilities during their primary education. (<i>See App. 2: p. 159</i>)
Hungary	Kaluza	57693/10	24/07/2012	1	Failure of the authorities to fulfil their positive obligation to provide protection against domestic violence. (<i>See App. 2: p. 138</i>)
	Tímár group	36186/97	09/07/2003	205	Excessive length of proceedings. (<i>See App. 2: p. 115</i>)
Ireland	A.B. and C.	25579/05	16/12/2010	1	Lack of any legislative or regulatory regime providing an accessible and effective procedure to establish possibilities for lawful abortion where there is a risk for the mother's life. (<i>See App. 2: p. 138</i>)

State	Main case, including the pilot judgment when appropriate	Appl. No. (of the first case)	Date of final judgment	Number of cases pending before the Committee of Ministers	Case description (violation)
Italy	Centro Europa 7 S.R.L. And Di Stefano	38433/09	07/06/2012	1	N.B. The latest information on the state of execution can be found in Appendix 2, "Thematic overview". Deficiencies in the legal framework adopted to tackle concentration in the television broadcasting sector and to ensure effective media pluralism. (See App. 2: p. 145)
	Ceteroni group	22461/93	15/11/1996	2066	Longstanding problem of excessive length of civil (including bankruptcy proceedings), criminal and administrative proceedings.
	Luordo group	32190/96	17/10/2003	24	Problems related to the functioning of the domestic remedy put in place in 2001: insufficient amounts and delays in the payment of compensation, excessively lengthy compensation proceedings. (See App. 2: p. 115)
	Mostacciolo group	64705/01	29/03/2006	149	Inhuman and degrading treatment in prison, on account of the inadequacy of the medical care provided. (See App. 2: p. 91)
	Cirillo	36276/10	29/04/2013	1	Inconsistency in Italian the legal system in the field of medically-assisted procreation (See App. 2: p. 139)
	Costa and Pavan	54270/10	11/02/2013	1	Prolonged inability of the authorities to ensure the proper functioning of the waste collection, treatment and disposal service in Campania and lack of an effective remedy in this respect. (See App. 2: p. 143)
	Di Sarno and others	30765/08	10/04/2012	1	Legislative provision annulling retrospectively the annual reassessment of a supplementary component of an allowance for accidental contamination through blood transfusion (AIDS, hepatitis...). (See App. 2: p. 152)
	M.C. – pilot judgment	5376/11	03/12/2013	1	Inhuman or degrading treatment suffered on account of the overcrowding in prison. (See App. 2: p. 91)
	Sulejmanovic Torreggiani – pilot judgment	22635/03	06/11/2009	2	

State	Main case, including the pilot judgment when appropriate	Appl. No. (of the first case)	Date of final judgment	Number of cases pending before the Committee of Ministers	Case description (violation)
Malta	Suso Musa	42337/12	23/07/2013	2	N.B. The latest information on the state of execution can be found in Appendix 2, "Thematic overview". Various problems related to the detention pending asylum proceedings, notably lack of effective and speedy remedies against arbitrary detention in precarious conditions. (<i>See App. 2: p. 98</i>)
Republic of Moldova	Corsacov group	18944/02	04/07/2006	25	Ill-treatment and torture during police detention; ineffective investigations; absence of an effective remedy. (<i>See App. 2: p. 79</i>)
	Eremia and Others	3564/11	28/08/2013	1	Authorities' failure to provide protection from domestic violence. (<i>See App. 2: p. 139</i>)
	Paladi group	39806/05	39806/05	2	Poor conditions of detention in facilities under the authorities of the Ministries of the Interior and of Justice, including lack of access to adequate medical care; absence of an effective remedy. (<i>See App. 2: p. 92</i>)
	Becciev group Ciorap group	9190/03 12066/02	9190/03 12066/02	4 14	
Norway	Şarban group	3456/05	04/01/2006	14	Violations mainly related to unlawful detention on remand (lawfulness, duration, justification). (<i>See App. 2: p. 98</i>)
	Lindheim and others	13221/08	22/10/2012	1	Legislation failing to strike a fair balance between the interests of landowners and holders of long land leases to the detriment of the former. (<i>See App. 2: p. 152</i>)
Poland	Fuchs group	33870/96	11/05/2003	84	Excessive length of judicial administrative, criminal and civil proceedings; absence of an effective remedy. (<i>See App. 2: p. 116</i>)
	Kudla group Podbielski group	30210/96 27916/95	26/10/2000 30/10/1998	73 238	
	Horych	13621/08	17/07/2012	4	Strict, rigid rules for the imposition of a special "dangerous detainee" regime and severity and duration of regime in practice. (<i>See App. 2: p. 93</i>)
	Kaprykowski group	23052/05	03/05/2009	8	Inhuman and degrading treatment in different detention facilities (remand centres and prisons), mainly due to lack of adequate medical care. (<i>See App. 2: p. 93</i>)

State	Main case, including the pilot judgment when appropriate	Appl. No. (of the first case)	Date of final judgment	Number of cases pending before the Committee of Ministers	Case description (violation)
Poland	Orchowski group	17885/04	22/01/2010	6	N.B. The latest information on the state of execution can be found in Appendix 2, "Thematic overview". Poor detention conditions in prisons, particularly due to overcrowding. (See App. 2: p. 94)
Portugal	Martins Castro group Oliveira Modesto group	33729/06 34422/97	10/09/2008 08/09/2000	23 47	Excessive length of civil proceedings; ineffectiveness of the compensatory remedy (procedures too lengthy and case-law in need of harmonisation). (See App. 2: p. 117)
	Association "21 December 1989" and others group	33810/07	28/11/2011	2	Ineffectiveness of criminal investigations into violent crackdowns of anti-governmental protests which surrounded the fall of the communist regime; lack of safeguards in the statutory framework governing secret surveillance. (See App. 2: p. 80)
	Barbu Anghelescu group	46430/99	05/01/2005	23	Inhuman and degrading treatment or torture by the police in particular during arrests and detention in custody; ineffective investigations, including concerning possible racist motives. (See App. 2: p. 79)
Romania	Bragadireanu group	22088/04	06/03/2008	62	Poor conditions in police detention facilities and prisons, including failure to secure adequate medical care. (See App. 2: p. 94)
	Nicolau group Stoianova and Nedelcu group	1295/02 77517/01	03/07/2006 04/11/2005	49 25	Excessive length of civil and criminal proceedings; absence of an effective remedy. (See App. 2: p. 118)
	Sacăleanu	73970/01	06/12/2005	27	Failure or significant delay of the Administration or of legal persons under the responsibility of the State in abiding by final domestic court decisions (See App. 2: p. 124)
	Străin group Maria Atanasiu – pilot judgment	57001/00 15204/02	30/01/2005 17/04/2008	264	Ineffectiveness of the mechanism set up to afford restitution or compensation for properties nationalised during the communist period. (See App. 2: p. 150)

State	Main case, including the pilot judgment when appropriate	Appl. No. (of the first case)	Date of final judgment	Number of cases pending before the Committee of Ministers	Case description (violation)
Russian Federation	Alekseyev	4916/07	11/04/2011	1	N.B. The latest information on the state of execution can be found in Appendix 2, "Thematic overview". Repeated bans on holding of gay-rights marches and pickets; lack of effective remedies; discrimination on grounds of sexual orientation in the exercise of the right to freedom of peaceful assembly. (See App. 2: p. 160)
	Catan and others	43370/04	19/10/2012	1	Violation of the right to education of children and parents from Moldovan/Romanian language schools in the Transnistrian region of the Republic of Moldova. (See App. 2: p. 155)
	Garabayev group	38411/02	30/01/2008	39	Different violations related to extradition; including in some cases abduction and illegal transfer to Tajikistan and Uzbekistan, in disrespect of Rule 39 indications from the Court. (See App. 2: p. 163)
	Kalashnikov group Ananyev and others – pilot judgment	47095/99 42525/07	15/10/2002 10/04/2012	100	Poor conditions of pre-trial detention; absence of an effective remedy. (See App. 2: p. 95)
	Khashiyev and Akayeva group	57942/00+	06/07/2005	198	Violations resulting from, or relating to, the Russian authorities' actions during anti-terrorist operations in Chechnya in 1999-2006 (particularly unjustified use of force, disappearances, unacknowledged detentions, torture and ill-treatment, unlawful search and seizure and destruction of property). (See App. 2: p. 80)
	Klyakhin group	46082/99	06/06/2005	79	Different violations related to detention on remand (lawfulness, procedure, length). (See App. 2: p. 98)
	Liu No. 2	29157/09	08/03/2012	2	Shortcomings of the system for judicial control of expulsion of foreign nationals based on national security grounds. (See App. 2: p. 105)
	Mikheyev group	77617/01	26/04/2006	58	Ill-treatment by the police and ineffective investigations; excessive length of detention on remand. (See App. 2: p. 82)

State	Main case, including the pilot judgment when appropriate	Appl. No. (of the first case)	Date of final judgment	Number of cases pending before the Committee of Ministers	Case description (violation)
Russian Federation	Timofeyev group	58263/00	23/01/2004	302	N.B. The latest information on the state of execution can be found in Appendix 2, "Thematic overview". Failure or serious delay of the administration in abiding by final domestic judicial decisions and lack of effective remedy. (See App. 2: p. 125)
Serbia	EVT Company group	3102/05	21/09/2007	23	Non-enforcement of final court and administrative decisions, including against "socially-owned" companies. (See App. 2: p. 125)
	Grudić	31925/08	24/09/2012	1	Suspension, for more than a decade and in breach of domestic law, of payment of pensions earned in Kosovo ⁽ⁱ⁾ . (See App. 2: p. 154)
	Zorica Jovanovic	21794/08	09/09/2013	1	Continuing authorities' failure to provide information as to the fate of new-born babies alleged to have died in maternity wards. (See App. 2: p. 140)
Slovenia	Mandic	5774/10	20/01/2012	2	Poor conditions of detention due to overcrowding and lack of effective remedy. (See App. 2: p. 96)
"The former Yugoslav republic of Macedonia"	El-Masri	39630/09	13/12/2012	1	Abduction, unlawful detention, torture and inhuman and degrading treatment during and following the "secret rendition" operation to CIA. (See App. 2: p. 86)
Turkey	Bati group	33097/96	03/09/2004	103	Ill-treatment by the police and gendarmerie; ineffective investigations. (See App. 2: p. 82)
	Demirel group	39324/98	28/04/2003	186	Excessive length of detention on remand and lack of an effective remedy; unfair and lengthy criminal proceedings. (See App. 2: p. 99)
	İnçal group	22678/93	09/06/1998	96	Unjustified interferences with freedom of expression, owing notably to criminal convictions by state security courts. (See App. 2: p. 145)

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

State	Main case, including the pilot judgment when appropriate	Appl. No. (of the first case)	Date of final judgment	Number of cases pending before the Committee of Ministers	Case description (violation)
Turkey	Oya Ataman Group	74552/01	05/03/2007	45	N.B. The latest information on the state of execution can be found in Appendix 2, "Thematic overview". Violation of the right to freedom of assembly, ill-treatment as a result of excessive force used during demonstrations, ineffectiveness of investigations. (See App. 2: p. 147)
	Lutsenko Tymoshenko	6492/11 49872/11	19/11/2012 30/07/2013	2	Circumvention of legislation by prosecutors and judges in the context of criminal investigations in order to restrict liberty for other reasons not permissible under the Convention. (See App. 2: p. 131)
Ukraine	Afanasyev group / Kaverzin	38722/02 23893/03	05/07/2005 15/08/2012	28	Ill-treatment by police; lack of an effective investigation and/or of an effective remedy. (See App. 2: p. 82)
	Kharchenko group	40107/02	10/05/2011	30	Violations related to detention on remand. (See App. 2: p. 99)
	Svetlana Naumenko group	41984/98	30/03/2005	192	Excessive length of civil and criminal proceedings; absence of an effective remedy. (See App. 2: p. 120)
	Merit group	66561/01	30/06/2004	49	
	Nevmerzhitsky / Yakovenko / Melnik / Logvinenko / Isayev groups	54825/00	12/10/2005	9 7 / 1 3 / 4	Conditions of detention and medical care issues. (See App. 2: p. 96)
	Oleksandr Volkov	21722/11	27/05/2013	1	Serious systemic problems as regards to the functioning of the Ukrainian judiciary. (See App. 2: p. 133)
	Vyerentsov	20372/11	11/07/2013	1	Absence of clear and foreseeable legislation laying down the rules for holding of peaceful assemblies. (See App. 2: p. 148)
Zhovner group Yuriy Nokolayevich Ivanov – pilot judgment	56848/00 40450/04	29/09/2004 15/01/2010	403	Non-enforcement of final domestic judgments, mostly delivered against the State or State enterprises; absence of an effective remedy. (See App. 2: p. 126)	

State	Main case, including the pilot judgment when appropriate	Appl. No. (of the first case)	Date of final judgment	Number of cases pending before the Committee of Ministers	Case description (violation)
United Kingdom	Hirst No.2 Greens and M.T. – pilot judgment	74025/01 60041/08	06/10/2005 11/04/2011	2	N.B. The latest information on the state of execution can be found in Appendix 2, “Thematic overview”. Blanket ban on voting imposed automatically on convicted offenders serving their sentences. (See App. 2: p. 100)
	M.M.	24029/07	29/04/2013	1	Indefinite retention and disclosure of police cautions (warnings issued to less serious offenders) on criminal records. (See App. 2: p. 141)
	McKerr	28883/95	04/08/2001	6	Actions of security forces in Northern Ireland in the 1980s and 1990s: shortcomings in subsequent investigation of deaths; lack of independence of investigating police officers; lack of public scrutiny and information to victims’ families on reasons for decisions not to prosecute. (See App. 2: p. 84)

C.3. Additional statistics at 31 December 2013: Respect of payment deadlines and just satisfaction amounts

a. Respect of payment deadlines

State	Respect of payments deadlines (on the basis of payments registered during the year) ⁽ⁱ⁾					
	Payments within deadline (during the year) ⁽ⁱⁱ⁾		Payments outside deadline (during the year) ⁽ⁱⁱⁱ⁾		Pending cases awaiting confirmation of payment of capital and default interests at 31.12. (in brackets cases only awaiting information on default interests) ^(iv)	
	2012	2013	2012	2013	2012	2013
Albania	4	1	4	3	8(1)	7(7)
Andorra		1			1	
Armenia	7	14			7(1)	
Austria	9	6	5	4	2(1)	2
Azerbaijan	8	1	2		13	33
Belgium	6	3	2	2	1(4)	11(3)
Bosnia and Herzegovina	11	7	2	1	4(1)	4(3)
Bulgaria	48	36	11	7	9(2)	6(2)
Croatia	24	32	3	2	6(1)	9(1)
Cyprus		3	1		3	1
Czech Republic	10	17			19	16
Denmark	7	1			1	1
Estonia	5	2				2
Finland	4	8	1		13	11
France	17	3	22	15	3(1)	9(1)
Georgia	3	20			2	2
Germany	19	13		1	7	
Greece	52	38	17	8	29(2)	41(2)
Hungary	154	82	2	1	9	11(1)
Iceland	1				2	2
Ireland	1	8			5	2
Italy	22	32	11	51	91(35)	89(10)
Latvia	5	10				1
Liechtenstein						
Lithuania	4	5			2	1
Luxembourg	1	1				
Malta		7		2	8(3)	3(3)
Republic of Moldova	38	24		1	21(1)	10(1)
Monaco						1
Montenegro	3	3	1			3

State	Respect of payments deadlines (on the basis of payments registered during the year) ⁽ⁱ⁾					
	Payments within deadline (during the year) ⁽ⁱⁱ⁾		Payments outside deadline (during the year) ⁽ⁱⁱⁱ⁾		Pending cases awaiting confirmation of payment of capital and default interests at 31.12. (in brackets cases only awaiting information on default interests) ^(iv)	
	2012	2013	2012	2013	2012	2013
Netherlands	6	4	1		1	
Norway		2			1	1
Poland	112	207		11	158	79(2)
Portugal	5	26	14	9	22(1)	3
Romania	162	79	77	17	37(1)	46(2)
Russian Federation	98	42	39	16	125(12)	170(17)
San Marino	2					
Serbia	35	26	3	2	28	41
Slovak Republic	23	37			2	3
Slovenia	14	25	3		5(3)	8(3)
Spain	7	1	6	1	3(2)	7(3)
Sweden		6			3	2
Switzerland	4	2			1	4
"The former Yugoslav Republic of Macedonia"	58	44	7		4(1)	9
Turkey	182	170	4	24	170(130)	159(127)
Ukraine	177	80	10	12	148(32)	126(32)
United Kingdom	15	14	6	1	2	2
Total	1363	1142	254	191	976(235)	938(220)

(i) Since 2012, these statistics are no longer based on cases for which payments deadlines have expired during the year, but on those for which payments have effectively been registered during the year, taking into account information received from governments. This ensures that respect of payment deadlines as well as the number of cases awaiting confirmation of payment are better isolated and that the presentation is consistent to the one on the website of the Department for the Execution of Judgments.

(ii) These numbers correspond to cases presented as paid and for which the defendant beneficiaries or has benefited of a 2 month deadline to complain about a potential non-payment.

(iii) These numbers correspond to cases presented as not paid and for which the 2 month deadline does not apply.

(iv) Idem note 33.

b. Just satisfaction awarded

State	Total awarded (euros)	
	2012	2013
Albania	3 014 750	2 054 700
Andorra	20 000	0
Armenia	137 433	287 191
Austria	119 689	102 387
Azerbaijan	308 805	293 344
Belgium	156 150	191 810
Bosnia and Herzegovina	539 424	224 579
Bulgaria	1 404 532	397 750
Croatia	325 950	303 759
Cyprus	0	10 000
Czech Republic	193 530	107 533
Denmark	223 178	11 394
Estonia	28 118	67 522
Finland	70 150	33 000
France	7 667 647	4 444 114
Georgia	73 507	119 847
Germany	502 026	100 430
Greece	1 659 800	1 465 960
Hungary	674 000	1 126 100
Iceland	59 290	0
Ireland	168 035	74 000
Italy	119 558 467	71 284 302
Latvia	57 000	102 000
Liechtenstein	0	0
Lithuania	60 738	52 635
Luxembourg	37 885	5 635
Malta	90 800	2 358 000
Republic of Moldova	718 074	513 896
Monaco	7 500	0
Montenegro	60 215	272 599
Netherland	62 283	68 675
Norway	222 470	56 000
Poland	570 040	833 867
Portugal	1 029 170	2 586 068

State	Total awarded (euros)	
	2012	2013
Romania	1 349 518	1 426 511
Russian Federation	7 150 521	4 089 564
San Marino	26 500	0
Serbia	1 633 120	1 644 180
Slovak Republic	349 817	319 250
Slovenia	263 362	126 856
Spain	156 840	130 592
Sweden	20 240	134 500
Switzerland	148 397	54 223
"The former Yugoslav Republic of Macedonia"	337 150	353 408
Turkey	23 424 794	8 232 823
Ukraine	1 699 753	32 967 437
United Kingdom	418 220	1 139 706
Total	176 798 888	135 420 274

C.4. Additional statistics at 31 December 2013: Respect of payment deadlines, average execution time and new cases decided under Protocol No. 14.

State	Pending cases: average execution time						Protocol No. 14 new cases ⁽¹⁾				
	Leading cases pending < 2 years		Leading cases pending 2-5 years		Leading cases pending > 5 years		Committee cases (Art. 28§1.b)		Friendly Settlements (Art. 39§4)		
	2012	2013	2012	2013	ENHA	STAND	ENHA	STAND	2012	2013	
Albania	2	4	13	8	1	1	4	2	1	2	1
Andorra	1										
Armenia	5	10	9	7				2			
Austria	7	8	8	9		4		6	1	3	1
Azerbaijan	4	10	16	13	2	3	2	8	6	2	11
Belgium	6	8	6	7	1	4	2	4	1		3
Bosnia and Herzegovina	13	6	5	5				1		5	8
Bulgaria	30	24	46	43	10	18	13	19	16	5	15
Croatia	19	17	17	24	1	9	1	13	4	5	18
Cyprus	1	1	5	4		2		1			
Czech republic	9	6	6	2	1	4	1		1	2	3
Denmark											7
Estonia	4	4	2	2				1			1
Finland		1	6	5		5		5			8
France	31	16	7	9		4		2		2	2
Georgia	4	6	10	9		4	1	5			4
Germany	9	10	7	7		1					2

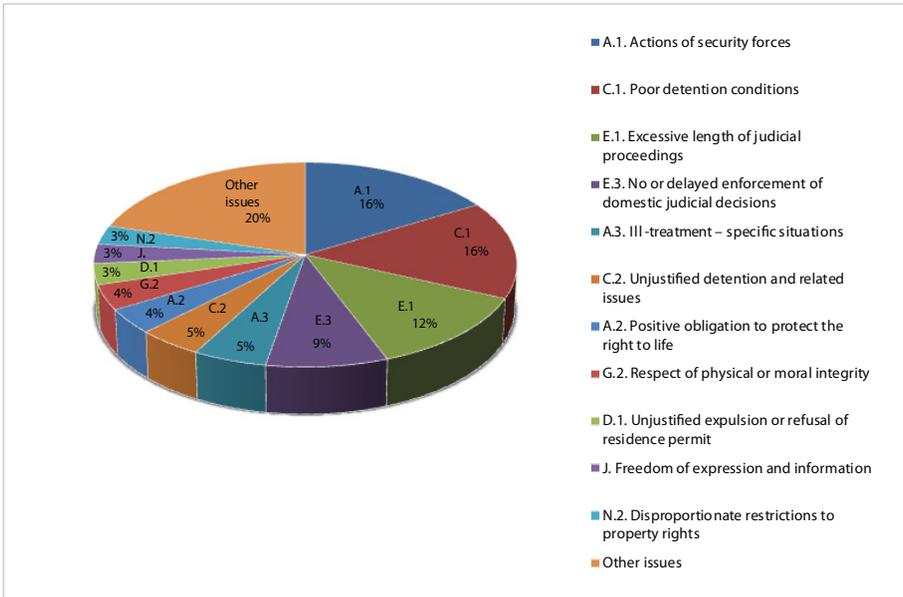
State	Pending cases: average execution time										Protocol No. 14 new cases ⁽ⁱ⁾			
	Leading cases pending < 2 years		Leading cases pending 2-5 years		Leading cases pending > 5 years				Committee cases (Art. 28§1.b)		Friendly Settlements (Art. 39§4)			
					2012		2013		2012		2013			
	2012	2013	2012	2013	ENHA	STAND	ENHA	STAND	2012	2013	2012	2013		
Greece	15	11	24	24	6	14	7	19	30	10	3	14		
Hungary	14	15	9	18	1		1	1	9	24	53	73		
Iceland	1	1	2	1		2		3						
Ireland		2	2	2		1		1	2	1	1	3		
Italy	14	16	15	20	14	19	15	19	17	18	17	2		
Latvia	9	18	8	11		7		9			1			
Liechtenstein														
Lithuania	6	9	5	7		2		3	1	1				
Luxembourg		1				3		1	1					
Malta	4	7	6	4		4		2						
Republic of Moldova	15	15	34	24	10	11	13	21	2	4	14	7		
Monaco											1			
Montenegro	6	6	2	4							1	1		
Netherlands	3	7	3	2		2		4			1	2		
Norway	2	3												
Poland	13	16	36	31	8	19	5	12	7	5	111	93		
Portugal	7	2	4	2	2	2	3	1	12	6	10	4		
Romania	21	28	39	33	8	20	9	17	11	8	17	27		

State	Pending cases: average execution time										Protocol No. 14 new cases ⁽ⁱ⁾					
	Leading cases pending < 2 years		Leading cases pending 2-5 years		Leading cases pending > 5 years				Committee cases (Art. 28§1.b)		Friendly Settlements (Art. 39§4)					
					2012		2013		2012		2013					
	2012	2013	2012	2013	ENHA	STAND	ENHA	STAND	ENHA	STAND	2012	2013	2012	2013		
Russian Federation	38	34	70	68	19	30	24	45	4	17	5	9				
San Marino		1				1	1				1					
Serbia	17	11	10	7	3	2	6	5		11	47	32				
Slovak Republic	12	15	1	2		1			8	12	9	21				
Slovenia	7	6	4	5		6		6	5	11	1					
Spain	7	8	7	8		1		1	1	2						
Sweden	4	3	4	1							1					
Switzerland	4	4	3	3		1		1								
"The former Yugoslav Republic of Macedonia"	5	7	13	11		3		7		1	46	16				
Turkey	33	29	74	72	23	48	16	71	34	34	98	83				
Ukraine	44	36	36	55	10	16	11	26	25	24	35	23				
United Kingdom	8	12	4	3	2	3	1	3			5	4				
Total	454	455	578	570	122	277	135	348	199	215	547	498				

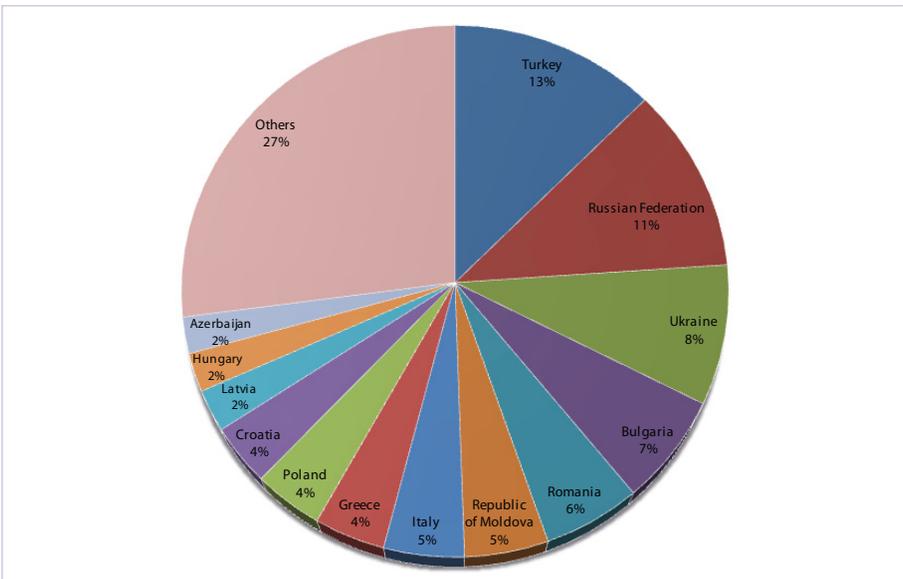
(i) This table is presented to allow an overview of the impact of Protocol No. 14. Indeed, one of the goals of this Protocol is to expedite the processing of repetitive cases, either through the possibility of allowing Committees of three judges to deal with cases concerning questions for which there is an established case-law, or through the Court's new competence to accept friendly settlements with a simple decision.

C.5. Main themes under enhanced supervision (On the basis of the number of leading cases)

The themes used correspond to the main themes used in the thematic overview.



C.6. Main States with cases under enhanced supervision (On the basis of the number of leading cases)



D. New working methods: Additional statistics

1. Classification of new cases

Following the classification of new cases during the 4 HR meetings in 2013, the global result is as follows:

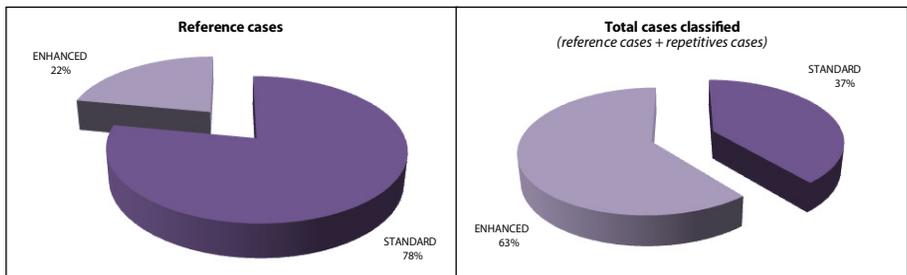
Classification	New leading cases				Total new cases			
	After the last meeting of 2012		After the last meeting of 2013		After the last meeting of 2012		After the last meeting of 2013	
Standard	230	82 %	203	80 %	1015	71 %	954	73 %
Enhanced	51	18 %	52	20 %	414	29 %	354	27 %
Total	281	100 %	255	100 %	1429	100 %	1308	100 %

2. Results of the classification

After the last meeting of the year, which ended on the 6 December, the distribution of cases between the two supervision tracks is as shown below. It is important to note that the interesting statistic concerns the leading cases insofar as the repetitive cases only follow the reference case to which they are attached.

Classification	Leading cases				Total cases			
	After the last meeting of 2012		After the last meeting of 2013		After the last meeting of 2012		After the last meeting of 2013	
Standard	1101	78 %	1139	78 %	4155	39 %	3943	37 %
Enhanced	307	22 %	330	22 %	6577	61 %	6699	63 %
Total	1408	100 %	1469	100 %	10732	100 %	10642	100 %

Graphs for 2013 situation



3. Cases closed

Classification	Leading cases				Total cases			
	After the last meeting of 2012		After the last meeting of 2013		After the last meeting of 2012		After the last meeting of 2013	
Standard	178	96 %	174	95 %	917	89 %	1384	99 %
Enhanced	7	4 %	8	5 %	118	11 %	14	1 %
Total	185	100 %	184	100 %	1035	100 %	1398	100 %

4. Transfers

Standard Procedure to Enhanced Procedure: In 2013, 2 groups concerning 2 States (Italy and Turkey) were transferred. In 2012, 1 group concerning one State was transferred (Hungary).

Enhanced Procedure to Standard Procedure: In 2013, 7 leading cases or groups of cases were transferred concerning 3 States (Russian Federation, Slovenia, and Turkey). In 2012, 9 leading cases concerning 6 States were transferred (Croatia, Spain, Republic of Moldova, Poland, Russian Federation and United Kingdom).

5. Action plans/reports

From 1st January to 31st December 2013, 229 action plans (*158 in 2012*) and 349 action reports (*262 in 2012*) had been submitted to the Committee.

According to the new working methods, when the six-month deadline for States to submit an action plan/report has expired and no such document has been transmitted to the Committee of Ministers, the Department for the Execution sends a reminder letter to the delegation concerned. If a member State has not submitted an action plan/report within three months after the reminder, and no explanation of this situation is given to the Committee of Ministers, the Secretariat is responsible for proposing the case for detailed consideration by the Committee of Ministers under the enhanced procedure (see CM/Inf/DH(2010)45final, item IV).

In 2013, reminder letters have been addressed to 29 States (*27 in 2012*) concerning 125 cases/groups of cases (*97 in 2012*). For 105 of these cases/groups of cases (*45 in 2012*), an action plan/report has been sent to the Committee of Ministers.

6. Cases/groups of cases examined during a meeting – results

In 2013, 27 States³¹ have had cases included in the Order of Business of the Committee of Ministers for detailed examination (26³² in 2012) – initial classification issues excluded. This, out of a total of 31 States with cases under enhanced supervision (29 in 2012).

The following figures recorded on the basis of an analysis of the orders of business from 2009 to 2013 are::

Year	Number of cases or group of cases examined during the HR meetings ³³	States concerned	Total of States with cases under enhanced supervision
2013	114	27	31
2012	110	26	29
2011	97	24	26
2010	75	21	–

31. 2013: Albania, Armenia, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Federation of Russia, France, Georgia, Greece, Hongrie, Ireland, Italy, Malta, Poland, Portugal, Republic of Moldova, Romania, united-kingdom, Serbia, Slovenia, Turkey, Ukraine, Croatia, Czech Republic, Spain, Norway.

32. 2012: Albanie, Azerbaïdjan, Belgique, Bosnie-Herzégovine, Bulgarie, Croatie, Chypre, République tchèque, Géorgie, Allemagne, Grèce, Hongrie, Irlande, Italie, République de Moldova, Pologne Roumanie, Fédération de Russie, République slovaque, Serbie, Slovénie, « L'ex-République yougoslave de Macédoine », Espagne, Turquie, Ukraine et Royaume-Uni.

33. Some of the cases included in these figures have also been examined at the Committee of Ministers' ordinary meetings (OM); notably, the case *Sejdic and Finci v. Bosnia and Herzegovina* was examined twice in 2012 (at the 1137th and the 1147th OM) and twice in 2013 (at the 1169th and 1170th OM); also, the case of *Garabayev v. Russia* was examined once in 2013 at the 1176th OM.

7. Distribution of leading cases pending classified under enhanced supervision, by state

State	Number of leading cases under enhanced supervision	
	2012	2013
Albania	9	10
Armenia	3	4
Azerbaijan	10	11
Belgium	5	6
Bosnia and Herzegovina	5	6
Bulgaria	29	25
Croatia	4	3
Cyprus	1	1
Czech Republic	1	1
France	2	3
Georgia	5	5
Germany	2	2
Greece	14	17
Hungary	3	5
Ireland	1	1
Italy	24	29
Malte	0	1
Norway	0	1
Republic of Moldova	21	25
Poland	16	14
Portugal	3	3
Romania	17	18
Russian Federation	45	47
Serbia	8	10
Slovak Republic	2	1
Slovenia	2	1
Switzerland	1	1
"The former Yugoslav Republic of Macedonia"	1	2
Turkey	38	34
Ukraine	29	38
United Kingdom	6	5
Total	307	330

E. Judgments with indications of relevance for execution

As reflected in the constant practice of the Committee of Ministers and as underlined by the Court, the respondent State remains free, subject to the supervision of the Committee of Ministers, to choose the means by which it will discharge its legal obligation under Article 46 of the Convention, provided that such means are compatible with the conclusions set out in the Court's judgment (see the case *Gülây Çetin v. Turkey*, No. 44084/10, final on 05/06/2013, §143, cited below).

The Committee of Ministers has, in this context, invited the Court to identify, as far as possible, "in its judgments finding a violation of the Convention, what it considers to be an underlying systemic problem and the source of this problem, in particular when it is likely to give rise to numerous applications, so as to assist states in finding the appropriate solution and the Committee of Ministers in supervising the execution of judgments" (Resolution Res(2004)3). In the same spirit, the Court has added that "with a view to helping the respondent State to fulfil its obligations under Article 46, (it) may seek to indicate the type of individual and/or general measures that might be taken in order to put an end to the situation it has found to exist" (see the case *Suso Musa v. Malta*, No. 42337/12, final on 23/07/2013, §120, cited below).

Whereas such indications were sporadically given in the past³⁴, over the last years, the Court has given them more regularly. In the framework of the pilot judgment procedure (see Rule 61 of the Rules of Court), these indications receive expression also in the operative part of the judgments. This has usually not been the case in judgments where the Court has not applied this procedure³⁵.

Pilot judgments and other Judgments with indications of relevance for the execution of general measures (under Article 46) are normally identified, in view of their importance for the execution, as leading cases.

34. See the case "*relating to certain aspects of the laws on the use of languages in education in Belgium*" v. *Belgium*, No.1474/62 final on 23/07/1968; *Marckx v. Belgium*, No.6833/74, final on 13/06/1979; or *Silver and others v. UK*, No. 5947/72, final on 25/03/1983.

35. Except for individual measures – See the cases *R.R. v. Hungary* No.n°19400/11, *Youth Initiative for Human Rights v. Serbia* No. 48135/06, *Zorica Jovanović v. Serbia* No. 21794/08 (in this judgment, the issues relating to IM and GM seem merged), *Del Rio Prada v. Spain* No. 42750/09 and *Volkov v. Ukraine* No. 21722/11 listed in the table B.

1. Pilot Judgments final in 2013³⁶

State	Case title	Appl. N°	Date of final judgment	Nature of indications given by the Court in the operative part of the judgment
Greece	GLYKANTZI see table of main cases	40150/09	30/01/2013	<p><i>Support for the execution of the Konti Arvaniti group (53401/99, first case in 2003 - see description in the table of main cases)</i></p> <p>GM: "The respondent State must set up, within one year from the date on which the judgment becomes final in accordance with Article 44§ 2 of the Convention, a remedy or a combination of domestic effective remedies securing adequate and sufficient redress in cases of breach of reasonable time, within the meaning of Article 6§1 of the Convention, for proceedings before civil courts, and in accordance with the principles of the Convention, as established by the Court's case-law³⁶".</p>
Italy	M.C. and others see table of main cases	5376/11	03/12/2013	<p><i>New problem: Statutory intervention preventing the re-assessment of compensation ("ISS") awarded for damages sustained as a result of accidental contamination through blood transfusions (notably AIDS, Hepatitis)</i></p> <p>GM: "The respondent State must set up, within six months from the day on which the present judgment becomes final in accordance with Article 44§ 2 of the Convention, in cooperation with the Committee of Ministers, a time-limit of a binding nature within which it undertakes to guarantee through appropriate legal and administrative measures, the rapid and effective realisation of the rights at issue, notably through the payment of the re-assessment of the ILS to any person entitled to the compensation provided for by Law no. 210/1992 from the date on which it had been granted to him or her, and irrespective of whether or not the person concerned had brought proceedings to obtain it."³⁶</p>
	TORREGGIANI and others see table of main cases	43517/09	25/05/2013	<p><i>Support for the execution of the Sulejmanovic group of cases (22635/03)</i></p> <p>GM: "The respondent State must set up, within one year from the date on which the judgment becomes final in accordance with Article 44§2 of the Convention, a remedy or a combination of domestic effective remedies securing adequate and sufficient redress in cases of prison overcrowding."³⁶</p>

³⁶ The quotations from the Court's judgments, translated by the Department for the execution of judgments of the Court, are indicated by an asterisk (*).

2. Judgments with indications of relevance for the execution (under Article 46) final in 2013³⁷

All judgments presented in the table below were classified under enhanced supervision end of 2013, except the case of *Youth Initiative for Human Rights v. Serbia*.

State	Case title	Appl. N°	Date of final judgment	Nature of indications given by the Court
Greece ³⁸	SAMPANI and Others ³⁹	59608/09	29/04/2013	<i>Problem in part linked to that revealed by the Sampanis case (CM/ResDH(2011)119): Inadequate schooling of Roma children in a new school, which became de facto, attended only by Roma children</i> IM: The judgment recommends that “those of the applicants who were still of school age could be enrolled, by the West Attica Primary Education Department, at another State school and those who had reached the age of majority could enrol at “second chance schools” or adult education institutes set up by the Ministry of Education under the Lifelong Learning Programme.”*
	LAVIDA	7973/10	30/08/2013	<i>Inadequate schooling of Roma children – see Sampani and others below</i> IM/GM: The judgment underlines that “it is for the respondent State to remove in its domestic legal order any possible obstacle to adequate redress of the applicants’ situation”*. The judgment proposes, for example, the distribution of pupils of Roma origin in mixed classes in other schools of Sofades or the redrawing of the School Zoning map.

37. The texts followed by an asterisk (*) are translated by the Department for the execution of Judgments of the Court quotations from the Court’s judgments, translated by the Department for the execution of judgments of the Court, are indicated by an asterisk (*).

38. In addition to these judgments, the case *Dimitras and others* No. 3 (No. 44077/09, final on 08/04/2013) only took note of the recent adoption of the general measures following the adoption of the Committee of Ministers final resolution CM/ResDH(2012)184 in the cases *Dimitras and others* and *Dimitras and others* No. 2 (No. 42837/06, 3237/07 +, final on 03/09/2010 and 03/02/2012).

39. The issue concerning the placement of Roma children in special classes located in an annex of the 10th primary school of Aspropyrgos for the academic year 2004-2005 was closed by the adoption of general measures described in the final resolution (CM/ResDH(2011)119) in the case *Sampanis and others*, No. 32526/05.

State	Case title	Appl. N°	Date of final judgment	Nature of indications given by the Court
Greece	TZAMALIS and Others	15894/09	04/03/2013	<p><i>Support for the execution of the Nisiotis group (34704/08, see description in the table of main cases)</i> IM/GM: The Court underlines “the need to improve the living conditions in prisons, via drastic and rapid intervention of the authorities, to ensure that appropriate measures to bring the detention conditions ... in compliance with the requirements of Article 3 ...”</p>
Hungary	R.R. and Others	19400/11	29/04/2013	<p><i>New problem: Exclusion from witness protection programs</i> IM: The judgment underlines that the authorities should secure measures of adequate protection for the mother and the children until such time as the threat can be proven to have ceased (see the operative provisions - no violation was found with respect to the father, responsible for the exclusion from the program).</p>
Malta	SUSO MUSA see table of main cases	42337/12	09/12/2013	<p><i>New problem: Various problems related to detention pending asylum proceedings, notably lack of effective and speedy remedies against arbitrary detention in precarious conditions</i> GM: This judgment underlines the necessity to secure the respondent State’s domestic legal order a mechanism which allows to determine the lawfulness of detention as required by the Convention and recommends to ensure an improvement of detention conditions and to limit detention periods.</p>

State	Case title	Appl. N°	Date of final judgment	Nature of indications given by the Court
Russian Federation	ASLAKHANOVA and others	2944/06 332/08 42509/10 50184/07 8300/07	29/04/2013	<p><i>Support for the execution of the Khashiyev group (57942/00, see description in the table of main cases)</i></p> <p>GM: The judgment assesses the scope and nature of the structural problem revealed, taking into account the numerous earlier judgments rendered and the measures adopted. It underlines in particular the necessity to take measures to resolve the systemic problems related to criminal investigations into missing persons and provides a number of recommendations in this respect. The judgment also indicates that it appears necessary that a comprehensive and time-bound strategy to address the problems enumerated above is prepared by the Respondent State without delay and submitted to the Committee of Ministers for the supervision of its implementation.</p>
	SAVRIDDIN DZHURAYEV	71386/10	09/09/2013	<p><i>Support for the execution of the Garabayev group (38411/02, see description in table of main cases)</i></p> <p>IM: The judgment notes that it is not impossible for the respondent State to take remedial measures to protect the applicant against the existing risks to his life and health in a foreign jurisdiction and that it remains a fortiori open to it to take those measures that lie totally within its own jurisdiction, such as carrying out an effective investigation into the incident at issue in order to remedy the procedural violations found.</p> <p>GM: The judgment assesses the scope and nature of the problem revealed by the case, considered in the light of earlier judgments and of measures already adopted, and concludes that urgent and robust action is still needed and provides a number of indications in this respect.</p>
Serbia	YOUTH INITIATIVE FOR HUMAN RIGHTS*	48135/06	25/09/2013	<p><i>New problem: Refusal of the intelligence agency of Serbia to allow a NGO access to intelligence information despite a binding decision directing disclosure</i></p> <p>IM: "The respondent State must ensure, within three months of the European Court's judgment becoming final, in accordance with Article 44§2 of the Convention, that the intelligence agency of Serbia provide the applicant with the information requested." (see the operative provisions).</p>

State	Case title	Appl. N°	Date of final judgment	Nature of indications given by the Court
Serbia	ZORICA JOVANOVIĆ see table of main cases	21794/08	09/09/2013	<p><i>New problem: Authorities' failure to provide information as to the fate of children alleged to have died in maternity wards</i></p> <p>IM/GM: "The respondent State must, within one year from the date on which the present judgment becomes final in accordance with Article 44 § 2 of the Convention, take all appropriate measures to secure the establishment of a mechanism aimed at providing individual redress to all parents in a situation such as, or sufficiently similar to, the applicant's." (see the operative provisions).</p>
Spain	DEL RIO PRADA	42750/09	21/10/2013	<p><i>New problem: Retrospective application of a new precedent set by the Supreme Court (known as the "Parot doctrine"), authorising continued detention beyond the date initially foreseen for final release. (As a result of the swift progress in execution, the Committee of Ministers classified the case under standard supervision)</i></p> <p>IM: The Court considered it "incumbent on the respondent State to ensure that the applicant is released at the earliest possible date." (see the operative provisions).</p>
Turkey	IZCI	42606/05	23/10/2013	<p><i>Support for the execution of the Oya Ataman Group (74552/01, see description in table of main cases)</i></p> <p>GM: "In this judgment, the Court considers that it is crucial that a clearer set of rules be adopted concerning the implementation of the directive regulating the use of tear gas, and a system be in place that guarantees adequate training of law enforcement personnel during demonstration, as well as an effective ex post facto review of the necessity, proportionality and reasonableness of any use of force, especially against people who do not put up violent resistance."</p>
	ABDULLAH YAŞA and Others	44827/08	16/10/2013	<p><i>Support for the execution of the Oya Ataman Group (74552/01, see description in the table of main cases)</i></p> <p>GM: "The Court considers it necessary to reinforce the guarantees on proper use of tear-gas grenades in order to minimise the risks of death and injury stemming from their use, by adopting more detailed legislative and/or statutory instruments" than those established in the circular already adopted in February 2008.</p>

State	Case title	Appl. N°	Date of final judgment	Nature of indications given by the Court
Turkey	GÜLAY ÇETİN	44084/10	05/06/2013	<p><i>New problem: Inadequacy of procedure for protecting health of remand prisoners suffering from serious illness and unjustified difference in treatment of such prisoners compared to convicted prisoners</i></p> <p>GM: With a view to helping the respondent State, this judgment provides indication as to general measures that might alleviate some of the problems noted regarding the procedural arrangements in place to protect prisoners' health and well-being.</p>
Ukraine	OLEKSANDR VOLKOV see table of main cases	21722/11	27/05/2013	<p><i>New problem: Serious systemic problems as regards the functioning of the Ukrainian judiciary</i></p> <p>IM: The respondent State shall secure the applicant's reinstatement in the post of judge of the Supreme Court at the earliest possible date.</p> <p>GM: The Court has underlined that Ukraine should urgently put in place general reforms in its legal system, notably by taking a number of general measures aimed at reforming the system of judicial discipline. The Court indicated that the measures should include legislative reform involving the restructuring of the institutional basis of the system. Furthermore, these measures should entail the development of appropriate forms and principles of coherent application of domestic law in this field.</p>
	VYERENTSOV see table of main cases	20372/11	11/07/2013	<p><i>New problem: Lacuna in Ukraine's legislation and administrative practice concerning the freedom of assembly</i></p> <p>MG: The judgment underlines that specific reforms in Ukraine's legislation and administrative practice should be urgently implemented in order to bring such legislation and practice into line with the Court's conclusions in the present judgment and to ensure their compliance with the requirements of Articles 7 and 11 of the Convention.</p>

State	Case title	Appl. N°	Date of final judgment	Nature of indications given by the Court
United Kingdom	McCAUGHEY and others⁴⁰ COLLETTE and MICHAEL HEMSWORTH	43098/09 58559/09 43098/09 58559/09	16/10/2013 16/10/2013	<p><i>New problem: Excessive delay in investigations into deaths at the hands of security forces in Northern Ireland</i></p> <p>GM: The Court indicated that the State must take, as a matter of some priority, all necessary and appropriate measures to ensure, in the present case and in similar cases concerning killings by the security forces in Northern Ireland where inquests were pending, that the procedural requirements of Article 2 were complied with expeditiously.</p>

40. This issue is examined by the CM in the context of the execution of McKerr case (No. 28883/95), for which the CM decided to close its examination of certain aspects of general measures (concerning concrete results obtained in the investigation of historical cases by the Historical Enquiries Team (HET) and the Police Ombudsman of Northern Ireland and as regards UK's obligations under Article 34) by the adoption of an interim resolution CM/ResDH(2009)44 in March 2009. The CM continues to supervise individual measures of execution concerning investigative delay.

Appendix 2: Thematic overview of the most important developments occurred in the supervision process in 2013⁴¹

Introduction

The thematic overview presents the major developments that occurred in the execution of different cases in 2013, on the basis of the same themes used in the previous annual reports. Events presented include interventions of the Committee of Ministers in the form of:

- ▶ **Final resolutions** closing the supervision process as the Committee of Ministers finds that adequate execution measures have been adopted, both to provide redress to individual applicants and to prevent similar violations;
- ▶ **Committee of Ministers decisions or interim resolutions** adopted in order to support the on-going execution process;
- ▶ **Transfers** from enhanced to standard supervision or vice versa.

In addition, the overview presents other relevant developments, notably:

- ▶ **Action plans** detailing the execution measures planned and/or already taken;
- ▶ **Action reports** indicating that the respondent government considers that all relevant measures have been taken and inviting the Committee of Ministers to close its supervision;
- ▶ **Information supplied** or expected in other forms.

The main emphasis is on cases requiring important general measures, individual measures being less detailed. Indeed, in almost every member States of the Council of Europe, the violations found can today be redressed by reopening criminal proceedings, or even civil proceedings, to the extent possible, taking into account the right to legal certainty and *res judicata*. Where reopening of civil proceedings is not possible, compensation for loss of opportunity remains the main alternative, whether awarded by the European Court or through domestic proceedings. Besides reopening, there are, in most of cases, important possibilities to obtain a re-examination of the matter incriminated by the European Court in order to obtain redress.

41. Classification decisions adopted at the CM DH 1193th meeting (March 2014) are indicated by an asterisk (*).

Standard measures, such as the payment of just satisfaction or the publication and dissemination of judgments to competent authorities (without special instructions), taken in order to ensure, through the direct effect accorded by domestic authorities to the judgments of the Court, adaptations of domestic practices and case-law, are not specially mentioned.

This presentation takes into account the grouping of cases as indicated in the Committee of Ministers' order of business and in table C.2 above. Consequently, indications are limited to the leading cases in the groups.

Information on cooperation programs of importance for the execution of specific problems, which have received the support of the Human Rights Trust Fund, can be found in part IV of the present report.

The Human Rights meetings of the Committee of Ministers are referred to by the indication of the month they were held:

March: 1164th meeting of the Ministers' Deputies – start 5 March 2013

June: 1172th meeting of the Ministers' Deputies – start 4 June 2013

September: 1179th meeting of the Ministers' Deputies – start 24 September 2013

December: 1186th meeting of the Ministers' Deputies – start 3 December 2013

A. Right to life and protection against torture and ill-treatment

A.1. Actions of security forces

ARM / Virabyan

(See main cases or groups of cases table C.2)

Appl. No. 40094/05, Judgment final on 02/01/2013, Enhanced supervision

Ill-treatment in police custody: *torture of the applicant, at the material time a member of one of the main opposition parties in Armenia (People's Party of Armenia), while in police custody (in April 2004) and ineffective investigation; violation of the presumption of innocence, on the grounds that the prosecutor's decision was couched in terms leaving no doubt that the applicant had committed an offence (substantive and procedural violations of Article 3; Article 6§2; procedural violation of Article 14 taken in conjunction with Article 3)*

Information: The authorities have indicated that a consolidated action plan will be submitted by the end of February 2014.

AZE / Mammadov (Jalaloglu)

AZE / Mikayil Mammadov

(See main cases or groups of cases table C.2)

Appl. Nos. 34445/04 and 4762/05, Judgments final on 11/04/2007 and 17/03/2010,

Enhanced supervision

Action of the security forces: unreasonable use of force, torture and/or ill-treatment by the police during custody and/or absence of effective investigations (Articles 3 and 13; procedural violation of Article 2)

Developments: Concerning the individual measures, information is awaited on the progress of the reopened investigations, and bilateral contacts are proceeding on the outstanding questions. As regards general measures, a draft law on the rights of suspects and accused persons is being examined by Parliament, and information on the evolution of the legislative process should be transmitted by the authorities shortly.

AZE / Muradova

AZE / Rizvanov

AZE / Najafli

(See main cases or groups of cases table C.2)

Appl. Nos 22684/05, 31805/06 and 2594/07, Judgments final on 02/07/2009, 17/07/2012 and 02/01/2013, Enhanced supervision

Police force: *excessive use of force by the police resulting in serious physical wounds and/or diminishing human dignity, during authorised or non-authorised demonstrations by the opposition parties; lack of effective investigations (Article 3 substantive and procedural limbs, Article 10)*

CM Decision: While pursuing the examination of these cases at its meeting in June 2013, the CM first noted the reopening of investigations in the cases *Rizvanov and Najafli*, but recalled however that since June 2010 no information has been provided on the reopening of the investigation in the *Muradova* case. It therefore urged the authorities to inform it of the developments occurred in these three cases, of measures ensuring that these investigations fully comply with the Convention requirements and the Court's case-law, and to ensure that the shortcomings criticised by the Court are rectified. The CM also urged the authorities to rapidly provide a consolidated and updated action plan on measures preventing excessive use of force by law enforcement officials during demonstrations and to ensure that effective investigations into allegations of ill treatment are carried out without delay. Noting that in the *Najafli* case, the Court also found a violation of the applicant's freedom of expression on the grounds that he was subjected to excessive use of force, although he had made clear efforts to identify himself as a journalist covering a demonstration, the CM invited the authorities to include in their consolidated action plan information on the specific measures envisaged to prevent such impediments to the exercise of journalistic activity.

BGR / Velikova and other similar cases

(See main cases or groups of cases table C.2)

Appl. No. 41488/98, Judgment final on 04/10/2000, Enhanced supervision

Excessive use of force by the police: *death and/or ill-treatments occurred under the responsibility of law enforcement agents between 1993 and 2004, failure to provide timely medical care in police custody; lack of domestic remedy to claim damages (Articles 2, 3 and 13)*

CM Decision: While pursuing its examination of this group of cases, the CM welcomed, at its March meeting, that due to legislative changes, in force since July 2012, the new legal framework governing the use of force appears to be consistent with the requirements of Articles 2 and 3 of the Convention. It noted also with interest

the establishment of a specialised unit in the Chief Public Prosecutor's office responsible to oversee criminal investigations concerning law-enforcement agents. The CM further invited the authorities to provide information on the exact procedure followed in cases of allegations of ill-treatment by the police and on the measures taken to ensure the impartiality and independence of the police investigators who carry out investigative steps against other law-enforcement agents, as well as on the precise measures envisaged in order to ensure the possibility of taking statements from agents from the special forces, if allegations of ill-treatment are made against them. The CM encouraged the Bulgarian authorities to continue their efforts to improving the procedural safeguards during police custody, namely as concerns the systematic notification to the competent prosecutor of cases in which there are indications of ill-treatment, and the possibility of obtaining the assistance of a duty lawyer in police custody. It noted, in addition, that the putting in place of a nationally coordinated data collection would be useful to allow full assessment of the impact of the measures taken concerning the allegations of ill-treatment against law enforcement agents, as well as concerning the criminal and disciplinary investigations carried out in this connection. Finally, the CM invited the Bulgarian authorities to submit additional information on the other outstanding questions identified in the memorandum (CM/Inf/DH(2013)6rev), including on the individual measures.

CRO / Skendžić and Krznarić

CRO / Jularić

(See main cases or groups of cases table C.2)

Appl. Nos. 16212/08 and 20106/06, Judgments final on 20/04/2011 and 20/04/2011, Enhanced supervision

Crimes committed during the Croatian Homeland War: *lack of an adequate, effective and independent investigation into crimes committed during the Croatian Homeland War (1991-1995) (Article 2, procedural limb)*

Developments: The authorities continue their efforts to resolve war crime cases in line with the action plans submitted in 2011 and 2012, and consultations are held concerning the implementation of the measures adopted to ensure effective investigations. As regards the individual measures, the authorities continue providing information on the progress of the criminal investigations still on-going.

GEO / Enukidze and Girgyliani

(See main cases or groups of cases table C.2)

Appl. No. 25091/07, Judgment final on 26/07/2011, Enhanced supervision

Person abducted and beaten to death by a group of senior officers of the Ministry of Interior: *lack of an effective investigation into the abduction and death of the applicants' son by a group of senior law enforcement officers; non-compliance with obligation to furnish all necessary facilities for the Court's examination (procedural limb of Article 2, Article 38)*

CM Decision: While pursuing its execution supervision of this case at its March 2013 meeting, the CM noted with satisfaction the detailed information provided by the Georgian authorities in their action plan and of its update, and their undertaking to regularly inform the CM on the developments relating to the new investigation

launched after the events. It invited them to provide additional information concerning the measures taken to ensure the institutional independence of the authorities in charge of this investigation. The CM further invited the authorities to provide the announced additional information concerning general measures, including the prevention of similar violations of Article 38 of the Convention.

MDA / Corsacov

(See main cases or groups of cases table C.2)

Appl. No. 18944/02, Judgment final on 04/07/2006, Enhanced supervision

Ill treatment by the police: *ill-treatment and torture in police custody and lack of effective investigation in all cases and, in some, also an absence of effective remedy; also poor conditions of pre-trial detention, refusal to provide necessary medical assistance at a Ciocana police station, detention for a period longer than authorised by law, violation of the right of individual petition on account of the intimidation of the applicant's lawyer by a prosecutor (Articles 3, 13, 5 and 34)*

Developments: Since these cases came before the CM, the authorities have reported a number of measures adopted in order to remedy the different violations established, including amendments to the Criminal Code (CC) in June 2005 in order to better define and criminalise torture, improved regulations for the conduct of investigations and a number of training and awareness raising measures. Recently, the authorities provided additional information on legislative developments that aim to prevent ill-treatment by the police, foster efficient investigation and exclude impunity. Notably, the Execution Code now stipulates a limit of 72 hours for detention in a facility under the authority of the investigation bodies, such as the Ministry of Internal Affairs. It also provides for mandatory regular medical examinations and for the possibility for a detainee to request medical assistance at any time during detention. Further, the amendments to the Criminal Procedure Code reversed the burden of proof in torture-related cases (so that it now falls on the authority under whose custody the person was detained) and introduced mandatory forensic examinations in cases of suspected ill-treatment or torture. At the same time the Criminal Code was amended to exclude the statute of limitations for ill-treatment and torture.

In addition, the authorities undertook other actions such as creation of a specialised unit in the Prosecutor General's Office for investigation of ill-treatment and torture cases, initiation of the reform of the forensic services to enhance their capacities and guarantee their independence, revision of the statistic system of crime indicators and equipping detention facilities under the Ministry of Internal Affairs with video surveillance.

This information is being assessed by the CM.

ROM / Anghelescu Barbu n°1 and other similar cases

(See main cases or groups of cases table C.2)

Appl. No. 46430/99, Judgment final on 05/01/2005, Enhanced supervision

Death resulting from actions of the police: *excessive use of force by the police resulting in death and lack of effective remedy; in some cases - racially motivated ill-treatment; ineffective investigations into possible racial motives (Articles 2 and 3 substantive and procedural limbs, Article 13, Article 14 taken in conjunction with Articles 3 and 13)*

CM Decision: In the pursuit of the execution of this group of cases, the authorities presented a new action plan in January 2013, presenting additional measures, over and above legislative reforms already carried out and training and awareness raising measures undertaken (see memorandum CM/Inf/DH(2011)25rev). The action plan and the Secretariat's assessment (see CM/Inf/DH(2013)8) were examined at the CM meeting in March. The CM noted that information and clarifications as to individual measures were awaited in a number of cases. The fact that the authorities were considering the adoption of additional general measures was noted with satisfaction. In this respect, the CM underlined the need for systematic action by all the authorities concerned, accompanied by appropriate monitoring of the impact of the measures taken, in line with a policy of "zero-tolerance" of acts contrary to Articles 2 and 3 of the Convention. The CM decided to declassify the information document CM/Inf/DH(2013)8, and to resume consideration of this group of cases in the light of the information awaited from the Romanian authorities.

ROM / Association « 21 December 1989 » and others

(See main cases or groups of cases table C.2)

Applications Nos. 33810/07 and 18817/08, Judgment final on 28/11/2011, Enhanced supervision

Statutory limitation on criminal liability: *significant delay in the conduct of an investigation into the violent crackdown on the anti-government demonstrations of December 1989, which resulted in a risk of statutory limitation; lack of safeguards under Romanian law applicable to secret surveillance measures in the event of any alleged threat to national security (Article 2 - procedural limb, Article 8)*

Communications from the authorities: At the time of the last examinations of these cases in March and December 2012, the CM had already noted the efforts made by the Romanian authorities to execute these judgments. It had, inter alia, taken note of the entry into force, in March 2012, of the law repealing the statutory limitation on criminal liability in respect of certain intentional offences against life, including planned amendments of the legislative framework relating to secret surveillance measures. In the course of the year 2013, the Romanian authorities informed the CM that, in the context of a wide-ranging reform in the criminal sphere, the law on implementation of the new code of criminal procedure, intended to remedy the absence of safeguards relating to the protection of private life, had brought about a number of amendments of the laws called into question by the Court in these judgments (law on national security, law on the organisation and operation of the Romanian Intelligence Service, and law on the prevention and combating of terrorism). That law would come into force in February 2014.

RUS / Khashiyev and Akayeva and other similar cases

RUS / Isayeva

RUS / Abuyeva and others

(See main cases or groups of cases table C.2)

Appl. Nos. 57942/00, 57950/00 and 27065/05, Judgments final on 06/07/2005, 06/07/2005 and 11/04/2011, Enhanced supervision

Anti-terrorist operations in Chechnya: *unjustified use of force, disappearances, unacknowledged detentions, torture and ill-treatment, lack of effective investigations into the*

alleged abuses and absence of effective domestic remedies, failure to co-operate with the Court, unlawful search, seizure and destruction of property, (Articles 2, 3, 5, 6, 8 and Article 14 of the Protocol No.1)

Action plan: An overview of results achieved until 2011 - in particular as regards the regulatory framework surrounding the actions of the security forces, training and awareness raising, the setting up infrastructures aimed at ensuring effective investigations and compensation and support to victims - can be found in the series of memoranda prepared in this group of cases⁴² and in interim resolution (2011)292). In the pursuit of its supervision of the execution of the present group of cases, and taking into account the additional indications provided by the Court in the Aslakhanova judgment of 2012, the CM requested the authorities, in September 2012, to revise their strategy for the handling of these cases.

The Russian authorities provided a revised action plan in August 2013, containing and developing in more detail a renewed strategy for the further execution of the judgments in this group of cases. The strategy included the following crucial points:

- Implementation of the Convention and the case-law of the Court into the Russian legal system;
- Ensuring appropriate inter-agency coordination in the execution of the above judgments;
- Use of the amnesty mechanism as an instrument of peaceful settlement of the situation and establishing a constitutional order in the region;
- Improving the legislation and law enforcement practice related to counter-terrorism activity;
- Improving the legislation and law enforcement practice in order to prevent illegal detentions, ill-treatment of detainees and disappearances of citizens;
 - Increase the effectiveness of criminal investigations into the factual situations underlying the violations found, including
 - Ensuring the investigative authorities independence, as well as their organisational, personnel, technical and other equipment needs;
 - Cooperation with the victims and ensuring their rights during investigations;
 - Improvement and intensification of the search for missing persons;
 - Investigators' overcoming of difficulties related to the investigation of remote events, including as concerns the powers to access archive documents;
- Creation of new, and improvement of existing domestic remedies;
- Strengthening of the interaction with institutions of civil society.

The revised plan will be examined at the March meeting 2014.

42. CM/Inf/DH(2006)32, CM/Inf/DH(2006)32 rev, CM/Inf/DH(2006)32rev2, CM/Inf/DH(2008)33, CM/Inf/DH(2008)33add, CM/Inf/DH(2010)26.

RUS / Mikheyev and other similar cases

(See main cases or groups of cases table C.2)

Appl. No.77617/01, Judgment final on 26/04/2006, Enhanced supervision

Arbitrary police actions and abuses: *ill-treatment in police custody and lack of effective investigation in this respect; lack of effective remedy, particularly with regard to compensation (Articles 3 and 13)*

Action plan: The Russian authorities reported in December 2012 and August 2013 on measures taken, namely the adoption of the new Law on Police (as of 7 February 2011), and the creation within the Investigative Committee of special divisions for investigation of crimes committed by law enforcement officers. The authorities have also reported on other measures taken or envisaged, aiming in particular at ensuring effective investigation into ill-treatment of detainees. Bilateral consultations are under way in view of identifying possible avenues for further progress.

TUR / Batı and other similar cases

(See main cases or groups of cases table C.2)

Appl. No. 33097/96, Judgment final on 03/09/2004, Enhanced supervision

Ineffective investigations: *ineffectiveness of national procedures for investigating alleged abuses by members of the security forces (Articles 2, 3, 5 §§3, 4, 5 and Article 13)*

Developments: The authorities provided information that within the Fourth Reform Package adopted in April 2013 (law No. 6459), a new paragraph has been added to Article 94 of the Criminal Code, eliminating the statute of limitations in respect of the offence of torture in order to prevent impunity from the investigations by means of statute of limitations. Secondly, in addition to the provisions of re-opening of proceedings in Article 311, a new provision has been added to Article 172 of the Criminal Procedure Code. Accordingly, if the European Court of Human Rights finds that a non-prosecution decision has been taken as a result of an ineffective investigation, that investigation shall be re-opened. This will also provide an opportunity for the applicants to have their complaints re-assessed by the prosecutor offices.

UKR / Kaverzin

UKR / Afanasyev and other similar cases

(See main cases or groups of cases table C.2)

Appl. No. 23893/03 and 38722/02, Judgments final on 15/08/2012 and 05/07/2005, Enhanced supervision

Ill-treatment by the police: *systemic problems at the national level of practices of ill-treatment in police custody (use of physical or psychological force, mostly in order to obtain confessions) and lack of effective investigations into such complaints and also of an effective remedy; inhuman and degrading treatment in prison due to the systematic handcuffing of the applicant (blind) when taken out of his cell (Kaverzin); in some cases, inadequate medical assistance in detention; irregularities in detention on remand; excessive length of proceedings and lack of effective remedies; non-enforcement of judicial decisions and lack of effective remedies; unfair trial (Articles 3, 5§1, 5§3, 5§5, 6§1, 6§3, 13, and of Article 1 of Protocol No. 1)*

CM Decision: These problems came first before the CM with the Afanasyev case in 2005. Despite measures adopted, the problems revealed continued to give rise to new cases before the Court. In response to this situation, the Court, in its Kaverzin judgment delivered in 2012, stressed that Ukraine had urgently to put in place specific reforms in its legal system in order to ensure that practices of ill-treatment in custody were eradicated, that effective investigations were conducted and that any shortcomings in such investigation were effectively remedied at the domestic level. In response hereto, the Ukrainian authorities submitted a global action plan in April 2013 which was examined at the CM meeting in June 2013. As regards individual measures, the CM noted the authorities' confirmation that the systematic handcuffing of the applicant in the Kaverzin case had been discontinued. It invited the authorities, in close co-operation with the Secretariat, to identify all outstanding questions following the Court's judgments in respect of the domestic investigations into the applicants' complaints of ill-treatment by the police. Concerning general measures, as regards the prevention of ill-treatment, the CM notably welcomed the establishment of a National Preventive Mechanism under the United Nations Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and the changes introduced through the new Code of Criminal Procedure. The CM invited the Ukrainian authorities to keep it informed on the impact of the measures adopted in practice. Moreover, as regards investigations into ill-treatment allegations, the Ukrainian authorities were invited to provide the necessary additional information, in close consultation with the Secretariat. The CM noted that a State Bureau of Investigation was to be created at the latest by 2017, and invited the Ukrainian authorities to provide further details in this respect, notably with a view to ensuring the independence of investigations. As regards the security arrangements for life-sentenced prisoners, the CM urged the Ukrainian authorities to study the adoption of concrete measures, taking also into account CPT's recommendations in this subject. The CM encouraged the Ukrainian authorities to continue to take advantage of the opportunities offered by the Council of Europe under its various co-operation/technical programmes.

UK / Al-Jedda

Appl. No.27021/08, Judgment final on 07/07/2011, Transfer to standard supervision

Internment of an Iraqi civilian in Iraq: preventive detention without basis in law of an Iraqi national from 2004-2007 in a detention centre run by British forces in Iraq, attributable to the UK as the occupying power (Article 5§1)

CM Decision: Following the examination of the first action plan submitted, the CM requested in June 2012 certain further information. A revised action plan was submitted in January 2013. Pursuing its supervision of this case at its meeting June 2013, the CM recalled that no question of individual measures remained (the applicant had been released from detention in 2007 and the just satisfaction had been paid). Concerning general measures, the CM noted with interest the clarification that the Court's findings in this case were set in the factual circumstances of United Kingdom's past operations in Iraq, and had no implications for ongoing operations elsewhere including detention operations in Afghanistan, in particular because United Kingdom armed forces operate there as part of a United Nations-mandated force authorised

by the United Nations Security Council with the consent of the Government of Afghanistan. The CM noted also that this question was currently being examined by the domestic courts. The CM further noted with satisfaction the progress of the settlement negotiations undertaken by the authorities to resolve similar cases in order to prevent repetitive cases before the Court and that the judgment has been widely published and disseminated within government. It invited the authorities to keep it updated on all relevant developments and decided, in the light of the significant progress made, notably in the settlement proceedings, to transfer this case for supervision under the standard procedure.

UK / McKerr and other similar cases

(See main cases or groups of cases table C.2)

Appl. No.28883/95, Judgment final on 04/08/2001, Enhanced supervision

Actions of security forces in Northern Ireland in the 1980s and 1990s: shortcomings in subsequent investigation of deaths; lack of independence of investigating police officers; lack of public scrutiny and information to victims' families on reasons for decisions not to prosecute (Article 2, procedural limb)

Action plan: The measures taken by the authorities within the context of execution of these cases have been regularly examined by the CM, and led to the adoption of several interim resolutions, the latest being the interim resolution CM/ResDH(2009)44. Several aspects have been closed by the CM in the process of its examination. The developments that occurred since, in particular regarding the progress of the on-going investigations, have been brought before the CM. The last updated communication, in a consolidated action plan of February 2014, sets out the latest information available concerning the progress of these investigations and addresses the outstanding issues related to the reaction of the authorities following the Northern Ireland Police Ombudsman's report, and in particular the recommendation in the five-yearly review, according to which power should be given to the Ombudsman to compel retired police officers to appear as witnesses. This action plan is currently being assessed by the CM.

UK / M.S.

Appl. No. 24527/08, Judgment final on 03/08/2012, CM/ResDH(2013)175

Lack of prompt appropriate psychiatric treatment in detention: considerable deterioration of the condition of a mentally-ill person, detained, under section 136 of the Mental Health Act 1983, in an "place of safety" (a police station), and delayed transfer into a psychiatric clinic, essentially due to difficulties of co-ordination between the relevant authorities (Article 3)

Final resolution: At the time of the applicant's detention in 2004, a person that had been detained in one place of safety could not be transferred to another place of safety. The Mental Health Act 1983 has since been amended by the Mental Health Act 2007 to allow a person to be transferred from one place of safety (e.g. police station) to another place of safety (e.g. a hospital). In addition, Chapter 10 of the 2008 revised Code of Practice Mental Health Act 1983 clarifies that a police station should only be used as a place of safety "on an exceptional basis". In addition, in 2010 the National Policing Improvement Agency issued "Guidance on responding to

people with mental ill health or learning disabilities” and other publications aimed at providing a “robust mechanism for the development and improvement of police responses in the field of mental health”.

A.2. Positive obligation to protect the right to life

HUN / R.R.

Appl. No. 19400/11, Judgment final on 29/04/2013, Enhanced supervision

Exclusion from witness protection programme: *authorities’ failure to protect the right to life of four of the five applicants, on account of their exclusion from the witness protection programme, without ensuring that the risk for the applicants’ lives had ceased to exist and without taking the necessary measures to protect them, thus potentially exposing them to life-threatening vengeance from criminal circles (Article 2)*

CM Decisions: Given the urgency of the individual measures required resulting from the Court’s considerations about the “serious threat to the applicants’ lives” and its indications under Article 46 to that respect, once the judgment become final, the Secretariat contacted the Hungarian authorities on 2 May 2013 to inquire about the applicants’ situation and the measures taken. The authorities replied on 16 May 2013. When considering this case for the first time at its DH meeting in June, the CM first noted the Court’s indications under Article 46, namely that the authorities should secure measures of adequate protection for the second applicant and her three minor children, “including proper cover identities if necessary, equivalent to those provided in section 16 of the Protection Act 2001” until the cease of the threat to their lives. Having further noted the information provided by the authorities during the meeting, the CM recalled that the first applicant’s common-law wife and children might be exposed to life-threatening circumstances, and urged the authorities to ensure without delay an up-to-date assessment of the risks faced by these persons and that “measures of adequate protection” are in place.

At its September meeting, the CM took note of the new information provided meanwhile by the Hungarian authorities, but noted, however, that this information was insufficient to allow it to assess whether “measures of adequate protection” were secured for the second applicant and her three minor children. It has thus urged the Hungarian authorities to provide without delay the outstanding information as requested in its previous decision of June. The Secretariat follows in close contact with the authorities and the applicant’s representatives the developments of the situation.

UKR / Gongadze

Appl. No. 34056/02, Judgment final on 08/02/2006, Enhanced supervision

Abduction and death of a journalist: *authorities’ failure to protect the life of a journalist and effectively investigate his abduction and death; degrading treatment of the journalist’s widow on account of the attitude of the investigating authorities; lack of an effective remedy (Articles 2, 3 and 13)*

CM Decision: While pursuing its examination of the question of individual measures in this case (cf. notably Interim Resolutions CM/ResDH(2008)35 and

CM/ResDH(2009)74), at its June meeting 2013, the CM recalled that it had insisted, at its December meeting 2012, on the Ukrainian authorities' obligation to continue their efforts to find the instigators and organisers of the killing of G. Gongadze and, considering the time elapsed, to enhance their efforts to ensure that all necessary investigatory measures to this end were taken as a matter of urgency. The CM noted the completion, in January 2013, of the trial in first instance, against the superior of the three police officers already convicted, for his involvement in the murder of G. Gongadze. It also noted that some information requested at the last examination of this case was still awaited (notably regarding the manner in which Ukrainian law balanced the right to an effective investigation in order to bring those responsible before justice against other rights and interests, such as the right not to have illegally obtained evidence used at trial⁴³), and urged the Ukrainian authorities to provide it as soon as possible. In this context, the CM noted that the Prosecutor General's Office continues its investigation into the circumstances of G. Gongadze's death. It is recalled that the question of general measures is examined in the context of the Khaylo group of cases.

A.3. Ill-treatment – specific situations

MKD / El-Masri

(See main cases or groups of cases table C.2)

Appl. No.39630/09, Final on 13/12/2012, Enhanced supervision

Secret “rendition” operation to CIA agents: *German national, of Lebanese origin, victim of a secret “rendition” operation during which he was arrested, held in isolation, questioned and ill-treated in a Skopje hotel for 23 days, then transferred to CIA agents who brought him to a secret detention facility in Afghanistan, where he was further ill-treated for over four months (Article 3 in substantive and procedural limbs; Article 5 in substantive and procedural limbs; Article 13, taken in conjunction with Articles 3, 5 and 8)*

Information: An action plan remains awaited. In the meantime, the CM has received information as regards individual measures: the proceedings concerning the damages claimed by the applicant against the respondent state before the Skopje Court of First Instance are still pending. Information is awaited on the measures taken and/or envisaged to accelerate the civil proceedings pending before the Skopje Court of First Instance. Moreover, the applicant's criminal complaint lodged in respect of the impugned events having been rejected in 2008 by the public prosecutor, information will be provided on the reopening of the investigation into the applicant's allegations of his ill-treatment and arbitrary detention.

SWE / S.F. and Others

Appl. No.52077/10, Judgment final on 15/08/2012, CM/ResDH(2013)170

Risk of ill-treatment in Iran: *refusal to grant refugee status, confirmed by the Migration Court in 2009, notwithstanding a real risk of ill-treatment in case of deportation to Iran*

43. It is recalled that the use of the so called Melnychenko tapes was refused by the courts, relying notably on a decision by the Constitutional Court of 20/10/2011, as they could not serve as lawful sources of evidence – see DH-DD(2012)86.

because of the applicants' political activities in Sweden, notably support for Kurdish prisoners and human rights in Iran, and risk of being identified upon return (Article 3)

Final resolution: In accordance with the interim measure indicated by the Court on the basis of Rule 39, the Migration Board granted the applicants permanent residence permits in Sweden in August 2012.

B. Prohibition of slavery and forced labour

C. Protection of rights in detention

C.1. Poor detention conditions

ALB / Dybeku

ALB / Grori

(See main cases or groups of cases table C.2)

Appl. Nos 41153/06, 25336/04, Judgments final on 02/06/2008 and 07/10/2009, Enhanced supervision

Inadequate medical care in prison for seriously ill prisoners: ill-treatment in prison due to the lack of appropriate medical treatment for prisoners requiring special care; unlawful detention pending trial, unjustified non-compliance with the European Court's interim measure regarding the transfer of the applicant to a civilian hospital (Grori case) (Articles 3, 5§1 and 34)

CM Decision: When continuing, at its March meeting, its supervision of the execution of these judgments, the CM noted that the applicants Grori and Dybeku were provided access to the medical treatment required by their state of health. Nevertheless, having regard to the age of the cases and the seriousness of the violations at issue, the CM deplored that the authorities have not yet submitted detailed information on measures taken in view of ensuring access to adequate medical treatment for the applicants and all other detainees. Recalling the action plan of November 2011 on legislative amendments needed to respond to the findings of the European Court related to Article 3 of the Convention, the CM noted that no additional information has been submitted since then. It also regretted that more than three years after the case of Grori became final, no information has been submitted concerning the violations of Articles 5§1 and 34 of the Convention. The CM has thus urged the Albanian authorities to submit, without any further delay, an updated action plan containing all the missing information including, in particular, detailed information on the legal regime and practice governing the availability of medical treatment for detainees, so as to enable the CM to assess the status of execution of these two judgments as soon as possible.

ARM / Kirakosyan and other similar cases

(See main cases or groups of cases table C.2)

Appl. No. 31237/03, Judgment final on 04/05/2009, Enhanced supervision

Degrading treatment on account of detention conditions: severe overcrowding in a temporary detention facility in 2002 (1-2 square meters of personal space, periods without sleeping facilities, infestation with pests and absence of natural light); conviction

to 10 day administrative detention without adequate time and facilities to prepare any defence and without any right of appeal (Articles 3, Article 6§3 (b) combined with Article 6§1 and Article 2 of Protocol No. 7)

Other developments: Bilateral contacts are underway regarding the necessity of a consolidated action plan taking into account the practical consequences of the large scale refurbishment programme of all police holding areas engaged in 2006 and the legislative changes defining 4 square meters as minimum personal space referred to in the Government's action report (whether the old cells previously used for administrative detention are still in use; in the affirmative, if those cells have been refurbished as planned (see recent CPT report (CPT/Inf(2011)24), §§39-40). The measures taken relevant for the violation of Article 6 §3b combined with Article 6 §1 and the violation of Article 2 of Protocol No.7 (notably the abolishment of administrative detention as a sanction in 2005) are supervised within the context of the Galstyan group of cases (appl. No. 26986/03), under standard supervision.

BEL / L.B.

(See main cases or groups of cases table C.2)

Appl. No. 22831/08, Judgment final on 02/01/2013, Enhanced supervision

Prison facility unsuited to psychiatric pathologies: applicants kept for long periods of time in institutions which do not offer the care required by their psychiatric pathologies (Article 5 § 1 in each case of the group; Articles 3 and 5§4 in the Claes case)

Action plan: With regard to the individual measures, the authorities have supplied preliminary information itemising the urgent measures which they have adopted or are in the process of adopting, aimed at adapting the applicants' care so as to take into account the Court's findings. This information has been brought to the attention of the CM (confidential document). Consideration of required general measures is also under way, particularly by mapping the population of internees and the supply of available health care to internees and the needs in this field. The Belgian authorities will keep the CM informed of the progress of the action plan by October 2014.

BGR / Kehayov and other similar cases

(See main cases or groups of cases table C.2)

Appl. No. 41035/98, Judgment final on 18/04/2005, Enhanced supervision

Investigative detention facilities and prisons: cases mainly concerning inhuman and degrading treatment due to overcrowding and poor sanitary and material conditions; lack of appropriate medical care lack of effective remedies (Articles 3, 13 taken in conjunction with Article 3; 6§1, 5; 6§3 e); 8 and 13)

CM Decision: Pursuing its execution supervision of this group of cases in the light of an action plan provided by the authorities in April 2013, the CM, welcomed, at its June meeting the efforts of the Bulgarian authorities to solve the systematic problem of overcrowding, but noted that additional measures are still necessary in order to overcome it, in particular concerning the current situation in the prisons for men. In this context, it encouraged the authorities to develop further the use of alternative measures to imprisonment and preliminary detention and to establish an updated

global strategy to address prison overcrowding, taking into consideration the relevant recommendations of the CM, as well as other competent bodies of the Council of Europe. The CM further noted with satisfaction the efforts made by Bulgaria to improve the material conditions of detention, namely through the reconstruction projects funded with the assistance of the Norwegian Financial Mechanism. However, it has noted that substantial improvements are still necessary in the majority of the penitentiary facilities and that the national action plans in this field could not be implemented due to budgetary restrictions related to the economic crisis. The CM had thus encouraged the authorities to give the highest priority to seeking solutions which would allow them to achieve their goals to improve the conditions of detention, if necessary by continuing to explore all possibilities of support and cooperation at national and European level and to establish a revised national program concerning the improvement of conditions of detention for the period after 2013, taking due account of the relevant recommendations made by monitoring bodies at national and international level, including the CPT and the Ombudsman. The CM had finally noted that the improvement of the conditions of detention and the reduction of the prison overcrowding should facilitate the setting-up, at the domestic level, of a preventive remedy meeting the requirements of the case-law of the Court and invited the Bulgarian authorities to draw full benefit from project 18 of the Human Rights Trust Fund.

BGR / Stanev

(See main cases or groups of cases table C.2)

Appl. No. 36760/06, Judgment final on 17/01/2012, Enhanced supervision

Placement in a psychiatric institution and inhuman conditions of detention: unlawfulness of placement in a psychiatric institution, impossibility of judicial remedy and obtaining redress in that regard; inhuman and degrading conditions of detention (2002 and 2009) and lack of an effective remedy in this respect; lack of possibility to request before a court the restoration of legal capacity (Articles 5§§1-4-5, 3, 13 and 6§1)

Action plan: The Bulgarian authorities transmitted an action plan in March 2013 in which they indicated that the applicant had now been placed, with his consent and that of his guardian, in a new specialised, family-type clinic in his native town, with which the government agent was in contact. According to these contacts, the applicant is satisfied for the time being but has expressed the wish to live outside the institution and has obtained the support of external specialists. The question of restoring his legal capacity has been reviewed by the prosecutor under the provisions in force, but this has been refused in the absence of proof that the applicant is no longer suffering from mental disorder or is capable of taking care of himself. Concerning general measures, proposals for legislative amendments to the Code of Civil Procedure and the Family Code are under consideration by the competent authorities. Awareness-raising measures have been taken in the meantime, including a public event in September 2012 organised by the Ministry of Justice with the participation of civil society. The measures taken or envisaged by the authorities are currently being assessed by the CM.

EST / Kochetkov

Appl. No. 41653/05, Judgment final on 02/10/2009, CM/ResDH(2013)9

Detention conditions in pre-trial facilities: *degrading treatment of a Russian national, as a result of the poor material conditions of his pre-trial detention at Narva Arrest House (in particular due to the overcrowding, inadequate ventilation, impoverished regime and poor hygiene conditions) and lack of an effective remedy in this respect due to the restrictive approach by the domestic courts, applying a requirement that compensation was only available where someone was found to have been at fault for degrading the person concerned (Article 3 and Article 13).*

Final resolution: The applicant is no longer in pre-trial detention. As regards general measures, the authorities have taken a series of concrete measures to improve the material conditions in custodial institutions, including renovation of old and construction of several new custodial institutions all over the country. As regards Narva Arrest House, its occupancy level has been considerably reduced thanks to the construction of a new custodial institution in 2008, in the eastern region of Estonia. Also, ventilation systems were repaired and maintenance works were carried out in 2011. As to the effectiveness of the remedy available against poor material conditions of detention and the domestic courts' approach when awarding compensation, case-law examples of 2010 and 2011 demonstrate that the decisive factor is the existence of degrading conditions and not of an officials' fault. Moreover, a new State Liability Act, changing the overall regulation on state liability is to be adopted. However, already now the Estonian courts interpret the State Liability Act in force in accordance with the Convention requirements and in the light of its case-law.

GRC / Nisiotis and other similar cases

(See main cases or groups of cases table C.2)

Appl. No. 34704/08, Judgment final on 20/06/2011, Enhanced supervision

Prison overcrowding: *inhuman and degrading treatment by reason of the poor conditions in which the applicants were held in Ioannina prison, mainly because of severe overcrowding (Article 3)*

CM decision: The CM pursued the examination of this group of cases in June 2013 on the basis of the information provided by the authorities in their action plans of January 2012 and April 2013. It first recalled that a "drastic and rapid intervention of the authorities" was required in order to bring the conditions of detention [at Ioannina prison] in line with the requirements of Article 3. The CM further noted that, in the Nisiotis case, the Court observed that prison overcrowding appeared to be a structural problem, a situation not specific to Ioannina prison, but present in a large number of Greek prisons. In view of the above, while having noted with interest the efforts made by the Greek authorities to reduce overcrowding and improve conditions of detention at Ioannina prison, the CM urged the authorities to continue their efforts to ensure that conditions in that prison fully meet the requirements of Article 3, as specified in the case-law of the Court. It invited them notably to provide precise information about the practical impact of the measures taken in respect of the number of prisoners currently held in the prison as compared to its official capacity, the living space available per prisoner in cell and the amount of time that they spend outside their cells. The CM has also noted with interest that the measures taken or

envisaged to improve conditions of detention in general, appeared to be moving in the right direction to find a solution to the chronic problem of overcrowding. Having stressed that the solving of this problem is vital to the improvement of conditions of detention, the CM urged the Greek authorities to draw up a comprehensive strategy against overcrowding based on the relevant recommendations of the Committee of Ministers and on the advice of the Council of Europe's specialised bodies, and invited them to keep it informed thereof.

ITA / Cirillo

(See main cases or groups of cases table C.2)

Appl. No. 36276/10, Judgment final on 29/04/2013, Enhanced supervision

Inadequacy of the medical care in prison: inhuman and degrading treatment suffered by the applicant at the prison of Foggia, on account of the lack of appropriate medical care provided, more specifically of the lack of regular physiotherapy sessions he needs due to the subtotal paralysis of his left arm (Article 3)

CM Decision: In light of an action plan provided in July 2013, the CM examined this case at its September meeting. The CM noted with interest the measures adopted by the Italian authorities to secure the applicant adequate medical care and invited them to provide information on the arrangements made to ensure that the applicant will receive on a regular basis the medical care he might require. As regards general measures, the CM noted the direct link established by the European Court between the lack of regular access to medical care and the structural problem of prison overcrowding in Italy, and has underlined the complexity of the issues related to the medical care in a prison environment characterised by structural overcrowding. In this context, the CM noted that the group of cases Scoppola, under standard surveillance, also concerns issues related to material prison conditions inadequate to the health condition of prisoners suffering from serious pathologies and to the impossibility to provide the required medical care to them in a prison environment. The CM also noted that in this group of cases, the Italian authorities have provided a revised action plan, which remains to be assessed. The CM decided to continue jointly the examination of the issues raised by the case of Cirillo and by the group of cases Scoppola under the enhanced supervision.

ITA / Sulejmanovic

(See main cases or groups of cases table C.2)

Appl. No.22635/03, Judgment final on 06/11/2009, Enhanced supervision

Overcrowding in prisons: inhuman or degrading conditions of detention due to the excessively confined space in overcrowded cell (Article 3)

CM Decision: After having assessed in detail, at its September 2012 meeting, the Action plan submitted by the authorities, the CM invited them to submit further information and clarifications, inter alia, on the total additional capacity of the prison estates, on the meaning and status of the standard relating to the minimum living space per detainee, on the monitoring of the detention conditions and on the impact of the different measures adopted so far. Pursuing its supervision of the implementation of this judgment at its June 2013 meeting, the CM recalled the importance

of the existence, both in theory and practice, of effective domestic remedies and noted in this respect the pilot judgment *Torreggiani and others* (final on 27 May 2013) delivered by the European Court, setting a deadline of one year for putting in place an effective domestic remedy or a combination of such remedies capable of affording adequate and sufficient redress in cases of overcrowding in prisons. The CM has thus encouraged the Italian authorities to deploy all the necessary efforts with a view to submitting an action plan, together with a calendar, for the setting up of such a remedy by the deadline set by the Court, namely before 27 May 2014 and to submit the further information and clarifications already requested without delay.

MDA / Paladi

MDA / Becciev and other similar cases

MDA / Ciorap

(See main cases or groups of cases table C.2)

Appl. Nos. 39806/05, 9190/03 and 12066/02, Judgments final on 04/01/2006 and 19/09/2007, Enhanced supervision

Poor detention conditions amounting to degrading treatment: *poor detention conditions in penitentiary establishments under the authority of the Ministries of the Interior (Becciev group) and of Justice (Ciorap group), lack of access to medical care in detention and lack of effective remedy; unlawful and groundless detention (Articles 3 and 13, and Article 5 §§3 and 4).*

CM Decision: The CM has been examining these cases since 2006. Consultations with the Moldovan authorities have been carried out within the context of a specific project of the Human Rights Trust Fund (HRTF project 18). In response, the Moldovan authorities provided an action plan in October 2013 detailing a range of measures taken and envisaged to improve material conditions, to fight overcrowding and to improve access to medical care.

When examining the plan in December 2013, the CM noted with satisfaction the establishment of technical co-operation between the Moldovan authorities, international experts and the Department for the Execution of the judgments of the European Court, as well as the efforts undertaken by the Moldovan authorities. The CM strongly encouraged the authorities to pursue their efforts and initiatives and invited the authorities to clarify the manner in which they ensure the strict respect in practice of the legal and regulatory provisions prohibiting the placement of a person deprived of liberty in an establishment of the Ministry of the Interior beyond the statutory limit of 72 hours. The CM stressed the importance of defining priorities on the basis of a needs assessment, accompanied by a timetable. It further encouraged the Moldovan authorities to intensify their efforts to combat overcrowding, notably through alternatives to detention, and more generally by taking due account of the recommendations of the CPT, as well as all relevant recommendation by the CM. As regards a compensatory remedy for detained persons to complain about their conditions of detention, the CM noted with interest the Explanatory Decision of the Plenum of the Supreme Court of Justice of 24 December 2012 giving guidance to the courts on the right and the procedure applicable to such complaints. The CM strongly encouraged the authorities to make rapidly progress in their reflection concerning

preventive remedies, by taking full benefit of the technical co-operation proposed in the framework of the aforementioned Trust Fund project.

POL / Horych

(See main cases or groups of cases table C.2)

Appl. No. 13621/08, Judgment final on 17/07/2012, Enhanced supervision

Special prison regime for “dangerous detainees”: applicants subjected to strict prison measures in application of the “dangerous detainee” regime between 2001 and 2012 (placement in solitary confinement in high-security cells, constant monitoring, deprivation of adequate mental and physical stimulation) and extended duration of the application of that regime (Articles 3 and 8)

Information: In July 2012, the Polish authorities had confirmed that Mr Horych was still detained, but said that he was no longer classified as a “dangerous detainee”. Additional information was provided orally during the Execution Department’s official journey to Warsaw in March 2013, and preliminary information was submitted in July 2013 about the measures envisaged by the authorities in execution of this judgment. Bilateral contacts are currently in progress with a view to finalising the action plan to be submitted.

POL / Kaprykowski and other similar cases

(See main cases or groups of cases table C.2)

Appl. No. 23052/05, Judgment final on 03/05/2009, Enhanced supervision

Inadequate medical care in prison: structural problem of prison hospital services – ill-treatment due to lack of adequate medical care (Article 3)

CM Decision: In its judgment, the Court, mindful of the structural nature of these problems, called upon the Polish authorities to take the necessary legislative and administrative measures to secure appropriate conditions of detention, in particular adequate conditions and medical treatment for detainees needing special care owing to their state of health. It also urged them to put an end to the violation of Article 3 in this case by securing adequate detention conditions for the applicant as soon as possible in an establishment capable of providing him with the necessary psychiatric treatment and constant medical supervision. In response to this judgment the authorities have regularly provided information on individual and general measures.

Following the authorities’ communications submitted in January 2013, the CM pursued its examination of these cases in March 2013. It noted that no further individual measure appeared necessary as detention conditions were compatible with the applicant’s state of health. Concerning general measures, the CM noted with interest the positive developments presented, in particular the systematic growth of expenditure on healthcare services in prisons, the implementation of medical assistance programmes for detainees dependent on alcohol or drugs, increasing numbers of medical staff in prisons and on-going training for medical personnel within the penitentiary system. It also noted the legislative and regulatory measures presented by the authorities, but observed that the general guarantee of access to healthcare in the Code of Execution for Criminal Sentences was already in force at the time the

Court gave its judgments in this group of cases. The CM thus considered that additional and up to-date information was necessary. More detailed information was also requested regarding the functioning, in theory and in practice, of the remedies available to prisoners and detainees in relation to access to healthcare. They were invited to provide a consolidated action plan/report allowing a full evaluation of the status of execution in this group of cases.

POL / Orchowski and other similar cases

(See main cases or groups of cases table C.2)

Appl. No. 17885/04, Judgment final on 22/10/2009, Enhanced supervision

Prison overcrowding: *inhuman and degrading treatment resulting from inadequate detention conditions in prisons and remand centres, due in particular to overcrowding, aggravated by the precarious hygienic and sanitary conditions and the lack of outdoor exercise (Article 3)*

CM Decision: At its examination of the case at its September 2011, the CM made a preliminary assessment of the updated action report submitted in September 2011 and noted that the report did not appear to include information on the aggravating factors referred to in the Court's judgments. In response hereto, additional information was submitted by the authorities in January 2013 and examined by the CM at its meeting in March. The CM noted with satisfaction the range of measures adopted by the authorities in order to tackle the problem of overcrowding in prisons and remand centers, but noted that information was still needed on measures taken to address the lack of privacy, insalubrious conditions and lack of consideration for vulnerable detainees with medical conditions. The CM considered that, in order to have a full picture of the status of execution, further information was also needed, in particular concerning the system of electronic surveillance, the impact of the measures adopted to remedy excessive length of pre-trial detention, (examined in the Trzaska group of cases), as well as the functioning of the domestic remedy. The CM noted further with interest the authorities' commitment during bilateral contacts to follow up, beyond the execution the judgments in these cases, the recommendations of the Committee for the Prevention of Torture, notably in respect of living space. The authorities were invited to provide a consolidated action report as soon as possible including all the outstanding information.

ROM / Bragadireanu and other similar cases

(See main cases or groups of cases table C.2)

Appl. No. 22088/04, Judgment final on 06/03/2008, Enhanced supervision

Overcrowding and lack of medical care: *overcrowding and poor material and hygiene conditions in prisons and police detention facilities, inadequacy of medical care, and several other dysfunctions regarding the protection of prisoners' rights; lack of an effective remedy (Articles 3 and 13)*

Communications: At the time of its last examination in June 2012, the CM had welcomed the improvement of the mechanism which monitors the situation of the prison population, while encouraging the Romanian authorities to set up a similar mechanism to monitor police detention facilities. However, the CM had

made several requests for information about the measures envisaged in order to combat overcrowding in places of detention and about the introduction of effective remedies, as well as clarifications in respect of those applicants still in prison. In response, the Romanian authorities, in July 2013, communicated information about general measures relating to the issues concerning the detainees' rights (management of detainees suffering from mental disorders, hygiene and diet for detainees, immobilisation in hospital). The authorities also specified that the new criminal code and code of criminal procedure, adopted in the context of the reform of national criminal policy, would come into force in February 2014. Where individual measures are concerned, the authorities stated in December 2013 that those applicants still in prison had been transferred to other prisons so that they could benefit from personal space and detention conditions complying with Article 3 of the Convention. That information is now being examined by the CM.

RUS / Ananyev and others (pilot judgment)

(See main cases or groups of cases table C.2)

Appl. No.42525/07, Judgment final on 10/04/2012, Enhanced supervision

Detention in remand centres (SIZO): poor conditions of detention in various remand centres pending trial and lack of effective remedies in this respect (Articles 3 and 13)

CM Decision: Following from 2002 the first cases revealing this structural problem (Kalashnikov group of cases), the authorities developed, taking into account the decisions and interim resolutions adopted by the CM in the course of its supervision of execution, a long term strategy in several stages covering notably the period 2002-2016 and including increases in the number of adequate detention places (through the construction of new facilities and the renovation of old ones) and increasing use of alternatives to pre-trial detention. Notwithstanding a perceptible trend of improvement, the Court found in 2012, in the present pilot judgment, the problem persisted, and provided a number of indications as to relevant additional measures. It also held that a binding time frame should be set within 6 months and in co-operation with the CM, in which to make available a combination of effective remedies with preventive and compensatory effects. Special indications were also given for pending cases.

When examining the pilot judgment in December 2012, the CM welcomed the submission by the Russian authorities of an action plan based on a revisited comprehensive and long-term strategy for the resolution of the present structural problem including the issue domestic remedies. The CM had thus decided to focus only on individual measures at its next meeting in March 2013. When pursuing the examination at this meeting, the CM noted the assurances given by the authorities concerning the current detention conditions of Mr Ananyev, in particular with regard to available living space, access to natural light and fresh air as well as cell equipment, and that these conditions were not likely to raise an issue under Article 3 of the Convention. The CM recalled that the questions related to the general improvement of detention conditions would be examined in light of the action plan submitted by the authorities.

SVN / Mandic

(See main cases or groups of cases table C.2)

Appl. No. 5774/10, Judgment final on 20/01/2012, Enhanced supervision

Overcrowding in prison: *degrading treatment on account of poor conditions of detention in overcrowded Ljubljana prison and lack of an effective remedy (Articles 3 and 13)*

Developments: The European Court indicated under Article 46 that the authorities should take steps to reduce the number of prisoners in Ljubljana prison and to develop an effective remedy in this regard. On this basis, and in the light of the CPT's recommendation, the Slovenian authorities informed the CM of measures taken to reduce overcrowding at Ljubljana Prison (the number of cells at Ljubljana Prison increased from 128 to 135, and accommodation was ensured for a maximum of five prisoners in a 18 m² cell and a maximum of two prisoners in a 9m² cell). Moreover, the authorities decided to automatically relocate the prisoners exceeding the number of 210 allowed at Ljubljana Prison. The construction of another prison in Ljubljana is also envisaged. In addition, other measures have been taken (extra time for outdoor activities, constructing a roof in the recreational yard to allow activities in case of bad weather, developing a programme of activities for prisoners etc.) in view of improving detention conditions in Ljubljana Prison.

Bilateral consultations with the authorities continue on the information thereof, as well as on the measures envisaged for the introduction of an effective remedy in respect of complaints concerning poor conditions of detention.

Moreover, the authorities decided to automatically relocate the prisoners exceeding the number of 210 allowed at Ljubljana Prison.

UKR / Nevmerzhitsky

UKR / Yakovenko

UKR / Melnik

UKR / Logvinenko

UKR / Isayev

(See main cases or groups of cases table C.2)

Appl. Nos. 54825/00, 15825/06, 72286/01, 13448/07 and 28827/02, Judgments final on 12/10/2005, 25/01/2008, 28/06/2006, 14/01/2011 and 28/08/2009, Enhanced supervision

Poor detention conditions: *violations resulting mainly from poor detention conditions, inadequate medical care in various police establishments, pre-trial detention centres and prisons; lack of an effective remedy; other violations: unacceptable transportation conditions; unlawful detention on remand; abusive monitoring of correspondence by prison authorities, impediments in lodging a complaint with the Court; excessively lengthy proceedings (Articles 3, 5 §§1, 4 et5, 6§1, 8, 34, 38§1(a) and 13)*

Other developments: In response to the violations found, the authorities reported a number of general measures, including the implementation by the Ministry of the Interior (2006-2010) of a programme of construction, reconstruction, repair of police detention facilities and the decriminalising of certain offences and replacing certain custodial sentences with alternative measures. In February 2010 a norm of at least 4m² per prisoner was set as of January 2012 and special budgetary allocations made to equip medical units of penitentiary facilities. Also, a new law "On combating

AIDS and social protection of population” was adopted in 2011. In June 2012, the CM invited the authorities to provide further information on several issues to allow an evaluation of the situation.

Consultations with the authorities are being held with a view to the submission of a comprehensive action plan responding to outstanding issues, including the setting up of effective remedies.

C.2. Unjustified detention and related issues

BGR / Yankov and other similar cases

Appl. No. 39084/97, Judgment final on 11/03/2004, CM/ResDH(2013)102

Lack of compensation for detention in breach of Article 5 and unjustified disciplinary sanctions : *lack of an enforceable right to compensation under domestic law for unlawful detention in the sense of the Convention; unjustified disciplinary punishment in an isolation cell (including degrading shaving of the head) for insulting officials in a private draft manuscript of a book kept in the detention cell and never disseminated (Yankov Case); also absence of adequate judicial review of detention on remand and certain detentions in psychiatric hospital and excessive length of criminal proceedings and lack of effective remedy in this respect (Articles 3, 5, 6, 10 and 13)*

Final resolution: As regards individual measures, all the criminal proceedings against the applicants have been terminated. As regards the right to seek compensation for detention in contravention of the provisions the Convention, the State and Municipalities Responsibility for Damages Act was amended and the amendments entered into force in December 2012. The new provisions ensure that all persons subject to detention in contradiction with article 5 of the Convention have an enforceable right to compensation even in situations in which the detention is considered lawful under domestic law. Concerning the treatment of prisoners in detention, by letter sent to the Ministry of Justice, the General Director of “Execution of Punishments” General Directorate confirmed that the practice of shaving detainees’ heads before confining them in disciplinary cells has been abandoned in penal establishments in Bulgaria. In 2009, a new Execution of Punishments and Detention in Custody Act entered into force. The provision which allowed a prisoner to be subject to disciplinary sanction for offensive language in writings and appeals was repealed. The new legislation provides that prisoners may not be subject to disciplinary punishment because of having made a request or lodged a complaint.

As regards violations concerning detention on remand, necessary measures have been taken in the context of the cases *Assenov and others* (ResDH(2000)109), *Ilijkov, Roumen Todorov and Shishkov* (CM/ResDH(2007)158) and *Georgieva* (CM/ResDH(2012)166).

Concerning the placement in psychiatric hospital, necessary measures have been adopted in the context of the *Varbanov* group of cases (CM/ResDH(2010)40).

MDA / Sarban and other similar cases

(See main cases or groups of cases table C.2)

Appl. No. 3456/05, Judgment final on 04/01/2006, Enhanced supervision

Pre-trial detention: *unlawful detention; lack of sufficient reasons; impossibility to communicate directly with lawyers; access refused to the case-files; failure to provide basic medical assistance to a detainee requiring special medical care; poor detention conditions (Articles 5 §1, 3 and 4 and Article 3)*

Developments: In response to the violations found in the present group of cases, the Moldovan authorities adopted a series of measures examined by the CM in 2009 presented and assessed in CM/Inf/DH(2009)42. On the basis of the assessment made, the CM encouraged the pursuit of reforms, including in service training of judges and prosecutors. Further measures have since been adopted, including amendments in 2012 to the Code of Criminal Procedure clearly setting out and developing the obligation to provide adequate reasons for detention on remand. Moldova also joined in July 2012 the technical co-operation programme concerned with detention on remand and remedies to challenge conditions of detention set up with the support of the Human Rights Trust Fund (HRTF 18). Activities involving Moldovan authorities, international experts and the Department for the Execution of the judgments of the European Court are being planned.

The issues related to poor conditions of pre-trial detention are examined within the context of *Ciorap* and *Becciev* groups of cases.

MLT / Suso Musa

(See main cases or groups of cases table C.2)

Appl. No. 42337/12, Judgment final on 09/12/2013, Enhanced supervision*

Detention pending asylum proceedings: *arbitrary and unlawful detention, in precarious conditions, of a Sierre Leonean asylum seeker for 546 days until 21 March 2013 following the determination of his asylum claim, lack of effective and speedy remedy under domestic law by which to challenge the lawfulness of detention (Articles 5 § 1 (f) and 5 § 4)*

RUS / Klyakhin

(See main cases or groups of cases table C.2)

Appl. No. 46082/99, Judgment final on 06/06/2005, Enhanced supervision

Different violations related to detention on remand: *unlawful detention; failure to inform of the reasons for arrest; domestic courts' failure to adduce relevant and sufficient reasons to justify extension of pre-trial detention; limited scope and excessive length of judicial review of the lawfulness of detention (Articles 5§1, 5§2, 5§3 and 5§4)*

Developments: At its March meeting 2013, the CM examined the issue of pre-trial detention within the context of *Ananyev* pilot-judgment (which concerns the overcrowding in pre-trial detention facilities, resulting mainly from insufficient reasoning by the domestic courts of the prolongation of the pre-trial detention). In the framework of the execution of the *Ananyev* pilot-judgment, the Russian authorities provided a detailed action plan regarding the unreasoned pre-trial detention. Among the measures indicated, one could cite the publication, on 19 September

2013, by the Supreme Court of the Russian Federation of a comprehensive overview of the cases of the European Court against Russia, assessing the conventionality of extension of the pre-trial detention. Extracts, translated into Russian, are given both from the judgments in which the Court found violation of Article 5 § 3, and in which it did not find such a violation.

TUR / Demirel and other similar cases

(See main cases or groups of cases table C.2)

Appl. No. 39324/98, Judgment final on 28/04/2003, Enhanced supervision

Detention on remand: *excessive length of detention on remand, lack of an effective remedy to challenge the lawfulness of the detention and lack of a right to compensation (also length of criminal proceedings; lack of independence and impartiality of the state security courts; failure to communicate the prosecutor's opinion; ill-treatment and lack of an effective remedy) (Articles 3, 5 §§3 - 4 and 5, 6 §1 and 13)*

CM Decision: Notwithstanding the measures adopted, including the 2005 Code of Criminal Procedure and different training activities and awareness raising measures, to address the structural problem revealed by this group of cases, the CM had to recall, at its June 2013 meeting, the judgment of 2009, in the case of Cahit Demirel (Appl. No. 18623/03). In this judgment the Court underlined that the violations originated “in widespread and systemic problems arising out of the malfunctioning of the Turkish criminal justice system and the state of the Turkish legislation respectively”, and that “general measures at national level must be taken [...] in order to ensure the effective protection of the right to liberty and security in accordance with the guarantees laid down in Article 5 §§ 3 and 4 of the Convention”. The CM thus welcomed the recent efforts made by the Turkish authorities, in particular within the context of the “Third and Fourth Reform Packages”, and noted with satisfaction the statistical information demonstrating that there is a significant decrease in the length of detention on remand and that the use of preventive measures as an alternative to detention was increasing. Considering that Turkish legislation still allows for the possibility of extension of detention on remand up to 10 years for certain crimes, including terrorism, the CM invited the authorities to provide specific statistical information on the detention periods of persons detained in proceedings related to such crimes. It invited further the Turkish authorities to provide information on the development of the judicial practice, in particular as regards the reasons given in decisions extending detention on remand, including for crimes related to terrorism. The CM welcomed the introduction of a new remedy to challenge the lawfulness of detention on remand and the extension of the scope of the right to compensation. It invited the Turkish authorities to clarify whether the right to compensation can be exercised while detention on remand is continuing and proceedings are pending.

UKR / Kharchenko and other similar cases

(See main cases or groups of cases table C.2)

Appl. No. 40107/02, Judgment final on 10/05/2011, Enhanced supervision

Detention on remand: *structural problem of unlawfulness and excessive length of detention on remand, as well as lack of adequate judicial review of the lawfulness of detention, mainly due to the deficiencies in legislation and practice. (Articles 5§1, 5§3, 5§4 and 5§5)*

CM Decision: In response to these violations, until 2011 mainly examined in the context of the Nevmerzhitsky group of cases (pending since 2005), the Ukrainian authorities have referred to a number of measures, including legislative amendments and training activities and legislative amendments. In view of the persistence of the problem, the Court in its Kharchenko judgment of 2011 stated that specific reforms in Ukraine's legislation and administrative practice should now be urgently implemented. The Court requested the Government to submit a reform strategy in this respect within six months at the latest. Such a strategy was submitted in November 2011, within the time limit. At its June 2012 meeting, the CM encouraged the Ukrainian authorities to provide concrete and updated information on the progress in the implementation of the strategy. In response, the Ukrainian authorities provided further information in August 2012, notably with respect to the new Code of Criminal Procedure. When pursuing its supervision at its March 2013 meeting, the CM noted recent information provided by the Ukrainian authorities, including at the meeting itself, related to the implementation of the reform strategy, and instructed the Secretariat to prepare an in-depth analysis of the information presented, while encouraging them to take advantage of the co-operation opportunities offered within the framework of the Human Rights Trust Fund (HRTF) project 18.

C.3. Detention and other rights

POL / Giszczak

Appl. No. 40195/08, Judgment final on 29/02/2012, CM/ResDH(2013)65

Detainee's request for compassionate leave: authorities' failure to provide timely and adequate reply to the applicant's leave request to attend the funeral of his daughter (Article 8)

Final resolution: The authorities have indicated that the law on compassionate leave was amended in January 2012. The Executive Criminal Code now provides a possibility to grant a prisoner a leave under escort in order to visit sick family member or attend a funeral. Moreover, the new provisions provide the possibility to lodge a complaint to challenge the decision of the head of penitentiary unit.

UK / Hirst No.2

UK / Greens and M.T. (pilot judgment)

(See main cases or groups of cases table C.2)

Appl. Nos. 74025/01 and 60041/08, Judgments final on 06/10/2005 and 11/04/2011, Enhanced supervision

Voting rights of convicted prisoners: blanket ban on voting imposed automatically on convicted offenders serving their sentences (Article 3 of Protocol No. 1)

CM Decisions: The CM has followed closely the problem revealed by the Hirst No.2 judgment concerning the incompatibility of the electoral law with Article 3 of Protocol No 1 and the responses given by the United Kingdom authorities. As a result of the failure to introduce legislative proposals to put an end to the problem, the Court adopted a pilot judgment procedure in the case of Greens and M.T. The pilot judgment from 2011 indicated that the respondent State should bring forward, within six months, necessary legislative proposals in a Convention-compliant

manner; and enact the required legislation within any such period as may be determined by the Committee of Ministers. The 6 month time-limit was subsequently extended by the Court. At its examination of these cases in December 2012, the CM noted with great interest the legislative proposals introduced to Parliament and invited the authorities to keep it regularly informed of progress made and on the proposed timescale. Pursuing its supervision at its September 2013 meeting, the CM noted with interest that the pre-legislative scrutiny of the government's proposals would be completed by 31 October 2013 at the latest. The CM underlined, in light of both the next elections in May 2014 as well as the significant number of repetitive applications pending before the Court, the urgency of bringing the legislative process to a conclusion, and urged the authorities, accordingly, to provide information on the proposed timescale for the enactment of the relevant legislation for its next meeting. In response, the authorities submitted updated action plans indicating that the parliamentary committee's reporting date to Government had been extended until 18 December 2013, in motions passed by both Houses of Parliament.

When examining the situation at its December meeting, the CM welcomed that the Secretary General of the Council of Europe had attended to give evidence before the competent parliamentary committee on 6 November 2013, but expressed its serious concern about the on-going delay in the adoption of legislation to comply with the Convention. It noted with concern that the Court has therefore found it necessary to decide not to further adjourn the proceedings in all similar applications pending before it, and urged the United Kingdom authorities to rapidly comply with the judgment by adopting legislation to ensure that future elections are held in compliance with the Convention, thus avoiding new repetitive applications before the European Court. Shortly thereafter, on 18 December 2013, the United Kingdom authorities informed the CM that the parliamentary committee undertaking "pre-legislative scrutiny" of the draft had completed its work and published its report on that day. The committee had recommended that the UK Government should introduce legislation enfranchising prisoners serving sentences up to 12 months, and prisoners who are in their last 6 months of sentence before their scheduled release. The committee concluded that the Government should not include an incompatible option in the legislation and recommended that the legislation be introduced at the start of Parliament's 2014-2015 sessions.

D. Issues related to foreigners

D.1. Unjustified expulsion or refusal of residence permit

BGR / Al-Nashif and others, and other similar cases

Appl. No. 50963/99, Judgment final on 20/09/2002, Enhanced supervision

Expulsion measures or deportation orders on national security grounds: lack of independent control of expulsion measures or orders to leave the country based on national security grounds (Articles 5, 8, 13 and Article 1 of the Protocol No. 7)

CM Decision: Since 2002, the CM has been examining the issue of the lack of independent control of expulsion measures and orders to leave the country highlighted in this group of cases, and based on the facts that occurred between 1999 and 2004.

While resuming its supervision at its September 2013 meeting, the CM recalled, as regards general measures, that the Bulgarian authorities have introduced an independent review before the Supreme Administrative Court of measures and orders to leave the country based on national security grounds, as well as a review of detention pending expulsion. Furthermore, the CM noted that the questions related to the implementation of the judicial control are examined in the context of the group of cases *C.G. and others v. Bulgaria*, which concerns more recent facts. As regards individual measures, the CM recalled that no individual measure is required in *Bashir and others* and *Al-Nashif and Hasan* cases, but invited the authorities to provide information in order to clarify the situation of the applicants in the cases of *Musa and others* and *Baltaji*.

BGR / C.G. and others, and other similar cases

(See main cases or groups of cases table C.2)

Appl. No. 1365/07, Judgment final on 24/07/2008, Enhanced supervision

Shortcomings in the judicial control in the area of expulsion or deportation based on national security grounds: *lack of adequate safeguards in deportation proceedings and shortcomings of judicial control (insufficient review of the relevant facts and lack of judicial control of the proportionality of the expulsion measure, non-compliance with the principle of adversarial proceedings, and lack of publicity of judicial decisions); absence of a suspensive remedy in case of a risk of ill-treatment in the destination country; different violations related to the applicants' detention pending the implementation of the measures of expulsion (unlawful detention and unjustified extension) (Article 1 of Protocol No. 7 and Articles 8, 5§1(f), 5§4, 3 and 13, potential violation of Article 3)*

CM Decision: The issue of the lack of independent control of the expulsion or deportation measures, initially highlighted in the cases in *Al-Nashif* group, received a first response with the introduction of a remedy before the Supreme Administrative Court. Nevertheless, the effectiveness of this remedy has been challenged in a series of cases dealing with more recent facts (such as *C.G. and others*, *M. and others* and *Auad*). In the cases *M. and others*, and *Auad*, the European Court indicated under Article 46 that several legislative changes and/or changes of case-law were deemed necessary (the review of specific facts, compliance with the principle of adversarial proceedings, examination of the proportionality, etc.), including the introduction of a judicial remedy with automatic suspensive effect in case of a risk of ill-treatment in the destination country. This particular issue has been dissociated from the initial group of cases (*Al-Nashif*) and is examined by the CM in the group of cases *C.G.*

While pursuing its supervision, at its September 2013 meeting, the CM invited the Bulgarian authorities to urgently submit information as regards individual measures in the cases of *Amie and others* and *Madah and others*, and recalled that, in these cases, measures are required in order to ensure that the applicants will not be expelled without having the expulsion orders against them reexamined in proceedings meeting the requirements of the Convention. It has also invited them to provide the necessary additional information in the cases *C.G. and others*, *Kaushal* and *M. and others*, while noting that no additional individual measure was required in the cases *Auad* and *Raza*.

As regards the general measures, the CM called upon the Bulgarian authorities to adopt without delay the legislative measures required, in particular concerning the need to give suspensive effect to the remedy in this area, in case of risk of ill-treatment in the destination country, and to provide that every change of the destination country is amenable to appeal. The CM also invited them also to take measures in order to ensure that, in cases in which neither Article 3 nor any other provision of the Convention requiring the establishment of a remedy with suspensive effect is applicable, an expulsion based on public order considerations should not be carried out before the person concerned has had the possibility to exercise his rights guaranteed under Article 1 of Protocol No. 7, unless the circumstances of the case require it. The authorities were encouraged to pursue their close co-operation with the Secretariat concerning the other outstanding questions in this group of cases, as identified in the information document, in particular concerning the violations of Article 5.

ITA / Hirsi Jamaa and others

Appl. No. 27765/09, Judgment final on 23/02/2012, Enhanced supervision

Collective transfer of irregular migrants to Libya: interception at sea by the Italian military authorities of Somalian and Eritrean nationals and their collective transfer to Libya, despite the risk to be exposed to treatment contrary to the Convention, and to be arbitrarily returned to their countries of origin; collective removal to Libya without examining the applicants' individual situation (Article 3, Article 4 of Protocol No. 4, Article 13 taken together with Article 3 and with Article 4 of Protocol No. 4)

CM Decision: At its last meeting in 2012, the CM noted, on the one hand, the lack of new information with respect to individual measures and, on the other hand, requested the Secretariat to make an in depth assessment of the information provided by the Italian authorities as regards general measures. When pursuing its examination of this case, in March 2013, the CM noted, as regards individual measures, the latest information on the repeated requests from the Italian to the Libyan authorities to obtain assurances against possible ill-treatment in Libya or the applicants' arbitrary repatriation to Somalia and Eritrea, as required by the Court's judgment, and that the Italian authorities have indicated that they have not been able to obtain such assurances due to objective difficulties arising from developments in Libya. Faced with this situation, the CM noted the Italian authorities' intention to continue their contacts with the Libyan authorities and, considering the significant amount of time elapsed since the judgment became final without necessary assurances having been obtained, to also consider other possible actions, in particular in response to possible requests made by the applicants' representatives. As regards general measures, the CM noted the Government's repeated assurances that the ordinary Convention compliant guarantees contained in Italian laws and regulations as regards the treatment of refugees and asylum seekers, in particular as regards the latter's access to relevant domestic procedures, would be consistently applied in all circumstances, including during military and coast guard operations on the high seas. It further noted the Italian Government's indication that, in the light of the measures taken and the assurances and commitments made, Italy had complied with its obligations under Article 46, as far as the obligation to take individual and

general measures was concerned. The CM also noted the recent developments aimed at overcoming the legal obstacles to the payment of the just satisfaction to the applicants' representatives, to be held on trust for the applicants, as ordered by the Court in its judgment, and expressed its expectation that payment as ordered by the Court, together with default interest, would be made without further delay. The authorities have been invited to submit a comprehensive, consolidated action report with a view to allowing a conclusive assessment of the case.

MDA / Taraburca

Appl. No. 18919/10, Judgment final on 06/03/2012, Enhanced supervision

Ill treatment by the police: ill-treatment by the police in connection with the violent demonstrations in Chişinău in April 2009 following the parliamentary elections; ineffective investigations at all levels in this respect (violation of Article 3 in its substantive and procedural limbs)

CM Decision: A preliminary action plan was presented in March 2013 and examined at the June 2013 meeting. The CM decided to concentrate its examination on the special measures which may be required in order to allow law enforcement officials to tackle important disruptions of law and order (the general measures aiming at preventing ill-treatment, notably in the context of detention, and the effectiveness of investigations, are already examined in the context of the *Corsacov* group of cases).

The CM welcomed that after the post-election events in April 2009, the Government and the Parliament expressed their regrets for the inappropriate reaction of the national law enforcement bodies and the judiciary, and that the authorities have expressed their firm engagement to take concrete measures to combat torture and ill-treatment and to prevent arbitrary detention. Concerning individual measures, the CM noted the reopening of the domestic investigation and invited the Moldovan authorities to inform it on the steps taken to ensure that this investigation fully complies with the Convention requirements. As regards general measures, the CM noted the preliminary action plan and the measures taken (setting up of a special parliamentary ad hoc commission of enquiry guiding subsequent instructions by parliament to all law enforcement agencies; the setting up by the government of a special permanent commission tasked with the identification of victims, whether civilian or state agency employees; the setting up of a specialised investigation unit within the Prosecutor General's office and enhanced training and awareness raising measures for the police, combined with new procedures to enhance independence of investigations; action by the Supreme Council of the Magistrature vis-à-vis judges involved in the events; reform of the procedures for arrest and detention) as well as the substantial reforms still under examination in the context of the strategy adopted and relating to reforms of the judicial, prosecution and police systems. The CM invited authorities to provide, in close co-operation with the Secretariat, a consolidated and updated action plan as soon as possible.

NOR / Nunez

Appl. No. 55597/09, Judgment final on 28/09/2011, CM/ResDH(2013)117

Violation of right to family life in case of deportation: decision to expel the applicant, a national of the Dominican Republic, with a two-year re-entry ban, following her

conviction for breaches of the Norwegian Immigration Act, entailing the separation from her children, born in 2001 and 2003 respectively, and living in Norway (Article 8, in the event of the applicant's deportation)

Final resolution: In June 2012, the Immigration Directorate granted the applicant a residence permit on humanitarian grounds (Section 38 of the Norwegian Immigration Act), valid for three years and renewable. In their assessment of a potential request for renewal, the Norwegian authorities will take due account of their obligations under Article 8 of the Convention and of the considerations that led the Court to the finding of a violation in the instant case. As regards to general measures, the Ministry of Justice issued instructions to the Immigration Directorate, outlining general principles and considerations to be taken into account regarding expulsion cases affecting children.

RUS / Alim

Appl. No.39417/07, Judgment final on 27/12/2011, Enhanced supervision

Risk of expulsion notwithstanding family ties: expulsion of a Cameroonian national ordered by the courts following his conviction, in January 2007, for breach of residence regulations (he had not sought a renewal of his residence permit in time), without taking into account the proportionality of such a measure in the light of his family ties with Russia (the applicant had notably two children with a Russian woman, both born and living in Russia) (Article 8)

CM Decision: Having previously invited the Russian authorities to provide information on the concrete measures taken to regularise the applicant's situation, the CM pursued its examination of this case at its March meeting. During this meeting, the CM recalled that the expulsion decision had been quashed and that the Russian authorities had indicated that there was no longer any threat of expulsion, although the applicant remained in an irregular situation. The CM noted the solution proposed by the authorities which involved him voluntarily leaving Russia, obtaining a Russian entry visa and, on his return, obtaining a residence permit. The authorities were invited to explore, in co-operation with the Secretariat, all possible avenues that might allow a solution without imposing on the applicant an obligation to leave the country and to be separated from his family. In this context, the CM noted with interest the existence of case-law demonstrating that the domestic courts today refuse to order the expulsion of persons in an irregular situation with family ties in the Russian Federation. Consequently, it invited the Russian authorities to clarify how the regularisation of such persons is effected and, if there such a procedure existed, under what conditions M. Alim could benefit from it. Discussions have taken place and a solution seems within reach.

RUS / Liu and Liu

RUS / Liu No.2

(See main cases or groups of cases table C.2)

Appl. Nos. 42086/05 and 29157/09, Judgments final on 02/06/2008 and 08/03/2012, Enhanced supervision

Deportation on national security grounds in violation of the right to respect for family life: deportation of a Chinese national ordered on the ground that he posed a

risk to national security, notwithstanding the absence of effective judicial review of the reality of the alleged security risk (no substantiating information was given to the courts by competent services) and of the proportionality of deportation as compared to the strength of the applicant's family ties with Russia (Liu and Liu) (Article 8); following the Court's judgment, the deportation order was quashed, but removal nevertheless ordered anew and implemented after new judicial review proceedings, in last instance by the Supreme Court, which continued to lack effectiveness as regards the reality of the alleged security risk (classified materials from the Federal Security Service were disclosed to the courts, but the courts considered themselves incompetent to verify the factual basis for the findings contained in those materials) but confirmed that no proportionality test was necessary where national security was at stake (Liu No. 2) (Article 8)

CM Decision: At its last examination of these cases in December 2012, the CM invited the Russian authorities to provide an action plan outlining the measures taken and/or envisaged to prevent similar violations. In February 2013, information on individual measures was provided by the authorities, notably indicating that the refusal of a temporary residence permit and the applicant's subsequent expulsion from Russia had been based on a decision by the competent State authority finding that the applicant represented a threat to national security, and that after the European Court's judgment, the applicant had not sought review of the domestic court's decisions which had found the refusal of a temporary residence permit lawful. The authorities stressed that the reopening of the court proceedings in the applicant's case was possible upon request, but that, as things stood, the statutory time limit for such a request had expired. The Secretariat noted in response that the normal execution measure in this type of cases was not the one advocated by the Russian authorities but a new examination by the immigration authorities of the request for a residence permit, in compliance with the Convention and thus taking full account of the right to respect for family life of the persons concerned. The approach proposed also raised several problems. In particular, reopening of the judicial review proceedings did not seem to offer prospects of success for the applicants, in the absence of adoption of any general measures. Having examined the situation in March 2013, the CM recalled the necessity to take individual measures to remedy the violation found and invited the authorities to explore, in co-operation with the Secretariat, what could be the most appropriate way to promptly adopt effective individual measures for the execution of the Court's judgment, taking due account of the family situation of the applicants. Discussions aiming at finding a solution are still under way.

UK / Othman (Abu Qatada)

Appl. No. 8139/09, Judgment final on 09/05/2012, CM/ResDH(2013)198

Risk of denial of justice in case of deportation on national security grounds: *The deportation of the applicant to Jordan on national security grounds would amount to a flagrant denial of justice due to the real risk of the admission of evidence at the applicant's retrial in Jordan obtained by torture of third persons (Article 6, in the event of deportation)*

Final resolution: In respect of the individual measures, the United Kingdom authorities obtained further diplomatic assurances from the government of Jordan against the risk of evidence obtained by torture being used against the applicant at his

retrial. The applicant challenged those assurances in the domestic courts and, in November 2012, the United Kingdom Special Immigration Appeals Commission concluded that the assurances did not remove the risk and that the applicant's deportation remained contrary to the European Convention. That decision was upheld by the Court of Appeal in March 2013. In July 2013, a Mutual Legal Assistance Treaty between the United Kingdom and Jordan came into force which was aimed at eliminating the risk that torture evidence would be used in criminal proceedings against individuals returned from the United Kingdom to Jordan. The Home Secretary made a further formal decision to deport the applicant to Jordan, who decided not to challenge that decision in the domestic courts. The applicant was then deported to Jordan. The Committee of Ministers noted the United Kingdom authorities' indications both that the applicant had made clear statements that his return to Jordan was voluntary and that the effect of the Mutual Legal Assistance Treaty was to eliminate the risk that evidence obtained by torture would be used in any criminal proceedings against him there.

In respect of general measures, the Committee of Ministers noted both the Mutual Legal Assistance Treaty between the United Kingdom and Jordan and the fact that any decision to deport an individual on national security grounds can be reviewed by the domestic courts by an appeal with suspensive effect and that the domestic courts have integrated the European Court's jurisprudence as regards the relevance of Article 6 (as they had done in the applicant's case).

D.2. Detention in view of expulsion

BEL / M.S.

(See main cases or groups of cases table C.2)

Appl. No. 50012/08, Judgment final on 30/04/2012, Enhanced supervision

Forced return to Iraq: authorities' failure to obtain diplomatic assurances from the Iraqi authorities that the applicant, who was subject of an arrest warrant in Iraq on the basis of anti-terrorism laws, would not be victim of inhuman or degrading treatment on his return; different violations linked to the applicant's detention in a closed transit centre with a view to his expulsion (Articles 3, 5§1 and 5§4)

CM Decisions: At its March meeting, in the continuation of its execution supervision of this case, notably as regards individual measures, the CM invited the Belgian authorities to be informed of the outcome of their actions aimed at determining whether the applicant effectively faced a risk of inhuman or degrading treatment in Iraq, with a view to assessing, as appropriate, the advisability of adopting further measures. At its meeting in June, in the light of the revised action plan, the CM took note of the Belgian authorities' efforts aimed at determining whether the applicant faced a real risk of inhuman or degrading treatment in Iraq and asked to be informed of all developments and of the concrete results obtained.

As regards general measures, the CM reiterated, in March, its invitation to the Belgian authorities, firstly, to provide details on the time-frame foreseen for the completion of their reflection on measures to be adopted given the Court's findings on the risk of inhuman or degrading treatment and unlawful periods of detention and, secondly,

to inform it of the follow-up given to the letter to the Board of Prosecutors General with a view to resolving the problem of lack of clarity of the applicable rule of territorial competence, which caused the delay in the examination of the detention's lawfulness. Having taken note, in June, of the information provided in the revised action plan, the CM encouraged the authorities to bring to an end their reflection concerning the measures relating to the risk of inhuman or degrading treatment and periods of unlawful detention, and to present to the CM their concrete conclusions.

BEL and GRC / M.S.S.

(See main cases or groups of cases table C.2)

Appl. No. 30696/09, Judgment final on 21/01/2011, Enhanced supervision

Transfer by Belgium of an asylum seeker to Greece under Dublin II regulation:

Concerning Belgium: *the applicant's transfer to Greece exposed him to the risks arising from deficiencies in the asylum procedure in Greece and to detention and living conditions in Greece of asylum seekers that amounted to degrading treatment; lack of an effective remedy to challenge the transfer decision (Articles 3 and 13)*

Concerning Greece: *degrading conditions of detention and subsistence once in Greece, deficiencies in the Greek asylum procedure and risk of expulsion, without any serious examination of the merits of asylum applications or access to an effective remedy (Articles 3 and Article 13 in conjunction with Articles 2 and 3)*

CM Decisions: Since the beginning of the execution' supervision in this case in 2011, the both States involved have submitted several communications to the CM which has thoroughly evaluated them in 2012 in the memoranda CM/Inf/DH(2012)19 (Assessment of the general measures presented in the action plans of Belgium and Greece) and CM/Inf/DH(2012)26 (Measures in response to the violation of Article 13 by Belgium), highlighting the results achieved and pending issues. At its meetings in March and December 2013, the CM continued its detailed examination of this case, in the light of the updated information provided by the authorities in response to the outstanding issues earlier identified.

As regards Belgium, the CM noted, in March, that the authorities were holding consultations with the relevant bodies regarding the outstanding questions identified in memorandum CM/Inf/DH(2012)26, notably as regards the recent case-law of the Aliens Appeals Board concerning the remedy for a stay of execution under the extremely urgent procedure, and invited the authorities to rapidly inform it about the outcome of these consultations. In December, no information having been submitted, the CM urged the Belgian authorities to inform it about the outcome of these consultations.

As regards Greece, bearing in mind the expected positive impact of the effectiveness of the asylum system on the conditions of detention and living conditions of asylum seekers, the CM decided to focus on issues concerning the asylum procedure, and noted with interest the efforts made to improve the asylum system, notably the decrease in the backlog of cases and the improved quality of second instance decisions. The CM then urged the Greek authorities to accelerate the delayed reforms (the functioning of the new Asylum Service), to resolve practical problems

regarding access to the asylum procedure (registration of asylum requests at the Aliens Department in Petrou Ralli) and introduce asylum claims while in detention. Noting with interest the information provided in writing during the meeting, the CM invited the authorities to continue providing updated information and statistical data on several points (the functioning of the new Asylum Service and appeals committees; the proportion of asylum requests granted or rejected and the duration of their treatment; the implementation of the procedure of forced returns; full respect of the principle of *non-refoulement* in implementing the Xenios Zeus programme). In view of its next examination of the issues concerning conditions of detention and living conditions of asylum seekers, the CM invited the Greek authorities to provide updated information on the questions identified in memorandum CM/Inf/DH(2012)19.

At its December meeting, the CM noted with satisfaction that the Asylum service, Appeals Committee, First Reception Centres, established by law No. 3907/20011, have started operating and instructed the Secretariat to assess the updated information regarding the new asylum procedure. Expecting that the functioning of these three services will have an impact on the Greek asylum system, the CM decided to focus its examination on the asylum procedure. It invited the authorities to provide information, including *inter alia* the number of asylum requests registered and of decisions granting asylum in both instances; the state of management of the backlog applications of pending asylum requests; the number of first reception centres already operational, their capacity and the system implemented to assist prospective asylum seekers. It then decided to focus its forthcoming examination not only on the asylum procedure but also on the conditions of detention and urged the Greek authorities to inform it on the conditions of detention identified in memorandum CM/Inf/DH(2012)19.

Finally, the CM decided to resume consideration of the outstanding issues regarding Belgium and Greece (asylum procedure and conditions of detention) at the latest at its June 2014 meeting and to resume consideration of the issue of the living conditions of asylum seekers in Greece at the latest at December 2014 meeting.

BIH / Al Husin

Application No. 3727/08, Judgment final on 09/07/2012, Enhanced procedure

Deportation to Syria: risk of ill-treatment in the event of deportation to Syria and arbitrary detention for more than two years (October 2008- January 2011) "on security grounds" before the issuing of the deportation order (the relevant legislation made such detention compulsory if the person was deemed to constitute a threat to public order or to national security) (Article 5§1 and potential violation of Article 3).

Action plan: An updated action plan was transmitted in May 2013. As regards individual measures, the authorities indicated that 27 countries in Europe and Jordan refused to admit the applicant on their territory. They are currently in contacts with a number of Arab countries in order to find a safe third country for the applicant's deportation. Concerning general measures, the Parliamentary Assembly of Bosnia and Herzegovina adopted necessary legislative amendments in October 2012. Pursuant to the new provisions, an alien shall be detained on security grounds only after a deportation order has been issued. The CM is currently assessing the measures taken.

E. Access to and efficient functioning of justice

E.1. Excessive length of judicial proceedings

BEL / Dumont and other similar cases

(See main cases or groups of cases table C.2)

Appl. No. 49525/99, Judgment final on 28/07/2005, Enhanced supervision

Lengthy proceedings: *excessive length of civil and criminal proceedings, mostly or only before the Brussels First instance court; lack of effective remedy in this respect (Raway and Wera cases) (Articles 6§1 and 13)*

CM Decision: The present group of cases has been pending before the CM since 2005. Concerning the general measures, a number of measures have been adopted to overcome the problem of excessively lengthy civil and criminal proceedings, so that at the last detailed examination of this group in 2010, the trend seemed to be encouraging (see e.g. AR 2011, p. 67). Up-to-date information being however necessary, at its September meeting 2013, the CM invited the Belgian authorities to provide a presentation of the current situation regarding the length of civil and criminal proceedings, both at national level and at the level of the Brussels First instance court, in particular, on the effects of the general measures adopted. It also took note of the existing remedies at the national level to complain about the length of civil and criminal proceedings and asked for examples of court decisions confirming the effectiveness of the compensatory remedy in the criminal field. As regards the individual measures, the CM recalled that information was still awaited in several cases on whether the impugned proceedings were still pending and, if so, on the measures taken with a view to their acceleration. It encouraged the Belgian authorities to rapidly provide an action plan or report for a complete evaluation of the state of execution of these cases.

BGR / Kitov and other similar cases

BGR / Djangozov and other similar cases

BGR / Dimitrov and Hamanov (pilot judgment)

BGR / Finger and other similar cases (pilot judgment)

(See main cases or groups of cases table C.2)

Appl. Nos. 37104/97, 45950/99, 48059/06 and 37346/05, Judgments final on 03/07/2003, 08/10/2004, 10/08/2011 and 10/08/2011, Enhanced supervision

Criminal and civil proceedings: *excessive length of detention and of criminal and judicial proceedings and absence of effective remedies (Articles 5, 5§1, 5§3, 5§4, 6§1 and 13)*

CM Decision: When resuming its examination of these cases at its September 2013 meeting, the CM recalled that, in response to the two pilot judgments held by the Court in 2011, an administrative and a judicial compensatory remedy for excessive length of proceedings have been introduced in 2012. It noted with interest that the Court, in the inadmissibility decisions adopted in the cases Valcheva and Abrashev and Balakchiev and others, found that these two remedies, taken together, could be considered to be effective, including as concerns the complaints already submitted by applicants to the Court, and invited the Bulgarian authorities to keep

it informed of the development of domestic practice in this area, in line with the requirements of the Convention.

As regards the introduction of a preventive remedy in criminal proceedings, the CM noted that the amendment of the Code of Criminal Procedure, allowing for an investigation to be closed if it has lasted more than two years, raised questions concerning its compatibility with the requirements of the Convention, in particular in the area of effective investigation. It has thus invited the authorities to submit information on the measures envisaged to ensure the compliance of the remedy with these requirements, as clarified, notably, in the pilot judgment of *Dimitrov and Hamanov*.

Concerning the excessive length of proceedings, the CM recalled that, in spite of the legislative and administrative measures taken by the authorities in order to reduce the length of judicial proceedings since the adoption of the Interim Resolution CM/ResDH(2010)223 in December 2010, an increase of the backlog has been observed since 2009, in particular before courts with the highest workload. Consequently, the CM called again upon the authorities to take all the necessary additional measures to improve the situation of these large courts which seem overburdened, and to keep it informed of any development in this respect. The authorities were also invited to respond to the other outstanding questions identified in the information document CM/Inf/DH(2012)36 and to submit a revised action plan for all the measures required for the purpose of the execution of these judgments.

CYP / Gregoriou and other similar cases

Appl. No. 62242/00 , Judgment final on 09/07/2003, CM/ResDH(2013)154

Civil proceedings: *excessive length of civil proceedings, and lack of an effective domestic remedy in this respect (Article 6§1 and Article 13)*

Final resolution: Concerning individual measures, proceedings are closed in all cases, except for *Shacolas* (47119/99), in which the appeal court ordered a re-trial. As regards general measures, the authorities have taken a series of measures in order to improve the efficiency of the judicial system including, *inter alia*, the adoption of several circulars by the Supreme Court and the assignment of a special judge at the Supreme Court to follow up statistics concerning older cases and inform the Supreme Court at regular intervals of the progress of judicial proceedings. The jurisdiction of single judges in the district courts has been increased which has reduced the number of cases in which judges have to sit together to hear a case and has therefore saved court time. There has also been an increase in the number of judges appointed to family, assize and district courts. Moreover, arrangements have been made by the Supreme Court for monitoring reserved judgments/interim decisions; also disciplinary measures can be taken against judges who do not comply with Supreme Court directions provided under the Rules of Procedure for timely issue of judgments. As regards the issue of the effective remedy, new legislation came into force on 5 February 2010 providing a remedy for excessively lengthy civil and administrative proceedings. Under this law, individuals whose proceedings have suffered delay have one year from the date the law came into force to institute a complaint. Further, the law applies to cases which were pending at any stage before it came into force; thus applicants whose proceedings are concluded can still use this

remedy. The European Court accepted that this remedy was effective in principle in the inadmissibility decision of *Panayi v. Cyprus* (46370/99).

CZE / Bořánková, Hartman and 69 other similar cases

Appl. No. 41486/98, Judgment final on 21/05/2003, CM/ResDH(2013)89

Civil, criminal and administrative proceedings: *excessive length of proceedings before civil, administrative and criminal courts; lack of effective remedy in this respect (Articles 6§1 and 13)*

Final resolution: The Act on Liability for Damage Caused in the Exercise of Public Authority has been amended in April 2006 to provide a compensatory remedy for unreasonable length of proceedings. This remedy was found effective by the European Court in its judgment *Vokurka v. the Czech Republic* (Appl. No. 40552/02, 16 October 2007). In April 2011, the Civil and Commercial College of the Supreme Court, called to monitor and evaluate courts' final decisions, adopted an opinion on the interpretation of the relevant provisions of the law on liability for damage. The Government has also, through the Ministry of Justice, taken measures to expedite court proceedings, especially the Justice Reform Concept for 2008-2010, which contained strategies aiming at preventing delays. The Ministry of Justice is also monitoring the speed and effectiveness of court proceedings.

GER / Rumpf (pilot judgment) and other similar cases

Appl. No.46344/06, Judgment final on 02/12/2010, CM/ResDH(2013)244

Lengthy proceedings and lack of an effective remedy: *excessively lengthy civil, labour, administrative, social, criminal and criminal investigation proceedings and lack of an effective remedy in that respect (Articles 6§1 and 13)*

Final resolution: In the context of the execution of the Sürmeli group of cases (No. 75529/01, Grand Chamber judgment of 08/06/2006), revealing a general problem of length of proceedings in Germany, the Court applied in 2010 the pilot-judgment procedure in the case of Rumpf, setting a specific deadline for the adoption of an effective remedy against excessive length of proceedings. As regards individual measures, at the time of adoption of the final resolution in this group of cases, the domestic proceedings have been concluded in 66 out of 71 cases. The remaining cases, in which proceedings continue, are closely monitored by the Federal Government with a view to ensuring their rapid completion. With respect to general measures, the authorities have adopted a series of concrete actions in order to overcome the problem of lengthy proceedings, where structural problems were identified; e.g. through initial and continued training of the judiciary and prosecution authorities, the assignment of highly qualified experts to deal with organized economic crimes and the installation of modern technological facilities in certain prosecutor's offices, the increase in personnel in certain regional courts. As regards the establishment of an effective remedy, a turning point in that sense was the entry into force (on 3 December 2011), i.e. one year after the pilot judgment became final, of the *Act on Legal Redress for Excessive Length of Court Proceedings and of Criminal Investigation Proceedings*. It provides for two sets of remedies: acceleratory and compensatory. These remedies have been considered effective by the European Court, which, on 29 May 2012, rejected as inadmissible the complaints against excessively

lengthy proceedings in the cases of T. v. Germany (No. 53126/07) and G. v. Germany (No. 19488/09), for non-exhaustion of the domestic remedies available. The Court ruled that the applicants first had to claim compensation in accordance with the new Legal Redress Act before the Court could deal with the application.

GRC / Manios and other similar cases

GRC / Vassilios Athanasiou and other similar cases (*pilot judgment*)

Appl. Nos. 50973/08 and 70626/01, Judgments final on 11/06/2004 and 21/03/2011, Enhanced supervision

Administrative proceedings: *structural problem of undue length of proceedings before the administrative courts and the Council of State; lack of effective remedies (Articles 6§1 and 13)*

Action plan: Despite the measures adopted to remedy these problems already revealed in 2004, the CM had to urge the authorities in an interim resolution (2007)74 to strengthen their action. Given the persistence of the problem, the Court, in 2011, recalling the interim resolution, adopted a pilot judgment asking the authorities to introduce an effective remedy within one year. The law on “fair trial and reasonable procedural delay” creating this remedy was adopted by parliament within the specified time, which was welcomed by the CM in its last decision in March 2012. This law created two types of remedy (expeditious and compensatory) for undue length of administrative proceedings. In response to the CM decision, the authorities forwarded a supplementary action plan setting out additional measures taken to expedite administrative proceedings (improvement of the model procedure established in 2008, measures to facilitate grouping of cases, more extensive computerisation of procedural acts, increased resources for ensuring the dispatch of files by the administration, rationalisations regarding the powers of the Council of State to rule in private, extension of the jurisdiction of the administrative court of first instance). The action plan also gave clarifications on the functioning of the new remedies and emphasised that the Court had held in a decision of 01/10/2013 on the inadmissibility of the case of *Techniki Olympiaki A.E. v. Greece* (Appl. No. 40547/10) that the new remedies were effective and accessible, both in Greek law and in the practice of the national courts.

The action plan is under examination by the CM.

GRC / Diamantides No. 2 and other similar cases

GRC / Michelioudakis (*pilot judgment*)

GRC / Konti-Arvaniti and other similar cases

GRC / Glykantzi (*pilot judgment*)

(*See main cases or groups of cases table C.2*)

Appl. No. 54447/10, 71563/01, 40150/09 and 53401/99, Judgments final on 19/08/2005, 03/07/2012, 10/07/2003 and 30/01/2013, Enhanced supervision

Criminal and civil proceedings: *excessively lengthy criminal (Diamantides No. 2) and civil proceedings (Konti-Arvaniti) and lack of effective remedy (Articles 6§1 and 13)*

CM Decisions: The issue of lengthy proceedings was pending before the CM since 2003, as regards civil proceedings and 2005, as regards the criminal ones. In its pilot

judgments *Michelioudakis v. Greece* (criminal proceedings) and *Glykantzi v. Greece* (civil proceedings), delivered in 2012 and 2013 respectively, the European Court has underlined the structural nature of the problem and invited Greece to introduce effective domestic remedies within one year from the date at which the judgments will become final, i.e. by 03/07/2013 (*Michelioudakis*) and 30/01/2014 (*Glykantzi*).

At its meeting in March 2013, in a specific decision concerning the *Glykantzi* pilot judgment (*Konti-Arvaniti* group of cases), the CM has strongly encouraged the authorities to take the necessary execution measures, according to the indications and within the time-limit set out by the Court, and asked the authorities to provide an action plan at the latest by 30/07/2013. At the same meeting, in its decision concerning *Michelioudakis* pilot judgment (*Diamantides No 2* group of cases), the CM has strongly encouraged the Greek authorities to promptly take the necessary measures in view of introducing, before the expiry of the time-limit set out by the Court (03/07/2013) in the pilot judgment, an effective domestic remedy for excessive lengthy criminal proceedings.

In June, in the pursuit of its execution supervision of the *Michelioudakis* pilot judgment (*Diamantides No 2* group of cases), the CM noted that the Greek authorities have asked the Court for an extension of the deadline until 30 January 2014 with a view to introducing an effective remedy or a combination of remedies covering both the excessive length of criminal and civil proceedings so as to comply with the two pilot judgments *Michelioudakis* and *Glykanzi*. The CM noted further the other measures taken and envisaged aimed at reducing the length of criminal proceedings and improving the functioning of the courts. It also noted with satisfaction that the domestic proceedings in the majority of cases (74 out of 76) in the *Diamantides No. 2* group have been completed and invited the authorities to expedite the pending proceedings in the remaining two cases of the group.

At its meeting in September, the CM noted the Court's decision to extend the deadline for the introduction of a remedy in the case of *Michelioudakis* until 30 January 2014, which is also the deadline for the execution of the *Glykanzi* pilot judgment. While noting that the Greek authorities prepared a law in response to the two pilot judgments, the CM urged them to bring the legislative process to an end before the deadline set by the Court.

In December, the CM noted with satisfaction that on 29 November 2013 the draft law in response to the two pilot judgments has been transmitted to the Parliament in view of its adoption and invited the Greek authorities to keep it informed about the progress achieved in good time before its meeting in March 2014, as well as about the final version of the draft law. It further noted with interest the impact of certain measures taken in the criminal field and encouraged the authorities to provide comprehensive information (with comparative statistical data) on the impact of the measures taken in order to shorten the length of both civil and criminal proceedings and to improve the efficiency of civil and criminal courts. It has finally also invited the authorities to pursue their efforts with a view to completing the still pending proceedings in both the *Diamantides No 2* and *Konti-Arvaniti* groups of cases.

HUN / Tímár and other similar cases

(See main cases or groups of cases table C.2)

Application No. 36186/97, Final judgment on 09/07/2003, Enhanced supervision

Excessive length of court proceedings and lack of an effective remedy (Articles 6§1 and 13)

Action plan: In response to the structural problem revealed by this group of cases, the authorities adopted a number of measures, including a law making provision for acceleratory remedies in 2006 and a series of laws in 2009, 2010 and 2011 to improve the functioning of the judiciary. Notwithstanding these measures, the problem persisted, and the CM decided in March 2012 to transfer this group of cases to enhanced supervision. An action plan was received in December 2012. The plan gives a summary of the measures already taken and points out that the acceleratory remedy has been accepted as effective by the Court in certain circumstances (*Fazekas v. Hungary*, 22449/08, decision of 28/10/2010). The action plan states that serious consideration is being given to the introduction of a reparative remedy. Bilateral contacts are currently in progress.

ITA / Ceteroni and other similar cases

ITA / Luordo and other similar cases

ITA / Mostacciolo and other similar cases

ITA / Gaglione

(See main cases or groups of cases table C.2)

Appl. Nos. 22461/93, 32190/96, 64705/01 and 45867/07, Judgments final on 15/11/1996, 17/10/2003, 29/03/2006 and 20/06/2011, Enhanced supervision

Excessive length of judicial proceedings and problems related to the effectiveness of remedies: long-standing problem concerning civil, criminal and administrative courts, as well as bankruptcy proceedings; problems relating to the compensatory remedy – Pinto (insufficient amount and delay in payment of awards and excessively lengthy proceedings) (violations of Articles 6§1, 8, 13, Article 1 of Protocol No. 1, Article 3 of Protocol No. 1 and Article 2 of Protocol No. 4)

CM Decision: In response to the request made at the last CM meeting, the authorities have submitted information in April 2013. The Secretariat prepared an information document (CM/Inf/DH(2013)21) in order to allow the CM to assess the status of implementation of the general measures taken for these groups of cases. Thus, pursuing its supervision of these cases at its June 2013 meeting, the CM noted with satisfaction that the Italian authorities reiterated their determination to adopt the necessary measures to eradicate the structural problem of the excessive length of judicial proceedings in Italy and to put an end in a sustainable manner to the recurring delays in the payment of the compensation awarded under the “Pinto” Law. As concerns the problem of excessive length of judicial proceedings, the CM recalled that encouraging trends began to be recorded between 2008 and 2010 for the bankruptcy proceedings and in 2011 as regards the backlog in the administrative proceedings, and noted that most of the reforms announced to the Committee for the civil proceedings have been adopted. The CM took note of the information provided during the meeting and welcomed the efforts made by the Italian authorities, while observing that additional information (in

particular as regards criminal proceedings) and precise and updated data are still necessary for a full assessment of the situation. In this respect, it underlined that the long-term success of the strategy adopted hinges upon the setting-up at domestic level of a monitoring mechanism for the reforms, allowing the authorities to measure their impact and to adopt rapidly the additional and/or corrective measures which might be required. It has thus invited the authorities to finalize, in close co-operation with the Execution Department, and by taking into account the comments made in information document CM/Inf/DH(2013)21, a consolidated action plan enabling the Committee to assess the progress in the initiated process. As regards the dysfunctions of the "Pinto" remedy, the CM noted with interest that as a result of the new provisions set forth by the budget law for 2013, the funds allocated for the payments to be made under the "Pinto" Law are henceforth exempted from seizure. However, it reiterated its invitation to the authorities to provide information on the lifting of the budgetary limitations on the payment of the compensation awarded under the "Pinto" Law and on the earmarking of necessary funds for the payment of the arrears in this compensation, announced to the CM in December 2012. In this connection, stressing the urgency to stop the flow of repetitive applications before the European Court caused by the deficiencies in the "Pinto" remedy, the CM called upon the authorities to adopt these measures without further delay, and invited them to keep it regularly informed of the progress achieved in this matter.

POL / Fuchs and other similar cases

(See main cases or groups of cases table C.2)

Appl. No. 33870/96, Judgment final on 11/05/2003, Enhanced supervision

Administrative proceedings: excessive length of proceedings before administrative courts and bodies and lack of an effective remedy in this respect (Article 6§1 and 13)

CM Decision: Concerning individual measures, the acceleration of any still pending proceedings has been requested. The general measures required to speed up proceedings before administrative courts were previously examined by the CM at its December 2011, within the context of Kudla and Podbielski groups of cases. The outstanding issues were discussed during the mission to Warsaw, in March 2013, of the Department for the Execution of Judgments. However, no further written information was submitted to the CM. Resuming its examination at its September 2013 meeting, the CM observed that the situation remained of concern, as the number of cases pending before the administrative courts had increased and there was no information available on the length of proceedings before administrative authorities. The CM nevertheless noted with interest that a new remedy was introduced in 2011 in the Code of Administrative Procedure, and invited the authorities to submit information on its functioning in practice. Underlining that issues related to the excessive length of administrative proceedings in Poland have been pending before the CM for more than ten years, the authorities were invited to submit, without further delay, an updated action plan.

POL / Podbielski and other similar cases

POL / Kudła and other similar cases

Appl. No. 30210/96 and 27916/95, Judgments final on 26/10/2000 and 30/10/1998, Enhanced supervision

Civil and criminal proceedings: *excessive length of criminal (Kudła group) and civil (Podbielski group) proceedings and lack of an effective remedy in these regards (Articles 6§1 and 13)*

CM Decision: As regards individual measures, the acceleration of possibly still pending proceedings has been requested. Concerning general measures, a number of legislative and organisational measures has been taken by the authorities up until 2013, and outstanding issues were discussed, in March 2013, during the the Department for the Execution of Judgments' mission to Warsaw. A revised action plan was submitted by the authorities in July 2013.

The plan was examined by the CM at its September 2013 meeting, when it noted with interest a reduction, in 2012, of the backlog of cases pending before the Polish courts. The CM thus encouraged the authorities to continue their efforts and to develop a clear strategy in order to maintain this recent positive trend. However, it expressed serious concern in relation to the continued problems with the application of the remedy against excessive length of civil and criminal proceedings, and considered that substantive measures were still necessary to correct them. The authorities were invited to conduct a deep reflection on the measures still necessary in these two groups of cases, and to submit to the CM an updated action plan, along with an estimated timetable for the adoption of the envisaged measures.

PRT / Oliveira Modesto and other similar cases

(See main cases or groups of cases table C.2)

Appl. No. 34422/97, Judgment final on 08/09/2000, Enhanced supervision

Lengthy proceedings: *excessive length of judicial proceedings revealing structural problems in the administration of justice; excessive delay in determining and paying compensation following the nationalisation of a company of which the applicants were shareholders (Jorge Nina Jorge and Others case) (Article 6§1 and Article 1 of Protocol No. 1*

CM Decision: The present problem has been followed closely by the CM, which has also adopted two interim resolutions to assist execution (interim resolutions (2007)38 and (2010)34). In this context, the authorities have provided certain information and statistical data on developments as regards length of proceedings and have regularly submitted information on individual measures. In January 2013, the authorities submitted a new action plan referring to a new series of measures adopted following the last interim resolution and aimed at reducing the length of judicial proceedings, in particular legislative measures introduced in 2011 and 2012 and the draft of a New Code of Civil Procedure.

When examining the plan at its March 2013 meeting, the CM reiterated, however, its call upon the authorities to present to it a fuller assessment of the impact in practice of the measures adopted before 2010, as well as of those adopted more recently. The CM also invited the authorities to present an analysis of existing statistical data and, where appropriate, of the necessity of further measures and, if so, an indicative

timetable for their adoption. The CM decided to resume consideration of this group of cases, in the light of the supplementary information to be provided, notably on the measures aimed at reducing the length of enforcement proceedings and on individual measures.

ROM / Nicolau and other similar cases

ROM / Stoianova and Nedelcu and other similar cases

(See main cases or groups of cases table C.2)

Appl. Nos. 1295/02 and 77517/01, Judgments final on 03/07/2006 and 04/05/2011, Enhanced supervision

Civil and criminal proceedings: *excessive length of civil (Nicolau group) and criminal proceedings (Stoianova and Nedelcu group); lack of an effective remedy (Articles 6§1 and 13)*

CM Decision: Since these judgments became final, the authorities have taken a number of significant measures aimed at remedying the violations found by the Court. In particular, as regards the length of judicial proceedings, a “little reform” was introduced in 2010, in the context of an on-going large-scale legislative reform. In a revised action plan transmitted in June 2013, the Romanian authorities highlighted the positive results obtained through these reforms and indicated that the new Code of Civil Procedure entered into force on 15/2/2013.

The revised plan was examined at the CM's September 2013 meeting. The CM noted with interest the positive impact of the 2010 reform in order to simplify and accelerate judicial proceedings, but underlined that there was still a need for consolidation. The CM thus called on the authorities to continue to monitor the effects of the reforms, and to submit their assessment of the achieved results as soon as possible. In addition, the CM invited the authorities to keep it informed of the effects of the entry into force of the new Code of Criminal Procedure and of the other laws aimed at accelerating the criminal proceedings.

As regards effective remedies, the CM noted that even if the acceleratory remedy in civil cases introduced by the new Code of Civil Procedure was a positive step, it could not produce immediate effects as it only applied to proceedings initiated after the entry into force of the new Code. In this respect, the authorities were invited to indicate the reasons for excluding the civil proceedings pending at this date from the scope of the new remedy. As regards criminal cases, the CM reiterated its request for clarification as to the concrete results obtained through the case-law development according to which, the court seized of a complaint concerning the excessive length of proceedings must examine it in conformity with Article 13 of the Convention. The authorities were also asked to provide clarifications with respect to the possibility of providing a reduction of sentence. More generally, the CM invited the authorities to provide clarifications needed to assess whether a civil action for damages against the State, based on the provisions of the Convention, met all the criteria set by the Court. It reiterated its invitation to the authorities to indicate whether they intended to introduce a compensatory remedy. Regarding individual measures, the authorities were invited to expedite as much as possible the pending proceedings in four cases, and to keep the CM informed of progress achieved.

TUR / Ertürk group of cases

Appl. No.15259/02, Judgment final on 12/07/2005, CM/ResDH(2013)149

Criminal proceedings: *excessive length of criminal proceedings before Martial Law Courts and ordinary Courts (Article 6§1)*

Final resolution: As regards the lengthy proceedings before Martial Law Courts, the CM closed its examination of this matter in the case of Şahiner and others against Turkey (ResDH(2002)86) following the adoption of general measures by the Turkish authorities, in particular the abolition of these courts. Concerning the excessive length of proceedings before ordinary Courts, the right of individual application has been introduced into the Turkish legal system by the 2010 constitutional amendments, which entered into force in 2012 and provide that all persons who consider that their constitutional rights set forth in the European Convention on Human Rights have been infringed by a public authority have a right to apply to the Constitutional Court after exhausting normal remedies (this remedy has since been accepted by the ECtHR as effective).

TUR / Ormancı and others similar cases

TUR / Ümmühan Kaplan (*pilot judgment*)

Appl. Nos. 43647/98 and 24240/07, Judgments final on 21/03/2005 and on 20/06/2012, Transfer to standard supervision

Lengthy judicial proceedings: *excessive length of proceedings before administrative, civil, criminal, labour, land registry, military and commercial and consumers' courts; lack of an effective remedy (Articles 6§1 and 13)*

CM Decision: Notwithstanding the measures taken by the Turkish authorities following the *Ormancı* judgment, the Court found in 2011 that the systemic problem revealed to remain so important that the application of the pilot judgment procedure in the Ümmühan Kaplan case was called for. In the pilot judgment, the Court gave specific indications as to the solution of pending cases and possible new cases brought before the entry into force in September 2012 of the new complaints procedure before the Constitutional Court. In response hereto and to the CM's request at its September meeting 2012, the authorities provided an action plan in January 2013.

When examining the action plan at its March meeting 2013, the CM noted with satisfaction the significant number of measures taken to resolve the problem of excessive length of proceedings (legislative measures aimed at alleviating the judiciary's heavy workload, increased in the budget and in the number of judges and prosecutors, measures concerning the computerised court management systems) and that these were expected to have a significant impact on shortening excessive length of proceedings. The CM invited the authorities to provide detailed statistical information on the consequence of the above-mentioned measures. The CM also noted with satisfaction that a compensation remedy was introduced on 19 January 2013. The Turkish authorities were invited to provide information on the functioning of the compensation remedy, in particular examples of decisions taken by the new commission which was set up under the new legislation, statistical information on the amount of compensation awarded in given cases and information as to whether the commission complies with the deadlines provided by the new legislation. As

regards individual measures, the CM noted that certain proceedings examined under the *Ormançı* group were pending at domestic level, and invited the Turkish authorities to provide information on the termination of these proceedings. In view of the above developments, the CM decided to continue the supervision of these cases under the standard procedure.

UKR / Naumenko Svetlana and other similar cases

UKR / Merit and other similar cases

(See main cases or groups of cases table C.2)

Appl. Nos. 41984/98 and 66561/01, Judgments final on 30/03/2005 and 30/06/2004, Enhanced supervision

Civil and proceedings: excessive length of civil (Svetlana Naumenko group) and criminal (Merit group) proceedings; lack of effective remedies in this respect (Articles 6§1 and 13)

CM Decisions: In response to the general problems raised by the present group of judgments the Ukrainian authorities have notably referred to the adoption of the 2010 Law on the Judiciary and the Status of Judges, the 2011 amendments to the Code of Civil Procedure and the 2012 Code of Criminal Procedure.

At its March 2013 meeting, the CM noted that the measures seemed promising, and invited the authorities to provide an analysis specifying how these measures will remedy all the shortcomings found by the Court, as well as their impact. The CM instructed also the Secretariat to prepare an assessment of the developments upon receipt of this additional information. As regards in particular the lack of effective remedy, the CM reiterated its serious concern that, despite the Court's numerous judgments and the CM's previous decisions, no progress had been achieved and strongly insisted that the Ukrainian authorities take the necessary steps without further delay. It has also reminded the Ukrainian authorities of the need to provide information on the outstanding individual measures. In view of the above-mentioned, the CM decided to come back to the questions raised by the present groups of cases at the latest its September 2013.

Pursuing its supervision at this meeting, the CM noted with concern that the information requested from the Ukrainian authorities was not received, and therefore strongly urged them to provide, by 31 December 2013 at the latest, the required analysis together with the impact assessment and relevant statistics. The CM urged, anew, the Ukrainian authorities to adopt concrete measures aimed at setting up effective domestic remedies without further delay, in particular in view of the increasing number of similar repetitive applications brought before the Court, and invited them, by 31 December 2013 at the latest, to submit information in this respect. The CM also recalled the need to receive information on the measures taken to ensure that the proceedings concerned by this group of cases, still pending before domestic courts, be completed and to enforce the domestic court decision in the *Chervonets* case.

E.2 Lack of access to a court

BGR / Kamburov

BGR / Stanchev

Appls. No. 31001/02 and 8682/02, Judgments final on 23/07/2009 and 01/01/2010, CM/ResDH(2013)99

Right of appeal in criminal matters: *no appeal available to challenge a sanction of detention (up to 15 days) for minor disturbance of public order (Article 2 of Protocol No. 7)*

Final resolution: The Decree on Fight against Minor Disturbance has been amended in November 2011 to introduce the legal possibility to appeal against a judgment of a district court imposing a sanction of detention for a minor disturbance of the public order.

CZE / Adamiček and others similar cases

Appl. No. 35836/05, Judgment final on 12/01/2011, CM/ResDH(2013)58

Right to constitutional appeal: *lack of clear rules as regards the formalities and time-limits to be observed in order to lodge an appeal to the Constitutional Court (Article 6§1)*

Final resolution: Considering that it did not appear that the violation established affected the outcome of the impugned proceedings, no special individual measures were deemed necessary. Nevertheless, the applicants in the cases relating to criminal proceedings could ask for reopening of the proceedings before the Constitutional Court (two have done so and one application has so far been granted). In February 2012, the Czech Constitutional Court repealed as unconstitutional (with effect from 1 January 2013) the contested provisions of the Code of Civil Procedure (CCP), holding that the situations where an appeal on points of law was admissible were not defined clearly enough. The Parliament then adopted an Act amending the CCP and the Constitutional Court Act (CCA) in October 2012, which entered into force in January 2013. The situations where a constitutional appeal should be deemed admissible are now defined more clearly, as regards points of law and the time limit for lodging it.

EST / Andreyev

Appl. No. 48132/07, Judgment final on 22/02/2012, CM/ResDH(2013)8

Appeal in criminal cassation refused because of legal-aid lawyer's mistake: *deprivation of the applicant's right to have his criminal case reviewed by the Supreme Court, resulting from the failure of his legal-aid lawyer to lodge an appeal in cassation within the prescribed time-limit (Article 6§1)*

Final resolution: As regards individual measures, the Supreme Court granted the applicant's request for reopening, restored the time-limit for a cassation appeal and handed down a new judgment in July 2012 in which it clearly held that the expulsion order was not valid. As regards general measures, the authorities have indicated that the Code of Criminal Procedure and the State Legal Aid Act were amended before the ECHR judgment became final. The new provisions ensure that a person will not be represented by a lawyer not fulfilling his/her tasks. Moreover, according to the domestic case-law, courts are now taking into account possible failures of a lawyer when deciding on the restoration of the term of cassation.

POL / Woś and 6 other cases

Appl. No. 22860/02, Judgment final on 08/09/2006, CM/ResDH(2013)67

Judicial overview of compensation for victims of Nazi persecution: *impossibility for the applicants to challenge the decisions taken by the Polish-German Reconciliation Foundation, made on the claims to compensate victims of Nazi persecution, slave and forced labour, due to the ruling out of all judicial review by the Polish domestic courts (Article 6§1)*

Final resolution: In June 2007, the Supreme Court revisited the existing practice and adopted a resolution holding that claims against the Polish Foundation in respect of Nazi persecution were civil claims in formal sense. It is thus now possible for the ordinary courts to judicially review the decisions of the “Polish-German Reconciliation” Foundation. The judgment was translated, published on the website of the Ministry of Justice and disseminated to the relevant judiciary bodies.

SWE / Mendel

Appl. No. 28426/06, Judgment final on 07/09/2009, CM/ResDH(2013)196

Appeal against administrative decision: *unclear instructions concerning the right to appeal against an administrative decision (of March 2006), revoking the applicant’s permission to participate in a labour market policy programme organized by the State for the long-term unemployed (Article 6§1)*

Final resolution: The Court awarded just satisfaction in respect of pecuniary and non-pecuniary damage suffered by the applicant. As regards general measures, four government ordinances concerning labour market policy programme have been amended and entered into force in July 2010. According to the amended provisions, decisions on revocation, dismissal and readmission may be appealed against to a general administrative court after the decision has been reviewed by the Employment Service Central Review Division.

E.3. No or delayed enforcement of domestic judicial decisions

ALB / Driza and other similar cases

ALB / Manushaqe Puto and others (pilot judgment)

(See main cases or groups of cases table C.2)

Appl. No.33771/02, 604/07+, Judgments final on 02/06/2008 and 17/12/2012, Enhanced supervision, Interim Resolution CM/ResDH(2013)115

Restitution of nationalised properties: *failure to enforce final administrative and judicial decisions relating to restitution of, or compensation for, properties nationalised under the communist regime, and lack of effective remedies (Articles 6§1, 13 and Article 1 of Protocol No.1)*

CM Decisions and interim resolution: When resuming consideration of this group of cases at its meeting in March 2013, the CM recalled that it has already reiterated on many occasions, including at its meeting in December 2012, its call to the Albanian authorities to rapidly take all the measures identified as necessary for the establishment of an effective compensation mechanism for property nationalised during the communist regime and the execution without further delay of numerous

final domestic decisions delivered in this area. Having stressed that this approach was endorsed in a pilot judgment (Manushaqe Puto and others), fixing a deadline until 17 June 2014 for putting in place such a mechanism, the CM deplored that the progress in the execution of these judgments remained very limited and that no new information has been submitted since the last examination of this group of cases (December 2012). It then called upon the authorities to submit, as soon as possible, an action plan with a specific and binding time-table to ensure compliance with the deadline set by the European Court in its pilot judgment and strongly urged them to also take the outstanding individual measures in the cases of Driza, Gjonbocari and Çausht Driza and to inform it of these as soon as possible.

In its Interim Resolution CM/ResDH(2013)115 adopted at its June meeting, the CM noted with great concern that only one of the measures identified has been finalised (the land valuation map), and that no action plan demonstrating the ability of the Albanian authorities to establish an effective compensation mechanism within the deadline set by the Court has been submitted. Recalling that the non-enforcement of domestic final decisions represents a grave danger to the rule of law, risks undermining the confidence of citizens in the judicial system, and calls into question the credibility of the State, the CM called on the Albanian authorities, at the highest level, to give the highest priority to the preparation of an action plan capable of establishing, within the deadline set by the European Court, an effective compensation mechanism, which takes account of the measures already identified with the its support.

At its December meeting, the CM welcomed the presence of the Deputy Minister of Justice of Albania and the determination expressed by the Minister of Justice in his letter dated 27 November 2013, demonstrating the authorities' willingness to implement these judgments. It nevertheless expressed deep concern that, despite the its repeated calls for the adoption of the necessary measures, the last being made in the Interim Resolution CM/ResDH(2013)115, and the approaching deadline (17 June 2014) set by the Court for the implementation of the *Manushaqe Puto* pilot judgment, the authorities have still failed to submit tangible information demonstrating that any progress has been achieved and that they have a strategy for implementing the judgment. It noted with interest the commitment expressed by the new Albanian government, in office since September 2013, to put in place, within the time-limit set by the Court, an effective compensation mechanism and to submit to the CM, without further delay, a comprehensive and detailed action plan for the implementation of this group of cases. Finally, it welcomed the willingness of the authorities to co-operate with the Secretariat in order that such a plan is submitted to the CM as soon as possible and in good time for its examination of this group of cases at its March 2014 meeting.

AZE / Mirzayev and other similar cases

(See main cases or groups of cases table C.2)

Appl. No. 50187/06, Judgment final on 03/03/2010, Enhanced supervision

Non-enforcement of eviction decisions (IDP): non-enforcement of judicial decisions ordering the eviction of internally displaced persons (IDP) who were unlawfully occupying

apartments in breach of the rights of lawful tenants or owners (Article 6§1 and Article 1 of Protocol No. 1)

Developments: Following the last decision taken by the CM in June 2012, contacts are being held concerning the solutions to the problem of housing for internally displaced persons, and particularly the introduction of effective remedies for persons finding themselves in the same legal position as the applicants.

BIH / Čolić and others

BIH / Runić and others

(See main cases or groups of cases table C.2)

Appl. Nos. 1218/07+ and 28735/06, Judgments final on 28/06/2010 and on 04/06/2012, Enhanced supervision

Judicial awards for war damages: non-enforcement of decisions ordering payment of war damages (Article 6§1 and Article 1 of Protocol No. 1)

Action plan: The authorities provided in January 2013 an update of the action plan submitted in May 2011. The update indicated that all just satisfaction and debt confirmed by domestic decisions had been paid to all applicants in the Čolić case. As regards general measures relating to the mechanism set up for the enforcement of final judgments for war damages, the authorities stated that in the Federation of Bosnia and Herzegovina (FBH), the FBH Ministry of Finance recorded 305 final decisions concerning war claims in the amount of BAM 14,407,910.20, 277 of which had been paid as of 20 November 2012 (in the amount of 12,935,886.28 BAM), payment in remaining cases would take place as soon as necessary documentation had been submitted. Non-pecuniary damages were set to 100 BAM per judgment. In the Republika Srpska (RS), the authorities recorded BAM 180,528,214.21 in respect of 3 788 final decisions which remained to be settled in cash unless the creditors chose the bond payment scheme, with immediate payment in negotiable government bonds, set up as an alternative to cash payment. Taking into account the budgetary constraints, the huge amount of debt to be paid in cash, the framework payment schedule for the cash payments introduced by the RS Ministry of Finance envisaged the payments over the following 13 years. Further payment details regarding which judgments would be paid which year were in the course of preparation. Non-pecuniary damages had been set to 50 Euros (approx. 100 BAM) and planned for payment in 2013.

ROM / Sacaleanu and other similar cases

(See main cases or groups of cases table C.2)

Appl. No. 73970/01, Judgment final on 06/12/2005, Enhanced supervision

Failure of the administration to abide by final court decisions: failure or significant delay of the Administration or of legal persons under the responsibility of the State in abiding by final domestic court decisions (Articles 6§1 and/or Article 1 of Protocol No.1).

Other developments: Bilateral consultations continue on the outstanding issues highlighted by the CM in its decision of September 2012. Notwithstanding the general measures taken by the authorities concerning the implementation of final court decisions by the administration, the currently applied rules, place on the claimant the

burden of securing compliance in cases where the administration refuses to abide by them, by resorting to enforcement or equivalent proceedings. As it is always for the applicant to take the initiative in order to have the enforcement progress, clarifications are being discussed on the mechanisms and guarantees set forth in the domestic law for ensuring voluntary and prompt implementation of court decisions by the Administration and the remedies available in this respect.

RUS / Timofeyev and other similar cases

(See main cases or groups of cases table C.2)

Appl. No. 58263/00, Judgment final on 23/10/2003, Enhanced supervision

Non-enforcement of the domestic judgments: failure or serious delay in abiding by final domestic judicial decisions and violations of the applicants' right to peaceful enjoyment of their possessions (Art. 6§1, Art. 1 Prot. 1) and lack of an effective remedy in this respect (Art. 13).

Developments: The execution of the present group of cases has included numerous changes of domestic law and practices, and involved several bilateral and multilateral cooperation activities. Progress has been noted in several areas.

Significant progress has been reported in particular with respect to the effective remedies called for by the Court in its pilot judgment of 2009 in the Burdov case. The Committee of Ministers highlighted this in its Interim Resolution CM/ResDH(2011)293, in which it also decided to discontinue supervising the question of effective remedies in respect of domestic judgments related to monetary awards issue. As a result of the effectiveness of the new remedy, the number of the European Court's judgments concerning non-enforcement of monetary awards against the State has significantly decreased.

At the same time, reflection on possible further measures both with respect of cases concerning monetary and non-monetary awards continued in 2013, including the question of effective remedies in respect of the latter type of judgments, in particular those related to housing. The Russian authorities are preparing an action plan/report on those issues.

SER / EVT Company and other similar cases

(See main cases or groups of cases table C.2)

Appl. No. 3102/05, Judgment final on 21/09/2007, Enhanced supervision

Decisions rendered against socially-owned companies: non-enforcement of final court or administrative decisions, mainly concerning socially-owned companies, implying also interferences with the right to peaceful enjoyment of property and the right to respect for family life; lack of an effective remedy (Articles 6 § 8 and 13, Article 1 Protocol No. 1)

Other developments: In the process of the execution of this judgment, the authorities already introduced legislative measures in 2011 to create a remedy before the Constitutional Court. Concerning the efficiency this new constitutional complaint, the Court, in its admissibility decision *Marinković v. Serbia*, 5353/11 (29 January 2013), found it as an effective remedy as regards the non-enforcement of final judgments rendered against socially-owned companies undergoing insolvency proceedings

and/or those which have ceased to exist. Regarding the measures taken concerning private bailiffs, the consultations with the authorities are still on-going as regards the impact of the Enforcement Act (into force since May 2011), as well as on the other measures needed for the execution of this group of cases.

UKR / Zhovner and other similar cases

UKR / Yuriy Nikolayevich Ivanov (pilot judgment)

(See main cases or groups of cases table C.2)

Appl. Nos. 56848/00 and 40450/04, Judgments final on 29/09/2004 and 15/01/2010, Enhanced supervision

Non-enforcement of domestic judicial decisions: *failure or serious delay by the administration, in abiding by final domestic judgments and lack of effective remedies; also special “moratorium” laws providing excessive legal protection against creditors to certain companies (Articles 6§1, 13 and Article 1 of Protocol No. 1)*

CM Decisions: The CM supervises the structural problem revealed by the cases in the Zhovner group since 2004 (see also the friendly settlement in the case Kaysin, ResFin(2002)3), in particular in the light of the additional conclusions of the Court in the pilot judgment Yuriy Nikolayevich Ivanov (15/10/2009). Following this pilot judgment, this group has been examined at almost every HR meetings. During its supervision, the CM adopted five Interim Resolutions. In the last one (CM/Res(2012)234), adopted at its last meeting of December 2012, the CM urged the Ukrainian authorities to adopt as a matter of utmost priority the necessary measures in order to resolve this problem and to fully comply with the pilot judgment with no further delay. The CM has also encouraged the authorities to increase recourse to unilateral declarations and friendly settlements in view of solving the problem of cases pending before the Court.

Resuming the examination at its meeting in March 2013, notably on the basis of an updated memorandum prepared by the Department for the execution of judgments (CM/Inf/DH(2013)11), the CM noted, that a new system has been set up following the entry into force, on 1 January 2013, of a new law establishing a new domestic remedy in case of non-execution of *judicial decisions rendered after the entry into force of the new law*. The CM reiterated however that questions persisted, notably as regards the effectiveness of the measures taken, notably because of the inflexibility of the new system, including the level of compensation, and concerning the absence of adaptation of other legislation (in particular the moratorium laws), and noted the information given as to the budgetary viability of the new remedy, and stressed the importance of possibilities to increase funds throughout the year, if need be. However, the CM reiterated its deep regret and concern that the problem of the non-execution of *old, already existing, judicial decisions* has still not been resolved. Consequently, the Ukrainian authorities have been encouraged to adopt with the utmost urgency the required legislation, taking into account the recommendations made in the updated memorandum, and to develop, awaiting the reforms, a viable practice of friendly settlements and unilateral declarations before the Court. Moreover, the CM reminded the Ukrainian authorities of the urgent need to resolve also the issue of nonenforcement of *judicial decisions imposing non-pecuniary obligations*, and called upon them to provide concrete information on the envisaged measures, including a time-table for their adoption.

It further reminded the Ukrainian authorities of their obligation to take urgently the necessary individual measures to ensure the full enforcement of all domestic judgments delivered in the applicants' favour in this group of cases, and to provide information on progress made without further delay.

Faced to the issue of new repetitive applications, high-level consultations were organised in Kyiv on 12 September 2013 with the participation of representatives of the Registry of the Court, the Department for the Execution of the Court's judgments and the Secretariat of the Committee of Ministers, with a view to discussing possible solutions to the still outstanding problems.

Pursuing its supervision at its December meeting, the CM noted with satisfaction that, following the high-level consultations, the Ukrainian Parliament adopted legislative amendments setting up a remedy in respect of the non-enforcement of domestic judicial decisions rendered before 1 January 2013. The Ukrainian authorities have been invited to take all the necessary measures to ensure the effective implementation of this remedy, and were encouraged to launch an appropriate information campaign on this new remedy for the attention of the persons concerned. They have also been invited to provide clarifications on all the outstanding issues, notably as regards the budgetary allocations. As regards the domestic remedy already set up in respect of new domestic judicial decisions, delivered after 1 January 2013, the authorities were invited to submit, until the end of January 2014 at the latest, an assessment on its impact in practice. The CM strongly encouraged the Ukrainian authorities to provide information on the different measures envisaged to address the origins of the violations found by the Court in these cases, where necessary by revising moratorium laws and by ensuring that budgetary constraints are duly considered when passing legislation so as to prevent situations of non-enforcement of domestic judicial decisions against the State or its entities.

As regards individual measures, the CM recalled once again the obligation of the Ukrainian authorities to ensure the full enforcement of all domestic judgments delivered in the applicants' favour in this group of cases and to provide information without delay on the progress achieved, as well as on the payment of just satisfaction in all cases in which this question remains outstanding.

E.4. Non-respect of the final character of court judgments

E.5. Unfair judicial proceedings – civil rights

GRC / Kosmopoulou

Appl. No. 60457/00, Judgment final on 05/05/2004, CM/ResDH(2013)178

Failure to give a hearing to a parent: *provisional order suspending the applicant's visiting rights without her having been heard by the court (Article 8).*

Final resolution: Having reached the age of 16 when the Court's judgment was adopted, the child can decide freely whether or not to have contact with his mother. The Code of Criminal Procedure was amended in 2012 through the introduction of a provision concerning the appearance of the parties before the court deciding on the adoption of an interim measure.

ROM / Maszni

Appl. No. 59892/00, Judgment final on 21 December 2006, CM/ResDH(2013)168

Conviction of a civilian by a military court: *lack of independence and impartiality of the military courts which convicted the applicant, a civilian, on the grounds of a close connection between the ordinary offences of which he was accused and the offence found against a police officer who was treated as equivalent to members of the armed forces (Article 6§1)*

Final resolution: The impugned provisions of the Code of Criminal Procedure were amended by legislation in 2006. Henceforth, in the case of indivisible or related offences, if one of the courts is civil and the other military, the civil court has trial jurisdiction. It should also be noted that, since 2002, with the entry into force of a law on the status of police officers, they are now considered as civil servants. Consequently, the ordinary courts also have jurisdiction in respect of offences committed by police officers.

E.6. Unfair judicial proceedings – criminal charges

ALB / Caka

ALB / Berhani

ALB / Laska and Lika

ALB / Shkalla

ALB / Cani

(See main cases or groups of cases table C.2)

Appl. Nos. 44023/02, 847/05, 12315/04, 26866/05, 11006/06, Judgments final on 08/03/2010, 04/10/2010, 20/07/2010, 10/08/2011, 06/06/2012, Enhanced supervision

IProcedural irregularities – defence rights: *failure to secure the appearance of certain witnesses, failure to have due regard to the testimonies given in favour of the applicant, lack of convincing evidence justifying criminal conviction, lack of guarantees of criminal proceedings in absentia, denial of the right to defend oneself before the Court of Appeal and the Supreme Court (Articles 6§1 and 6§3(d)).*

CM Decision: While pursuing, at its March meeting, its supervision of the execution of this group of cases, the CM noted with interest that the applicants in the cases of Laska & Lika and Berhani were released pending the outcome of the reopened proceedings and that in the case of Caka, the applicant's conviction was upheld following the reopening of the impugned proceedings. It noted, however, that this decision has been appealed to the Supreme Court, the applicant alleging that the new proceedings have not remedied the shortcomings identified by the European Court. In the Shkalla case, the CM regretted the rejection by the Supreme Court of the request for reopening of criminal proceedings filed by the applicant, requiring him to appeal to the Constitutional Court and deplored that in these circumstances, the applicant remained detained on the basis of the initial decision, in violation of the principle of presumption of innocence. After having reaffirmed the importance of rapidly completing the review proceedings, the CM expressed its concern over the delays and uncertainties surrounding the reopening of proceedings in this group of cases and urged the Albanian authorities to keep it informed promptly of any changes in the situation of the applicants. The Albanian authorities have also been

encouraged to intensify their efforts to complete the changes proposed to the Code of Criminal Proceedings to codify the procedure for reopening and to keep the CM informed of all developments in this regard.

BGR/ Penev

Appl. No. 20494/04, Judgment final on 07/04/2010, CM/ResDH(2013)183

Change of indictment in appeal proceedings: *failure, after the legal re-characterisation of the facts by the Supreme Court of Cassation, to provide to the applicant detailed information of the nature and the cause of charges brought against him and failure to provide enough time and facilities to enable him to prepare his defence (Article 6§3(a) and (b) taken together with Article 6§1)*

Final resolution: As regards the individual measures, neither the competent authorities nor the applicant have sought the re-opening of the criminal proceedings. Concerning general measures, the amended Code of Criminal Procedure, provides, since January 2012, for the possibility to request the reopening of criminal proceedings. In judgments in which an accused is found guilty of an offence which carries a less severe punishment or in judgments in which the Supreme Court of Cassation has decided the case on the merits without referring it to the second instance court, the accused persons will have the possibility to request the reopening of the proceedings and to defend themselves against the charge retained according to the more lenient characterization of the facts.

CZE / Husák

CZE / Krejčíř

CZE / Knebl

Appl. Nos 19970/04, 39298/04 and 8723/05, Judgments final on 4 March 2009, 28 January 2011 and 26 June 2009, CM/ResDH(2013)120

Right of the accused to be heard as a party to proceedings: *unfairness of proceedings concerning continued detention owing to the court's failure to give the applicants a personal hearing (Article 5§4)*

Final resolution: The applicants are no longer in pre-trial detention. With regard to general measures, the Code of Criminal Procedure was amended by legislation in January 2012. The principle of the “detention hearing” was introduced into Czech criminal procedure. Before deciding on the continued detention of an accused, courts are henceforth obliged to organise a hearing which will take place with the accused present and during which he/she will be heard.

FRA / Karatas and Sari

Appl. No. 38396/97, Judgment final on 16/08/2002, CM/ResDH(2013)106

Trial in absentia: *conviction in 1997 of the applicants, who had absconded, and failure to hear submissions from their lawyers, who were present at the trial (Article 6§3 (c))*

Final resolution: As far as individual measures are concerned, Articles 489 and 492 of the Code of Criminal Procedure allow the applicants to challenge the judgment delivered in absentia, which can be voided ab initio. With regard to general measures, the Law of 9 March 2004 amplified Article 410 of the Code of Criminal Procedure,

which now provides that if a lawyer comes forward to defend the accused, he/she must be given a hearing if he/she so requests.

POL / Richert

Appl. No. 54809/07, Judgment final on 25/01/2012, CM/ResDH(2013)66

Tribunal not established by law: violation of the right to an independent tribunal due to the retrospective authorisation to assign a judge to the examination of a criminal charge against the applicant (Article 6§1)

Final resolution: Pursuant to the provisions of the Code of Criminal Procedure, the applicant can apply for the reopening of criminal proceedings. As regards general measures, the Law on the Structure of Courts was amended in March 2012 in order to clarify the provisions governing the secondment of judges. The amended articles provide for the possibility to second a judge to another court of the same or lower level for an uninterrupted period and for no longer than six months per year. The Supreme Court also adopted a set of resolution on this matter in line with the findings of the European Court's judgment.

TUR / Hulki Güneş and other similar cases

Appl. No. 28490/95, Judgment final on 19/09/2003, Transfer to standard supervision

Unfair criminal proceedings: unfair proceedings leading to lengthy prison sentences; ill-treatment in police custody; lack of independence and impartiality of state security courts; excessively lengthy criminal proceedings and absence of effective remedy (Articles 6§1 and 3 and Articles 3 and 13)

CM Decisions: In response to the CM's continuing insistence that also individual measures be adopted to ensure redress to the applicants in this group of cases, the Turkish authorities reiterated, at the CM's March meeting 2013 their commitment and determination to adopt the draft law prepared allowing the right to reopening of proceedings to be extended also to the applicants' cases. In this respect, the CM noted that the Turkish Minister of Justice had provided explanations to parliamentarians on the content of the draft law during the Parliamentary deliberations that took place in January 2013, and had called upon the political parties to support its adoption. The CM expressed confidence that the Turkish Government and Parliament would translate their political commitment and determination to adopt the draft law into concrete action and to bring the legislative process to an end without further delay, while bearing in mind that the case of *Hulki Güneş* became final in September 2003.

At its June meeting 2013, the CM could also welcome the adoption of the amendment to the reopening law on 11 April 2013, and its entry into force on 30 April 2013. The CM noted with satisfaction that the Turkish authorities have sent official notifications to all applicants in the present group of cases and informed them of their right to a reopening of proceedings following the coming into force of the above-mentioned law. It noted that the applicant in the case of *Hulki Güneş* had lodged a reopening request which had been accepted by the competent domestic court and that a retrial had started. The authorities were invited inform the CM whether applicants in other cases in this group had also made such requests. The CM also

asked how the procedural shortcomings identified by the Court would be remedied during the reopened proceedings. In view of the above developments, the CM decided to continue the supervision of these cases under the standard procedure.

E.7 Limitation on use of restrictions on rights

UKR / Lutsenko

(See main cases or groups of cases table C.2)

Appl. No.6492/11, Judgment final on 19/11/2012, Enhanced supervision

Detention on remand of opposition politician: unlawful arrest and detention on remand, and use of detention for other purposes than those permissible under Article 5 in the context of criminal proceedings (2010) (Articles 5§1, 5§2, 5§3, and 5§4 and Article 18 taken together with Article 5)

CM Decisions: At its first examination of this case in March 2013, the CM noted the complex execution questions raised by the violations found in this case, in particular as regards the responses to the violation of Article 18, taken in conjunction with Article 5, of the Convention. As regards the individual measures, the CM noted that the criminal proceedings engaged following the measures criticised by the Court were still pending at domestic level, and requested the Ukrainian authorities to provide rapidly information on the consequences drawn by domestic courts and authorities from the judgment of the Court. The CM also invited the Ukrainian authorities to provide information on the measures adopted and/or envisaged to ensure compliance with Article 18, taken in conjunction with Article 5, of the Convention in the Ukrainian justice system.

When resuming its examination in June 2013 in the light of the action plan provided by the authorities in April, the CM noted the information provided with respect to the responses given by the domestic courts to the applicant's attempts to obtain redress and recalled, with satisfaction, that the applicant had been set free on 7 April 2013. The CM invited the Ukrainian authorities to provide, in light of this situation, and in close contact with the Secretariat, all the information necessary for a complete assessment of the question of individual measures. As regards general measures, the CM noted that the responses to the different violations of Article 5 found in this case were being examined in the context of other groups of cases (the *Kharchenko* group of cases with respect to the violations of Article 5§§1, 3 and 4 and the *Nechiporuk and Yonkalo* case with respect to the violation of Article 5§2). As regards the violation of Article 18, taken in conjunction with Article 5, the CM considered that over and above the reform of the Code of Criminal Procedure, specific general measures were necessary in order to ensure compliance with this requirement of the Convention in the Ukrainian justice system. In this context it strongly encouraged the Ukrainian authorities to make full use of the co-operation programmes, of which they are beneficiaries, with a view to putting rapidly in place these measures. Consequently, the CM invited the Ukrainian authorities to keep it regularly informed on developments.

UKR / Tymoshenko

(See main cases or groups of cases table C.2)

Appl. No.49872/11, Judgment final on 30/07/2013, Enhanced supervision

Detention on remand of an opposition leader: unlawful detention on remand and use of detention for other reasons than those permissible under Article 5 in the context of criminal proceedings (2011); inadequate scope and nature of judicial review of the lawfulness of detention; lack of effective opportunity to receive compensation (Articles 5§1, 5§4, 5§5 and Article 18 taken together with Article 5)

CM Decisions: At the first examination of this case at its September meeting, the CM noted, as in the Lutsenko case, the complex execution questions raised in particular as regards the responses to the violation of Article 18 taken together with Article 5 of the Convention. As regards individual measures, the CM noted with concern that the High Specialised Court for Civil and Criminal Cases rejected the applicant's request for a reopening of the criminal proceedings at issue on formal grounds, without any substantial examination of the possible impact of the violation of Article 18 taken together with Article 5 on these proceedings. Consequently, the CM invited the Ukrainian authorities to provide information on further possibilities which could be explored to ensure that the authorities draw all necessary consequences from the Court's findings in this case. As regards general measures, the CM recalled its decisions in the Lutsenko case, and reiterated the need to receive information on the measures adopted and/or envisaged to ensure compliance with Article 18 taken together with Article 5 in the Ukrainian justice system, over and above the reform of the Code of Criminal Procedure, as well as their encouragement to continue to make full use of the co-operation programs of which Ukraine is a beneficiary, with a view to putting rapidly in place these measures. As regards the violations of Article 5, the CM noted that general measures were being examined in the context of the Kharchenko group of cases.

Pursuing its examination at its December meeting, the CM expressed its concern, concerning individual measures, that no substantial examination of the possible impact of the violations of Article 5 and of Article 18 taken together with Article 5 on the criminal proceedings at issue had still been carried out and that no other redress had been provided. Consequently, the CM urged the Ukrainian authorities to move forward in their reflection on this issue by thoroughly considering all available options with a view to rapidly ensuring that redress is provided to the applicant in an appropriate form. Concerning the special general measures required by this specific violation, the CM took note of the information provided by the Ukrainian authorities shortly before the meeting with a view to preventing circumvention of legislation by prosecutors and judges, in particular as regards the efforts to improve the functioning of the criminal justice system, including the reform of the prosecution service and the constitutional reform to strengthen the independence of the judiciary. The Ukrainian authorities were invited to continue to provide information on the progress of these reforms and on their impact, and were anew encouraged to continue to take full benefit of the cooperation programmes offered by the Council of Europe with a view to realising the necessary reforms.

E.8 Organisation of judiciary

UKR / Oleksandr Volkov

(See main cases or groups of cases table C.2)

Appl. No. 21722/11, Judgment final on 27/05/2013, Enhanced supervision

Dismissal of a judge at the Supreme Court: unlawful dismissal of the applicant from his post as a judge at the Supreme Court of Ukraine in June 2010; systemic problems as regards to the functioning of the Ukrainian judiciary (Articles 6§1 and 8)

CM Decisions: The CM examined this case for the first time at its June 2013 meeting. It noted the Court's specific indications that "the respondent State shall secure the applicant's reinstatement in the post of judge of the Supreme Court at the earliest possible date" and that "the present case discloses serious systemic problems as regards the functioning of the Ukrainian judiciary". The CM invited the Ukrainian authorities to provide, as soon as possible, their action plan setting out the general measures adopted and/or envisaged, together with a concrete timetable for their adoption.

The CM pursued its examination at its September meeting in the light of the action plan submitted in July 2013. As regards individual measures, the CM urged the Ukrainian authorities to fulfil their unconditional obligation to secure the applicant's reinstatement in his previous post of judge at the Supreme Court without delay. Concerning the general measures, the CM noted with interest the measures envisaged, including the reform of the High Council of Justice and of the procedure for the dismissal of judges, and that a number of issues identified in the Court's judgment required further measures, notably to ensure effective judicial control by the High Administrative Court over decisions taken by the High Council of Justice; to improve the definition of "breach of oath" and different procedural safeguards, including limitation periods and ensuring an appropriate scale of sanctions, and respect for the principle of proportionality. The Ukrainian authorities were strongly encouraged to continue to take full benefit of the various opportunities for co-operation offered by the Council of Europe concerning the question of the independence of the judiciary as well as to take due account of the relevant recommendations by the Venice Commission. Considering the importance of a rapid adoption and implementation of both individual as well as general measures required by the judgment, the CM urged the Ukrainian authorities to transmit a revised action plan by the end of October 2013 at the latest.

At its December meeting, as concerns individual measures, the CM noted with concern that Parliament had not reinstated the applicant in his position of judge of the Supreme Court of Ukraine when it had filled one of the two vacancies at the Supreme Court of Ukraine on 5 November 2013. The CM urged the Ukrainian authorities to take rapidly measures to reinstate the applicant without further delay. As regards general measures, the CM noted with satisfaction that the proposed amendments to the Constitution aiming at reforming the institutional basis of the system of judicial discipline had received a favourable opinion from the Constitutional Court and had subsequently been adopted by Parliament in first reading. It encouraged the Ukrainian authorities to finalise the constitutional reform, including the necessary

implementing legislation, and to adopt rapidly also the additional measures required. The CM reiterated, in view of the situation, its request to receive a revised action plan without further delay and its encouragement to the Ukrainian authorities to continue to take full benefit of the different co-operation opportunities offered by the Council of Europe in the area of independence of the judiciary and invited them to present the concrete results achieved in due time.

F. No punishment without law

BIH / Maktouf and Damjanović

(See main cases or groups of cases table C.2)

Appl. No.2312/08+, Judgment final on 18/07/2013, Enhanced supervision

Retrospective application of more stringent criminal law: retrospective application by the domestic jurisdictions of criminal law laying down heavier sentences for war crimes (the 2003 Criminal Code of Bosnia and Herzegovina), instead of the 1976 Criminal Code of the Socialist Federative Republic of Yugoslavia applicable at the time of their commission of these crimes (Article 7)

CM Decision: Following the European Court's judgment in the present case, the authorities provided an action plan in October 2013. At its first examination of these cases, in December 2013, the CM noted that the Court of Bosnia and Herzegovina has decided to reopen proceedings in the applicants' cases and that the second applicant was released, and invited the authorities to provide information on the outcome of these proceedings. It noted in this connection the change in the case-law of the Constitutional Court of Bosnia and Herzegovina by decision of 27 September 2013 with a view to aligning it to the Court's judgment in the present case. In this respect, the CM recalled that the European Court found that it was not "its task to review in abstracto whether the retroactive application of the 2003 Code in war crimes cases is, per se, incompatible with Article 7 of the Convention and that this matter must be assessed on a case-by-case basis, taking into consideration the specific circumstances of each case and, notably, whether the domestic courts have applied the law whose provisions are most favourable to the defendant". It stressed therefore that the execution of this judgment, as a part of general measures, requires domestic courts, when seized with complaints of violations of Article 7, to assess, in the particular circumstances of each case, which law is most favourable to the defendant including as regards the gravity of the crimes committed. The CM invited the authorities to provide further information on how these principles are applied following the change of the case-law of the Constitutional Court in order to give effect to the present judgment, in particular on the scope of review to be exercised by the Court of Bosnia and Herzegovina and on the issue of detention pending a new decision (i.e. ensuring adequate protection against collusion or risk of absconding or committing further crimes or disturbance of public order etc.). It stressed, in this respect, the importance for the domestic authorities to take all necessary measures to secure, wherever required, the continued detention of those convicted awaiting a new examination to be conducted by the Court of Bosnia and Herzegovina provided that their detention was compatible with the Convention and invited the authorities

of Bosnia and Herzegovina to work in close cooperation with the Secretariat in order to explore possible solutions to these questions.

ESP / Del Rio Prada

Appl. No. 42750/09, Judgment final on 21/10/2013, Standard supervision

Retrospective penalty imposed due to a departure in case-law: retrospective application of a new precedent set by the Supreme Court (known as the “Parot doctrine”), unforeseeable for the applicant and modifying the scope of the penalty that had been imposed to her, authorising her continued detention beyond the date initially foreseen for her final release (Articles 7 and 5§1)

CM Decision: In response to the urgent individual measure indicated by the European Court under Article 46, the applicant was released the day following the date at which the Court’s judgment had become final, i.e. on 22 October 2013. At its December meeting, the CM welcomed the applicant’s release based on a decision given by the Audiencia Nacional and considered, as regards the payment of the just satisfaction, that in the circumstances of this case, the offset made by the authorities between the applicant’s debt towards private parties, which the State holds by subrogation, and the amounts awarded by the European Court was consistent with the practice of the CM in this field. As regards general measures, the CM noted that the practice of the criminal courts concerning the recourse to the rules set by judgment No. 197 of 28 February 2006 for the application of remissions of sentence, endorsed by the agreement adopted on 12 November 2013 by the Criminal Division of the Supreme Court, was aligning with the European Court’s findings in this judgment. It therefore decided to classify and examine this case under the standard procedure, in the light of the additional information announced by the authorities.

G. Protection of private and family life

G.1. Home, correspondence and secret surveillance

BGR / Association for European Integration and Human Rights and Ekimdzhiev

(See main cases or groups of cases table C.2)

Appl. No. 62540/00, Judgment final on 30/04/2008, Enhanced supervision

Insufficient guarantees against abuse of secret surveillance measures: deficiencies of the legal framework on functioning of secret surveillance system; lack of effective remedy against abuse of secret surveillance measures (Articles 8 and 13)

CM Decision: On the basis of an action report submitted by the authorities in August 2012, the Secretariat prepared an information document (CM/Inf/DH(2013)7) in order to allow the CM to assess the measures taken and to identify the questions which remained open. At its March 2013 meeting, the CM welcomed the legislative reforms adopted by the Bulgarian authorities and in particular the introduction of an independent control mechanism over the secret surveillance system and of a domestic remedy which allows obtaining compensation for unlawful surveillance. It invited the authorities to supplement the domestic provisions to provide for an obligation for the parliamentary Sub-commission in charge of control over the secret

surveillance system to carry out a verification at the request of a private person and to specify the procedure and the content of the information communicated to private persons as concerns the results of the verification accomplished. The CM has invited them to provide, in addition, information on the investigating powers of the courts examining claims for compensation for unlawful secret surveillance and on the existence of special procedural rules for the examination of such claims. The authorities were also invited to present their assessment of the possibility to improve the legal framework in some areas, such as the reasons given for surveillance applications based on national security grounds and the procedure allowing using material obtained through secret surveillance falling outside the scope of the warrant initially granted. The CM also invited the authorities to provide additional information on the procedures governing the filtering, analysis, protection and destruction of data obtained through secret surveillance and to reply, in particular, to the questions identified in the information document in this field. Finally, the Bulgarian authorities were invited to provide their assessment of the practical operation of the safeguards provided under domestic law, and more particularly of the practice to submit secret surveillance applications which do not contain adequate reasoning under domestic law and of the capacity of president and vice-presidents of some high-volume courts to carry out an in-depth examination of the very numerous surveillance requests received by them. The CM, endorsing the assessments contained in the information document, invited the authorities to provide replies to the other questions identified in this document, including on the individual measures in the Georgi Yordanov case, and decided to declassify this information document.

BGR / Yordanova and others

(See main cases or groups of cases table C.2)

Appl. No.25446/06, Judgment final on 24/07/2012, Enhanced supervision

Eviction of persons of Roma origin: planned eviction of unlawful occupants, of Roma origin from an unlawful settlement in Sofia where many of them had lived for decades with the authorities' acquiescence, on the basis of a legislation not requiring any examination of proportionality of the removal orders (potential violation of Article 8 in the event of enforcement of the removal order)

Action plan: Following the indications given by the Court under article 46, the authorities provided an action plan in July 2013 in which they indicated that the municipal authorities suspended the removal order and that the competent domestic authorities are looking for suitable alternative accommodation for the persons concerned. As regards the general measures required, the authorities indicated that they are currently considering amending the relevant provisions of the Public Property Act and Municipal Property Act.

UK / Connors

Appl. No. 66746/01, Judgment final on 27/08/2004, CM/ResDH(2013)174

Eviction of Gypsy and Travellers: lack of procedural safeguards against eviction from local authority Gypsy and Traveller sites (Article 8)

Final resolution: The Government has brought into force in England and Wales legislation that provides improved protection against eviction for occupiers of local authority Gypsy and Traveller sites. The Caravan Sites Act 1968 has been amended by the Housing Act 2004 to enable the courts to suspend, for up to twelve months at a time, the enforcement of a possession order made in respect of local authority Gypsy/ Traveller sites. In addition, the Housing and Regeneration Act 2008 has amended the Mobile Homes Act 1983 so as to confer greater security of tenure on those living on residential caravan sites, and to extend protection to local authority Gypsy and Traveller sites. The adoption and implementation of secondary legislation in Wales was being examined by the CM in *Buckland v. the United Kingdom* (No. 40060/08), the supervision of which was closed by final resolution CM/ResDH(2013)237 after the relevant legislation came into force on 10 July 2013.

UK/ Gillan & Quinton

Appl. No. 4158/05, Judgment final on 28/06/2010, CM/ResDH(2013)52

“Stop and search” powers under the anti-terrorism legislation: insufficient circumscription and lack of adequate legal safeguards relating to police powers to stop and search upon individuals suspected of terror offences under section 44 of the Terrorism Act 2000; interference with the applicants’ right to respect for their private life on account of the use of these powers in 2003 (Article 8)

Final resolution: The legislation at the root of the violation has been repealed and replaced with new police powers under the Protection of Freedoms Act 2012, which came into force in July 2012. The new powers are tightly circumscribed and can only be used by the police in exceptional circumstances, upon authorisation by a senior officer who reasonably suspects that an act of terrorism will take place and where the use of powers is necessary to prevent such act. A Statutory Code of Practice provides additional safeguards on the use of “stop and search” powers by the police.

UK/ Szuluk

Appl. No. 36936/05, Judgment final on 02/09/2009, CM/ResDH(2013)88

Prisoner’s medical correspondence: unjustified monitoring by prison authorities of medical correspondence between the applicant, a convicted prisoner detained in a high-security prison, and his external medical specialist (Article 8)

Final resolution: The applicant was released from custody on 3 July 2009, and the just satisfaction awarded for non-pecuniary damages was paid. As regards general measures, the Prison Rules in England, Wales and Scotland were amended, to provide that correspondence between a prisoner and his registered medical practitioner may not be opened, read or stopped unless the Prison Governor has “reasonable cause” to believe that the contents do not relate to the treatment of that condition. The Northern Ireland Prison Service has issued an Instruction to Prison Governors, which has amended the Standing Orders of the Northern Ireland Prison Service. It is also intended to amend the Northern Ireland Prison Rules in due course.

G.2. Respect of physical or moral integrity

HUN / Kalucz

(See main cases or groups of cases table C.2)

Appl. No. 57693/10, Judgment final on 24/07/2012, Enhanced supervision

Domestic violence : *authorities' failure to fulfil their positive obligation to protect the applicant from her violent former common-law partner, her two requests for protection having been rejected by the domestic courts on the ground that both parties were involved in the assaults (Article 8)*

CM Decision: Given the urgent need to clarify whether the threat from the applicant's former partner continued to exist, the Secretariat has sought, already in October 2012, clarifications from the Hungarian authorities, which provided inter alia an initial action plan on 18/12/2012 and a revised action plan on 03/05/2013. When examining this case for the first time at its June meeting, the CM took note of the Hungarian authorities' revised action plan, stating that the applicant had not made any requests for protection since September 2010, and of their assurances to take all necessary measures to adequately protect her if need be. It has also invited them to take all possible measures to further accelerate the pending civil proceedings concerning ownership of the applicant's apartment with a view to their rapid termination, and to keep it informed on the progress made. As regards general measures, the CM welcomed the introduction of new practical methods on the handling of domestic violence cases in the training of police officers and encouraged the Hungarian authorities to introduce a criminal law provision on domestic violence and to provide concrete information on the content of the legislation under preparation. The CM has further encouraged finding solutions capable of ensuring that proceedings on restraining orders are shortened, and to provide information demonstrating that the measures taken will ensure that dismissals of requests for restraining orders are sufficiently reasoned. At last, the CM encouraged the authorities to take the necessary measures ensuring that common-law partners enjoy the protection accorded by the "Act on Restraining Order due to Violence among Relatives".

IRL / A. B. and C.

(See main cases or groups of cases table C.2)

Appl. No. 25579/05, Judgment final on 16/12/2010, Enhanced supervision

Access to lawful abortion: *lack of any implementing legislative or regulatory regime providing an accessible and effective procedure allowing access to lawful abortion when the mother's life is at risk (Article 8)*

CM Decisions: In its last decision of 2012 (December meeting), the CM had invited the Irish authorities to inform it of the option chosen among the four identified in the experts' report (guidelines, secondary legislation, primary legislation and primary legislation coupled with regulations) for the implementation of this judgment. In pursuing its supervision at its March 2013 meeting, after having recalled the necessity to put in place effective and accessible procedures whereby pregnant women can establish whether or not they are entitled to a lawful abortion, the CM noted with satisfaction that the authorities have decided to implement the judgment by way of legislation and regulations and welcomed the indicative timetable presenting the following steps of the legislative process under way. The CM recalled its concern

regarding the situation of women who are in a similar situation than the third applicant and welcomed the authorities' intention to roll out shortly the Irish Maternal Early Warning System to standardise the management of acutely ill pregnant women.

At its June meeting, the CM welcomed the adoption of the General Scheme of the Protection of Life During Pregnancy Bill, setting out the legislative and regulatory framework to be put in place and noted that the legislation and regulations outlined in that Scheme should be enacted by the end of July 2013. Finally, noting with satisfaction the significant progress made, the CM has encouraged the authorities to continue their efforts to ensure full compliance with the judgment and invited them to continue to keep it informed of all developments.

ITA / Costa and Pavan

(See main cases or groups of cases table C.2)

Appl. No. 54270/10, Final judgment on 11/02/2013, Enhanced supervision

Access to medically-assisted procreation for persons with genetic diseases: inconsistency in the legislative system in the field of medically-assisted procreation: thus, on the one hand, the relevant legislation prevents the applicants, healthy carriers of cystic fibrosis, to have access to medically-assisted procreation and, in this context, to an embryo screening in order to procreate a child who is not affected by this disease; on the other hand, when a foetus is affected by the same pathology, the law authorises the termination of pregnancy on medical grounds (Article 8)

An action plan is awaited concerning the measures taken/envisaged in execution of this judgment.

MDA / Eremia and others, and other similar cases

(See main cases or groups of cases table C.2)

Appl. No. 3564/11, Judgment final on 28/08/2013, Enhanced supervision

Domestic violence: authorities' failure to protect the applicants from ill-treatment on the part of their husband/ex-husbands starting in 2009; discriminatory attitude toward the victims as women due to the manner, in which the authorities had handled the applicants' cases, amounted to repeatedly condoning such violence (Articles 3, 8 and 14)

New cases – information awaited: These cases have been classified under enhanced procedure by the CM at its December 2013 meeting. As the cases could require urgent individual measures, contacts were rapidly taken between the Department for the execution of the Court's judgments and the authorities and information on the applicants' situation and the authorities' responses to the violations furnished. The cases are proposed for detailed examination by the CM at its March 2014 meeting.

ROM / Georgel and Georgeta Stoicescu

Appl. No. 9718/03, Judgment final on 26/10/2011, Enhanced supervision

Threat to physical integrity: authorities' failure to solve the problem of stray dogs in Bucharest and to provide the applicant, attacked by a pack of such dogs, with appropriate

redress for the injuries sustained as her action in tort was dismissed on the ground that she could not identify the responsible local authority (Articles 8 and 6§1)

CM Decision: The first action plan of June 2012 was revised in October 2013. When examining the revised plan at its December 2013 meeting, the CM noted with interest the new law recently adopted to address the problem of public health and the risk to physical integrity posed by stray dogs. The CM invited the authorities to provide additional information on the means available to fully implement the measures chosen, as well as on the impact of the measures on the number of reported accidents. The authorities were also invited to provide clarification on the regulations governing claims for damages in this kind of situation, as well as on the practice of the courts concerning the examination of such claims in order to assess fully the conclusion of the authorities, according to which the publication and dissemination of the Court's judgment represent sufficient execution measures concerning the violation of Article 6§1. Finally, considering the just satisfaction awarded, the CM noted that no further individual measure was required for the execution of this judgment.

SER / Zorica Jovanovic

(See main cases or groups of cases table C.2)

Appl. No. 21794/08, Judgment final on 09/09/2013, Enhanced supervision

Information on the fate of new-born babies: *continuing failure of the authorities to provide credible information to the applicant as to the fate of her son, allegedly deceased in a maternity ward in 1983 (Article 8)*

New case – information awaited: An action plan/report is awaited, especially as regards individual measures required for the execution of this judgment, and for general measures, concerning the establishment of a mechanism aimed at providing individual redress to all parents in a situation such as, or sufficiently similar to, the applicant's.

G.3. Disclosure or retention of information in violation of privacy

PRT / Antunes Rocha

Appl. No. 64330/01, Judgment final on 12/10/2005, CM/ResDH(2013)230

Secret surveillance of staff working in sectors affecting national security: *unclear legal basis of a security investigation to which the applicant had been subject in 1994 because of her job, and excessive length of the criminal proceedings in which she sought damages to redress the invasion of her privacy (Articles 8 and 6§1)*

Final resolution: The file relating to the applicant's security clearance, which was stored in the archives of the National Security Authority (ANS), has been destroyed. With regard to general measures, a new law on the National Security Cabinet ("Gabinete Nacional de Segurança") was passed in May 2007 requiring this body to respect fundamental rights in performing its functions. Furthermore, in July 2012, the National Data Protection Commission (an independent administrative authority vested with official powers and reporting to the National Assembly) authorised the National Security Cabinet to carry out processing of personal data in order to clear persons for access to, and the use of, classified documents. This authorisation clarifies

the scope of, and arrangements for, security clearance investigations, enhances the capacity of the ANS to process personal data, even of a sensitive nature, and stipulates procedures for checking information gathered and guaranteeing the rights of persons subject to security investigations.

UK / M.M.

(See main cases or groups of cases table C.2)

Appl. No. 24029/07, Judgment final on 29/04/2013, Enhanced supervision

Retention of data: *insufficient safeguards against indefinite retention and automatic disclosure of all criminal record data (Article 8)*

Action plan: As regards individual measures, the authorities indicated in their action plan of November 2013 that all details relating to the applicant have been removed from the Northern Ireland Criminal History database. Concerning general measures, statutory amendments came into force in May 2013 in England and Wales, introducing a filtering mechanism so that old and minor cautions and convictions are no longer automatically disclosed on a criminal record certificate. Instead, disclosure is only made after taking into account the seriousness and age of the offence, the age of the offender and the number of offences committed by a person. Similar amendments are planned for Northern Ireland and expected to come into force in February or March 2014. As the regime in place in Scotland does not allow for the automatic disclosure of “alternatives to prosecution”, the Scottish Government are undertaking a review of what changes may be required to improve the legislation.

An assessment of these measures by the CM is under way.

G.4. Establishment of paternity

MLT / Mizzi

Appl. No. 26111/02, Judgment final on 12/04/2006, CM/ResDH(2013)160

Legal presumption of paternity: *strict legal framework preventing the applicant from having the presumption of his paternity reviewed in the light of biological evidence, and from introducing an action for disavowal of paternity (Article 6§1, 8 and 14 in conjunction with Articles 6§1 and 8)*

Final resolution: The Civil Code was amended in 2007 to enable persons in the applicant’s position to bring an action for disavowal of paternity in relation to a child born prior to 1993. Following this amendment, the applicant was able to, and did, bring an action for disavowal of his daughter in the civil courts.

SVK / Paulík

Appl. No. 10699/05, Judgment final on 10/01/2007, CM/ResDH(2013)195

Paternity proceedings: *impossibility, in 2004, for the applicant to challenge his paternity established by a court in 1970, notwithstanding DNA evidences produced in 2004; discriminatory treatment, in this respect, with fathers whose paternity has been only presumed by marriage or declaration and who were able to challenge it (Article 8 and Article 14 taken in conjunction with Article 8)*

Final resolution: The applicant requested the reopening of the paternity proceedings. In April 2008, the Nitra Register Office amended the record in the birth register, removing the reference to the applicant as the father. As regards the general measures, the Code of Civil Procedure has been amended and new provisions entered into force in January 2013. Individuals now have the possibility of applying to court to reopen paternity proceedings based on DNA tests or other scientific evidence which had not been available in the original court proceedings.

G.5. Placement of children in public care, custody and access rights

CZE / Bergmann

CZE / Proďlalov

Appl. No. 8857/08 and 40094/08, Judgments final on 27/01/2012 and 20/03/2012, CM/ResDH(2013)155

Access rights to children: *failure to adopt all measures reasonably expected to safeguard the applicant parents' right to family life in the context of disputes regarding visiting rights and care (notably to enforce provisional decisions on visiting rights or ensure that final judgment not be excessively delayed), leading to prohibitions of contacts with their children (Article 8)*

Final resolution: No special individual measures were deemed necessary as the ECtHR did not express itself on whether the prohibitions of contacts eventually imposed were or would be well founded considering the manner in which the situations had developed. As regards general measures, an amendment to the Act on the Social and Legal Protection of Children was adopted by the Parliament in September and November 2012 and a new Act on Mediation entered into force in September 2012. These acts have created new means of fast and extrajudicial resolution of various complicated situations including parental conflicts.

ITA / Sneersone and Kampanella

Appl. No. 14737/09, Judgment final on 12/10/2011, Enhanced supervision

Return order of a minor child: *unjustified interference with the applicants' - a mother and her child born in 2002 - right to respect for their family life, due to the Italian courts' decisions of 2008 and 2009 ordering the return of the child, who was living with his mother in Latvia, to his father in Italy, without due consideration of the child's best interest (Article 8)*

CM Decision: Examining this case for the first time at its March 2013 meeting, the CM first recalled that according to the European Court's finding, the mere existence of the order for the return child to Italy, irrespective of its actual enforcement, amounted to an interference with the applicants' right to respect of their family life, due to the adverse psychological effects it causes to the child. It then noted the proceedings brought by the Public Attorney's Office to set aside the return order and the authorities' assurances that the order shall not be enforced. The CM further noted that, the proceedings for setting aside the return order were resumed once the father was located, so that the first applicant has the possibility to exercise her right to participate in proceedings personally or by representation. Finally, it invited the Italian authorities to ensure that these proceedings are brought to a swift conclusion and asked to be informed of the progress made in the adoption of the individual measures in this case.

MLT / M.D. and others

Appl. No. 64791/10, Judgment final on 17/10/2012, Enhanced supervision

Forfeiture of parental rights: *automatic and permanent deprivation of parental rights of a mother, following her conviction of negligence towards her children, and the issuing of a permanent care order for placement of the children in an institute and no remedy available to challenge those measures (Article 8)*

CM Decision: The Court indicated in its judgment that the authorities should provide a procedure allowing the first applicant the possibility to request an independent and impartial tribunal to consider whether the forfeiture of her parental authority is justified. In response to the Court's indications, the Maltese authorities have submitted an action plan in February 2013, examined by the CM at its March meeting. It welcomed the diligence shown by the Maltese authorities in responding rapidly to this judgment by preparing two draft laws aimed at putting in place a mechanism to provide access to a court to review the forfeiture of parental rights and imposition of final care orders. The CM also noted that although not required by the judgment, steps were rapidly taken in order to take account of the change in circumstances in the applicants' situation, and that they currently live together. The CM invited the authorities to clarify bilaterally with the Secretariat the outstanding questions on the mechanism to provide access to court to review final care orders.

H. Cases concerning environmental protection

ITA / Di Sarno and others

(See main cases or groups of cases table C.2)

Appl. No. 30765/08, Judgment final on 10/04/2012, Enhanced supervision

Region polluted by uncollected waste: *prolonged inability of the authorities to ensure the proper functioning of the waste collection, treatment and disposal services in Campania, and lack of an effective remedy in this respect (violation of Article 8 in the substantive limb, Article 13)*

Information: Preliminary information was received in November 2012. Bilateral contacts are in progress with a view to gathering the additional information needed in order to present an action plan/report to the CM.

I. Freedom of religion

J. Freedom of expression and information

AZE / Mahmudov and Agazade

AZE / Fatullayev

(See main cases or groups of cases table C.2)

Appl. Nos. 35877/04 and 40984/07, Judgments final on 18/03/2009 and 04/10/2010, Enhanced supervision, Interim Resolution CM/ResDH(2013)199

Abusive sanctioning of journalists: *use of prison sentences for defamation and arbitrary application of anti-terror legislation to sanction journalists (Articles 10, 6§1 and 6§2)*

CM Decisions: The issue of individual measures having been closed earlier (November- December 2011), the CM continued, at its June 2013 meeting, its execution supervision of general measures in these cases. While noting with interest the continuation of the co-operation with the Venice Commission for the drafting of a law on defamation, the CM has nevertheless deeply regretted that, in spite of this co-operation process, the Azerbaijani Parliament amended, on 14 May 2013, the Criminal Code and the Code of Administrative Offences, imposing criminal penalties for defamation and insult on the Internet. It therefore urged the authorities to fully co-operate with the Venice Commission with a view to drafting the law on defamation and expressed confidence that this co-operation will continue and cover all relevant provisions pertaining to defamation in Azerbaijan. The CM also urged the authorities to ensure that, pending the adoption of this law, the current legislation is applied in accordance with the Convention's requirements and asked them to provide wider samples of domestic decisions demonstrating such an application by the Azerbaijani courts, as well as information on measures to prevent violations of Article 6§§1 and 2, similar to those found in the *Fatullayev* case.

No information being provided in response to its earlier calls, at its September meeting, the CM adopted an Interim Resolution (CM/ResDH(2013)199), strongly urging the authorities to take, without any further delay, all necessary measures in order to align the relevant legislation on defamation and its implementation with the Convention requirements and the Court's case law:-

At its December meeting, the CM noted with serious concern that the information provided by the Azerbaijani authorities shortly before the meeting only partly responded to the calls made in its interim resolution of September 2013. In the light hereof, it reiterated its call upon the authorities to align the relevant legislation pertaining to defamation and its implementation to the Convention requirements. Within this context, it called upon the authorities to urgently adopt, as a very first measure, legislation ensuring that prison sanctions for defamation may not be resorted to, save in exceptional circumstances. It further invited the authorities to take due account of the Opinion of the Venice Commission of 11 October 2013, when defining the additional measures required for full compliance with the present judgments.

During its meetings in June, September and December, the CM has constantly reiterated its calls upon the authorities to provide without any further delay tangible information on the measures taken or envisaged to guarantee a non-arbitrary application of the legislation by the domestic courts and to ensure the right to an impartial tribunal as well as the respect of the presumption of innocence. In view of the importance of rapidly achieving concrete results, the CM decided to resume consideration of these cases at its ordinary meeting in January 2014 in the light of substantial information to be provided by the authorities on outstanding questions by 30 December 2013.

ITA / Centro Europa 7 S.R.L. and Di Stefano

(See main cases or groups of cases table C.2)

Appl. No. 38433/09, Judgment final on 07/06/2012, Enhanced supervision

Operators' access to the audio-visual sector: *the applicant company had been prevented from operating in the audio-visual sector between 1999 and 2009 due to deficiencies in the legal framework adopted to tackle concentration in the television broadcasting sector and to ensure effective media pluralism (Article 10 and Article 1 of Protocol No. 1).*

Information: Preliminary information submitted by the authorities in February 2013 indicates that an action plan is being prepared, with a contribution from the authority responsible for radio frequencies.

TUR / İncal

(See main cases or groups of cases table C.2)

Appl. No. 22678/93, Judgment final on 09/06/1998, Enhanced supervision

Violations of freedom of expression: *convictions for having disseminated propaganda on behalf of terrorist organisations and/or published articles or books or prepared messages addressed to a public audience and deemed to incite hatred and hostility or to be insulting to the Turkish nation, the Republic, the Grand National Assembly, or the moral personality of the government, ministries or armed forces (Article 10)*

Other developments: The authorities communicated information as regards the general measures. Within the Fourth Reform Package adopted in April 2013 (law No 6459), the elements of the offences of "printing and publishing leaflets and statements of terrorist organizations" (Article 6) and of "making propaganda for a terrorist organisation" (Article 7) have been re-defined. In the light of these amendments, to constitute an offence, publications, propaganda or statements must justify or praise or encourage the use of violence, force or threat.

K. Freedom of assembly and association

BGR / United Macedonian Organisation Ilinden and others, and other similar cases

Appl. No. 59491/00, Judgment final on 19/04/2006, Question of transfer to enhanced supervision

Refusals to register an association: *unjustified refusals of the courts to register an association aiming at achieving "the recognition of the Macedonian minority in Bulgaria", refusals based on the one hand on considerations of national security, protection of public order and the rights of others (alleged separatist ideas) and on the other hand on the constitutional prohibition for associations to pursue political goals (Article 11)*

CM Decision: When resuming consideration of these cases at its December meeting, the CM first recalled the awareness-raising measures taken by the Bulgarian authorities in 2007 and 2008 with a view to aligning the practice of the Bulgarian courts with the requirements of Article 11 of the Convention, as clarified in the judgment UMO Ilinden and others No. 1. It then noted with interest, in this respect, that the Blagoevgrad Regional Court has taken into consideration some of these

requirements in the context of the examination of the new request for registration of UMO Ilinden, in particular, by allowing the representative of the association to supplement his request. The CM regretted however, that the measures adopted have not been sufficient to avoid that new refusals of registration, based partly on grounds which had already been criticised by the Court, be opposed to the applicant association or other similar associations. It further noted with interest that according to the revised action plan of November 2013, the competent courts will clarify that, under Bulgarian law, the registration of an association does not imply that the State or the court seized approve the statements and the goals of the association or that they accept their validity. The revised action plan also intends to clarify, in the courts' practice and in the legislation in force, the scope of the constitutional prohibition for associations to pursue political goals, in the light of the requirements of the Convention and the judgments in question. It encouraged the authorities to rapidly take the measures envisaged, and invited them to pursue their close co-operation with the Secretariat in this regard and decided to continue the examination of these cases under standard procedure, and to review the question of a possible transfer to enhanced procedure at its March 2014 meeting in the light of further developments.

GRC / Bekir-Ousta and other similar cases

(See main cases or groups of cases table C.2)

Appl. No. 35151/05, Judgment final on 11/01/2008, Enhanced supervision

Refusal to register or dissolution of associations: *refusal to register or dissolution of associations on the ground that they were considered by the courts to be a danger to public order as they promoted the idea of the existence of an ethnic minority in Greece as opposed to the religious minority provided by the Lausanne Treaty (Article 11)*

CM Decisions: Pursuing its supervision of these cases at its June meeting, the CM first recalled that this group of cases has been under its supervision since January 2008 and that it closely followed developments before the domestic courts as well as the Greek authorities' efforts to ensure that the applicants in these cases benefit from proceedings compatible with the Convention requirements in order to have their requests for revocation of previous decisions refusing registration and ordering dissolution of their associations, examined on the merits. While noting with concern that, since the judgment of the Court of Cassation (No. 353/2012), published on 24 February 2012, dismissing the appeal in cassation of the Tourkiki Enosi Xanthis association on procedural grounds, no precise and concrete information has been presented regarding the individual measures in this group of cases, the CM noted with interest that other avenues are being explored, including an amendment to the non-contentious procedure provided in the code of civil procedure. Consequently, given in particular the time that has elapsed since the Court's judgments became final, the CM urged the authorities to inform it in writing, with an indicative timetable on measures explored to ensure that the associations' requests for registration could now be subject to an examination on the merits.

In December, the CM noted that the court proceedings brought by the applicant associations in the cases Bekir-Ousta and others and Emin and others did not lead to the expected results, the applicants' appeals in cassation, as in the case of Tourkiki Enosis Xanthis, having also been dismissed on procedural grounds without an

examination on the merits. It noted, however, that the avenue consisting of amending the code of civil procedure in order to implement the individual measures of the present judgments was still under consideration. Finally, after having stressed anew the importance it attaches to the commitment reiterated by the Greek authorities to fully and completely implement these judgments without excluding any avenue in that respect, the CM urged the Greek authorities to provide in due time for its meeting in June 2014, concrete and tangible information on the measures explored in order to implement the individual measures, accompanied by an indicative calendar for their adoption. In the absence of such information, the Secretariat was instructed to prepare a draft interim resolution for the CM June 2014 meeting.

TUR / Oya Ataman and other similar cases

(See main cases or groups of cases table C.2)

Appl. No.74552/01, Judgment final on 05/03/2007, Transfer to enhanced supervision

Repression of peaceful demonstrations: *violations of the right to freedom of peaceful assembly and/or ill-treatment of the applicants on account of the excessive force used to disperse peaceful demonstrations; in some cases, failure to carry out an effective investigation into the allegations of ill-treatment and lack of an effective remedy in this respect (Articles 3, 11 and 13)*

CM Decision: At its September meeting 2013, the CM noted that, since the judgment in the case of Oya Ataman became final, the Turkish authorities have issued a series of directives in order to ensure that law enforcement officers do not use excessive and unnecessary force while dispersing demonstrations. However, the CM noted that, despite the above-mentioned measures, the Court continued receiving new, similar applications and delivering judgments finding violations of the Convention on account of unjustified interferences with the right to freedom of peaceful assembly and of excessive use of force during demonstrations as well as lack of an effective remedy in this respect. Therefore, the CM stressed that additional measures were necessary in order to ensure the full execution of the judgments in this group of cases.

In this respect, the CM invited the Turkish authorities, taking into account the Court's relevant case-law, to:

- consider amending the Turkish legislation with a view to ensuring that the domestic authorities are under an obligation to assess the necessity of interfering with the right to freedom of assembly, in particular in situations where demonstrations are held peacefully;
- review already existing rules concerning the use of tear gas (or pepper spray) by law enforcement officers;
- provide information on the procedures with the aim of reviewing the necessity, proportionality and reasonableness of any use of force after a demonstration is dispersed.

The CM also invited the authorities to:

- provide information on the nature, range and effectiveness of sanctions provided under Turkish law in case officers fail to comply with the terms of directives that are issued concerning the necessity and proportionality of force to be used by law enforcement officers;
- provide information on the measures taken or envisaged to ensure that authorities and courts act promptly and diligently in carrying out investigations into allegations of ill-treatment and in conducting criminal proceedings initiated against law enforcement officers;
- provide information as to whether or not fresh investigations had been carried out into the applicants' allegations of ill-treatment since the judgments in these cases became final.

In view of the recurrent and systemic nature of the problem, the CM decided to transfer this group of cases to enhanced supervision procedure.

UKR / Vyrentsov

(See main cases or groups of cases table C.2)

Appl. No.20372/11, Judgment final on 11/07/2013, Enhanced supervision

Legislative lacuna regarding the right to peaceful assembly: *Absence of clear and foreseeable legislation laying down the rules for the holding of peaceful assembly (applicant sentenced to 3 days of administrative detention in 2010 for organising and holding a peaceful demonstration); different violations of the right to a fair trial (Articles 11, 7, 6§§1, 3(b)-(c)-(d))*

CM Decision: Examining for the first time this case at its September meeting, the CM noted that the Court indicated under Article 46 that specific reforms in Ukraine's legislation and administrative practice should be urgently implemented in order to bring such legislation and practice into line with the Court's conclusions and to ensure their compliance with the requirements of Articles 7 and 11. Consequently, and also bearing in mind the risk of repetitive applications, the CM invited the Ukrainian authorities to submit without delay their action plan on the reforms taken and/or envisaged, together with an indicative timetable for their adoption. In this context, the Ukrainian authorities were strongly encouraged to exploit fully the possibilities offered by the Council of Europe under its co-operation programmes. The CM also invited the Ukrainian authorities to include, in their action plan, information on the general measures adopted and/or envisaged with a view to remedying the new problems identified in this case as regards the violations of Article 6, not yet examined within the context of other cases. As regards individual measures, the Ukrainian authorities were invited to provide information on the measures adopted and/or envisaged to erase, as far as possible, the consequences of the violations suffered by the applicant.

L. Right to marry

M. Effective remedies – specific issues

FRA / De Souza Ribeiro

Appl. No. 22689/07, Judgment final on 13/12/2012, Enhanced supervision

Effectiveness of remedies: *absence of an effective remedy, in practice, against deportation order (problem specific to French overseas départements and regions) (Article 13 in conjunction with Article 8)*

Action report: The French authorities provided an action report in July 2013. Concerning the individual measures, and as the Court had already found in its judgment, the applicant was granted a residence permit for “private and family life” in France since 2009. Regarding general measures, the authorities have stated that an instruction was issued in April 2013 to the prefects of Guadeloupe, Guyana and Mayotte in order to specify the action to be taken when a foreigner brings an urgent application. A law of December 2012 has also added provisions to the CESEDA (code on foreigners’ entry and residence and on the right of asylum) on detention for the purpose of verifying the right to reside. This law has been the subject of two implementing circulars in order to ensure a thorough examination of the person’s situation before any deportation decision.

FRA / Gebremedhin

Appl. No. 25389/05, Judgment final on 26/07/2007, CM/ResDH(2013)56

Asylum procedure: *lack of automatically suspensive effect of the appeal lodged by an Eritrean national at the border in July 2005 against the rejection of his asylum application, thus exposing him to the risk of ill-treatment if returned to Eritrea (Article 13 in conjunction with Article 3)*

Final resolution: As far as individual measures are concerned, the applicant was recognised as a refugee in November 2005. The Court held that the finding of a violation constituted in itself just satisfaction for the non-pecuniary damage suffered by the applicant. The sum corresponding to the costs and expenses incurred was paid by the French authorities. With regard to general measures, the Law of 20 November 2007 amended the code regulating the admission and residence of aliens and the right of asylum (CESEDA) by conferring an automatically suspensive effect on decisions to refuse admission to French territory to make an asylum application. Henceforth, the decision to refuse entry for the purpose of making an asylum application cannot be executed before the expiry of a period of 48 hours following notification of the decision or, if the matter is referred to an administrative court, until the court has given its decision. The administrative court, sitting as a single judge, must give its decision within 72 hours of the matter being referred to it. If the refusal of entry for the purpose of making an asylum application is set aside by the judge, the alien is immediately given leave to enter France in order to lodge an asylum application with OFPRA (French Agency for the Protection of Refugees and Stateless Persons).

N. Protection of property

N.1. Expropriations, nationalisations

ARM / Minasyan and Semerjyan and other similar cases

(See main cases or groups of cases table C.2)

Appl. No. 27651/05, Judgment final on 23/09/2009 and 07/09/2011, Enhanced supervision

Unlawful expropriation: *deprivation by the domestic courts of property or of right of use of accommodation, under conditions not prescribed by law, but only by Government decrees, during an expropriation process for the purpose of implementing State construction projects. (Article 1 of Protocol No. 1)*

CM Decisions: When examining this group of cases for the first time, in December 2010, the CM noted that the question of just satisfaction (Article 41) had been reserved by the Court. Meanwhile, in its Article 41 judgments, noting that the restitutio in integrum was not possible due to the demolition of the respective flats, the Court awarded the applicants the probable value of their share in the flat at the material time converted to current value to offset the effects of inflation. The CM resumed its examination of this group of cases in June 2013, based on the new Action report submitted by the authorities in May 2013 and instructed the Secretariat to present a detailed assessment thereof. At its December meeting, the CM noted with satisfaction the adoption by the Parliament of the Law “On Expropriation for the Needs of Society and the State”, which appears to provide a clear legal framework, as required by the Convention, for deprivation of property in situations similar to the cases in this group. It invited the authorities to clarify whether this law clearly regulates situations of interference with the right to the use of accommodation and to provide information on additional measures taken to improve domestic court practices as regards the Convention requirement that interferences have to be in accordance with law and in order to prevent arbitrary application of law

ROM / Strain and others and other similar cases

ROM / Maria Atanasiu and others (pilot judgment)

(See main cases or groups of cases table C.2)

Appl. Nos. 57001/00 and 30767/05, Judgments final on 30/11/2005 and 12/01/2011, Enhanced supervision

Property nationalised during the Communist regime: *sale by the State of nationalised property, without securing compensation for the legitimate owners; delay in enforcing, or failure to enforce, judicial or administrative decisions ordering restitution of the nationalised property or payment of compensation in lieu (Article 1 of Protocol No. 1 and Article 6§1)*

CM Decisions: Notwithstanding the efforts carried out in the context of the execution of the Strain group of cases, including the setting up of a compensation and restitution mechanism, and the Government’s revisited action plan of 2010, the Court concluded in the Maria Atanasiu pilot judgment that the ineffectiveness of the mechanism continued to pose a recurrent and large-scale problem in Romania and held that the respondent State should take measures to ensure effective protection of the

rights guaranteed by Article 6 § 1 of the Convention and Article 1 of Protocol No. 1, in the context of all the cases similar to the pilot case, in accordance with the principles enshrined in the Convention. The original 18 month time limit was subsequently extended to 12 May 2013.

When pursuing its supervision of the execution of this group of cases at its December 2012 meeting, the CM reiterated its invitation to the authorities to present comprehensive consolidated data on the state of the compensation and restitution process. At the March 2013 meeting, the CM noted of the authorities' commitment to finalise the on-going legislative process within the extended time-limit, and urged them to present the final version of the draft law on the reform of the compensation mechanism, as well as justifications for the measures proposed, before the end of March 2013, and to remain in close co-operation with the Execution Department. The CM noted that, according to the authorities, the global sum that remained to be paid as compensation amounted to approximately 8.4 billion euros. It encouraged the authorities to continue their efforts to complete without delay the transmission of further comprehensive consolidated data.

A revised action plan, notably indicating that the legislative process had been brought to a successful end, was submitted in May 2013 and had been examined by the CM at the June meeting, on the basis of a memorandum prepared by the Secretariat (CM/Inf/DH(2013)24). It welcomed the determination demonstrated by the authorities and their engagement in close consultations with the Execution Department and the Registry of the European Court, which had allowed the adoption of the new law reforming the reparation mechanism with a view to ensuring its effectiveness and viability. The CM noted the decision of the European Court to maintain the freeze on repetitive cases encouraged the authorities to continue to cooperate with the Execution Department with a view to clarifying outstanding issues identified in the above mentioned memorandum. The CM concluded by underlining the importance of a close and constant monitoring of the application of the new and invited the Romanian authorities to keep it regularly informed of progress made.

N.2. Disproportionate restrictions to property rights

BIH / Đokić

BIH / Mago and others

(See main cases or groups of cases table C.2)

Appl. Nos.6518/04 and 12959/05, Judgments final on 04/10/2010 and 24/09/2012, Enhanced supervision

Deprivation of occupancy rights over military apartments: inability of members of the army of the former Yugoslavia (mainly Serbs of the former Yugoslav People's Army) to obtain the restitution of their military apartments (some formally bought by their owners others originally possessed by virtue of special occupancy rights), taken from them in the aftermath of the war in Bosnia and Herzegovina, or to receive alternative accommodation or compensation reasonably related to the market value of the apartments instead (Article 1 of Protocol No. 1)

Action plan: In the cases of Đokić (concerning holders of full property rights), the authorities transmitted in November 2013 a new update to the action plan submitted in April 2011. A special action plan was also submitted for the Mago case (concerning holders of special preferential occupancy rights). According to the information provided 230 former property owners had not received a satisfactory housing solution and were thus eligible for compensation. It was estimated that compensation to these would require some 30 million BAM. The draft law also foresaw compensation to the special occupancy rights holders who had also lost possession of their apartments. According to the data presented in the context of the proceedings in the Mago case, restitution claims had been rejected in some 1032 cases and 749 restitution proceedings were still pending. Shortly before the submission of the updated information, the Federation Government approved draft legislative amendments providing, in view of the number of proceedings pending and the total amount due, for compensation payable through instalments over a 10 year period. The draft law had been submitted to parliament.

The updated action plans are currently being assessed by the CM.

ITA / M.C. an others (pilot judgment)

(See main cases or groups of cases table C.2)

Appl. No. 5376/11, Judgment final on 03/12/2013, enhanced supervision*

Retroactive legislation: legislative provision retroactively cancelling the annual adjustment of the supplementary part of an allowance paid in respect of accidental contamination during blood transfusions (HIV, hepatitis...)(Article 6§1, Article 1 of Protocol No. 1 alone and taken in conjunction with Article 14).

LUX / Schneider

Application No. 2113/04, Judgment final on 10/10/2007, CM/ResDH(2013)34

Forced inclusion of landowners in a hunting association: obligation for the applicant since 2003 to include her land in a hunting area and, pursuant to a 1925 law, to join a hunting association, although she disapproved of its purpose (Article 1 of Protocol No. 1 and Article 11)

Final resolution: New legislation on hunting was enacted in May 2011 to take account of landowners' ethical convictions. Opponents of hunting can now make a declaration of withdrawal from the hunting association. Regarding the obligatory inclusion of their land in a hunting area, they can also apply for the suspension of hunting on their land for the duration of the lease. Under these new legislative provisions, the applicant was able to stop her land from being used for hunting.

NOR / Lindheim and others

Appl. No. 13221/08, Judgment final on 22/10/2012, Enhanced supervision

Shortcomings in the legislation regulating long land leases: statutory provision allowing lessees to claim the indefinite extension of certain long lease contracts on unchanged conditions with the result that rent due bears no relation to the actual value of the land (Article 1 of Protocol No. 1)

CM Decision: At its December meeting, the CM noted that the Court’s judgment revealed a major structural and complex problem in the legal regulation of long land leases, and that the Court had indicated under Article 46 “that the respondent State should take appropriate legislative and/or other general measures to secure in its domestic legal order a mechanism which will ensure a fair balance between the interests of lessors on the one hand, and the general interests of the community on the other hand, in accordance with the principles of protection of property rights under the Convention”. It noted with satisfaction the information provided so far by the authorities in their action plan of April 2013, in particular the measures rapidly taken with a view to remedying the shortcomings in the domestic legislation, including the provisional measures pending the adoption of the new legislative framework. The CM also noted the information provided on the pending judicial proceedings challenging the new statutory regime, lodged by one of the applicants. The Norwegian authorities were encouraged to continue their execution efforts and invited to provide updated information on all relevant further developments.

ROM / Cleja and Mihalcea

Appl. No.77217/01, Judgment final on 08/05/2007, CM/ResDH(2013)94

Rights of owners of nationalised properties: *refusal to evict tenants of properties nationalised under the communist regime, despite the offer of “suitable” alternative accommodation by the landlords, in accordance with the requirements of a 1999 emergency order: unforeseeable refusal and retrospective application of new rules, giving disproportionate protection to tenants (the vast majority of dwellings did not satisfy the new requirements) (Article 1 of Protocol No 1)*

Final resolution: Article 23 of the emergency government order of 1999, which allowed landlords to ask tenants to leave their properties subject to certain conditions (in this instance, a declaration by a third party to the effect that he/she would agree in future to enter into a tenancy agreement with the tenants) was repealed in 2011 and, as a result, the specific problem noted in the Court’s judgment can no longer arise.

RUS / Gladysheva

Appl. No.7097/10, Judgment final on 06/03/2012, Transfer to standard supervision

Revocation of property title: *unjustified revocation of a bona fide purchaser’s property title to an apartment fraudulently acquired by the previous owner from a State authority; also failure by the domestic courts to assess proportionality when evicting the bona fide purchaser following the revocation of the property title (Article 1 of Protocol No.1 and of Article 8)*

CM Decision: Following initial contacts taken between the authorities and the Secretariat, the CM could note at its September meeting, that the applicant’s property rights to the apartment had been restored and that the eviction order had been quashed. In this respect, the CM invited the authorities to confirm that her property rights were henceforth duly registered. As regards the adoption of the foregoing measures, the CM decided to continue its supervision of the execution of this judgment under the standard supervisory procedure. The CM invited the Russian authorities to present a revised action plan/report containing clarifications

on whether, and how, rights of bona fide purchasers who might face situations similar to the applicants are protected under Russian legislation.

SER / Grudić

(See main cases or groups of cases table C.2)

Appl. No.31925/08, Judgment final on 24/09/2012, Enhanced supervision

Non-payment of pensions : *unlawful suspension, for more than a decade, by the Serbian Pensions and Disability Insurance Fund (SPDIF) of payment of pensions, based on a Government Opinion without any basis in domestic law that the Serbian pension system ceased to operate in Kosovo⁴⁴ (Article 1 of Protocol No. 1)*

CM Decisions: When addressing this newly revealed problem in its judgment, the Court noted the large number of potential applicants and indicated that the respondent Government must, within six months take all appropriate measures to ensure the implementation of the relevant laws in order to secure payment of the pensions and arrears in question, it being understood that certain reasonable and speedy, factual and/or administrative verification procedures may be necessary to this effect.

Following the CM's first examination of the case in December 2012, an action plan was transmitted in January 2013. Pursuing its supervision at its March meeting, the CM noted with satisfaction that plan included a time-table and information on the measures taken for the identification and verification of persons entitled to the resumption of payment of pensions and arrears. The CM noted that the verification process was expected to be completed until 20 August 2013. Given that the Court extended the deadline by 6 months, the Serbian authorities were encouraged to intensify their efforts with a view not only to bringing the verification process to an end but also to taking all other appropriate measures within the new deadline.

At its June meeting, the CM welcomed the initial steps taken to inform eligible individuals and to secure the resumption of payments, including arrears within the extended deadline (i.e. until 24 September 2013).

Pursuing its examination in September, the CM noted that the Serbian Pension Fund had decided to resume payment of pensions, although, at that date, favourable decisions had been taken only in 37 cases while 1 241 applications were rejected. The CM stressed in this respect the importance of ensuring that any refusal of resumption of payment of pension has a clear basis in domestic law and was subject to effective judicial review. The CM noted that the Serbian authorities considered that no special measure were necessary in respect of unpaid arrears. It invited the Serbian authorities, in close co-operation with the Secretariat, to provide further information, including as regards the legislative provisions justifying refusal of such payments and the handling of the payment of arrears. Considering that the deadline expired on 24 September 2013, the CM called upon the Serbian authorities to deploy all their efforts with a view to securing the payment of pensions and arrears at issue without any delay.

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

In December, the CM noted with satisfaction the on-going work of the Serbian Pension Fund, which led to an increase in the number of decisions in favour of the resumption of payment of pensions. It noted the explanations given by the authorities as regards the legal basis for refusing resumption of payment of pensions and available judicial review procedures, and instructed the Secretariat to carry out an in-depth analysis of this issue in close co-operation with the authorities. Further, the Serbian authorities were invited to provide, as soon as possible, concrete information to the Committee on the issue of payment of arrears.

In December, the CM noted with satisfaction the on-going work of the Serbian Pension Fund, which led to an increase in the number of decisions in favour of the resumption of payment of pensions. It noted the explanations given by the authorities as regards the legal basis for refusing resumption of payment of pensions and available judicial review procedures, and instructed the Secretariat to carry out an in-depth analysis of this issue in close co-operation with the authorities. Further, the Serbian authorities were invited to provide, as soon as possible, concrete information to the Committee on the issue of payment of arrears.

O. Right to education

RUS / Catan and others

(See main cases or groups of cases table C.2)

Appl. No. 43370/04, Judgment final on 19/10/2012, Enhanced supervision

Closure of schools and harassment of pupils wishing to be educated in their national language: forced closure, between August 2002 and July 2004, of Moldovan/Romanian language schools located in the Transnistrian region of the Republic of Moldova, as well as measures of harassment of children or parents of children, pursuant to the "Moldavian Republic of Transnistria" (the "MRT") "law" on languages. Responsibility of the Russian Federation under the Convention - notwithstanding the absence of evidence of any direct participation by Russian agents in the measures taken, nor of Russian involvement in, or approbation for, the "MRT"'s language policy in general, because of Russia's "effective control" over the "MRT" during the period in question - by virtue of its continued military, economic and political support for the "MRT", which could not otherwise survive (Article 2 of Protocol No. 1 with respect to the Russian Federation).

CM Decision: No information having been provided by the Russian Federation, the CM, at its December meeting, urged the authorities to provide rapidly relevant information, in the form of an action plan or action report.

P. Electoral rights

AZE / Namat Aliyev and other similar cases

(See main cases or groups of cases table C.2)

Appl. No. 18705/06, Judgment final on 08/07/2010, Enhanced supervision

Irregularities connected with the 2005 parliamentary elections: arbitrary and non-motivated rejection, by the electoral commissions and the courts, of complaints of

members of the opposition parties or independent candidates regarding irregularities or breaches of electoral law (Article 3 of Protocol No. 1)

CM Decisions: During its first examination of this group of cases in September 2013, the CM considered, with respect to individual measures, that it was not possible to redress the consequences of the violations found apart from the just satisfaction awarded by the Court. As regards general measures, it took note of training and awareness-raising activities for the members of the electoral commissions and invited the authorities to provide an assessment of their impact. The CM nonetheless considered that these activities alone do not respond to the Court's conclusions that the procedures before the electoral commissions and the national courts did not afford safeguards against arbitrariness and consequently invited the authorities to urgently provide a consolidated action plan with the measures taken or underway, including legislative or statutory, to put in place such safeguards. In December, the CM noted the new information provided by the authorities during the meeting and instructed the Secretariat to rapidly evaluate it in close co-operation with the authorities. It also urged the authorities to present, in the light of this evaluation, a comprehensive action plan in due time for examination at its March 2014 meeting.

BIH / Sejdić and Finci

(See main cases or groups of cases table C.2)

Appl. No. 27996/06, Judgment final on 22/12/2009, Enhanced supervision

Ineligibility to stand for elections due to the non-affiliation with a constituent people: impossibility for citizens of Bosnia and Herzegovina of Roma and Jewish origin to stand for election to the House of Peoples and to the Presidency of Bosnia and Herzegovina, due to their lack of affiliation with one of the constituent people (Article 14 taken in conjunction with Article 3 of Protocol No.1 and Article 1 of Protocol No.12)

CM decisions and interim resolution: The CM has always considered that a number of amendments to the Constitution of Bosnia and Herzegovina and its electoral legislation should be adopted for the execution of this judgment. When pursuing the execution supervision of this case at its March 2013 meeting, it has nevertheless deplored that the authorities and political leaders of Bosnia and Herzegovina have not achieved yet a consensus to amend the Constitution of Bosnia and Herzegovina despite its repeated calls, in particular in its two interim resolutions adopted so far (CM/ResDH(2011)291 and CM/ResDH(2012)233), and of the international community to that effect. It thus strongly encouraged Bosnia and Herzegovina to take without any further delay all the necessary steps for the full execution of this judgment.

Consideration of this case was resumed at ordinary meetings in April and May (1169th and 1170th). At this last meeting, the CM expressed serious concern that, despite the commitment undertaken by Bosnia and Herzegovina on becoming a member of the Council of Europe to review its electoral legislation in the light of the Council of Europe standards and its repeated calls, the political leaders have continuously failed in reaching a consensus on the necessary amendments. Bearing in mind that on 8 April 2013, for the second time in a joint statement on the issue, Commissioner Štefan Füle and the Secretary General of the Council of Europe Thorbjørn Jagland

deeply regretted the lack of progress in reaching an agreement on the implementation of the judgment, the CM firmly recalled once again the obligation of Bosnia and Herzegovina to abide by the judgment of the Court.

During its HR meeting in June, the CM deeply deplored that the authorities and political leaders of Bosnia and Herzegovina have failed to reach a consensus. The CM reiterated that the continuing failure to reach a consensus on the required amendments is a matter of very serious concern, and stressed that time is running out for the Constitution and electoral legislation of Bosnia and Herzegovina to be brought in compliance with the Convention in view of the forthcoming 2014 elections. It reiterated that failure to do so would not only amount to a manifest breach of obligations under Article 46§1 of the Convention but would also seriously undermine the legitimacy and the credibility of the country's future elected bodies. Therefore, the CM firmly urged the authorities and political leaders of Bosnia and Herzegovina to amend the Constitution and the electoral legislation to bring them in conformity with the Convention requirements as a matter of urgency.

In September, the CM welcomed the presence of the Minister of Justice of Bosnia and Herzegovina demonstrating the commitment and determination of his authorities to execute this judgment. Nevertheless, the CM expressed deep concern that, despite the commitments expressed on numerous occasions by Bosnia and Herzegovina and its repeated calls to adopt the necessary constitutional and legislative amendments, the authorities and political leaders of Bosnia and Herzegovina have still not reached a consensus on these amendments. The CM strongly urged the authorities and political leaders of Bosnia and Herzegovina to deploy all their efforts to reach such a consensus at the third round of the High-level Dialogue on the Accession Process (HLDAP) with the European Union of 1 October 2013, bearing in mind that next general elections will be held in October 2014, and requested the authorities of Bosnia and Herzegovina to provide concrete information on the solutions envisaged as well as a clear time-table for their adoption.

At its December HR meeting, the political leaders having failed to make any decisive progress in reaching a consensus on the constitutional and legislative amendments, the CM adopted an interim resolution in which it recalled that the Constitution of Bosnia and Herzegovina provides that "the rights and freedoms set forth in the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols shall apply directly in Bosnia and Herzegovina. These shall have priority over all other law. It thus regretted that the important declaration signed by all political leaders on 1 October 2013 has not been followed, despite the commitment expressed, by a detailed agreement on key principles of the electoral system. Noting that political leaders of Bosnia and Herzegovina were investing intensive efforts to negotiate rapidly a consensus, the CM firmly called upon all authorities and political leaders of Bosnia and Herzegovina to ensure that the constitutional and legislative framework is immediately brought in line with the Convention requirements so that the elections in October 2014 are held without any discrimination against those citizens who are not affiliated with any of the "constituent peoples".

Q. Freedom of movement

BGR / Reiner

Appl. No. 46343/99, Judgment final on 23/08/2006, CM/ResDH(2013)100

Automatic travel ban for unpaid taxes: *Bulgarian legislation prohibiting from leaving the country for non-payment of tax debt and lack of effective remedy in this respect (Article 2 of Protocol No 4, Article 13 taken in conjunction with Article 8 and Article 2 of Protocol No. 4)*

Final resolution: As regards individual measures, the authorities have indicated that the travel ban against the applicant has been lifted. Moreover, the provisions imposing measures restricting the liberty of movement to Bulgarian citizens for failure to pay tax debts under the Bulgarian Personal Documents Act have been declared unconstitutional by the Constitutional Court in 2011. The provisions of the Aliens Act enacting the same ban for foreign citizens have also been repealed in March 2013.

R. Discrimination

CZE / D.H. and others similar cases

(See main cases or groups of cases table C.2)

Appl. No. 57325/00, Judgment final on 13/11/2007, Enhanced supervision

Right to education – discrimination against Roma children: *assignment of Roma children to special schools (designed for children with special needs, including those suffering from a mental or social handicap) on account of their Roma origin (Article 14 in conjunction with Article 2 of Protocol No.1).*

CM Decision: Since 2005, when the judgment became final, the Czech authorities have transmitted several action plans and information documents which have been assessed by the CM, notably in memorandum CM/Inf/(2010)47, as well as in a number of decisions encouraging an accelerated implementation of this judgment. Pursuing its supervision in December 2013, the CM welcomed the presence of the First Deputy Minister of Education, Youth and Sports, demonstrating the commitment and determination of the Czech authorities to execute this judgment and noted the information on the implementation of the consolidated action plan submitted in June, October and November 2013. The CM underlined, that an increasing number of children with a “slight mental disability” was educated in mainstream classes and that according to surveys the overall percentage of Roma pupils remained nevertheless disproportionately high in programmes for pupils with a “slight mental disability”. In this respect, it invited the authorities to provide, in due time for the March 2014 meeting, additional information explaining further, inter alia, these statistical developments. While reiterating the importance to rapidly obtaining concrete results, the CM encouraged the authorities to accelerate the implementation of outstanding measures, in particular with regard to the revised diagnostic tools and the legislative amendments aimed at removing the possibility to place pupils without a disability in classes or groups for pupils with disabilities, and to consider the adoption of interim measures. It also invited the authorities to

provide updated information on the implementation of the consolidated action plan in due time for the June 2014 meeting.

HUN / Horváth and Kiss

(See main cases or groups of cases table C.2)

Appl. No. 11146/11, Judgment final on 29/04/2013, Enhanced supervision

Discrimination against Roma children: discriminatory assignment of Roma children to special schools for children with mental disabilities during their primary education (Article 2 of Protocol No. 1 read in conjunction with Article 14)

Action report: Shortly after this judgment became final, the authorities provided information on the measures taken and/or envisaged in an initial action report transmitted in October 2013. The report notably refers to better and more standardized testing of Roma children (use of WISC-IV Child intelligence test) and to extensive training programmes for the members of the expert panels determining the children's learning abilities. It also refers to significant legislative amendments laying down strict criteria and setting out a procedure for establishing mental handicap and to the setting up of an Anti-segregation Round Table to discuss further strategies with NGO's. The Round table was convened in June 2013 and has held 4 meetings so far. The action report is presently being examined. Supplementary information was received in January 2014.

LUX / Wagner and J.M.W.L.

Appl. No.76240/01, Judgment final on 28/09/2007, CM/ResDH(2013)33

Non-recognition of a foreign adoption judgment: refusal by the Luxembourg courts to declare enforceable a Peruvian full adoption judgment of 1996 on the ground that the Luxembourg Civil Code prohibits full adoption by unmarried persons: Luxembourg law required the foreign court to apply the law designated by the conflict-of-law system of the country in which enforcement was sought (Article 6§1, Article 8 and Article 14 in conjunction with Article 8).

Final resolution: Following the Court's judgment, the Luxembourg District Court ruled that the Peruvian adoption order in question was enforceable in the Grand Duchy of Luxembourg as if it had been issued by a Luxembourg court. The impugned provisions of the Civil Code concerning enforcement of a foreign adoption judgment are now disregarded by the Luxembourg courts so that unmarried persons can be granted full adoption of a child.

POL / Grzelak

Appl. No. 7710/02, Judgment final on 22/11/2010, Enhanced supervision

Discrimination based on religion: discriminatory treatment of a non-believer pupil during his schooling due to the absence of a mark for "religion/ethics" on the school certificates, due to the failure to provide alternative ethics classes instead of religious instruction (Article 14 in conjunction with Article 9)

CM Decision: The CM has examined this case for the first time at its December 2013 meeting, based on the information provided by the authorities in their action plans in the course of the year 2013. Noting that the applicant was no longer in compulsory

education, and the award of non-pecuniary damage, the CM decided to close its supervision of individual measures. As to general measures, the CM welcomed the actions taken by the authorities to ensure that all pupils who do not wish to follow religious education have the opportunity to participate in ethics classes, if necessary by means of online courses. Noting however, that the action plan submitted in July 2013 only provided for the implementation of the measures chosen by the authorities, namely the new system of e-learning, as from 2015, the CM underlined the importance to ensure compliance with the foreseen time-table, and invited the authorities to keep it regularly informed on progress in this field. Moreover, given the time still needed for the adoption of all the measures proposed, the CM also invited the authorities to clarify which measures they intend to take in the meantime to ensure that persons in the situation similar to the applicant's do not suffer from discrimination.

POL / Kozak

Appl. No. 13102/02, Judgment final on 02/06/2010, CM/ResDH(2013)81

Exclusion of same-sex partners from succession to a tenancy: discrimination on the grounds of sexual orientation, resulting from the Polish courts' refusal to allow the applicant's claim to take over a tenancy after his partner died, as only different-sex relationships could be interpreted as de facto cohabitation for the purposes of the relevant domestic legislation (Article 14 taken in conjunction with Article 8).

Final resolution: The authorities have indicated that the Polish courts have now broadened the meaning of de facto cohabitants to same-sex partners. This practice was further confirmed by the Supreme Court which has stated in a resolution of November 2012 that a person living in de facto cohabitation with a tenant – in the sense of the Civil Code – is a person living with a tenant in emotional, physical and economic relationship, including where the persons are of the same sex.

RUS / Alekseyev

(See main cases or groups of cases table C.2)

Appl. No. 4916/07, Judgment final on 11/04/2011, Enhanced supervision

Repeated bans on gay marches: repeated bans (in Moscow), over a period of three years (2006, 2007 and 2008), on the holding of gay-rights marches and pickets, and enforcement of the ban by dispersing events held without authorisation and by finding participants who had breached the ban guilty of an administrative offence; absence of effective remedies (Articles 11 and 13)

CM Decisions: The action plans submitted by the authorities in response to the present judgment and the CM's decisions have mainly concerned training and awareness raising measures, as the authorities considered that Russian legislation, as supplemented by the developments of the Constitutional Court's case-law, contained sufficient guarantees to ensure the effective exercise of the right to freedom of assembly.

The CM, nevertheless, has repeatedly noted, that the number of refusals similar to those described in the judgment remained particularly high, and that amongst the most frequent reasons for this situation have been the continuing lack of proper

examination of the risk to the safety of the participants and public order, and divergent applications of the Assemblies Act and, in certain regions, as well as the use of regional laws prohibiting the so-called “promotion of homosexuality” amongst minors.

In the light hereof, the CM invited in September 2012, the authorities to provide a comprehensive action plan addressing the use of regional laws prohibiting propaganda of homosexuality among minors, and training and awareness raising activities. An action plan was received in January 2013.

When examining the situation at its March and June meetings 2013 in the light of this action plan and additional information submitted, the CM noted with concern the persistent refusals by the competent authorities of Moscow to allow public events planned by the applicant. Concerning general measures, the CM noted that despite the training and awareness-raising activities organised, the number of the refusals remained high, and noted, in this respect, the significant divergences in the implementation of the Assemblies Act, notwithstanding the clarifications given by the Constitutional Court and the adoption of an increasing number of regional laws prohibiting the “promotion of homosexuality” among minors. In the light hereof the CM expressed serious concerns with regard to the current legislative work aimed at introducing prohibition of the “promotion of homosexuality” at federal level. As regards the question of effective remedies, the CM noted with interest that the draft Code on Administrative Justice, pending before the Parliament, contained special provisions to ensure that disputes relating to the organisation of public events are resolved by the domestic courts before the date of the planned events. The CM recalled its invitation to the Russian authorities to present a comprehensive action plan and strongly encouraged them to take into account the Opinions of the Venice Commission on the Russian Assemblies Act.

In September, the CM strongly regretted that the new federal law prohibiting the so called propaganda of “non-traditional sexual relations” amongst minors contained a number of provisions raising serious issues under the Convention and was adopted in circumstances that did not allow full consideration to be given to the Venice Commission Opinion. After having recalled its concerns in respect of similar provisions of regional laws, the CM noted that the new law could undermine the effective exercise of the freedom of assembly notably on account of the ambiguous terms it contained and the risk of arbitrary application and of a continuation, if not reinforcement, of restrictive practices of the local authorities. However, the CM took note of the assurances given by the Russian authorities that the new law itself does not interfere with holding public events similar to those described in the *Alekseyev* judgment, and invited the authorities to subject its implementation to strict monitoring in order to prevent any arbitrariness in its application. In parallel, the CM invited the authorities to adopt specific measures raising awareness among the general public and, in particular, the relevant authorities of the fundamental rights and freedoms of LGBT persons, without discrimination, in order to avoid that the new law contributes to the existing tensions, and to motivate further the refusal of public events for reasons of security and public order. At last, recalling the importance of providing as soon as possible a comprehensive action plan, the CM decided to resume consideration of these issues at the latest at its March 2014 meeting.

SVN / Kurić and others (pilot judgment)

Appl. No.26828/06, Judgment final on 26/06/2012, Transfer to standard supervision

Deprivation of residence status : unjustified automatic deprivation, without prior notification, of residence status of former non-Slovenian citizens of Socialist Federal Republic of Yugoslavia (the "SFRY") after its declaration of independence, and lack of an effective remedy providing compensation for the past consequences of "erasure" (Article 13 in conjunction with Article 8 and Article 14 in conjunction with Article 8)

CM Decisions: This general problem was addressed for the first time by the Court in the present pilot judgment. The Court noted that various legislative reforms had been implemented allowing the "erased" persons to take steps to regularise their residence in Slovenia, but considered it premature, in the absence of any settled domestic practice, to examine whether the reforms had satisfactorily regulated their residence status. The Court found, however, that no proper financial redress was available for the years during which the "erased" applicants had been in a position of vulnerability and legal insecurity. In view hereof the Court concluded that the respondent Government should, within one year set up an ad hoc domestic compensation scheme.

When first examining the case in September 2012, the CM invited the authorities to provide an action plan and to keep it informed about developments. The plan requested was submitted end of January 2013. At the March meeting 2013, the CM strongly invited the Slovenian authorities to work in close co-operation with the Secretariat on all outstanding questions, in particular on the steps taken to determine the amount of lump sum compensation to be awarded to "erased" persons, the method of calculation of this compensation, the legal framework that would govern the compensation scheme and how the beneficiaries would be determined.

When coming back to the case at its June meeting, the CM first noted that the authorities had provided information that a special law setting up a compensation scheme for the "erased" would be adopted by December 2013, although expressing concern that the scheme would not be introduced within the deadline set by the Court (i.e. 26 June 2013). The CM thus urged the authorities to accelerate the adoption of the special law. Meanwhile, the Secretariat was instructed to provide an assessment of outstanding questions and the Slovenian authorities were invited to provide further clarifications.

In September, the CM welcomed that, that Parliament approved the draft law on an "ad hoc" compensation scheme in the first reading on 24 September 2013 and encouraged the authorities to deploy all their efforts to ensure that the draft law was adopted as a matter of priority and in any event before the end of December 2013 as envisaged by the authorities. The CM urged the Slovenian authorities, in the course of further readings of the law in Parliament and its explanatory notes, to devote special attention to developing a proper solution with regard to the application of the scheme to those beneficiaries who applied for citizenship or permanent residence permits and were rejected. It recalled that its decision was without prejudice to the Court's conclusions in other cases brought before the Court.

Pursuing its examination in December, the CM welcomed that on 21 November 2013, Parliament adopted the "Act on Compensation for Damage to Persons Erased

from the Permanent Population Register". The CM also welcomed that, with the application of the scheme had been broadened as requested at the September meeting. It noted with satisfaction that Parliament had devoted special attention to the determination of the lump sum in fast track administrative procedure, and that the sum was raised from 40 to 50 Euro per month and the limitation of compensation possible in judicial proceedings had been increased from 2.5 to 3 times the amount determined in the administrative procedure. The CM thus decided to transfer this case to standard supervision, and instructed the Secretariat to prepare a comprehensive assessment of the measures adopted, also in light of the judgment of the Court to be rendered under Article 41 of the Convention.

The CM particularly welcomed that the Slovenian Minister of the Interior had participated at the last three CM meetings, thereby demonstrating the commitment and determination of his authorities to execute the judgment.

S. Co-operation with the European Court and respect of right to individual petition

RUS / Garabayev and other similar cases

(See main cases or groups of cases table C.2)

Appl. No.38411/02, Judgment final on 30/01/2008, Enhanced supervision

Extradition, abduction and disappearances of applicants, notably while under Rule 39 protection: extradition without assessment of the risk of ill-treatment, unclear legal provisions for ordering and extending detention with a view to extradition, absence of judicial review of the lawfulness of detention (Articles 3, 5§§3-4 and 13); kidnapping and forcible transfers to Tajikistan of the applicants by the Russian State agents (Article 34)

CM decisions and interim resolution: The general measures adopted, or under way, have included changes of practice and changes to the relevant legislation are being prepared (the Code of Criminal Procedure). The CM has noted with satisfaction that the changes of practice have already resulted in a number of judgments from the Court finding no violations of the Convention in extradition cases.

Ever since judgments and reports from the Court relating to abductions and disappearances of applicants started to come before the CM, the supervision has also concentrated on this issue. When examining these cases in December 2012, the CM thus called upon the Russian authorities to address without further delay this worrying and unprecedented situation, notably by adopting protective measures and ensuring that all incidents were effectively investigated.

Despite the CM's call, new incidents were, however, reported. In response, the authorities provided further information notably as regards improved inter agency cooperation, the issuing of clear instructions to relevant authorities not to allow attempts of forced deportation of persons under Rule 39 protection, the conduct of the investigations launched into reported incidents, the preparation and dissemination to all relevant authorities of lists of persons under Rule 39 protection and the expected consequences of a ruling of the Plenum of the Supreme Court on extradition from June 2012 explaining the Convention requirements. Also information on

efforts to clarify one of the abducted applicants' situation in Tajikistan was included (*Iskandarov* case).

At its March 2013 meeting, the CM took note of the authorities' position according to which the measures taken could prevent further incidents. However, it noted with serious concern that several complaints were pending before the Court and the authorities were thus invited to clarify the relevance of the measures taken.

Developments, including a further abduction incident in March 2013 (*Yuldashev* case), were followed closely at the June meeting, and also at the CM's ordinary meeting in July 2013, notably in the light of the additional information provided as to the possibilities for potential victims of obtaining temporary asylum and assistance in resettling in other states and on the possibility of recourse to special protection programmes for victims, witnesses and other participants in criminal proceedings, in the event of initiation of a criminal proceedings. In the meantime the Court provided a number of additional indications of relevance for execution in a judgment of April 2013 (final 9/9/2013), in the *Savridin Dzhurayev* case, involving a further incident of abduction.

In view of the situation and the further incidents reported, the CM adopted an interim resolution at its September meeting. It recalled the alarming and unprecedented situation and noted the measures taken, but expressed its deep regret that they did not appear to have been sufficient. The CM also deplored that no reply had been received to a letter sent by the Chairman of the Committee of Ministers to his Russian counterpart conveying the CM's serious concerns in view of the persistence of this situation. The CM called upon the Russian authorities to take further action to ensure compliance with the rule of law and with their obligations as a State party to the Convention. Consequently, the authorities were exhorted to further develop, without further delay, an appropriate mechanism tasked with both preventive and protective functions.

At its December meeting, a further allegation of abduction of an applicant having just been reported in the context of the *Azimov* case (final 9/9/2013), the CM urged the Russian authorities to promptly provide information on the investigation into this incident with a view to resuming its consideration at the latest at its March 2014 meeting. Further information in the form of a revised action plan has been provided by the Russian authorities in January 2014.

T. Inter-State case(s)

TUR / Cyprus

TUR / Varnava

Appl. No. 25781/94 and 16064/90, Judgments final on 10/05/2001 and 18/09/2009, Enhanced supervision

Fourteen violations linked with the situation in the northern part of Cyprus concerning the Greek Cypriots missing persons and their relatives, the homes and property of displaced persons, the living conditions of Greek Cypriots in the Karpas region of the northern part of Cyprus ("the enclaved part"), and the rights of Turkish Cypriots living in

the northern part of Cyprus (Articles 8 and 13, Article 1 of Protocol No. 1, Articles 3, 8, 9, 10 and 13, Articles 1 and 2 of Protocol No. 1, Articles 2, 3, 5 and 6)

CM decisions and interim resolution: In the light of the measures adopted by the authorities of the respondent state with a view to complying with the present judgment, the CM could close the examination of the issues relating to living conditions of Greek Cypriots living in northern Cyprus (as regards secondary education, the censorship of schoolbooks and the freedom of religion) and the rights of Turkish Cypriots living in northern part of Cyprus (competence of the military courts). For more details, see notably Interim resolutions ResDH(2005)44 and CM/ResDH(2007)25.

As foreseen in its decision of December 2012, the CM resumed, at its March 2013 meeting, its examination of the outstanding issues in this case. This examination was pursued at its meetings in June, September and December.

Concerning questions regarding the property rights of displaced persons

In March, the CM recalled that the Court was seized of a request under Article 41 of the Convention in the case of Cyprus against Turkey. At its June meeting, the CM decided to resume consideration of the questions concerning the property rights of displaced persons at its meeting in March 2014, in the light of all relevant facts.

Concerning questions regarding the property of enclaved persons

At its March meeting 2013, the CM took note of the information submitted by the two delegations concerned in response to the CM's decision in December 2012, including the information booklet relating to the property rights of enclaved persons provided by the Turkish authorities.

When resuming its examination at the June meeting, the CM took note of the assessment of these questions presented by the Secretariat in memorandum CM/Inf/DH(2013)23. The CM invited the interested delegations to provide the Secretariat by 30 June 2013 with the precise questions they consider still need to be clarified in respect of the three violations found by the Court as regards the property rights of the enclaved Greek Cypriots and their heirs. The CM decided to resume consideration of the matter at the latest at its June meeting 2014, in the light of the responses to be submitted by the Turkish delegation to these questions.

Concerning questions regarding missing persons

In March, the CM noted with interest that the Turkish authorities provided substantial information on these questions in writing and during the meeting. Recalling the necessity to adopt a proactive approach as regards effective investigations into the fate of *persons who are still missing*, the CM called on Turkey to continue providing the Committee on Missing Persons in Cyprus (CMP) with all relevant information, and access to all relevant places. In this respect, the CM welcomed the permissions granted so far and the assurance of the Turkish authorities that they will continue granting the CMP access to other relevant military zones.

As regards *identified persons*, while underlining once again the urgency to effectively investigate the deaths of these persons, the CM welcomed the additional concrete investigative steps taken by the Turkish authorities and invited them to regularly inform it of the progress made in this respect as well as of any results achieved. On

this last point, the CM underlined the crucial importance of investigators having access to forensic data and evidence kept by the CMP, and in addition called upon the Turkish authorities to continue granting them access to the relevant Turkish archives and reports.

The CM agreed to invite the CMP for an exchange of views at one of its forthcoming meetings, and to forward a list of questions to the CMP for a better preparation of the meeting.

In June, the CM noted that the CMP had accepted the invitation and that it had been agreed that this exchange of views would take place at the meeting in December.

During the December meeting, the CM noted with great interest the exchange of views with the members of the CMP, which brought important clarifications on different issues raised in the framework of the implementation of these judgments. Recalling the necessity of adopting a proactive approach as regards the search of the persons who are still missing, the CM called on the Turkish authorities to continue providing the CMP with all relevant information and to intensify their efforts aimed at rapidly giving access to all relevant places. The CM noted with satisfaction in this respect the new information and permissions granted to the CMP so far to access military zones, in particular to a second fenced military area. The CM also noted the assurances of the Turkish authorities that they will continue to grant the CMP access to other military zones. It took note of the further information provided by the Turkish authorities on the progress of the investigations conducted into the death of the identified persons, and invited the authorities to keep it informed of the progress achieved. The CM noted with satisfaction that the CMP keeps forensic data, as well as any material element which might constitute evidence in a criminal investigation, with the aim of transferring them to the investigators. In this context, the CM underlined once again the importance for investigators to have access to forensic data and evidence kept by the CMP and decided to resume consideration of the issue of missing persons at its December 2014 meeting.

Varnava case:

At its March meeting 2013, the CM recalled with insistence their request to the Turkish authorities to provide, in the light of the above considerations, information on the individual measures in this case and, in this context, noted with interest the information submitted with regard to the case of Mr Hadjipanteli. At its December meeting, the CM invited the Turkish authorities to continue keeping it informed on the progress of the investigation in this case. It also insisted to receive updated information on the individual measures taken in respect of the eight other persons concerned by this case, taking into account the proactive approach required in cases of persons who are still missing.

In view of the continued absence of payment of the just satisfaction awarded by the Court (due to be paid by 18 December 2009), the CM underlined, at its March and June meetings, the unconditional obligation to pay and firmly urged the Turkish authorities to pay the amounts due, including the default interest, without further delay. As payment continued to be outstanding, the CM adopted at its September meeting an interim resolution CM/ResDH(2013)201, in which it deeply deplored

that Turkey had still not complied with its unconditional obligation to pay these amounts and exhorted Turkey to pay, without further delay, the sums awarded by the Court. As no information on payment was received, the CM recalled at its December meeting, with insistence the Interim Resolution and noted with regret that the Turkish authorities did not reply to it. The CM decided in consequence to resume consideration of this issue at its March 2014.

Appendix 3: Other important developments and texts in 2013

1. Implementation of the Brighton Declaration

Measures to improve the supervision of the execution of the judgments and decisions of the European Court of Human Rights

(1150th Meeting of the Ministers Deputies 16 January 2013 point 4.5)

Decisions

The Deputies

1. endorsed the following measures for improving the supervision of execution of the judgments and decisions of the European Court of Human Rights:
 - making public the list of cases proposed for examination in the draft Order of Business of its human rights (DH) meetings, but without the notes, points to be debated and/or draft decisions (information should be limited to already public information, i.e. case description and status of execution, as the case may be with references to other public documents);
 - more visible presentation of positive results achieved in the execution of the judgments and decisions;
2. instructed the Secretariat to take the necessary measures to allow, to the extent possible, for the implementation of these measures already at their 1164th (DH) meeting on 5 to 7 March 2013;
3. agreed to come back to the question of further measures for improving the supervision of execution of judgments and decisions of the Court and refining their procedures on the basis of further proposals to be made by its Ad hoc Working Party on Reform of the Human Rights Convention system (GT-REF.ECHR).

2. Measures to improve the supervision of the execution of the judgments and decisions of the Court – (GT-REF.ECHR)

Working document under discussion within the GT-REF.ECHR⁴⁵ – (GT-REF.ECHR(2013)2 rev2)

As sent to the CDDH in April 2013⁴⁶

I. Introduction

1. It is recalled that following the GT-REF.ECHR's first examination of possible measures to improve the execution of judgments and decisions of the Court, the Deputies endorsed at their 1159th meeting (16 January 2013) the proposals to:

- make public the list of cases proposed for examination in the draft Order of Business of its human rights (DH) meetings, but without the notes, points to be debated and/or draft decisions (information should be limited to already public information, i.e. case description and status of execution, as the case may be with references to other public documents);
- make more visible presentation of positive results achieved in the execution of the judgments and decisions.

2. Measures to improve the execution of the judgments and decisions of the Court were examined by the GT-REF.ECHR on 12 March 2013 and 9 and 29 April 2013. At the latter meeting, the working party agreed to propose to the Deputies to declassify this working document, which has been elaborated by the Secretariat in the light of proposals made by delegations. The working party underlined that the proposals made in the document are still under consideration and have not been agreed by it.

II. Consolidated presentation of the means available to the Committee of Ministers when supervising the execution of the Court's judgments on the basis of existing practices

3. The measures/responses presented below have all been used by the Committee of Ministers on one or more occasions (some regularly) in order to ensure the timely execution of the Court's judgments.

A. Special tools relating to the payment of just satisfaction

4. Certain special tools have been developed to address problems relating to the payment of just satisfaction:

- Insistence on the respondent State's duty to pay default interest or otherwise safeguard the value of just satisfaction awarded
- Publication of lists of cases with outstanding payment questions

45. Ad hoc working party on Reform of the Human Rights Convention system.

46. Sent to the CDDH in order to assist the CDDH's examination of the same issue in pursuance of the mandate given by the Committee of Ministers.

- Assistance to States through the publication of guides to Committee of Ministers and State practices and in the context of regular contacts with the Department for the execution of the Court's judgments

B. General tools

5. An essential tool to ensure the execution of the Court's judgment was the introduction, in 2009, of an obligation to present to the Committee of Ministers adequate action plans, with timetables, covering the different measures required for execution. Such action plans should be submitted as rapidly as possible, and, in any event, not later than 6 months from the date judgments become final. Action plans should, to the extent necessary, also address the issue of effective remedies and be kept up to date. They should preferably cover all the cases in a group, and not

6. In the light of this situation, a first group of measures relate to peer pressure with the aim of ensuring, through dialogue that action plans are duly submitted and also implemented in accordance with the time tables presented. A second group of measures aim at providing support for execution in different forms, in particular to facilitate the preparation of action plans and/or the adoption of the reforms required and to promote synergies with other relevant mechanisms or bodies. A third group of measures aim at building up sufficient peer pressure to overcome persistent resistance to execute.

7. These different groups of tools are evidently closely interconnected. Indeed, experience shows that the solution of more complex execution situations frequently requires a mix of peer pressure and support.

8. Below follows an overview of practices up to date. Different proposals made as regards possible further action are presented in Section III.

1. Peer pressure through dialogue to ensure that execution measures are planned, implemented and evaluated timely and effectively

a) Ensure that cases under standard supervision are transferred to enhanced supervision, where required to allow an in depth examination of the reasons underlying a possible delayed adoption of an action plan, or the absence of diligent implementation of execution measures required; immediate examination of the issues, if the case is already under enhanced supervision. On the other hand, where appropriate, consider transferring cases from enhanced to standard supervision to recognise clear progress achieved by the authorities.

b) Ensure an in depth and prompt examination of information regarding action plans with a view to adopting at an early stage, preferably one clear and targeted Committee of Ministers position, strictly responding to the relevant findings of the Court, which can facilitate and encourage national authorities in their execution work.

b bis) ensure a prompt and adequate response to the information regarding progress achieved or execution accomplished or, where necessary, criticise the absence of

progress and/or set time-limits, and where appropriate provide also recommendations and other indications regarding appropriate action.

c) Organise special debates to address signs of delay or negligence in the implementation of the duty to inform the Committee of Ministers of the responses adopted to violations found.

d) Ensure, wherever necessary, that States rapidly translate and disseminate the Committee of Ministers' decisions in order to efficiently reach out to authorities concerned.

e) Ensure more frequent examination of cases under enhanced supervision in case of problems.

f) Adopt Interim Resolutions in situations where concerns raised reach a certain level of seriousness in order to attract the attention not only of the domestic authorities concerned but also of other authorities.

g) Invite the Chair of the Human Rights meetings or of the Committee of Ministers itself to take action – notably in the form of high level meetings or letters to the government of the respondent state.

h) Bring the matter up at a ministerial session.

2. Synergies and co-operation programmes

a) Ensure adequate interaction with the Court and well-targeted response to its findings through

i) Speedy and efficient sharing and use of information notably regarding the Court's findings (the effectiveness of new domestic remedies, the historical character of a violation, etc.) on the influx of repetitive applications and the development of execution to facilitate appropriate use of different procedures (e.g. the pilot judgment procedure) and the definition of priorities, and/or

ii) Committee of Ministers' resolutions inviting the Court to take specific actions (e.g. identify structural problems – adopt viable practices of friendly settlements)

iii) Contacts between the Registry and the Department for the execution judgments.

b) Exchanges of information with the Parliamentary Assembly, the Human Rights Commissioner and the Secretary General, notably through the web sites of the Committee of Ministers and of the Department for the execution of judgments, the annual report, in order to promote adequate support for execution.

c) Improve possibilities for different authorities and civil society to follow the Committee of Ministers' supervision of execution by publishing the list of cases proposed for inclusion on the Order of Business.

d) Ensure that the recommendations and opinions of different Council of Europe expert bodies, notably as regards good practices, are duly taken into account in

action plans and Committee of Ministers' decisions wherever this may facilitate execution.

e) Ensure, in the same spirit, that achievements made in the execution of the Court's judgments receive greater publicity.

f) Organise thematic debates before the Committee of Ministers in order to allow States to share experiences, where necessary with the participation of different expert bodies, such as the CEPEJ and the Venice Commission.

g) Adopt recommendations to the States on specific issues of relevance for good execution, e.g. Recommendation (2000)2 on the re-examination and reopening of procedures at the domestic level to give effect to the judgments of the Court, or (2004)6 on effective remedies or (2008)2 on improved domestic capacity for the rapid execution of the Court's judgments, combined with different follow-up activities (so far, either of a general scope, by CDDH, or on a case-by-case basis, by the Committee of Ministers, in the context of its supervision of the execution of the Court's judgments).

h) Encourage States to avail themselves of assistance and co-operation activities wherever needed and ensure that targeted co-operation or assistance programmes can be rapidly made available in case of need.

i) use fully the potential of IT tools and website, including through their further development, so that they offer more interactivity and concrete support for member States and the Secretariat in their effort to manage cases effectively and within deadlines (e.g. automatic warnings on approaching or passed deadlines, standardised forms to fill with information, interactive use of information already submitted in similar cases, more operational search functions, fine-tuned presentation of various lists of cases, transparency and clear visibility of the actual progress, etc.).

3. Peer pressure to overcome persistent difficulties in obtaining execution

a) Issue a warning that the Committee of Ministers may consider that the State is disrespecting its obligations under the Convention where there is still clear evidence of lack of any execution.

b) If the situation persists, either conclude itself that the State in question is disrespecting its obligations under the Convention or, if deemed more appropriate, start the procedure necessary to engage infringement proceedings before the Court in order to obtain a similar conclusion.

c) In case disrespect is found through one or the other of the above procedures, underline that such disrespect is also disrespect of the State's obligations as a member of the Council of Europe.

d) In case disrespect is found, also ensure that the question of compliance will be borne in mind in the context of the Council of Europe's external relations with other organisations (e.g. EU, OSCE, UN and others) and in bilateral discussions with the States.

e) Follow up such a conclusion by calls on the member States to adopt the measures they deem appropriate to ensure execution.

- f) Follow up the effect given by States to such calls.
- g) Publicly announce that the situation will have to be examined under Article 8 of the Statute of the Council of Europe.

III. Proposals for improvements of the tools at the Committee of Ministers' disposal for its supervision of the execution of the Court's judgments – presented in different contexts but never implemented, or at least not on a regular basis

1. Peer pressure through dialogue to ensure that execution measures are planned, implemented and evaluated timely and effectively

- a) Presentation – to start after a certain transitional time - of lists highlighting cases awaiting certain standard information regarding execution problems, e.g. lists of cases in which the Committee of Ministers is awaiting information regarding the presentation of an action plan or the payment of just satisfaction.
- b) Making more frequent use of other Committee of Ministers meetings in case urgent questions arise.
- c) More regular examination of the situation of all cases under supervision, and possibly their closure if appropriate, including cases under standard supervision.
- c bis) More regular special debates to address signs of delay or negligence in the implementation of the obligation to inform the Committee of Ministers of responses adopted to violations found.
- d) Regular detailed examination of all cases under enhanced supervision through inclusion on the Order of Business at least once every two years for the adoption of a formal decision.
- e) More frequent setting of time-limits or, if requested by the respondent, indicating the domestic authorities concerned in the Committee of Ministers' decisions.
- f) Resumption of the practice of press releases, notably to present more important decisions and/or interim resolutions.
- g) Invite the Department for the execution of judgments to offer more frequently its good offices to solve different execution problems.
- h) Ensure that the Committee of Ministers' action better concentrates on issues to be solved, e.g. through improved presentation of the actual execution situation so as to highlight outstanding and resolved issues and more and better use, whenever possible, of various types of decisions and resolutions (e.g. more frequent decisions or interim resolutions formally closing those execution issues which have been fully addressed).
- i) Fine-tune the applied categorisations of cases to facilitate the case-management (e.g. consider adding "simple case" category, for example in cases requiring mainly payment of just satisfaction, friendly settlements, cases with historic violations or for which general measures have been taken in other similar cases).

j) Keep under review and adjust regularly the division of cases into groups so that the respective groups cover similar issues to be solved or closed.

k) Fine-tune the presentation of statistics and lists of cases on the website to better reflect actual progress (e.g. lists with headings: all individual measures taken/executed, general measures taken under verification, introduce a separate list for friendly settlements and unilateral declarations).

l) Encourage the participation of high-level decision makers and experts at the Human Rights meetings.

2. Synergies and co-operation programmes

a) The setting of medium-term thematic priorities, allowing for the possibility of more thematic debates, the involvement of relevant Council of Europe expert bodies and monitoring mechanisms, and targeted meetings outside the Committee of Ministers to identify best practices and options for solving complex problems.

b) Organisation of tri-partite meetings to discuss execution (Committee of Ministers, Parliamentary Assembly, Human Rights Commissioner) and encouragement of more activity to promote execution on the part of the Parliamentary Assembly and Commissioner.

c) Institute a regular dialogue with the Parliamentary Assembly, the Human Rights Commissioner, the Secretary General and the Court on the occasion of the issuing of the annual report.

d) Raising the visibility of the Annual Report through a press conference under the auspices of the Chair.

e) Assessing and raising the visibility of co-operation with the interested member States.

f) Raise awareness of execution procedures and the Committee of Ministers' expectations among Government Agents and other authorities responsible for the coordination of execution through increased co-operation activities.

g) Reinforce the interaction with the Court through more regular contacts between the Registry and the Department for the execution of the Court's judgments.

h) Improve the targeting of the Council of Europe's different co-operation activities to better take into account the needs of execution.

i) Increase the accessibility of information on the various co-operation activities of the Council of Europe with the respective countries as well as the co-ordination of these activities (e.g. one contact point in the Secretariat, Internet database/platform, etc.).

j) Increase the accessibility of information on good practices and effective mechanisms and procedures for the execution of judgments.

3. Pression des pairs afin de surmonter des difficultés persistantes à obtenir exécution

a) Instruct steering committees not to allow the defaulting state to assume any leading role in inter-governmental co-operation by holding positions as Chair or being represented in committee bureaux.

b) Refuse to allow important political events to be organised (e.g. ministerial conferences) in the defaulting State.

c) Refuse to permit the State concerned to assume leading positions at the level of the Organisation (notably the chairmanship of the Committee of Ministers, positions in the Bureau, or chairmanship of rapporteur groups).

d) At appropriate moments, the Committee could supplement the above actions by appeals to the Parliamentary Assembly, or otherwise concerted action with the Assembly to take all useful action to ensure compliance.

[The document, with the appendix, is available on the Committee of Ministers' website as well as on the Department for the Execution of Judgments' website].

3. Individual Application Right before the Turkish Constitutional Court

Individual application right was introduced into the Turkish legal system by the 2010 constitutional amendments and entered into force on 23 September 2012. Article 148 of the Turkish Constitution stipulates that anyone who thinks that their constitutional rights set forth in the European Convention on Human Rights have been infringed by a public authority will have the right to apply to the Constitutional Court after exhausting administrative and/or judicial domestic remedies. Individual applications must be filed within thirty days after the notification of the final domestic judgment.

Jurisdiction of the Constitutional Court covers fundamental rights which are regulated by both the Turkish Constitution and the European Convention on Human Rights. At the end of an examination, the Constitutional Court decides whether the fundamental rights of the applicant have been violated, and if so, it may decide *ex officio* what needs to be done in order to redress the violation or send the file to the competent domestic court for retrial.

Since its entry into force, the Constitutional Court has been examining applications in a similar manner to the European Court of Human Rights ("the Court") and delivering its judgments with references to the Court's jurisprudence.

In its inadmissibility decision declared on 30 April 2013 in the case of *Uzun v. Turkey* (No. 10755/13), the Court held that the procedure before the Constitutional Court afforded, *in principle*, an appropriate mechanism for the protection of human rights and fundamental freedoms. Since then the Court has declared a number of applications inadmissible for non-exhaustion of domestic remedies and referred the applicants to the Constitutional Court.

4. Ruling of the Plenum of the Supreme Court of the Russian Federation no.21

Ruling of the Plenum of the Supreme Court of the Russian Federation (Summary)

On 27 June 2013, the Plenum of the Supreme Court of the Russian Federation adopted a new general Ruling concerning the application by the courts of general jurisdiction of the European Convention for Human Rights and its Protocols.

The Ruling aims at ensuring their uniform application by domestic courts. It recalls, in line with its earlier Ruling on the subject adopted in 2003 (No. 5), the domestic courts' obligation to ensure an interpretation of domestic law in compliance with the final judgments of the European Court rendered against the Russian Federation. For the first time, the Supreme Court also clarifies that the Russian courts should take into account the European Court's judgments against other member States.

Explanations are given as to permissible restrictions/ limitations of human rights and freedoms, in the light of the Court's interpretation of the Convention.

Some special clarifications are given regarding the interpretation and the application of federal legislation in the light of the Convention requirements under Articles 5§4, 6 §1, 6 §3 (c), 7 §2, 8, 10, 41, and the case-law of the European Court. For example, the Supreme Court reiterated that, as required by Article 5 § 4 of the Convention, once an appeal court receives a complaint against an order on pre-trial detention, it should ensure its consideration within the time-limits established by the domestic law.

The Supreme Court also clarifies that the provisions of the Convention and its Protocols, under Article 31 § 1 of the Vienna Convention, have to be considered as a whole. For example, the necessity to comply with the requirement of reasonable time in judicial proceedings cannot justify limitations of other rights provided by Article 6 of the Convention, such as the equality of arms, or the right of the accused to question witnesses testifying against him.

Clarifications are also provided on the practical implementation of the Committee of Ministers' Recommendation R(2000)2 on the re-examination or reopening of certain cases at domestic level following the judgment European Court of Human Rights.

(The full text is available notably on the website of the Department of the Execution of the Court's judgments).

Appendix 4: Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of the friendly settlements

I. General provisions

Rule 1

1. The exercise of the powers of the Committee of Ministers under Article 46, paragraphs 2 to 5, and Article 39, paragraph 4, of the European Convention on Human Rights, is governed by the present Rules.
2. Unless otherwise provided in the present Rules, the general rules of procedure of the meetings of the Committee of Ministers and of the Ministers' Deputies shall apply when exercising these powers.

Rule 2

1. The Committee of Ministers' supervision of the execution of judgments and of the terms of friendly settlements shall in principle take place at special human rights meetings, the agenda of which is public.
2. If the chairmanship of the Committee of Ministers is held by the representative of a High Contracting Party which is a party to a case under examination, that representative shall relinquish the chairmanship during any discussion of that case.

Rule 3

When a judgment or a decision is transmitted to the Committee of Ministers in accordance with Article 46, paragraph 2, or Article 39, paragraph 4, of the Convention, the case shall be inscribed on the agenda of the Committee without delay.

Rule 4

1. The Committee of Ministers shall give priority to supervision of the execution of judgments in which the Court has identified what it considers a systemic problem in accordance with Resolution Res(2004)3 of the Committee of Ministers on judgments revealing an underlying systemic problem.
2. The priority given to cases under the first paragraph of this Rule shall not be to the detriment of the priority to be given to other important cases, notably cases where the violation established has caused grave consequences for the injured party.

Rule 5

The Committee of Ministers shall adopt an annual report on its activities under Article 46, paragraphs 2 to 5, and Article 39, paragraph 4, of the Convention, which shall be made public and transmitted to the Court and to the Secretary General, the Parliamentary Assembly and the Commissioner for Human Rights of the Council of Europe.

II. Supervision of the execution of judgments

Rule 6

Information to the Committee of Ministers on the execution of the judgment

1. When, in a judgment transmitted to the Committee of Ministers in accordance with Article 46, paragraph 2, of the Convention, the Court has decided that there has been a violation of the Convention or its protocols and/or has awarded just satisfaction to the injured party under Article 41 of the Convention, the Committee shall invite the High Contracting Party concerned to inform it of the measures which the High Contracting Party has taken or intends to take in consequence of the judgment, having regard to its obligation to abide by it under Article 46, paragraph 1, of the Convention.
2. When supervising the execution of a judgment by the High Contracting Party concerned, pursuant to Article 46, paragraph 2, of the Convention, the Committee of Ministers shall examine:
 - a. whether any just satisfaction awarded by the Court has been paid, including as the case may be, default interest; and
 - b. if required, and taking into account the discretion of the High Contracting Party concerned to choose the means necessary to comply with the judgment, whether:
 - i. individual measures⁴⁷ have been taken to ensure that the violation has ceased and that the injured party is put, as far as possible, in the same situation as that party enjoyed prior to the violation of the Convention;
 - ii. general measures⁴⁸ have been adopted, preventing new violations similar to that or those found or putting an end to continuing violations.

47. For instance, the striking out of an unjustified criminal conviction from the criminal records, the granting of a residence permit or the reopening of impugned domestic proceedings (see on this latter point Recommendation Rec(2000)2 of the Committee of Ministers to member states on the re-examination or reopening of certain cases at domestic level following judgments of the European Court of Human Rights, adopted on 19 January 2000 at the 694th meeting of the Ministers' Deputies).

48. For instance, legislative or regulatory amendments, changes of case-law or administrative practice or publication of the Court's judgment in the language of the respondent state and its dissemination to the authorities concerned.

Rule 7

Control intervals

1. Until the High Contracting Party concerned has provided information on the payment of the just satisfaction awarded by the Court or concerning possible individual measures, the case shall be placed on the agenda of each human rights meeting of the Committee of Ministers, unless the Committee decides otherwise.
2. If the High Contracting Party concerned informs the Committee of Ministers that it is not yet in a position to inform the Committee that the general measures necessary to ensure compliance with the judgment have been taken, the case shall be placed again on the agenda of a meeting of the Committee of Ministers taking place no more than six months later, unless the Committee decides otherwise; the same rule shall apply when this period expires and for each subsequent period.

Rule 8

Access to information

1. The provisions of this Rule are without prejudice to the confidential nature of the Committee of Ministers' deliberations in accordance with Article 21 of the Statute of the Council of Europe.
2. The following information shall be accessible to the public unless the Committee decides otherwise in order to protect legitimate public or private interests:
 - a. information and documents relating thereto provided by a High Contracting Party to the Committee of Ministers pursuant to Article 46, paragraph 2, of the Convention;
 - b. information and documents relating thereto provided to the Committee of Ministers, in accordance with the present Rules, by the injured party, by non-governmental organisations or by national institutions for the promotion and protection of human rights.
3. In reaching its decision under paragraph 2 of this Rule, the Committee shall take, *inter alia*, into account:
 - a. reasoned requests for confidentiality made, at the time the information is submitted, by the High Contracting Party, by the injured party, by non-governmental organisations or by national institutions for the promotion and protection of human rights submitting the information;
 - b. reasoned requests for confidentiality made by any other High Contracting Party concerned by the information without delay, or at the latest in time for the Committee's first examination of the information concerned;
 - c. the interest of an injured party or a third party not to have their identity, or anything allowing their identification, disclosed.
4. After each meeting of the Committee of Ministers, the annotated agenda presented for the Committee's supervision of execution shall also be accessible to the public and shall be published, together with the decisions taken, unless the Committee decides otherwise. As far as possible, other documents presented to

the Committee which are accessible to the public shall be published, unless the Committee decides otherwise.

5. In all cases, where an injured party has been granted anonymity in accordance with Rule 47, paragraph 3 of the Rules of Court; his/her anonymity shall be preserved during the execution process unless he/she expressly requests that anonymity be waived.

Rule 9

Communications to the Committee of Ministers

1. The Committee of Ministers shall consider any communication from the injured party with regard to payment of the just satisfaction or the taking of individual measures.

2. The Committee of Ministers shall be entitled to consider any communication from nongovernmental organisations, as well as national institutions for the promotion and protection of human rights, with regard to the execution of judgments under Article 46, paragraph 2, of the Convention.

3. The Secretariat shall bring, in an appropriate way, any communication received in reference to paragraph 1 of this Rule, to the attention of the Committee of Ministers. It shall do so in respect of any communication received in reference to paragraph 2 of this Rule, together with any observations of the delegation(s) concerned provided that the latter are transmitted to the Secretariat within five working days of having been notified of such communication.

Rule 10

Referral to the Court for interpretation of a judgment

1. When, in accordance with Article 46, paragraph 3, of the Convention, the Committee of Ministers considers that the supervision of the execution of a final judgment is hindered by a problem of interpretation of the judgment, it may refer the matter to the Court for a ruling on the question of interpretation. A referral decision shall require a majority vote of two thirds of the representatives entitled to sit on the Committee.

2. A referral decision may be taken at any time during the Committee of Ministers' supervision of the execution of the judgments.

3. A referral decision shall take the form of an Interim Resolution. It shall be reasoned and reflect the different views within the Committee of Ministers, in particular that of the High Contracting Party concerned.

4. If need be, the Committee of Ministers shall be represented before the Court by its Chair, unless the Committee decides upon another form of representation. This decision shall be taken by a two-thirds majority of the representatives casting a vote and a majority of the representatives entitled to sit on the Committee.

Rule 11

Infringement proceedings

1. When, in accordance with Article 46, paragraph 4, of the Convention, the Committee of Ministers considers that a High Contracting Party refuses to abide by a final judgment in a case to which it is party, it may, after serving formal notice on that Party and by decision adopted by a majority vote of two-thirds of the representatives entitled to sit on the Committee, refer to the Court the question whether that Party has failed to fulfil its obligation.
2. Infringement proceedings should be brought only in exceptional circumstances. They shall not be initiated unless formal notice of the Committee's intention to bring such proceedings has been given to the High Contracting Party concerned. Such formal notice shall be given ultimately six months before the lodging of proceedings, unless the Committee decides otherwise, and shall take the form of an Interim Resolution. This resolution shall be adopted by a majority vote of two-thirds of the representatives entitled to sit on the Committee.
3. The referral decision of the matter to the Court shall take the form of an Interim Resolution. It shall be reasoned and concisely reflect the views of the High Contracting Party concerned.
4. The Committee of Ministers shall be represented before the Court by its Chair unless the Committee decides upon another form of representation. This decision shall be taken by a two-thirds majority of the representatives casting a vote and a majority of the representatives entitled to sit on the Committee.

III. Supervision of the execution of the terms of friendly settlements

Rule 12

Information to the Committee of Ministers on the execution of the terms of the friendly settlement

1. When a decision is transmitted to the Committee of Ministers in accordance with Article 39, paragraph 4, of the Convention, the Committee shall invite the High Contracting Party concerned to inform it on the execution of the terms of the friendly settlement.
2. The Committee of Ministers shall examine whether the terms of the friendly settlement, as set out in the Court's decision, have been executed.

Rule 13

Control intervals

Until the High Contracting Party concerned has provided information on the execution of the terms of the friendly settlement as set out in the decision of the Court, the case shall be placed on the agenda of each human rights meeting of the Committee

of Ministers, or, where appropriate,⁴⁹ on the agenda of a meeting of the Committee of Ministers taking place no more than six months later, unless the Committee decides otherwise.

Rule 14

Access to information

1. The provisions of this Rule are without prejudice to the confidential nature of the Committee of Ministers' deliberations in accordance with Article 21 of the Statute of the Council of Europe.
2. The following information shall be accessible to the public unless the Committee decides otherwise in order to protect legitimate public or private interests:
 - a. information and documents relating thereto provided by a High Contracting Party to the Committee of Ministers pursuant to Article 39, paragraph 4, of the Convention;
 - b. information and documents relating thereto provided to the Committee of Ministers in accordance with the present Rules by the applicant, by non-governmental organisations or by national institutions for the promotion and protection of human rights.
3. In reaching its decision under paragraph 2 of this Rule, the Committee shall take, *inter alia*, into account:
 - a. reasoned requests for confidentiality made, at the time the information is submitted, by the High Contracting Party, by the applicant, by non-governmental organisations or by national institutions for the promotion and protection of human rights submitting the information;
 - b. reasoned requests for confidentiality made by any other High Contracting Party concerned by the information without delay, or at the latest in time for the Committee's first examination of the information concerned;
 - c. the interest of an applicant or a third party not to have their identity, or anything allowing their identification, disclosed.
4. After each meeting of the Committee of Ministers, the annotated agenda presented for the Committee's supervision of execution shall also be accessible to the public and shall be published, together with the decisions taken, unless the Committee decides otherwise. As far as possible, other documents presented to the Committee which are accessible to the public shall be published, unless the Committee decides otherwise.
5. In all cases, where an applicant has been granted anonymity in accordance with Rule 47, paragraph 3 of the Rules of Court; his/her anonymity shall be preserved during the execution process unless he/she expressly requests that anonymity be waived.

49. In particular where the terms of the friendly settlement include undertakings which, by their nature, cannot be fulfilled within a short time span, such as the adoption of new legislation.

Rule 15

Communications to the Committee of Ministers

1. The Committee of Ministers shall consider any communication from the applicant with regard to the execution of the terms of friendly settlements.
2. The Committee of Ministers shall be entitled to consider any communication from nongovernmental organisations, as well as national institutions for the promotion and protection of human rights, with regard to the execution of the terms of friendly settlements.
3. The Secretariat shall bring, in an appropriate way, any communication received in reference to paragraph 1 of this Rule, to the attention of the Committee of Ministers. It shall do so in respect of any communication received in reference to paragraph 2 of this Rule, together with any observations of the delegation(s) concerned provided that the latter are transmitted to the Secretariat within five working days of having been notified of such communication.

IV. Resolutions

Rule 16

Interim Resolutions

In the course of its supervision of the execution of a judgment or of the terms of a friendly settlement, the Committee of Ministers may adopt Interim Resolutions, notably in order to provide information on the state of progress of the execution or, where appropriate, to express concern and/or to make suggestions with respect to the execution.

Rule 17

Final resolution

After having established that the High Contracting Party concerned has taken all the necessary measures to abide by the judgment or that the terms of the friendly settlement have been executed, the Committee of Ministers shall adopt a resolution concluding that its functions under Article 46, paragraph 2, or Article 39 paragraph 4, of the Convention have been exercised.

Decision adopted by the Committee of Ministers on 2 December 2010 at the 1100th meeting of the Ministers' Deputies

Decision adopted at the 1100th meeting of the Committee of Ministers – 2 December 2010

The Deputies,

3. decided to implement the new, twin-track supervision system with effect from 1 January 2011 taking into account the transitional provisions set out below;

4. decided that, as from that date, all cases will be placed on the agenda of each DH meeting of the Deputies until the supervision of their execution is closed, unless the Committee were to decide otherwise in the light of the development of the execution process;

5. decided that action plans and action reports, together with relevant information provided by applicants, nongovernmental organisations and national human rights institutions under rules 9 and 15 of the Rules for the supervision

of execution judgments and of the terms of friendly settlements will be promptly made public (taking into account Rule 9§ 3 of the Rules of supervision) and put on line except where a motivated request for confidentiality is made at the time of submitting the information;

6. decided that all new cases transmitted for supervision after 1 January 2011 will be examined under the new system;

Following the last ratification required for the entry into force of Protocol No. 14 to the European Convention on Human Rights in February 2010, Rules 10 and 11 have taken effect on 1st June 2010.

Appendix 5: Where to find further information on execution of the ECtHR judgments

Further information on the supervision by the Committee of Ministers of the execution of ECtHR judgments, on the cases mentioned in the Annual reports, as well as on all other cases, is available on the web sites of the Committee of Ministers and of the Execution Department.

Such information comprises notably:

- ▶ Summaries of violations in cases submitted for execution supervision
- ▶ Summaries of the developments of the execution situation (“state of execution”)
- ▶ Memoranda and other information documents submitted by States or prepared by the Secretariat
- ▶ Action plans/reports
- ▶ Communications from applicants
- ▶ Communications from NGO’s and NHRI’s
- ▶ Decisions and Interim Resolutions adopted
- ▶ Various reference texts

On the Committee of Ministers website (“Human rights meetings”) – www.coe.int/cm – **the information is in principle presented by meeting or otherwise in chronological order.**

On the special Council of Europe website, in the page dedicated to the execution of the ECtHR’s judgments, kept by the Department for the Execution of Judgments of the ECtHR (Directorate General of Human Rights and Rule of Law – DG1) – www.coe.int/execution – the pending cases are presented and **sortable by State, type of supervision procedure, type of violation and date of judgment.**

As a general rule, information concerning the state of progress of the adoption of the execution measures required is published shortly after each HR meeting and published on the internet sites of the Committee of Ministers and the Execution Department.

The text of resolutions adopted by the Committee of Ministers are regularly updated and can also be found through the HUDOC database on www.echr.coe.int.

Appendix 6: “Human Rights” meetings and Abbreviations

A. Committee of Ministers’ HR meetings in 2012 and 2013

Meeting No.	Meeting Dates
1136	06-08/03/2012
1144	04-06/06/2012
1150	24-26/09/2012
1157	04-06/12/2012
1164	05-07/03/2013
1172	04-06/06/2013
1179	24-26/09/2013
1186	03-05/12/2013

B. General abbreviations

AR 2007-13	Annual Report 2007-2013
Art.	Article
CDDH	Steering Committee on Human Rights
CM	Committee of Ministers
CMP	Committee on Missing Persons in Cyprus
CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
ECHR	European Convention on Human Rights and Fundamental Freedoms
European Court	European Court of Human Rights
HRTF	Human Rights Trust Fund
GM	General Measures
HR	“Human Rights” meeting of the Ministers’ Deputies
IM	Individual Measures
IR	Interim Resolution
NGO	Non-governmental organisation
NHRI	National Human Rights Institutions
Prot.	Protocol
Sec.	Section
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees

C. Country codes⁵⁰

ALB	Albania	LIT	Lithuania
AND	Andorra	LUX	Luxembourg
ARM	Armenia	MLT	Malta
AUT	Austria	MDA	Republic of Moldova
AZE	Azerbaijan	MCO	Monaco
BEL	Belgium	MON	Montenegro
BIH	Bosnia and Herzegovina	NLD	Netherlands
BGR	Bulgaria	NOR	Norway
CRO	Croatia	POL	Poland
CYP	Cyprus	PRT	Portugal
CZE	Czech Republic	ROM	Romania
DNK	Denmark	RUS	Russian Federation
EST	Estonia	SMR	San Marino
FIN	Finland	SER	Serbia
FRA	France	SVK	Slovak Republic
GEO	Georgia	SVN	Slovenia
GER	Germany	ESP	Spain
GRC	Greece	SWE	Sweden
HUN	Hungary	SUI	Switzerland
ISL	Iceland	MKD	"The former Yugoslav Republic of Macedonia"
IRL	Ireland	TUR	Turkey
ITA	Italy	UKR	Ukraine
LVA	Latvia	UK.	United Kingdom
LIE	Liechtenstein		

50. These codes result from the CMIS database, used by the Registry of the European Court of Human Rights, and reproduce the ISO 3166 codes, with a few exceptions (namely: Croatia = HRV; Germany = DEU; Lithuania = LTU; Montenegro = MNE; Romania = ROU; Switzerland = CHE; United Kingdom = GBR).

Index of cases cited in the thematic overview

A

ALB / Berhani – <i>CM decision</i>	128
ALB / Caka – <i>CM decision</i>	128
ALB / Cani – <i>CM decision</i>	128
ALB / Driza and other similar cases – <i>CM decisions and Interim resolution</i>	122
ALB / Dybeku – <i>CM decision</i>	87
ALB / Grori – <i>CM decision</i>	87
ALB / Laska and Lika – <i>CM decision</i>	128
ALB / Manushaqe Puto and others (pilot judgment) – <i>CM decisions and Interim resolution</i>	122
ALB / Shkalla – <i>CM decision</i>	128
ARM / Kirakosyan and other similar cases – <i>Other developments</i>	87
ARM / Minasyan and Semerjyan and other similar cases – <i>CM decisions</i>	150
ARM / Virabyan – <i>Information</i>	76
AZE / Fatullayev – <i>CM decisions</i>	143
AZE / Mahmudov and Agazade – <i>CM decisions</i>	143
AZE / Mammadov (Jalaloglu) – <i>Developments</i>	76
AZE / Mikayil Mammadov – <i>Developments</i>	76
AZE / Mirzayev and other similar cases – <i>Developments</i>	123
AZE / Muradova – <i>CM decision</i>	77
AZE / Najafli – <i>CM decision</i>	77
AZE / Rizvanov – <i>CM decision</i>	77

B

BEL and GRC / M.S.S. – <i>CM decisions</i>	108
BEL / Dumont and other similar cases – <i>CM decision</i>	110
BEL / L.B. – <i>Action plan</i>	88
BEL / M.S. – <i>CM decisions</i>	107
BGR / Al-Nashif and others and other similar cases – <i>CM decision</i>	101
BGR / Association for European Integration and Human Rights and Ekimdzhev – <i>CM decision</i>	135
BGR / C.G. and others, and other similar cases – <i>CM decision</i>	102
BGR / Dimitrov et Hamanov (pilot judgment) – <i>CM decision</i>	110
BGR / Djangofov and other similar cases – <i>CM decision</i>	110
BGR / Finger and other similar cases (pilot judgment) – <i>CM decision</i>	110
BGR / Kamburov – <i>Final resolution</i>	121
BGR / Kehayov and other similar cases – <i>CM Decision</i>	88
BGR / Kitov et autres affaires similaires – <i>CM decision</i>	110
BGR/ Penev – <i>Final resolution</i>	129
BGR / Reiner – <i>Final resolution</i>	158
BGR / Stanchev – <i>Final resolution</i>	121
BGR / Stanev – <i>Action plan</i>	89
BGR / United Macedonian Organisation Ilinden and others, and other similar cases – <i>CM decision</i>	145
BGR / Velikova and other similar cases – <i>CM decision</i>	77
BGR / Yankov and other similar cases – <i>Final resolution</i>	97
BGR / Yordanova and others – <i>action plan</i>	136
BIH / Al –Husin – <i>Action plan</i>	109
BIH / Čolić and others – <i>Action plan</i>	124
BIH / Đokić – <i>Action plan</i>	151
BIH / Maktouf and Damjanović – <i>CM decision</i>	134
BIH / Runić and others – <i>Action plan</i>	124

C

CRO / Jularić – <i>Other developments</i>	78
CRO / Skendžić and Krznarić – <i>Other developments</i>	78
CYP / Gregoriou and other similar cases – <i>Final resolution</i>	111
CZE / Adamiček and others similar cases – <i>Final resolution</i>	121
CZE / Bergmann – <i>Final resolution</i>	142
CZE / Bořánková, Hartman and 69 other similar cases – <i>Fianl resolution</i>	112
CZE / D.H. and others similar cases – <i>CM decision</i>	158

CZE / Husák – <i>Final resolution</i>	129
CZE / Knebl – <i>Final resolution</i>	129
CZE / Krejčíř – <i>Final resolution</i>	129
CZE / Prodělalová – <i>Final resolution</i>	142

E

ESP / Del Rio Prada – <i>CM decision</i>	135
EST / Andreyev – <i>Final resolution</i>	121
EST / Kochetkov – <i>Final resolution</i>	90

F

FRA / De Souza Ribeiro – <i>Action report</i>	149
FRA / Gebremedhin – <i>Final resolution</i>	149
FRA / Karatas and Sari – <i>Final resolution</i>	129

G

GEO / Enukidze and Girgvliani – <i>CM decisions</i>	78
GER / Rumpf (pilot judgment) and other similar cases – <i>Final resolution</i>	112
GRC / Bekir-Ousta and other similar cases – <i>CM decisions</i>	146
GRC / Diamantides No 2 and other similar cases – <i>CM decisions</i>	113
GRC / Glykantzi (pilot judgment) – <i>CM decisions</i>	113
GRC / Konti-Arvaniti and other similar cases – <i>CM decisions</i>	113
GRC / Kosmopoulou – <i>Final resolution</i>	127
GRC / Manios and other similar cases – <i>Action plan</i>	113
GRC / Michelioudakis (pilot judgment) – <i>CM decisions</i>	113
GRC / Nisiotis and other similar cases – <i>CM decision</i>	90
GRC / Vassilios Athanasiou and other similar cases (pilot judgment) – <i>Action plan</i>	113

H

HUN / Horváth and Kiss – <i>Action report</i>	159
HUN / Kalucza – <i>CM decision</i>	138
HUN / R.R. – <i>CM decisions</i>	85
HUN / Tímár and other similar cases – <i>Action plan</i>	115

I

IRL / A. B. and C. – <i>CM decisions</i>	138
ITA / Centro Europa 7 S.R.L. and Di Stefano – <i>informations</i>	145

ITA / Ceteroni and other similar cases – <i>CM decision</i>	115
ITA / Cirillo – <i>CM decision</i>	91
ITA / Costa and Pavan – <i>Awaiting action plan/report</i>	139
ITA / Di Sarno and others – <i>Informations</i>	143
ITA / Gaglione – <i>CM decision</i>	115
ITA / Hirsi Jamaa and others – <i>CM decision</i>	103
ITA / Luordo and other similar cases – <i>CM decision</i>	115
ITA / M.C. and others (pilot judgment) – <i>New cases</i>	152
ITA / Mostacciolo and other similar cases – <i>CM decision</i>	115
ITA / Sneersone and Kampanella – <i>CM decision</i>	142
ITA / Sulejmanovic – <i>CM decision</i>	91

L

LUX / Schneider – <i>Final resolution</i>	152
LUX / Wagner and J.M.W.L. – <i>Final resolution</i>	159

M

MDA / Becciev and other similar cases – <i>CM decision</i>	92
MDA / Ciorap – <i>CM decision</i>	92
MDA / Corsacov – <i>Other developments</i>	79
MDA / Eremia and others, and other similar cases – <i>New cases – information awaited</i>	139
MDA / Paladi – <i>CM Decision</i>	92
MDA / Sarban and other similar cases – <i>Other developments</i>	98
MDA / Taraburca – <i>CM decision</i>	104
MKD / El-Masri – <i>Other developments</i>	86
MLT / M.D. and others – <i>CM decision</i>	143
MLT / Mizzi – <i>Final resolution</i>	141
MLT / Suso Musa – <i>New cases</i>	98

N

NOR / Lindheim and others – <i>CM decision</i>	152
NOR / Nunez – <i>Final resolution</i>	104

P

POL / Fuchs and other similar cases – <i>CM decision</i>	116
POL / Giszczak – <i>Final resolution</i>	100
POL / Grzelak – <i>CM decision</i>	159

POL / Horych – <i>Informations</i>	93
POL / Kaprykowski and other similar cases – <i>CM decision</i>	93
POL / Kozak – <i>Final resolution</i>	160
POL / Kudła and other similar cases – <i>CM decision</i>	117
POL / Orchowski and other similar cases – <i>CM decision</i>	94
POL / Podbielski and other similar cases – <i>CM decision</i>	117
POL / Richert – <i>Final resolution</i>	130
POL / Woś and 6 other cases – <i>Final resolution</i>	122
PRT / Antunes Rocha – <i>Final resolution</i>	140
PRT / Oliveira Modesto and other similar cases – <i>CM decision</i>	117

R

ROM / Association « 21 December 1989 » and others – <i>Informations</i>	80
ROM / Barbu Anghelescu and other similar cases – <i>CM decision</i>	79
ROM / Bragadireanu and other similar cases – <i>Communications</i>	94
ROM / Cleja and Mihalcea – <i>Final resolution</i>	153
ROM / Georgel and Georgeta Stoicescu – <i>CM decision</i>	139
ROM / Maria Atanasiu and others (pilot judgment) – <i>CM decisions</i>	150
ROM / Maszni – <i>Final resolution</i>	128
ROM / Nicolau and other similar cases – <i>CM decision</i>	118
ROM / Sacaleanu and other similar cases – <i>Other developments</i>	124
ROM / Stoianova and Nedelcu and other similar cases – <i>CM decision</i>	118
ROM / Strain and others and other similar cases – <i>CM decisions</i>	150
RUS / Abuyeva and others – <i>Action plan</i>	80
RUS / Alekseyev – <i>CM decisions</i>	160
RUS / Alim – <i>CM decision</i>	105
RUS / Ananyev and others (pilot judgment) – <i>CM decision</i>	95
RUS / Catan and others – <i>CM decision</i>	155
RUS / Garabayev and other similar cases – <i>CM decisions</i> <i>and Interim resolution</i>	163
RUS / Gladysheva – <i>CM decision</i>	153
RUS / Isayeva – <i>Action plan</i>	80
RUS / Khashiyev and Akayeva and other similar cases – <i>Action plan</i>	80
RUS / Klyakhin – <i>Developments</i>	98
RUS / Liu and Liu – <i>CM decision</i>	105
RUS / Liu No.2 – <i>CM decision</i>	105
RUS / Mikheyev and other similar cases – <i>Action plan</i>	82
RUS / Timofeyev and other similar cases – <i>Other developments</i>	125

S

SER / EVT Company and other similar cases – Other developments	125
SER / Grudić – CM decisions	154
SER / Zorica Jovanovic – New case – Information awaited	140
SVK / Paulík – Final resolution	141
SVN / Kurić and others (pilot judgment) – CM decisions	162
SVN / Mandić – Other developments	96
SWE / Mendel – Final resolution	122
SWE / S.F. and Others – Final resolution	86

T

TUR / Batı and other similar cases – Other developments	82
TUR / Cyprus – CM decisions and Interim resolution	164
TUR / Demirel and other similar cases – CM decision	99
TUR / Ertürk group of cases – Final resolution	119
TUR / Hulki Güneş and other similar cases – CM decisions	130
TUR / İncal – Other developments	145
TUR / Ormancı and others similar cases – CM decision	119
TUR / Oya Ataman and other similar cases – CM decision	147
TUR / Ümmühan Kaplan (pilot judgment) – CM decision	119
TUR / Varnava – CM decisions and Interim resolution	164

U

UK / Al-Jedda – CM decision	83
UK / Connors – Final resolution	136
UK/ Gillan & Quinton – Final resolution	137
UK / Greens and M.T. (pilot judgment) – CM decisions	100
UK / Hirst No.2 – CM decisions	100
UK / McKerr and other similar cases – Action plan	84
UK / M.M. – Action plan	141
UK / M.S. – Final resolution	84
UK / Othman (Abu Qatada) – Final resolution	106
UKR / Afanasyev and other similar cases – CM decision	82
UKR / Gongadze – CM decision	85
UKR / Isayev – Other developments	96
UKR / Kaverzin – CM decision	82
UKR / Kharchenko and other similar cases – CM decision	99
UKR / Logvinenko – Other developments	96

UKR / Lutsenko – <i>CM decisions</i>	131
UKR / Melnik – <i>Other developments</i>	96
UKR / Merit and other similar cases – <i>CM decisions</i>	120
UKR / Naumenko Svetlana and other similar cases – <i>CM decisions</i>	120
UKR / Nevmerzhitsky – <i>Other developments</i>	96
UKR / Oleksandr Volkov – <i>CM decisions</i>	133
UKR / Tymoshenko – <i>CM decisions</i>	132
UKR / Vyerentsov – <i>CM decision</i>	148
UKR / Yakovenko – <i>Other developments</i>	96
UKR / Yuriy Nikolayevich Ivanov (pilot judgment) – <i>CM decisions</i>	126
UKR / Zhovner and other similar cases – <i>CM decisions</i>	126
UK / Szuluk – <i>Final resolution</i>	137

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