

## SECRETARIAT GENERAL

SECRETARIAT OF THE COMMITTEE OF MINISTERS  
SECRETARIAT DU COMITE DES MINISTRES



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Meeting: 1310<sup>th</sup> meeting (March 2018) (DH)

Communication from the authorities (22/02/2018) concerning the case of CATAN AND OTHERS v. Russian Federation (Application No. 43370/04).

Information made available under Rule 8.2a of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

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Réunion : 1310<sup>e</sup> réunion (mars 2018) (DH)

Communication des autorités (22/02/2018) concernant l'affaire CATAN ET AUTRES c. Fédération de Russie (requête n° 43370/04) (**anglais uniquement**)

Informations mises à disposition en vertu de la Règle 8.2a des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.

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22 FEV. 2018

SERVICE DE L'EXECUTION  
DES ARRETS DE LA CEDH**Information****with regard to the judgment of the European Court of Human Rights  
in applications nos. 43370/04, 8252/05 and 18454/06 “Catan and Others v. Republic  
of Moldova and the Russian Federation”**

The judgment in *Catan and Others v. Republic of Moldova and the Russian Federation* raised serious problems of its practical execution. Therefore the Russian authorities applied consistent and significant efforts in their search for acceptable solutions to this situation.

It is recalled that the Russian authorities have conducted large-scale consultations with the competent State agencies. The results revealed the need for a more detailed elaboration involving the scientific community. Difficulty of the present situation was confirmed by the round-table on the problems of interaction with the Court held in Moscow in January 2015 (information on this event was submitted earlier) as well as by the scientific and practical conference “The European Convention on Human Rights and the General Provisions of International Law” held in Strasbourg on 5 June 2015.

Problematic issues related to the *Catan* judgment and its execution were discussed, among other topics, at the high-level conference that took place in October 2015 in St Petersburg (the conference materials were summarized by the Council of Europe in 2017 and published on the official website of the Russian Constitutional Court). This conference became another step in direction of seeking for possible solutions.

The said events demonstrated that the problems that revealed themselves with regard to the *Catan* judgment require additional competent elaboration involving foreign experts.

Therefore in October 2017 a high-level conference “Russia and the European Court of Human Rights: Enhancing the Dialogue” was organized and held in Moscow. This event took place under the auspices of the St Petersburg International Legal Forum and the educational project “LF-Academy” with support of the Ministry of Justice of the Russian Federation at the premises of the NGO “Centre for International and Comparative Studies”. The conference was attended by representatives of the competent State bodies, including the Minister of Justice of the Russian Federation, ECHR judges, representatives of the Council of Europe bodies, prominent Russian and foreign scholars. A substantive discussion that took place there affirmed the need for further dialogue. The conference materials are presently being processed and summarized.

The St Petersburg International Legal Forum is planned to be held on 15 – 19 May 2018. Authoritative Russian and foreign experts were invited to take part in it, including prominent scientists, judges of the Court, Government Agents at the ECHR and representatives of the Council of Europe bodies. The discussion of problematic issues raised by the *Catan* judgment will be continued at the Forum.

Issues of the “effective control” doctrine application by the Court are also subject to

examination by the Drafting Group DH-SYSC-II functioning within the Committee of Experts on the system of the European Convention on Human Rights for in-depth analysis of the problematic issues concerning the place of the Convention in the European and international public orders in view of the CDDH Report “On Longer-Term Future of the Convention System”. As informed earlier, the Russian authorities have voiced the necessary initiatives in this group for elaboration on the problematic issues related to application by the Court of extraterritorial jurisdiction and holding States liable through using of “effective control” doctrine.

Presently the experts elected by the States representatives have prepared the draft chapter (“State responsibility and extraterritorial application of the Convention”) of Theme 1 (“The challenge of the interaction between the Convention and other branches of international law, including international customary law”) of the Report. This draft is devoted to the term “jurisdiction” under Article 1 of the Convention and liability of States, including the issues of “effective control”. The competent representatives of the States in the named group have started the examination of the draft for its subsequent substantial discussion on the next group meeting on 3 – 5 April 2018.

The described measures appear to be a concrete implementation of the recommendations reflected in decisions of the Committee of Ministers and addressed to the Russian Federation authorities on the necessity to continue meaningful dialogue in order to search for solution of the problematic issues related to the Court judgment in the case of *Catan*.