



**SUPERVISION  
OF THE EXECUTION  
OF JUDGMENTS  
AND DECISIONS  
OF THE EUROPEAN COURT  
OF HUMAN RIGHTS  
2021**



COUNCIL OF EUROPE  
**COMMITTEE OF MINISTERS**

15th Annual Report  
of the Committee of Ministers

COMMITTEE  
OF MINISTERS  
COMITÉ  
DES MINISTRES

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

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et décisions de la Cour européenne des  
droits de l'homme. 15<sup>e</sup> rapport annuel  
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The Committee of Ministers decided in the context of the procedure launched under Article 8 of the Statute of the Council of Europe, that the Russian Federation ceased to be a member of the Council of Europe as from 16 March 2022. On 23 March 2022, it adopted Resolution CM/Res(2022)3 on legal and financial consequences of the cessation of membership of the Russian Federation.





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Mr Rolf MAFEL\*



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**Italy**  
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\* Ambassador Rolf Mafael ended his mission as Permanent Representative of Germany on 30/06/2021.

## I. Preface by the Chairs of the Human Rights meetings

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**2** 021 was another year marked by the Covid-19 pandemic. However, adaptations to the situation from the preceding year including the use of new technologies and ways of working, meant that the Committee of Ministers' quarterly Human Rights meetings went ahead without hindrance. The Department for the Execution of Judgments was also able to continue its work supporting the Committee in the exercise of its supervision activities. The Hungarian Presidency continued to successfully adapt to the difficult circumstances and created a favourable working environment, while making thorough the use of advanced digital technologies to promote a positive environmental footprint. It was in this spirit that the Hungarian Presidency – in close cooperation with the Parliamentary Assembly and building on its recommendations adopted unanimously – advanced the process among its priorities of the topic of human rights and (the right to a healthy) environment. During its term, Hungary also intended to further promote and strengthen human rights, democratic values and the rule of law through a rich program of events.

In 2020, the Committee of Ministers celebrated the 70th anniversary of the European Convention on Human Rights. The German Chairmanship of the Committee of Ministers thus began in this anniversary year and it was a priority of their Chairmanship to build on this key document that sets the highest standards worldwide for the international protection of human rights, and to further strengthen the implementation of rights and obligations under the Convention.

A number of events were organised under the auspices of the German Presidency to promote exchanges relating to the Convention and the execution of judgments. Those included a Conference on inter-State applications before the Court at the beginning of April 2021, and two workshops on execution of judgements. One in December 2020 and another one at the end of April 2021 in conjunction with the Centre for Fundamental Rights at the Hertie School, Middlesex University, and the German Federal Ministry of Justice "Execution of the Judgments of the European Court of Human Rights: Taking stock and thinking forward".

The latter was a particularly unique event bringing together academics, government agents, members of national human rights institutions, Council of Europe staff, and the members of civil society, who work on the implementation of human rights judgments, to take stock of the challenges of implementing European Court of Human Rights judgments. It focussed in particular on the challenges posed by delayed execution, deficient execution, and resistance to execution. It reviewed the barriers to execution as well as the best practices for attaining execution and investigate the ways in which the execution of human rights judgments can be made more effective domestically and at the level of the Council of Europe.



Organisation of discussion on these topics proved particularly relevant as the European Court had announced in March 2021 its strategy for more targeted and effective case-processing, aimed at ensuring the efficient processing of ‘impact cases’ which address core legal issues of relevance for the State in question and for the Convention system in general. The challenges posed to the execution process by such cases are likely to intensify with the Court aiming to deliver more judgments in complex cases.

The Committee of Ministers 131st Ministerial Session held in Hamburg in May 2021 thus dedicated part of its focus to Securing the long-term effectiveness of the system of the European Convention on Human Rights. The ministers reaffirmed the unconditional obligation of States Parties to abide by the final judgments to which they are Party and their responsibility to resolve the systemic and structural human rights problems identified by the Court and reiterated the fundamental importance of an efficient supervision of the execution of judgments in order to ensure the long-term sustainability and credibility of the Convention system.

They instructed the Ministers’ Deputies to examine whether and how to enhance the tools available to the Committee to supervise cases of non-execution or persistent refusal to execute the final judgments of the Court and to examine also questions arising from the process of the execution of judgments in cases relating to inter-State disputes. Work to this end is ongoing and the statistics for 2021 reinforce the perspective that such a reflection is necessary as they reveal an increase in new cases coming from the Court.

In the meantime, the Committee has continued to make use of the tools available to it and adopted an interim resolution in December 2021 initiating, for only the second time since the introduction of this measure in Protocol 14 to the Convention, exceptional proceedings under Article 46 § 4 of the Convention in the case of *Kavala v Turkey*. The Court had indicated in its judgment that any continuation of the applicant’s pre-trial detention would entail a prolongation of the violation of Article 5 § 1 and of Article 18 in conjunction with the former provision, as well as a breach of the obligations on respondent States to abide by the Court’s judgment in accordance with Article 46 § 1 of the Convention. It therefore held that the government was to take every measure to put an end to the applicant’s detention and to secure his immediate release.

The Committee had called for the applicant’s release at every DH meeting since the judgment became final and had also decided to examine the case at every ordinary meeting from March 2021 onwards. However, in view of the fact that by the end of 2021 the applicant had not yet been released, it appeared necessary for the Committee to serve formal notice of its intention to commence the proceedings under Article 46 § 4 of the Convention. On 2 February 2022, the Committee decided to refer to the Court the question whether Turkey has failed to fulfil its obligation under Article 46§1 with particular regard to the Court’s indication under Article 46 and the individual measures required. The proceedings are currently pending before the European Court.

Whilst this Annual report concerns 2021, at the time of writing the Council of Europe is responding to the consequences of the aggression of the Russian Federation

against Ukraine. The Committee has condemned in the strongest terms the aggression of the Russian Federation within the sovereign territory of Ukraine, finding it responsible for the immense suffering of the Ukrainian population and constituting a breach of peace of unprecedented magnitude on the European continent since the creation of the Council of Europe. Considering the serious violation by the Russian Federation of its obligations under Article 3 of the Statute, the Committee took an unprecedented decision on 25 February 2022 to suspend the Russian Federation from its rights of representation and subsequently decided in the context of the procedure launched under Article 8 of the Statute of the Council of Europe that the Russian Federation ceased to be a member of the Council of Europe as from 16 March 2022, after 26 years of membership.

The cessation of the membership of the Russian Federation also has consequences for the Convention system, including the Committee's supervision work under Article 46. The European Convention of Human Rights has a renewed importance in these very difficult and challenging times.

As stated by the Italian Presidency when taking over the Committee of Ministers Chairmanship in November 2021, the protection of human rights and fundamental freedoms lies at the very root of European common values. It is crucial that the judgments of the European Court of Human Rights are executed, thereby ensuring the effectiveness of the supervision system, which is one of the Council of Europe's unique features.

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Mr Rolf MAFAEL

Hungary  
Mr Harry Alex RUSZ

Italy  
Mr Michele GIACOMELLI





Mr Christos GIAKOUMOPOULOS

## II. Overview of major developments by the Director General of the Directorate General of Human Rights and Rule of Law

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### Introductory remarks

Although in 2021 the Covid-19 pandemic continued to pose serious challenges to member States and the Council of Europe, the Committee of Ministers, supported by the Department for the Execution of Judgments of the European Court of Human Rights (DEJ), held its four annual Human Rights meetings in a hybrid format and examined a record number of 161 cases or groups of cases concerning 29 States (in 2020 131 cases or groups of cases were examined concerning 28 States).

In 2021 there was also a significant increase (approximately 40%) of new judgments delivered by the Court and forwarded to the Committee (1,379 in 2021, compared to 983 in 2020). Notwithstanding, at the end of the year, the number of judgments pending before the Committee of Ministers was one of the lowest since 2007 (5,533). This resulted from the closure in 2021 of 1,122 cases (including 170 cases revealing notably structural or systemic problems), following the adoption by respondent States of individual, and a wide range of legislative and other general, measures to execute the Court's judgments.

The year 2021 witnessed several positive, significant developments. In particular, there was hope for a major advance in one of the three interstate cases currently pending before the Committee, *Georgia v Russia (I)*, where both the States concerned, and the Secretary General of the Council of Europe, have signed Memorandums of Understanding which foresee the payment by the Russian Federation of the just satisfaction awarded by the Court, together with the default interest, into a Council of Europe escrow bank account. A number of respondent States adopted legislative measures in order to execute the Court's judgments, such as the amendment of the Judicial Code in Belgium enhancing freedom of religion in courtrooms; adoption of a new law in France introducing a judicial preventive remedy concerning inadequate conditions of detention; statutory and case-law developments in Italy enhancing safeguards of administrative detention of migrants in initial reception centres, and remedies concerning living conditions therein; measures taken by Lithuania to improve investigations into hate crimes and hate speech, notably against LGBTI persons. A further welcome development in the group of "Article 18" cases concerning Azerbaijan was the judgment of the Supreme Court of Azerbaijan in November, quashing the convictions of a further four applicants in the *Mammadli* group of cases.

It is also noteworthy that, in 2021, the participatory nature and transparency of the execution process were further reinforced, notably due to a new record number of communications received by the Committee of Ministers from civil society organisations and national human rights institutions (207 concerning 27 States, compared to 176 in 2020 concerning 28 States). There was also a new record number of visitors to the DEJ's website which is regularly updated. The same year, DEJ further enhanced its interaction with and support to the European Network of National Human Rights Institutions (ENNHRI), notably for the launch by ENNHRI of a new interactive resource hub with guidance on the implementation of ECHR judgments.<sup>1</sup>

The execution process, however, continues to face a number of serious challenges. The increasing number of new judgments places the system under strain. Of particular concern is the fact that, as shown in the statistics contained in this report (IV. Statistics sections E.1 and G.2), there are serious delays in the submission by member States of information that is vital for the execution process, such as action plans and reports and payment of just satisfaction which could have led to more case closures. As regards in particular the latter, a steady increase has been noted of cases where such information is delayed: in 2021 there were 1,772 cases, compared to 1,602 in 2020 and 1,423 in 2019.

In addition, the Court's new case processing strategy which, since March 2021, has placed increasing focus on "impact cases", which by definition require significant changes in legislation and practice, touch upon societal issues or deal with emerging or otherwise significant human rights issues, may well entail that a higher proportion are likely to require complex execution measures.

As noted in last year's annual report, there is therefore a real and urgent need for member States to redouble their efforts in order to enhance their domestic capacity for the rapid execution of the Court's judgments and the provision of timely information to the Committee. The thematic roundtable to be held in March 2022,

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1. See also Annual Report's chapter on "Outreach Activities".

organised by the Chairmanship of the CM Human Rights meetings in co-operation with DEJ, will look at this particular issue.

The Committee's human rights (DH) meetings in 2021 were already characterised by the particular sensitivity of a number of the cases examined, some of which at repeated meetings. These included several cases assessed by the Committee as requiring urgent individual measures, namely the applicant's release from detention, in a context where judicial proceedings at national level had evolved since the European Court's findings of fact. In these, and other cases, the argument was frequently made that it falls outside the competence of the Committee to make an assessment of new judicial processes; that it should wait for the European Court to consider them in the context of pending or potential applications. However, the Committee, as reflected the decisions adopted in such cases, has responded robustly to such arguments, reaffirming its competence under Article 46 of the Convention to examine whether the measures taken by the authorities of the respondent State, including the national courts, have been sufficient to put an end to the violations at issue and prevent future violations.

Lastly, the present overview highlights also some other long-standing, systemic and structural problems which were also examined by the Committee in 2021, requiring particular attention, despite the fact that, in a number of these cases, progress was made notably in the adoption of general measures to prevent similar violations. First, cases concerning some major aspects of the functioning of the judicial system in member States, notably excessive length of judicial proceedings (and lack of effective remedies), non-enforcement of judicial decisions, and independence and impartiality of the judicial system. The former two themes made up together 11% of the main themes of leading cases under enhanced supervision in 2021. Secondly, mention is also to be made of cases concerning ill-treatment or death caused by security forces and ineffective investigations, and poor conditions of detention (and lack of effective remedies). These two themes together represented 20% of the main themes of leading cases under enhanced supervision this year. This overview highlights also a number of other challenging and equally important cases examined by the Committee in 2021 and linked to democracy and pluralism, in particular, the right to free elections, freedom of expression and of assembly, and freedom of association.

## A. Major advances in cases<sup>2</sup> examined by the Committee of Ministers

The year 2021 witnessed several advances in cases whose execution was supervised by the Committee of Ministers. Notably, Romania abolished prescription for acts of torture by amending legislation, in line with the European Court's case-law and the Committee of Ministers' decisions in *Al Nashiri*. A similar legislative change took place in Armenia (*Virabyan* and *Muradyan* groups of cases, in effect in 2022) and is planned by North Macedonia (*Kitanovski* group of cases). Similar legislative measures had been earlier adopted by the Republic of Moldova (*Corsacov* group of cases) and Turkey (*Bati* group of cases).

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2. Summarised case developments herein are indicative and in no way bind the Committee of Ministers. More information on cases is available at: <https://hudoc.exec.coe.int>.

The Committee of Ministers ended the supervision of execution by Austria of *Lewit*, which concerned a violation of the reputation of the applicant, a 97-year-old Holocaust survivor. In defamation proceedings he had initiated, the domestic courts rejected his claims, failing to examine the central issue raised, *i.e.*, that he had been defamed by an abusive article targeting people like him, who had been liberated from the Mauthausen concentration camp. In January 2021, the Attorney General's Office lodged with the Supreme Court of Austria a plea of nullity for observance of the law. In June 2021, the Supreme Court found that the domestic courts had violated their statutory duty to reason their decisions, denying that the applicant was affected by the impugned article, therefore violating also the applicant's right to file a suit.

The Committee ended the supervision of execution of *Orlović and Others v. Bosnia Herzegovina*, concerning the non-enforcement of final decisions of the Commission for Real Property Claims for Displaced Persons and of the Ministry for Refugees and Displaced Persons of Republika Srpska, ordering the full repossession of a piece of land by the applicants, including the removal of a church from that land. In response to the European Court's judgment, and in line with the indications it had given under Article 46 of the Convention, the authorities took measures and removed the church from the applicants' land.

In 2021, France adopted Law No. 2021-403 providing for a new judicial remedy concerning poor conditions of detention, following the Court's judgment in *J.M.B. and Others*. Detainees can appeal to the liberties and custody judge in cases of pre-trial detention and to the sentence enforcement judge in case of conviction. If the judge considers the remedy to be well-founded, they request the administration to remedy the situation (within a maximum of one month). If those conditions persist, in cases of pre-trial detention, the judge can order a transfer to another prison or a release and, in cases where a detainee is convicted and eligible, the judge may order an adjustment of the sentence.

The same year, the Committee closed *Khlaifia and Others v. Italy* concerning the administrative detention of migrants in initial reception centres and the absence of an effective remedy concerning living conditions therein. The current legal framework regulating the administrative detention of migrants in reception centres provides a clear and accessible legal basis, and *inter alia* requires the authorities to provide information to detainees about their rights. It also provides for an automatic judicial review of the detention decisions. Also, current case-law indicates that preventive and compensatory civil law remedies may allow migrant detainees to bring before courts arguable complaints related to their living conditions and obtain adequate redress.

The Committee also ended its supervision of execution by Italy of *M.C. and Others*, a 2013 pilot judgment concerning legislation which had cancelled retrospectively and in a discriminatory manner the annual adjustment of a compensation allowance component paid to victims of contamination following blood transfusions or by the administration of blood derivatives. The measures adopted by the authorities ensured, also with regard to the applicants, that that component is submitted to an annual adjustment based on the inflation rate and regularly paid to all the beneficiaries. In addition, they ensured that the beneficiaries (or their heirs) receive full payment of the arrears.

Noteworthy advances were also recorded by the Committee in *Beizaras and Levickas v. Lithuania*, concerning the lack of investigation into the applicants' allegations of having been subjected to extreme homophobic online hate speech. In its last decisions, the Committee noted with satisfaction the wide-ranging and multi-faceted measures taken to improve investigations into hate crimes and hate speech, including the specialisation of prosecutors and the review of previous decisions to examine whether bias-motivation was an element of a crime or any causal links with discrimination. In addition, there was an evolution of the domestic case-law, while capacity-building measures for investigative authorities were taken and the statistics indicated an increase of hate crime investigations in recent years.

Encouraging were also the developments that occurred in *X. v. North Macedonia*, concerning the lack of transparent and accessible legal procedures to change a transgender person's sex/gender as recorded on the birth certificate. The authorities prepared draft amendments to the Civil Status Registration Act with a view to regulating the conditions and procedures for the legal recognition of gender. Following the approval of the above draft amendments by the government, in 2021 they were tabled in Parliament for adoption.

The supervision of execution of the *Oyal* group of cases *v. Turkey* also ended in 2021, concerning mainly medical negligence in state-run hospitals. Significant reforms increased the quality and capacity of health care services, including an increase in the number of hospitals and medical staff, which have led to a decrease in the new-born and maternal mortality rates. Other measures included, in particular, admission of patients to emergency care services of hospitals irrespective of their social security status and without pre-payment (*Sentürk*), the establishment of a central coordination system between hospitals to ensure rapid access to health care in emergency situations (*Asiye Genç*) and improvement of the standards of testing in blood donations to prevent HIV contamination (*Oyal*). Measures were also taken to accelerate judicial proceedings in medical negligence cases (*Zafer Öztürk*).

Lastly, the Committee of Ministers ended the supervision of the execution of *Siryk v. Ukraine*. The applicant had been found by domestic courts liable for defamation after she reported alleged irregularities in a public official's conduct. Following the Court's judgment, the authorities adopted a number of measures, including reforms aimed at aligning domestic law with the Convention and the Court's case-law on freedom of expression. Domestic courts' case-law has evolved in a Convention-compliant manner.

## **B. Inter-state and other cases related to post-conflict situations or unresolved conflicts**

Such cases continued to be on the Committee's agendas in 2021. The supervision of the execution of inter-state and other conflict-related cases has proven to be very time-consuming, often examined in more than one Human Rights meeting per year, and difficult due to their prominent political dimension and complexity.

As regards *Georgia v. Russia (I)*, in 2021 there was some hope of a breakthrough as regards the payment of the just satisfaction awarded by the Court in this case. An



innovative approach was proposed, whereby the Russian Federation would pay the just satisfaction and accrued interest into a Council of Europe bank account. The sums would be held in a fiduciary capacity until details of the distribution mechanism were provided to the Committee of Ministers by the Georgian authorities and approved by the Committee in a decision authorising the sums to be transferred to Georgia. In December 2021, the Committee noted with satisfaction that the Secretary General of the Council of Europe and the Georgian authorities had signed a Memorandum of Understanding (MoU) to this end, and looked forward also to the swift signature of the Memorandum of Understanding by the Russian authorities and the payment of the funds to the Council of Europe bank account held in escrow in the shortest possible timeframe and in any event by the end of the year, as well as to the completion of the remaining steps to execute the Court's judgment as soon as possible. On 17 December 2021, the Russian Government agent also signed the MoU, which was transmitted to the Secretary General. Unfortunately, however, the payment, as requested by the Committee and required by the MoU, was not made.

A new inter-state case, *Georgia v. Russia (II)*, concerning various violations of the Convention in the context of the armed conflict between Georgia and Russia in August 2008, was added and is scheduled to be examined by the Committee in a Human Rights meeting in June 2022.

Another case examined by the Committee in 2021 was *Catan and Others v. Russia*. During the last examination of this case in 2021, the Committee deeply deplored that, some nine years after the judgment became final, the Russian authorities had failed to provide the Committee with any information on the concrete measures taken or foreseen to execute the judgments in the group to which this case belongs. The Committee took the unusual step of instructing the Secretariat to prepare an analysis of the measures required, in the light of the Court's findings and the current factual conditions concerning the functioning of the Latin-script schools, in view of the reexamination of this group in 2022.

The Committee continued to examine another inter-state case, *Cyprus v. Turkey*. The Committee, *inter alia* adopted an interim resolution expressing profound concern that the just satisfaction awarded by the Court in 2014 has not yet been paid. In the context of the above case, the Committee also examined the issue of missing Greek Cypriots and underlined notably that, due to the passage of time, it remains urgent for the Turkish authorities to maintain and advance their proactive approach to providing the Committee on Missing Persons (CMP) with all necessary assistance so that it can continue to achieve tangible results as quickly as possible. The Committee examined furthermore the related individual case *Varnava and Others v. Turkey*. In this case, the Committee also insisted again firmly on the unconditional obligation of Turkey to pay without further delay the just satisfaction awarded by the European Court in 2019.

As regards the *Xenides-Arestis* group of cases *v. Turkey*, the Committee, when last examining this group in 2021, decided to close the supervision of the execution of the judgments in the cases of *Alexandrou* and *Eugenia Michaelidou Developments Ltd* and *Michael Tymvios* and adopted a final resolution. The general measures required in response to the shortcomings found by the Court in these cases continue to be examined within the framework of *Cyprus v. Turkey*.

The Committee also examined the *Kakoulli* and *Isaak* groups of cases *v. Turkey*. In the last examination, as regards individual measures, the Committee requested additional information in respect of the competent authorities' conclusion that the security forces acted lawfully and on the possibility for new investigations in some cases. As regards general measures, the Committee welcomed the message of zero tolerance of police ill-treatment delivered by the competent Attorney General and noted with interest the introduction of a possibility to remove from office a police officer following a conviction to a prison sentence for excessive use of force, as well as the introduction of a new criminal offence in the Criminal Code on excessive use of force. The Committee will, however, continue to examine *inter alia* the issue of use of lethal force by police officers and military officers.

### C. "Article 18" cases concerning abusive limitations of rights and freedoms

Although the Convention allows for certain restrictions to the protected rights and freedoms, to protect against the abuse of power, Article 18 of the Convention prohibits the misuse of these restrictions for other purposes. By the end of 2021, there were 13 such cases pending before the Committee, against five States: Azerbaijan, Georgia, Russian Federation, Turkey and Ukraine.<sup>3</sup> In accordance with the Committee of Ministers' usual practice, the principle of *restitutio in integrum* requires in such cases that all the negative consequences of the abusive criminal proceedings are erased for the applicant.<sup>4</sup> Other required measures focus on the need to prevent a repetition of the abuse of power, either for the applicant or for others. Where the violation reveals a misuse of the criminal justice system, reforms to reinforce the independence of the judiciary and to shield the prosecuting authorities from political influence may be necessary.

The Committee examined *Kavala v. Turkey* in all its four Human Rights meetings in 2021, and all regular meetings after March 2021. Major steps taken by the Committee to ensure the execution of this judgment included a letter sent by the Chair of the Committee to his Turkish counterpart, conveying the Committee's deep concern about the applicant's continuing detention and expressing the strong expectation that Turkey would take all necessary steps to ensure his release. In the last examination of the case, the Committee adopted an interim resolution, and considered that, by failing to ensure the applicant's immediate release, Turkey is refusing to abide by the final judgment of the Court in the present case. As a result, the Committee served formal notice on Turkey of its intention, at its meeting on 2 February 2022, to initiate the procedure under Article 46, paragraph 4, of the Convention.

Noteworthy are positive developments in 2021 concerning the execution by Azerbaijan of the *Mammadli* group of cases. As regards individual measures, the decision of the Plenum of the Supreme Court of 19 November 2021, having due regard to the European Court's judgment in the case of *Rashad Hasanov and Others*, quashed the criminal convictions of the four applicants in that case, discontinued

3. *Mammadli* group of six cases *v. Azerbaijan*, *Merabishvili v. Georgia*, *Navalnyy and Navalnyy (No.2) v. Russia*, *Kavala v. Turkey*, *Selahattin Demirtaş v. Turkey (No. 2)*, *Lutsenko and Tymoshenko v. Ukraine*.
4. This practice was confirmed in 2019, in the Court's Grand Chamber judgment in *Ilgar Mammadov v. Azerbaijan* (Article 46 § 4), Appl. No. 15172/13, judgment of 29 May 2019.

the criminal charges against them and awarded them compensation for unlawful arrest and imprisonment. The Committee called on the authorities to take all steps within their powers to ensure that the convictions of the remaining applicants are quashed without further delay. As regards general measures, the Committee underlined that the above decision of the Plenum is an important step forward in building firm domestic judicial practice to prevent similar abuses of criminal justice in future.

The Committee also continued the examination of *Merabishvili v. Georgia*. In the last examination of the case, the Committee notably reiterated its call on the authorities to build on the steps already taken in the context of the 2018 constitutional changes and to continue legislative reforms, notably with a view to strengthening the external independence of the prosecutor's office and the individual independence of prosecutors to investigate alleged abuses of power including at a high level.

In the *Navalnyy and Navalnyy (No. 2)* cases against Russia, during its last examination in 2021 (in conjunction with the *Lashmankin* group of cases), the Committee called on the authorities to take action as a matter of urgency with a view to ensuring that the applicant is able without hindrance to exercise his rights to freedom of peaceful assembly and freedom of expression. It is noted that in 2021 the Committee also examined two other related cases, *Navalnyy and Ofitserov*, and *Navalnyye*, concerning the applicants' convictions of acts indistinguishable from regular commercial activities by judicial decisions that were found by the Court to be notably arbitrary, unforeseeable and manifestly unreasonable.

As regards *Selahattin Demirtaş v. Turkey (No. 2)*, in December 2021, the Committee adopted an interim resolution expressing its profound concern that the applicant has been continuously deprived of his liberty since November 2016. The Committee expressed the strong hope that the Constitutional Court concludes its examination of the applicant's complaints in the shortest possible timeframe and in a manner compatible with the spirit and conclusions of the Court's judgment, and strongly urged the authorities, in the meantime, to ensure the applicant's immediate release.

Lastly, in 2021, the Committee reexamined *Lutsenko and Tymoshenko v. Ukraine*. While the individual measures were closed in 2020, the Committee continued the examination of the required general measures. It stressed the importance of effective safeguards to shield the prosecution service as a whole and individual prosecutors against undue political pressure including in the context of the arrangements for disciplinary proceedings, career management and prosecutorial self-governance.

## **D. Systemic/structural problems and advances**

At its 131st Session, held in Hamburg in May 2021, the Committee of Ministers reaffirmed the States Parties' responsibility to resolve the systemic and structural human rights problems identified by the Court. Cases raising systemic and structural problems require further sustained and concerted efforts to be made primarily by the responding States, in line with the principle of subsidiarity, the Council of Europe always remaining at their disposal for any further support needed. It is to be noted that, in a number of the cases examined in 2021 and outlined below, advances were

made and respondent States showed their willingness to sustain and redouble their efforts to remedy and prevent similar violations.

In 2021, major issues concerning the *functioning of the judicial system* continued to score high among the main themes of leading cases in enhanced supervision: cases concerning excessive length of judicial proceedings constituted 8% while cases related to non-enforcement of domestic judicial decisions constituted 3%. Also, a few other challenging cases concerning the independence and impartiality of the judicial system continued to be examined by the Committee in 2021. Furthermore, in the same year, 12% of all leading cases in the enhanced supervision procedure concerned *ill-treatment by state agents and/or ineffective investigations*, making it once again the highest category of cases under supervision. In addition, *poor conditions of detention* (and lack of effective remedies) represented again one of the highest percentages of leading cases in enhanced supervision (8%).

Of equal importance and complexity have been several cases linked to *democracy and pluralism*, notably the *right to free elections*, *freedom of expression*, *freedom of assembly and freedom of association*, the latter three themes representing 9% of the leading cases in enhanced supervision in 2021. Cases concerning freedom of expression are among the more than 500 “impact cases” to which the European Court pays particular attention, raising issues of great importance for the applicant and the respondent State or for the development of the Convention system in general.<sup>5</sup>

## D.1 Functioning of the judicial system

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Despite the complexity and challenges that these cases raise, in a number of them positive developments have been recorded and welcomed by the Committee in 2021.

### Excessive length of judicial proceedings (and lack of effective domestic remedies)<sup>6</sup>

In 2021, the Committee examined *Bell v. Belgium*. It adopted an interim resolution expressing its deep concern at the persistent lack of comprehensive statistical data on the first instance civil tribunals. The authorities were, *inter alia* urged to devote all the necessary means to provide, by the end of June 2022 at the latest, complete data on the activity of first instance civil tribunals as well as information concerning the functioning in practice of the domestic compensation remedy to complain about the excessive length of judicial proceedings.

As regards the *Gazsó* group of cases *v. Hungary*, the Committee noted, *inter alia* with satisfaction, the adoption of a bill introducing a compensatory remedy for excessively lengthy civil proceedings and its impending entry into force on 1 January 2022. At the same time, the Committee called on the authorities to ensure its

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5. See [press release](#) on the press conference of the European Court’s President, 25 January 2022.

6. On these issues see also European Commission for the Efficiency of Justice (CEPEJ), [Revised Saturn Guidelines for Judicial Time Management](#), 2021. It is noted that the priority of CEPEJ for the next four years is to accompany States and courts in a successful transition towards digitalisation of justice in line with European standards and in particular Article 6 of the European Convention of Human Rights, see CEPEJ, [2022-2025 Action Plan](#): “Digitalisation for a better justice”.

Convention-compliant application and invited them to provide concrete information on its implementation in practice. The authorities were also encouraged to accelerate the introduction of a remedy covering other types of judicial proceedings.

In the *McFarlane group v. Ireland*, the Committee noted with satisfaction measures taken and underway. However, the Committee was profoundly concerned that the authorities have not yet established an effective remedy for excessive length of proceedings. It urged them to continue to give the necessary priority to the legislative process to enable the establishment of an effective remedy.

The Committee examined three different cases/groups of cases concerning excessive length of proceedings in Italy: in the *Abenavoli* group of cases (concerning administrative proceedings), the Committee noted, *inter alia* with satisfaction that since the Committee's last examination of these cases in 2016, progress was achieved in the reabsorption of the backlog of pending administrative cases. It invited the authorities to continue monitoring the impact of the measures adopted, including in 2021, on the global average length of administrative proceedings and called upon them to provide their detailed assessment of the situation.

In *Ledonne No. 1 v. Italy* (concerning criminal proceedings), the Committee took note of the statistical data up to 2020, generally confirming the positive situation previously observed as regards the average length of criminal proceedings and the clearance of the backlog of criminal cases before the Court of Cassation and the courts of first instance. The Committee underlined the key importance of ensuring that these positive trends be further consolidated, and that further progress be made in streamlining the proceedings before the courts of appeal. It reiterated its call on the authorities to continue to closely monitor the situation and to provide a detailed assessment of the results achieved.

In the *Trapani* group of cases *v. Italy* (concerning civil proceedings), the Committee noted the coherent and promising measures envisaged by the reform aiming notably at reducing the global disposition time of civil proceedings by 40% in the next five years. However, the Committee noted with deep concern that no improvement in terms of average length and backlog of cases before the Court of Cassation could be observed. It thus called on the authorities to address this situation as a matter of priority.

In *Vicente Cardoso v. Portugal*, the Committee welcomed the information indicating a steady decrease in the length of civil proceedings before first instance courts, excluding enforcement proceedings. Notwithstanding, it noted with concern the worsening of the situation as regards the length of administrative and tax proceedings. The authorities were called on, *inter alia* to take any additional action required to ensure a durable decrease in the overall duration of the civil enforcement, administrative and tax proceedings.

In two other groups of cases, *Merit* and *Svetlana Naumenko v. Ukraine*, the Committee, despite the ongoing judicial reforms and legislative and other measures underway, expressed deep regret that after so many years there are still no electronic tools for systematic data collection as regards the length of civil and criminal proceedings at all levels of jurisdiction. The authorities were exhorted to ensure concrete

coordinated action by the relevant state authorities to reduce the length of proceedings and to speed up the legislative process to establish an effective remedy for all judicial proceedings.

## Non-enforcement or delayed enforcement of domestic judgments

Noteworthy, encouraging progress was recorded in 2021 in the *Kunić and Others* group of cases *v. Bosnia and Herzegovina*. The three cantons where problems existed established action plans and repayment schemes aimed at enforcing the domestic judgments and these action plans have been recently positively assessed by the European Court, which led to the noticeable decrease in the number of pending applications. Given the progress achieved in the execution of this group of cases, the Committee decided to continue their examination in the standard procedure.

In *Săcăleanu* group of cases *v. Romania*, the Committee underlined the crucial importance of a strong commitment at a high political level to bring about a swift, comprehensive and sustainable resolution of the problems revealed by these judgments. It supported the ongoing process aimed at introducing legislative safeguards to ensure voluntary and timely implementation of pecuniary and non-pecuniary awards by the State and highlighted the need to provide effective remedies.

In 2021, the Committee also reexamined *Ivanov and Zhovner* groups and *Burmych and Others v. Ukraine*. It exhorted the Ukrainian leadership, at the highest political level and without further delay, to intensify their efforts to enable the adoption of the necessary general measures. It expressed serious concern that the authorities have not reported any tangible progress as regards the implementation of the National Strategy and the Action Plan, without indicating any budgetary allocations. The authorities were strongly encouraged, *inter alia* to establish a data collection system concerning the enforcement of judgments against the State.

## Independence and impartiality of the judicial system<sup>7</sup>

In *S.Z./Kolevi v. Bulgaria* the Committee welcomed the authorities' readiness to work on rules for an independent investigation of a Chief Prosecutor and his or her Deputies by the end of 2022. It notably urged the authorities to adopt legislative or constitutional amendments, in particular, as concerns the guarantees for the independence of the person directing and supervising investigations and the persons involved as investigators and the need to ensure the involvement of a sufficient number of investigators.

In *Baka v. Hungary*, the Committee noted with concern the continuing absence of safeguards, in connection with, *ad hominem* constitutional-level measures terminating a judicial mandate. Information was requested notably on measures adopted or

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7. On this issue see also [Opinion No. 24 \(2021\)](#) on *The evolution of the Councils for the Judiciary and their role in independent and impartial judicial systems*, adopted by the Consultative Council of European Judges; and [Opinion No. 16 \(2021\)](#) on *Implications of decisions of international courts and treaty bodies as regards the practical independence of prosecutors*, adopted by the Consultative Council of European Prosecutors.

planned with a view to guaranteeing that judicial mandates will not be terminated by *ad hominem* constitutional-level measures devoid of effective and adequate safeguards against abuse. In addition, the Committee urged the authorities to amend legislation to ensure that a decision by Parliament to impeach the President of the Kúria will be subject to effective oversight by an independent judicial body.

As regards *Kövesi v. Romania*, the Committee noted, *inter alia* that draft legislation has been put forward containing provisions aimed at remedying the gap found in the judgment in the judicial protection afforded to senior position-holders in the State Prosecution Office against unlawful removals from office and also at countering the “chilling effect” outlined by the Court of the applicant’s early removal on other members of the judiciary.

In *Kudeshkina v. Russia*, the Committee notably exhorted the authorities to use the recent legislative amendments conferring upon the Prosecutor General’s Office a power to conclude agreements with applicants on the means to execute a judgment finding a violation, should execution by other means not be possible. The Committee noted that providing the applicant with appropriate redress is still required to remove the chilling effect on judges’ freedom of expression of the violation in this case.

Lastly, regarding the execution of the *Oleksandr Volkov* group of cases *v. Ukraine*, the Committee noted progress achieved as regards certain individual cases of this group. As regards general measures, the Committee, *inter alia* stressed the need for stable arrangements to ensure integrity and professionalism of the bodies playing a crucial role in career and disciplinary matters, noted the adoption of the Law concerning the Higher Qualification Commission of Judges and the Law on the High Council of Justice, and invited the authorities to provide information about the implementation of this legislation.

## D.2 Ineffective investigations into ill-treatment or death caused by security forces

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The number of cases concerning *ineffective investigations into ill-treatment or death caused by security forces* was once again the highest among the themes under enhanced supervision in 2021. In certain cases mentioned below, considerable progress, notably by the adoption of general measures, has been recorded and welcomed by the Committee.

The Committee continued its supervision of execution by Azerbaijan of the *Muradova* group of cases. The Committee recalled that ill-treatment in law enforcement is a repetitive and unresolved problem in the respondent State. It invited the authorities to draw inspiration from the practices of other member States to enhance effectiveness of investigations which include the establishment of an independent investigative body dealing with police ill-treatment complaints.

In the *Velikova* group of cases *v. Bulgaria*, the Committee invited the authorities notably to provide an assessment of the reasons for the increase of complaints of ill-treatment in penitentiary facilities and statistics on such complaints; and support a more intensive monitoring by the Ombudsperson and expert NGOs. The Committee *inter alia* urged the authorities to rapidly finalise their works foreseen in a road map

of August 2021 for the execution of the judgments of the European Court, so as to provide for the offense of torture accompanied with adequate, dissuasive penalties.

The Committee also reexamined the *Makaratzis* (now *Sidiropoulos and Papakostas*) group of cases *v. Greece*. It welcomed the speech of the Greek Prime Minister in Parliament expressing the State's strong commitment to setting the stage for a change of culture among law enforcement officers. The authorities were notably invited to take due account of the CPT's latest recommendations, such as those concerning regular professional training and safeguards to prevent ill-treatment. Also, the authorities were urged to redouble their efforts in order to enhance the effectiveness of criminal and disciplinary investigations.

In the *Gubacsi* group of cases *v. Hungary*, the Committee requested information on measures taken in order to enhance the operation and effectiveness of the National Preventive Mechanism function of the Commissioner for Fundamental Rights. It called on the authorities, at the highest possible level, to reiterate their zero-tolerance message towards ill-treatment in law enforcement. The Committee notably exhorted the authorities to present, without further delay, a strategic plan aimed at tackling and eradicating the problem of ineffective investigations into police ill-treatment.

In the *Levinta* group of cases *v. Moldova*, the Committee noted with satisfaction the progress made by the authorities in fighting ill-treatment by the police. However, it encouraged the authorities to continue promoting the "zero-tolerance" policy with their greatest determination. The Committee welcomed the decision of the Constitutional Court of November 2018 on the victims' participation in criminal proceedings. Further measures are needed, however, in the area of confidentiality during medical examinations while in police custody.

In *Lingurar v. Romania*, the Committee welcomed the Head of State's public messages of support for Roma<sup>8</sup> citizens and their communities and noted his call for firmer measures and more effective public policies to combat hate and extremism and for a better implementation of the relevant legislation. It also welcomed the renewed commitment of the General Prosecutor's Office to fighting impunity. The authorities were requested, *inter alia* to carry out an objective and impartial review of the activities and operations of the police and other law enforcement agencies, and of the relevant criminal law provisions and provide their assessment whether further measures are necessary.

The Committee also examined the *Soare and Others* group of cases *v. Romania*. Noting the sustained efforts made by the authorities to amend legislation, the Committee noted the need for the law to restrict the use of firearms by law enforcement officials only to situations when this is absolutely necessary and to take adequate measures

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8. The term "Roma and Travellers" is used at the Council of Europe to encompass the wide diversity of the groups covered by the work of the Council of Europe in this field: on the one hand a) Roma, Sinti/Manush, Calé, Kaale, Romanichals, Boyash/Rudari; b) Balkan Egyptians (Egyptians and Ashkali); c) Eastern groups (Dom, Lom and Abdal); and, on the other hand, groups such as Travellers, Yenish, and the populations designated under the administrative term "Gens du voyage", as well as persons who identify themselves as Gypsies. The present is an explanatory footnote, not a definition of Roma and/or Travellers.



guaranteeing the lawfulness of all law enforcement operations. Also, given that these cases also disclose an insufficient judicial review of such investigations, information on this issue was requested.

The Committee examined also the *Khashiyev and Akayeva* group of cases *v. Russia*. As to the individual measures, the authorities were urged to redouble the efforts to find the missing persons concerned and to address the deficiencies in the criminal investigations highlighted by the Court. As to the general measures, the Committee notably urged the authorities to create an *ad hoc* humanitarian body that would carry out its search using modern scientific knowledge in a procedure complementary to investigations and taking inspiration from similar bodies in other member States. With regard to investigations of older crimes, the Committee requested information on the ways to resolve the problem of prescription and on ensuring the victims' families access to investigation files.

In the *Mikheyev* group of cases *v. Russia*, the Committee deeply regretted the absence of any updated information from the authorities since 2019 and expressed serious concern notably over 200 new applications pending before the European Court. The Committee reiterated its call for a strong, zero-tolerance message at a high political level concerning ill-treatment by the police. It also requested, *inter alia* information from the authorities about the measures adopted or envisaged to further improve the safeguards against ill-treatment and effective investigations.

As regards the *Bati and Others* group of cases *v. Turkey*, the Committee adopted an interim resolution in 2021. It recalled that a number of important general measures, notably the lifting of prescription periods for torture had been adopted. However, it noted that a number of questions remained outstanding, such as regarding the ambiguity on the application of administrative authorisation with respect to the offence of excessive use of force and within the context of counter-terrorism operations. The authorities were notably urged to take specific measures to ensure that public prosecutors conduct effective investigations into such cases that decisions of non-prosecution are reviewed diligently by courts.

In the *Kaverzin* group of cases *v. Ukraine*, the Committee, while noting the authorities' ongoing efforts to eliminate ill-treatment, expressed concern about the lack of resolute action, as many of the envisaged measures have not yet been finalised. Redoubled efforts are needed to resolve all the outstanding issues, in particular the adoption of the necessary amendments to the legal framework on torture and other forms of ill-treatment, and the adoption of the adequate methodologies to ensure effective investigations into allegations of such acts.

Lastly, in the *McKerr* group of cases *v. United Kingdom*, the Committee, *inter alia* noted with concern what would appear to be a change of approach from the Stormont House Agreement in the authorities' latest proposals, in particular with regard to their proposal to introduce a statute of limitations ending criminal investigations and prosecutions, as well as investigations by the police and Office of the Police Ombudsman of Northern Ireland (OPONI), inquests and civil proceedings. The authorities were, *inter alia* urged to provide sufficient support and resources to legacy inquests, and other bodies involved in case processing, in particular the OPONI, so as to safeguard the progress being made.

### D.3 Poor conditions of detention and medical care (including the need for effective remedies)

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In 2021, cases concerning *poor conditions of detention and medical care (including the need for effective remedies)* also scored very highly among the numbers of cases under enhanced supervision by the Committee of Ministers.<sup>9</sup> It is to be noted that, in a number of cases mentioned below, general measures have been adopted and sustained efforts made by respondent States provide hope for progress in this domain.

In *Strazimiri v. Albania*, the Committee invited the authorities to provide further information on their exact plans for building a permanent “forensic psychiatric hospital” and, until its construction, to make operational the Lezha Special Institution, so as to accommodate persons subject to a court-ordered inpatient compulsory treatment. Furthermore, the Committee, *inter alia* noted with interest that the 2020 Rights and Treatment of Prisoners and Pre-trial Detainees Act provides for the transfer of the competences for the treatment of persons subject to inpatient compulsory treatment from the Ministry of Justice to the Ministry of Health. Information was also requested on whether domestic law provides for avenues for detainees to seek improvement of their conditions of detention and care.

As regards *Ashot Harutyunyan v. Armenia*, the Committee noted with interest the continuation of reforms of the prison healthcare system, in particular on the start of the operation of the Centre for Penitentiary Medicine in 2019. The Committee underlined the importance of affording the detainees real and effective redress in respect of complaints concerning access to appropriate health care and called upon the authorities to provide detailed information on the draft amendments foreseeing the revision of the remedies currently in force.

In the *L.B. group of cases v. Belgium*, the Committee noted with interest several measures adopted, including the 2019 law establishing a guaranteed provision of services in prison during a strike, and a reinforcement in 2019 of mobile teams for care provision to detainees. However, the Committee urged the authorities to intensify their efforts in order to resolve, definitively and as quickly as possible, the problem of internment. The authorities were also invited to rapidly create an NPM and to provide adapted training to all prison officers working in a psychiatric environment.

As regards the *Vasilescu group of cases v. Belgium*, the Committee noted with concern that, despite progress, many remand centres remain very overcrowded and exhorted the authorities to urgently put in place any solution to better distribute the detainees, regardless their detention regime. Regarding the effective remedy, the Committee noted with interest that a compensatory remedy seems to be developing in practice. It urged the adoption of a preventive remedy without further delay.

In the *Kehayov group of cases v. Bulgaria*, the Committee welcomed the sustained efforts of the authorities to combat overcrowding and improve material conditions of detention. It urged the authorities to end the automatic isolation, without individual risk assessment, of detainees held on remand and accused of offences punishable by

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9. See also [Thematic Factsheet on Conditions of Detention](#), DEJ, 2021; and the Memorandum by DEJ on domestic remedies for inadequate conditions of detention [H/Exec\(2021\)23](#).

life imprisonment or imprisonment of more than 15 years. As concerns the preventive remedy, the Committee noted that further progress is still needed to improve conditions of detention to ensure that it can function properly in all situations.

Concerning *J.M.B. and Others v. France*, the Committee, whilst noting with interest the various measures already adopted, expressed concern at the increase of prison overcrowding. The authorities were invited to rapidly adopt measures to better distribute the detainees between prisons and a coherent long-term strategy to reduce occupancy rates. As regards the preventive remedy, the Committee noted with great interest the case-law progress that had been made following the Court's judgment and the April 2021 law creating a judicial remedy to enable all detainees to complain about detention conditions. More information was requested on the application of the new case-law and legislation.

As regards *Varga/Istvan Gabor Kovacs group v. Hungary*, the Committee noted with satisfaction the overall reduction of overcrowding in prisons. It called on the authorities to ensure the Convention-compliant application of the revised compensatory remedy and invited them to provide concrete information on its implementation. It noted with regret that the specific preventive remedy has been abolished. More information was requested particularly on the effectiveness of the remaining general preventive mechanism and on the possibility to introduce a judicial review in respect of Article 3-related complaints.

In *I.D. v. Moldova*, the Committee underlined the importance of ensuring that the application of the domestic remedies complies with the Convention requirements and invited the authorities to provide information on the application of the preventive remedy and the compensatory remedy. The Committee noted with concern that, despite a certain decrease in prison population since 2018, prison overcrowding remains a major challenge and strongly urged the authorities to adopt, as a matter of priority, a comprehensive strategy to fight prison overcrowding.

The Committee also examined *Corallo v. The Netherlands*. It noted that the political debate on the Sint Maarten's detention system appears to have begun yielding results. It welcomed the avenues for cooperation both at national and international levels, which resulted in the provision of financial assistance by the Kingdom of the Netherlands for the restructuring of the detention system and a concrete restructuring project negotiated with the UN Office for Project Services. The authorities were invited to submit a comprehensive action plan including a timetable of the concrete measures to be taken.

In *Petrescu v. Portugal*, the Committee noted with satisfaction the measures already adopted to address the problem of prison overcrowding, which have reduced the overall prison population. It noted however, with concern, that a number of prisons continue to be overcrowded, and invited the authorities to reflect on specific measures to address the issue. The authorities were encouraged to pursue their efforts by promoting greater use of alternatives to imprisonment, inviting them to raise the awareness of judges and prosecutors concerning their role in this respect. Information was requested on the envisaged preventive and compensatory remedies.

In *Rezmiveş and Others/Bragadireanu group of cases v. Romania*, the Committee welcomed the strong commitment demonstrated by the government to resolve the structural problems revealed by these judgments. Noting, however, with concern, the persistent prison overcrowding, the Committee requested the authorities to provide details about the additional legislative measures announced in their revised action plan and their expected impact. As regards domestic remedies, in July 2021, the European Court delivered a judgment (*Polgar v. Romania*), where it concluded that an effective judge-made compensatory remedy has been made available at domestic level as of 13 January 2021. As regards the preventive remedy, it was noted that it was difficult to envisage a genuine prospect for detainees to obtain redress unless there was a general improvement in conditions of detention in prisons.

As regards the *Tomov* group of cases *v. Russia*, the Committee welcomed, *inter alia* the 2020 law which facilitates the sending of prisoners to serve their sentences in regions where their close relatives live and invited the authorities to provide information on the impact of this new law in practice. It also noted the development of further new types of prison vans in accordance with improved regulations. The Committee noted with interest, as regards the compensatory remedy, that domestic courts have begun to grant compensation for poor conditions of transportation under the 2020 legislation. However, more information was requested on the effectiveness of the existing mechanisms concerning preventive remedy.

In the *Logvinenko* group of cases *v. Ukraine*, the Committee exhorted the authorities to take concrete steps to ensure the establishment of adequate preventive and compensatory remedies to fully and effectively address complaints related to treatment in detention, including adequate and timely provision of medical care in detention, drawing inspiration from the case-law of the Court and the practice of other member States.

Lastly, in the *Sukachov* group of cases *v. Ukraine*, the Committee adopted an interim resolution and expressed deep regret about the lack of concrete progress in the implementation of the pilot judgment in *Sukachov* within the deadline (30 November 2021) set by the Court. It strongly urged the authorities, at the highest political level, to resolve the problems of overcrowding and poor material conditions of detention and lack of effective remedies and to adopt, as a matter of priority, the general measures required to fully comply with the Court's pilot judgment.

## D.4 Cases linked to democracy and pluralism

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### Right to free elections

In 2021, the Committee examined in all four Human Rights meetings the *Sejdić and Finci* group of cases *v. Bosnia and Herzegovina*. It is to be noted that, in 2021, the Secretariat, led by the Director of Human Rights, carried out four-day on-line consultations and one physical mission to Sarajevo, during which it discussed the execution of these cases with the authorities and other stakeholders. At the last examination, the Committee adopted a new interim resolution (the fourth since 2011) exhorting the authorities and political leaders of Bosnia and Herzegovina to deploy all their efforts to reach a consensus on the necessary amendments to the

Constitution and the electoral legislation so that the elections in October 2022 are held in compliance with the European Court's judgments.

The Committee also resumed examination of *Paksas v. Lithuania*. The Committee deeply regretted that the situation found to be in breach of the Convention still persists. It noted the ongoing legislative efforts and the government's intention to wait for the delivery of the Court's advisory opinion before setting up a timetable defining the next steps to be taken. It exhorted, therefore, all national authorities concerned to maintain their efforts to ensure that, once the European Court has delivered its advisory opinion, the necessary constitutional amendments are adopted without further delay.

## Freedom of expression and of assembly<sup>10</sup>

In 2021, the Committee of Ministers examined the *Mushegh Saghatlyan* group of cases *v. Armenia*. It strongly encouraged the authorities to continue their efforts with a view to ensuring the proper exercise of the right to freedom of assembly and invited them to provide the Committee with statistical data enabling it to assess the progress achieved. Furthermore, the Committee invited the authorities to provide examples of judicial practice in the application of the Code of Administrative Procedure as concerns the right to complain against any restrictions to or prohibition of assemblies, as well as the information on the use of the compensatory remedy in similar cases.

The Committee adopted an interim resolution concerning the *Gafgaz Mammadov* group of cases *v. Azerbaijan*. It noted with deep concern that the authorities have not yet provided the long-awaited action plan/report demonstrating tangible progress in the area of freedom of assembly. It called on the authorities to take legislative and other measures in order to ensure that national legislation and practice is compatible with the Convention requirements and urged them to submit a comprehensive action plan on the measures taken and/or planned without further delay.

The Committee also examined the *Mahmudov and Agazade* group of cases *v. Azerbaijan* concerning mainly violations of the applicant journalists' right to freedom of expression. It noted with satisfaction that, in response to the Committee's previous decisions, the authorities have engaged in high-level dialogue with the Secretariat with a view to achieving tangible progress. The Committee also, *inter alia* invited the authorities, as regards the imposition of disproportionate criminal sanctions for defamation, to provide statistical information on relevant criminal proceedings and their outcomes, and to cooperate with the Council of Europe, with a view to ensuring that the Draft Law on Media is in line with the Convention requirements.

In the decisions adopted in *Lashmankin and Others* group *v. Russia*, the Committee welcomed the Convention-compliant domestic case-law concerning restrictions related to public events. However, the Committee deeply regretted that there have been no satisfactory legislative changes to bring the legal framework in line with Article 11. In this context, it recalled the necessity, primarily, of changes to the legislation, notably to the Public Events Act. It also requested more information on the practice of local authorities imposing restrictions on planned public events.

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10. On this issue, see also the [Thematic Factsheet on Freedom of Assembly and Association](#), DEJ, 2021.

During the examination of *Ahmet Yildirim* group of cases *v. Turkey*, concerning the wholesale blocking of access to the Internet without sufficient judicial-review procedures, the Committee, *inter alia* welcomed the progress in the case-law of the Constitutional Court. However, it deeply regretted that the law still does not correspond to the concerns raised by the Court. Expressing concern about the powers of the Information and Communications Technologies Authority, the Committee urged for further legislative amendments in line with the Court's case-law.

The Committee also examined the *Işikirik* group of cases *v. Turkey* concerning the applicants' conviction for membership of an illegal organisation, violating their freedom of assembly and expression. It stressed that the legislative amendments adopted so far do not remedy the fundamental problem with the Criminal Code as identified by the Court. It noted, furthermore, that the developments in case-law presented in recent examples of domestic courts judgments do not adequately address this problem. Therefore, it *inter alia* urged the authorities to consider more extensive legislative solutions without further delay and also to submit more case-law samples of domestic court rulings.

The Committee adopted an interim resolution in the *Öner and Türk* group of cases *v. Turkey* mainly concerning violations of the applicants' freedom of expression following their prosecution. The Committee notably urged the authorities to amend Article 301 of the Criminal Code in light of the Court's clear case-law and to consider further legislative changes of the Criminal Code and the Anti-Terrorism law to clarify that the exercise of the right of freedom of expression does not constitute an offence. In addition, the Committee invited the authorities to consider amending Article 125 and abrogating Article 299 of the Criminal Code in accordance with the Court's case-law and the emerging European consensus towards the decriminalization of the defamation of a Head of State.

Lastly, as regards the *Oya Ataman* group of cases *v. Turkey*, concerning violations of the right to freedom of assembly, in its latest decisions, the Committee underlined that legislative reform is indispensable to ensure the enjoyment of freedom of peaceful assembly in Turkey. It invited the authorities to review the 2016 Directive on the use of tear gas and other crowd control weapons to ensure that it complies in all respects with international standards. Also, the Committee urged the authorities to adopt concrete measures in the framework of the implementation of the new Human Rights Action Plan to address the Court's findings and the Committee's decisions.

## Freedom of association

In 2021, the Committee examine the *UMO Ilinden and Others* group of cases *v. Bulgaria* concerning the non-registration of associations aiming to achieve the recognition of "the Macedonian minority in Bulgaria". It expressed deep concern that the most recent registration requests initiated by the applicant associations again reveal problems related to an apparently inconsistent application of formal legal requirements or reliance on grounds related to the applicant associations' goals, an approach which has been constantly criticised by the Court. The Committee strongly urged the authorities to adopt the legislative or other appropriate measures in order to place a broader and more effective obligation on the Registration Agency to give

instructions to associations to rectify registration files. The Committee also urged the authorities to convey a message to the relevant stakeholders, at a high level, as to the requirements for the execution of these judgments and, in particular, that such associations should not be refused registration or dissolved on grounds contrary to the goals of European Court.

The Committee adopted an interim resolution on the *Bekir-Ousta* group of cases *v. Greece* concerning the non-registration of two associations and the dissolution of one association. The Committee deplored the fact that the cases of *Bekir-Ousta and Others* and *Emin and Others* still have not been examined by domestic courts on their merits while the reopening of the case of *Tourkiki Enosi Xanthis and Others* and its examination on its merits by the Court of Cassation has not led to the applicant association's *restitutio in integrum*. The Committee notably urged the authorities to reinforce their dialogue with the Secretariat in order to explore any alternative avenues which may possibly be envisaged by which the violation found in *Tourkiki Enosi Xanthis* (a dissolved association) may be redressed.

Lastly, the Committee also examined the *Jehovah's Witnesses of Moscow and Others v. Russia*, mainly concerning the dissolution of the applicant religious community entailing a ban on its activities. The Committee recalled its serious concerns about the 2017 blanket ban criminalising any participation in the activities of this religious group and its alarming effects. It also notably urged the authorities to take all necessary measures to re-establish the right of the Jehovah's Witnesses to freedom of religion, such as by reversing the 2017 ban, re-examining the related criminal cases, as well as reviewing the current anti-extremism legislation.

## E. Enhanced interaction with NHRIs, NGOs and law professionals

In its Recommendation [CM/Rec\(2021\)1](#), the Committee of Ministers stressed that effective, pluralist and independent national human rights institutions (NHRIs) are among the pillars of respect for human rights, the rule of law and democracy. It also recognised that effective NHRIs are an important link between government and civil society, insofar as they help bridge the potential protection gap between the rights of individuals and the responsibilities of the State and stressed the great potential and impact of independent NHRIs for the promotion and protection of human rights in Europe, in particular for the effective implementation of the European Convention on Human Rights and the Court's judgments.<sup>11</sup> In 2021, there was a new record number of communications received by the Committee from civil society organisations and NHRIs (207 concerning 27 States, compared to 176 in 2020 concerning 28 States).

In 2021, the Department for the Execution of Judgments (DEJ) further enhanced its interaction with the European Network of National Human Rights Institutions (ENNHRI), notably through the preparation and launching by ENNHRI of an [inter-active resource hub with guidance on the implementation of ECHR judgments](#), which was supported by DEJ. Its aim is to support and guide NHRIs in their efforts

11. See also decisions adopted by the CM at the [130th Session](#) in Athens in November 2020 and at the [131st Session](#) in Hamburg.

to enhance their work on the implementation of the Court's judgments at national and international levels. This interactive hub compiles existing resources and tools on execution of the Court's judgments as well as available key lessons learned and existing NHRI good practices.

It is also to be noted that, by the end of 2021, the number of users of the online Platform of the European Programme for Human Rights Education for Legal Professionals (HELP) (<http://help.elearning.ext.coe.int/>) reached 95,000 (compared to 40,000 by the end of 2019). In support of these efforts, the Committee of Ministers, in its Human Rights decisions concerning pending cases, frequently invites respondent States to take advantage of the different co-operation programmes and projects offered by the Council of Europe. In 2021, the HELP Programme, in close cooperation with DEJ, launched and implemented national versions of the HELP online course on "Introduction to the European Convention on Human Rights and the European Court of Human Rights", including a dedicated module on the Execution of the Court's Judgments, in nine countries for 23 groups of participants. This course is now available in 23 language versions on the HELP online Platform.<sup>12</sup>

### **Concluding remarks – urgent need to reinforce the execution process and national capacity**

Throughout the year under review, member States, the Committee of Ministers and the Secretariat pursued their efforts to overcome the serious challenges that the Covid-19 pandemic continued to pose to the organisation of the execution-related work. The several, positive and significant developments in member States mentioned earlier and reflected notably in the cases closed by the Committee, and the maintenance of a relatively low number of pending cases are noteworthy. Furthermore, the new record number of Rule 9 communications submitted to the Committee by civil society organisations and NHRIs has greatly enhanced the transparency and participatory character of the execution process. Also, the increased outreach activities of DEJ in 2021, as highlighted in this report, including the high number of DEJ publications, missions and continuous dialogue with national authorities provided an impetus for a reinforced synergy with member States and national stakeholders engaged in the execution process.

However, the intensity and complexity of the challenges with which the execution process is faced are increasing year after year. This was made clearer, in 2021, when the Committee examined a record number of cases at its four Human Rights meetings and there was a significant increase of new judgments issued and transmitted by the Court to the Committee. Also, the initiation by the Committee of a new procedure under Article 46 para. 4 of the Convention, the arrival of new "Article 18" and inter-state judgments and the persistence of a significant number of cases raising systemic and structural human rights problems at national level, call for further strenuous efforts in order to ensure the long-term sustainability and credibility of the execution process and the Convention system as a whole.

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12. See also the Annual Report's chapter on "Outreach Activities".



It is against this extremely challenging background that the Committee of Ministers continues to examine ways in which the execution process may be further enhanced and become more efficient. In this context, it is noted that, at its 131st Session in Hamburg, the Committee of Ministers instructed the Ministers' Deputies to examine whether and how to enhance the tools available to the Committee to supervise cases of non-execution or persistent refusal to execute the final judgments of the Court. It is to be noted that the Department for the Execution of Judgments, which not only assists and advises the Committee but also provides continuous support directly to member States, is a lynchpin of the execution process and of all efforts under way aiming to further strengthen it. For this reason, its resources, which are already extremely strained, need to be urgently strengthened.

The execution of the Court's judgments, however, happens "at home" and not in Strasbourg. It may thus not be enhanced if it is not coupled with an effective reinforcement of the implementation of the European Convention on Human Rights at the national level. It is recalled that the principle of subsidiarity, formally enshrined in 2021 in the Convention's preamble, goes hand in hand with the States parties' commitment to giving full effect to their obligation to secure the human rights defined in the Convention.

Despite ongoing efforts, the capacity of member States for rapid execution of the Court's judgments remains overall very strained. Significant delays experienced in the submission of information crucial for the execution (such as action plans or reports and information on payment of just satisfaction) attest to this. In this context, it is noted that the DGI, in 2021, continued to support the ongoing intergovernmental work on enhancing the national implementation of the ECHR system, including the elaboration of "Guidelines to member States on preventing and ensuring remedies for violations of the Convention".

Institutional reforms required for enhancing the execution process at national level need also to include the systematic spreading of knowledge of the Convention system to all national, State and non-State stakeholders. In this context, the increased number of thematic factsheets published by DEJ and of visitors to the department's website is encouraging. As stressed by CM Recommendation [CM/Rec\(2021\)4](#), this knowledge is a *sine qua non* condition for the viability and effectiveness of the Convention system, since it may ensure greater compliance of national decisions to the Convention. It may also facilitate the adoption of effective domestic remedies for Convention violations, thus preventing new cases before the European Court and the Committee. For this, DGI will continue to attach particular attention to national human rights knowledge and capacity building, in close cooperation with national authorities, NHRIs and legal professionals.<sup>13</sup>

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13. On DGI cooperation activities see the Annual Report's chapter on "Outreach Activities".

### III. Outreach activities (cooperation activities, communication and information)

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**A**t its 130th Session, in Athens, in November 2020, the Committee of Ministers emphasized the importance of maximizing the potential of the Council of Europe to support States Parties in the execution process and in the implementation of the European Convention on Human Rights at the national level, including through co-operation projects such as the HELP (Human Rights Education for Legal Professionals) Programme. In the same vein, at its 131st Session, in Hamburg, in May 2021, the Committee of Ministers called upon the States Parties to continue strengthening the implementation of the Convention at the national level and in accordance with previous declarations on securing the long-term effectiveness of the system of the European Convention on Human Rights (ECHR).<sup>14</sup>

In accordance with its mandate to advise and assist the Committee of Ministers in its supervision function and to provide support to the member States in their efforts to achieve full, effective and prompt execution of the judgments of the European Court of Human Rights, the Execution Department carried out various outreach activities during 2021, often through video conferences in order to adapt to the pandemic constraints. The support and guidance offered by the Council of Europe to member States through cooperation activities linked to the execution of the Court's judgments has helped to catalyse necessary reforms at the national level. Experience has shown that such support and guidance can play an instrumental role in facilitating the domestic execution process. In numerous decisions, the Committee of Ministers has invited member States to take full benefit from the Council of Europe's wide-ranging expertise.

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14. See also [Recommendation CM/Rec\(2021\)4](#) on the publication and dissemination of the European Convention on Human Rights, the case law of the European Court of Human Rights and other relevant texts.

## A. Activities of the Department for the Execution of the European Court's Judgments

### A.1. Continuous dialogue with national authorities

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In 2021, the Department for the Execution of the European Court's Judgments (DEJ) carried out more than 50 targeted co-operation activities in member States, in Strasbourg and on-line.

A delegation of DGI and the DEJ, headed by the Director General, paid an official visit to Azerbaijan. The meetings focused on the execution of judgments of the European Court in respect of Azerbaijan, notably on: the Mammadli group of cases concerning arrests and detentions of applicants which the European Court found to constitute a misuse of criminal law, intended to punish and silence them; the Muradova group of cases, concerning lack of effective investigations into death and ill-treatment; and the Mahmudov and Agazade group of cases, concerning criminal proceedings initiated against applicant journalists on account of defamation, insult, terrorism, and incitement to violence and hatred.

The Director of Human Rights and the DEJ carried out four-day long online consultations with national authorities and representatives of the international community in Bosnia and Herzegovina on the long-pending execution of the Sejdić and Finci group of five ECHR judgments concerning ethnic-based discrimination in one's right to free elections and also a follow-up physical mission to Sarajevo, during which meetings were held with national authorities and representatives of the international community on the long-pending execution of the above group of cases. The availability of the Council of Europe, notably the Venice Commission, to provide all necessary assistance to the authorities, in order to ensure the timely adoption of reforms of the electoral system, was underlined.

Staff from the DEJ carried out a mission to Armenia and held discussions with authorities focusing on the need to co-ordinate and strengthen all competent authorities' capacity to respond efficiently to the ECHR judgments, revealing notably systemic and structural problems. Among the major pending cases discussed during the mission were the following: Ashot Harutyuan group of cases (inadequate medical care in detention); Mushegh Saghatelian group of cases (disproportionate and unnecessary dispersal of demonstrations); Gabrielyan group of cases (unreasonable restriction of the right to examine witnesses whose testimony played a decisive role in securing convictions).

In addition, DEJ organised a videoconference with the Belgian authorities. Discussions focused on the execution measures still awaited in the context of cases examined in 2021 by the Committee of Ministers: the Vasilescu group of cases, on the conditions of detention in prisons and the lack of an effective preventive recourse to submit complaints; and the Bell case, on the excessive length of first instance civil proceedings.

Additional teleconferences were also organised during the year by the DEJ with the Danish, Icelandic and Norwegian authorities to discuss the implementation of *Aggerholm* (concerning the use of restraint beds in psychiatric hospital),

*Guthmundur Andri Astrathsson* (concerning irregularities in the establishment of the Court of Appeal) and the *Strand Lobben* group of cases (concerning deficiencies in child welfare proceedings) respectively.

Two teleconferences were organised by DEJ with the French authorities in order to discuss issues concerning the execution of certain ECHR judgments. The discussions focused notably on the M.A. group of cases (concerning the expulsion of two terrorists convicted in France despite an interim measure of the ECHR), Moustahi (concerning detention and collective expulsion of unaccompanied migrant children from Mayotte), and the *J.M.B. and Others* group of cases (concerning conditions of detention).

In 2021, the department also participated in a roundtable organised by the Council of Europe on the execution of the Court's judgments concerning the group of cases *Identoba and Others v. Georgia*, concerning hate crimes against LGBTI persons and Jehovah's Witnesses. Discussions with national authorities focused on the progress achieved and challenges encountered in the execution – as well as the role of the domestic actors – in this process.

DEJ also organised a teleconference with the Greek Government Agent's Office, which provided the occasion to take stock of the progress attained in the execution of ECHR judgments concerning Greece during 2020, and to discuss certain pending cases, notably those concerning police ill-treatment *Makaratzis group of cases* (now *Sidiropoulos and Papakostas*) and freedom of expression (*Vasilakis* and *Katrani* groups of cases).

Two teleconferences with the Hungarian authorities were organised by DEJ. The meetings focused on a number of groups of cases under enhanced supervision by the Committee of Ministers, notably István Gábor Kovács/Varga (poor conditions of detention), Gázsó (excessive length of judicial proceedings) and *Gubacsi* (ill-treatment by law enforcement agents and ineffective investigations).

DEJ participated in a roundtable on legal gender recognition organised by the Parliament of North Macedonia and the Council of Europe, to follow up on the execution of the Court's judgment in the X. case. In response to this judgment and in close cooperation with civil society, the authorities prepared draft amendments to the Law on Civil Status Registry. The roundtable provided a platform for a constructive exchange with parliamentarians with a view to ensuring swift adoption of the draft amendments. Lastly, the Execution Department co-organised, with the Human Rights National Implementation Division (DGI) and the Academy for Training of Judges and Public Prosecutors of North Macedonia, a seminar on Article 5 of the European Convention. The seminar focused on the implementation of the *Vasilkoski* group of cases relating to the insufficient reasoning of decisions to extend pre-trial detention and the lack of equality of arms in the proceedings to review applicants' detention.

The department participated in the conference "Jurisprudence of the ECtHR and shaping the standards concerning the right to a fair trial – 30 years of Polish membership in the Council of Europe", which was organised in Poland by the Łazarski University and the Warsaw Bar Council. The conference focused on the following topics: the importance and role of the Council of Europe and the European Court in

the system of protection of individual rights; guarantees for a fair civil and criminal trial within the meaning of Art. 6 of the ECHR; and access to the jurisprudence of the European Court as a condition for the effective application of the standards concerning the right to a fair trial.

DEJ took part in the launching of the HELP course “Fight against Racism, Xenophobia, Homophobia and Transphobia”, which was attended by 17 Romanian prosecutors. This course aims, in particular, to support the execution by Romania of the ECHR judgment in M.C. and A.C., concerning the authorities’ failure to take into account possible discriminatory motives in the investigation of a homophobic attack. The seminar further addressed the Council of Europe standards on combatting hate crimes and hate speech against LGBTI persons, the co-operation activities of the Council of Europe in these areas, the relevant case-law of the European Court as well as the best practices of member States, identified in the execution of other similar ECHR judgments.

The department participated in a webinar on the European Convention on Human Rights which was organised by the Council of Europe and attended by advisors of the Constitutional Court of Serbia. The webinar gave the opportunity to around 30 lawyers of the Constitutional Court to learn more about the process of execution of the ECHR judgments, focusing on the changes of the case-law of national courts as an important general measure for preventing human rights violations. In addition, DEJ took part in a seminar on ECHR and the protection of property rights which was attended by judges and prosecutors and organised by the Council of Europe in cooperation with the Judicial Academy of Serbia. The seminar provided a forum for overviewing outstanding issues in the execution by Serbia of relevant ECHR judgments, in particular, those related to delayed enforcement of domestic judicial decisions rendered against socially-owned companies (R. Kačapor group of cases), as well as the development of Convention-compliant domestic case-law concerning compensation for delayed enforcement of domestic judgments.

DEJ also took part in an inter-institutional meeting on the implementation of ECHR judgments concerning Serbia. The department also participated in an inter-institutional meeting on the implementation of the ECHR judgment concerning “missing babies” in Serbia (Zorica Jovanović). The event provided a platform for a constructive exchange, notably, on the outstanding issue concerning the setting up of a special DNA database for facilitating truth finding in the cases of “missing babies”.

The department met in Strasbourg with the Agent and Co-Agents of the Spanish Government before the European Court of Human Rights and the Deputy Permanent Representative of the Permanent Representation of Spain to the Council of Europe. The discussions focused on the progress achieved and the next steps in the execution of judgments concerning, notably, the remedies available in accelerated asylum procedures (A.C. and Others), the right of appeal against sanctions imposed for administrative offenses (Saquetti Iglesias) and freedom of expression (the Rodriguez Ravelo group of cases and the case of Stern Taulats and Roura Capellera).

A teleconference was organised by DEJ with representatives of the Ministry of Justice of Turkey (Department of Human Rights and Directorate General of Prisons), focusing on the implementation of a number of cases related to medical care in detention

(Huylu, Gömi, Ercan Akpınar), conditions of detention (Güveç, Bayram, Avşar and Tekin, X), access to education (Mehmet Reşit Arslan and Orhan Bingöl) and security measures in prison (Kılavuz). This teleconference provided a platform for a constructive exchange on the outstanding issues and on the measures planned or already adopted by the Turkish authorities in respect of these cases.

DEJ was part of a delegation of the Council of Europe, including the Registry of the European Court, that visited Ukraine to discuss the challenges and steps to be taken for the execution of ECHR judgments. Discussions focused notably on the execution of two pilot judgments concerning the systemic failure to enforce domestic judgments against the state, and structural problems posed by prison conditions amounting to ill-treatment without effective domestic remedies. Discussions were also held about the measures for the execution of the ECHR judgments in *Gongadze* (safety of journalists), the *Kaverzin/Afanasyev/Bielousov* group of cases (investigations of ill-treatment by law enforcement officers) and the *Shmorgunov and Others* group of cases (human rights abuses during Maidan events).

Lastly, DEJ organised a visit to Strasbourg of the President of the Supreme Court of Ukraine and his delegation. Discussions focused on the development of adequate judicial remedies for implementing the European Convention on Human Rights and the Court's judgments. Furthermore, the Department carried out a working visit to Ukraine. Department representatives took part in the Annual Judicial Forum "Independent judiciary – the basis of the state in time of turbulence" organised jointly by the Council of Europe project "Support for judicial institutions and processes to strengthen access to justice in Ukraine" and the NGO "Ukrainian Bar Association". The topics discussed at the Forum are crucial for the execution of the groups of ECHR judgments *Oleksandr Volkov* (independence of judges), *Zhovner/Ivanov/Burmych* (non-enforcement of domestic judgments), *Merit/Svetlana Naumenko* (length of proceedings), in particular, in light of the Committee of Ministers decisions adopted in September 2021.

## A.2. Co-operation with National Human Rights Institutions and civil society organisations

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It is noteworthy that, in 2021, NGOs and NHRIs submitted a new record number of 207 Rule 9 communications to the Committee of Ministers concerning 27 countries. DEJ further enhanced its interaction with the European Network of National Human Rights Institutions (ENNHRI), notably through the preparation and launching by ENNHRI of an [interactive resource hub with guidance on the implementation of ECHR judgments](#). Its aim is to support and guide NHRIs in their efforts to enhance their work on the implementation of the ECHR judgments at national and international level.<sup>15</sup> This interactive hub compiles existing resources and tools on the execution of ECHR judgments as well as available key lessons learned and existing NHRI good practices. The hub illustrates how NHRI efforts on ECHR implementation can work as a continuing cycle where outcomes of national efforts to promote implementation of ECHR judgments can be used in international advocacy efforts, the outcomes of

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15. In this context see also [Recommendation CM/Rec\(2021\)1](#) on the development and strengthening of effective, pluralist and independent national human rights institutions.

which can strengthen subsequent national efforts. It provides key examples of NHRI activities, coupled with relevant resources and tools. The department also continued to have exchanges with the European Implementation Network (EIN), an umbrella organisation bringing together European NGOs engaged in the execution of the Court's judgments.

In 2021, DEJ co-organised and actively participated in the National Preventive Mechanisms (NPMs) Conference in Strasbourg which focused on the effective implementation of ECHR judgments and of recommendations of the European Committee for the Prevention of Torture (CPT). Co-organised by the European NPM Forum – a joint European Union–Council of Europe (DGI) project – and DEJ, the conference brought together more than 35 NPMs and analysed strategies for how States may tackle the systemic problem of ill-treatment by law enforcement officials and impunity.<sup>16</sup> It examined means to enhance NPMs' engagement at national and international levels, notably through communications to the Committee of Ministers supervising the execution of ECHR judgments. The conference brought together NPMs from across Europe, as well as Morocco and Tunisia, Council of Europe representatives and experts, including from civil society. NPMs discussed and exchanged information and good practices concerning key challenges faced, in particular: the need for a reform of police culture and interviewing techniques, legislative and institutional changes, independent oversight, and aligning police and judicial authorities' practice with ECHR case-law and CPT standards to combat police ill-treatment and impunity.<sup>17</sup>

### A.3. Publications and media

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In 2021, the Department for the Execution of Judgments (DEJ) launched a new [webpage containing country factsheets](#) with information on the execution by all member States of the ECHR judgments. The on-line factsheets present an overview of the main issues revealed by ECHR judgments whose execution is pending before the Committee of Ministers, with links to information on the cases' status of execution. They also provide brief thematic information on legislative and other reforms made by member States in the context of the execution of ECHR judgments. Country-based statistics are also available on the new webpage, including a new modern, interactive tool. The creation of this new webpage has further enhanced the transparency of the ECHR judgments' execution process and made easier the access to relevant information by all interested parties. It is worth noting that the regular publication of news items on the DEJ website led to a further significant increase in visits in 2021, which increased by around 12% and reached more than 84,000 (compared to approximately 75,000 in 2020), while the followers of the DEJ Twitter account increased by approximately 48% and reached around 4,450 (compared to around 3,000 in 2020).

That same year, DEJ published six new [thematic factsheets](#) which are resource tools that may be usefully drawn on by national authorities and other stakeholders. The

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16. Information on DGI-led projects on combatting ill-treatment and impunity is available at: <https://www.coe.int/en/web/national-implementation/thematic-work/ill-treatment-impunity>

17. The conference report is available at: <https://rm.coe.int/european-npm-conference-report-sep-2021/1680a4e34d>

thematic factsheets aim to present an overview of selected legislative and case-law developments in member States, following judgments and decisions of the European Court whose execution has been supervised by the Committee of Ministers. As the execution process in pending cases may evidence important on-going developments, some factsheets may also include relevant pending cases.

The six new thematic factsheets covered the following themes: children's rights; freedom of expression; conditions of detention; LGBTI persons' rights; freedom of assembly and association; and migration and asylum. In addition, a number of factsheets were translated and published in non-official languages: the factsheet on constitutional matters in Serbian; the factsheet on independence and impartiality of the judicial system in Polish, Romanian, Turkish and Ukrainian; the factsheet on children's rights in Bulgarian, Italian, Romanian, Turkish and Ukrainian; the factsheet on freedom of religion in Bulgarian and Greek; the factsheet on environment in Italian and Ukrainian; and the factsheet on freedom of expression in Macedonian.

A comparative memorandum ([H/Exec\(2021\)23](#)) was also prepared and published by DEJ on domestic remedies for inadequate conditions of detention in seven member States. Such cases continue to score very highly among the numbers of cases under enhanced supervision by the Committee of Ministers. The above document concisely presents existing preventive and compensatory remedies as well as the European Court's position as to their effectiveness.

Lastly, in 2021, DEJ published the *Memorandum on Monitoring of the payment of sums awarded by way of just satisfaction: an update of the overview of the Committee of Ministers' practice* ([CM/Inf/DH\(2021\)15](#)). It presents the practice of the Committee of Ministers in supervising payment of sums awarded by way of just satisfaction. Furthermore, in 2021, DEJ modified the country factsheet webpages on its website concerning the statistics on the amounts of just satisfaction awarded by the European Court. These statistics now have an online tool that is responsive via an interactive map.

## **B. General Co-operation Activities and National Action Plans**

Co-operation programmes are important vehicles for a continuing dialogue on general measures with decision-makers in the capitals, experience-sharing, national capacity-building and for the dissemination of relevant knowledge of the Council of Europe different expert bodies (CPT, CEPEJ, GRECO, ECRI, Venice Commission, etc.). The co-operation programmes thus constitute a welcome – and sometimes even indispensable – support to ensure the adoption of suitable, sustainable measures to address the problems revealed by the Court's judgments.

The Office of the Directorate General of Programmes ensures, notably through regular contacts with DEJ, that national Action Plans and other co-operation frameworks, as well as general co-operation policies, systematically include appropriate actions to meet specific needs arising from the European Court's judgments and the Committee of Ministers' supervision of their execution.

In 2021, major Action Plans between the Council of Europe and member States were being implemented in Armenia (2019-2022), in Azerbaijan (2018-2021), in Bosnia



and Herzegovina (2018-2021), in Georgia (2020-2023), in the Republic of Moldova (2021-2024) and in Ukraine (2018-2022). All include actions that support the execution of ECHR judgments revealing structural problems and the need for long-term, continuing efforts. Such support has also been given through the more targeted co-operation activities implemented in 2021 with EU support in Albania, Bosnia and Herzegovina, Montenegro, North Macedonia, Serbia, Turkey and Ukraine.

The year 2021 saw a continuation of the special efforts within DGI aiming at responding quickly to national demands for co-operation activities related to the implementation of the Convention and, notably, to assist in ensuring the timely execution of the Court's judgments (in particular pilot judgments). In view of the scarce funding available from the Council of Europe's ordinary budget, the organisation of such targeted Convention-related projects heavily depends on extra-budgetary resources, notably joint programmes with the EU, member States' voluntary contributions, including within the Human Rights Trust Fund (HRTF).

### C. Targeted Convention-related activities

In 2021, support from the HRTF helped to continue funding a multilateral project to promote human rights and equality for LGBTI persons. In addition, the HRTF supported the continuation of the dialogue with the authorities of Bosnia and Herzegovina on the execution of the *Sejdić and Finci* group of judgments, which is still pending before the Committee of Ministers. In the Russian Federation, a project on the effective domestic implementation of the ECHR judgments ended in December 2021 (its follow-up is being planned). The funding for a project to strengthen judicial control over pre-trial proceedings in the Russian Federation has been secured through the HRTF and the project will start in January 2022. The project will aim at strengthening comprehensive judicial control over investigative procedures at the initial stage of criminal proceedings (cf. notably *Kuzmina and Others, Kruglov and Others, Roman Zakharov*). HRTF contributions will also allow work to continue in Romania in order to strengthen the provision of healthcare (including mental healthcare) in prisons, as well as in Ukraine to ensure the effective implementation of the right to a fair trial. In 2021, the HRTF decided to also support a new project "Enhancing the Disciplinary and Reward Procedures for prisoners in Turkey" to be launched in June 2022.

A new cooperation project was launched in 2021 to support Armenia in the execution of ECHR judgments in which violations of the right to a fair trial are established. The project also aims at supporting the Cassation Court in building effective procedures related to the interaction with the European Court, with a focus on the implementation of Protocol No. 16 to the ECHR (request for advisory opinions) and the re-opening of judicial proceedings following a judgment of the Court. The relevant judgments concern, notably, access to justice, non-execution or delayed execution of judgments of national courts, effective remedies concerning excessive length of judicial proceedings.

Also in 2021, work continued within a number of on-going cooperation projects, notably, as regards Ukraine, addressing major issues raised in the context of the execution of ECHR judgments: independence and efficiency of the judiciary – fairness of disciplinary proceedings against judges (*Volkov*); non-enforcement of judgments

against the State, or State-owned or controlled entities including the lack of an effective remedy (*Ivanov/Burmych*); reopening of proceedings to give effect to Strasbourg judgments (*Bochan No. 2* group of cases). Support was also provided to the work of the newly established Government Commission for the Execution of ECHR judgments.

Assistance continued to be provided to the South-East Europe region and Turkey through the European Union/Council of Europe Joint Programme “Horizontal Facility for the Western Balkans and Turkey – Phase II”. In Albania, a targeted action aimed to support the enforcement of judicial decisions and to facilitate the execution of ECHR judgements, especially on property rights, allowed to provide the State Advocate with a tool for speedy and efficient execution of the Court’s judgments regarding the current or future property compensation claims. In addition, assistance focused on excessive length of civil proceedings and non-enforcement of judicial decisions (*Luli and Others* and *Brahimaj*, former *Puto and Others*) whose execution is under enhanced or standard supervision by the Committee of Ministers.

In Montenegro, continuous support was provided to standardise the application of the ECHR and the Court’s case-law at domestic level to improve the quality of domestic court decisions. This assistance could indirectly contribute to the execution of the *Siništaj and Others* judgment concerning ineffective investigations into ill-treatment by security forces.

The extensive and continuous communication between the Council of Europe, the local authorities and civil society on the execution of the ECHR judgment in *Zorica Jovanović v. Serbia* resulted in the Court’s decision, in 2021, to strike out two similar applications. The Court concluded that there were no particular reasons regarding respect for human rights which would require it to continue the examination of the cases in view of the procedures and mechanisms provided under the Law on “missing babies”.

Lastly, as a direct outcome of the “Informal Working Group” meetings set up by the Secretary General and the Turkish Ministry of Justice at the beginning of 2015, cooperation activities were conducted throughout 2021 to support the Turkish authorities in the implementation of the recently adopted Human Rights National Action Plan. Support for the implementation and reporting of this Action Plan should contribute to the alignment of domestic court case-law with that of the European Court and reduce the number of cases under supervision by the Committee of Ministers.

## **D. Human Rights Education for Legal Professionals**

Throughout 2021, the European Programme for Human Rights Education for Legal Professionals (HELP Programme) continued to provide invaluable support for the implementation of the European Court’s judgments in the member States. Its flexible methodology and reliance on virtual and online communication has proved crucial in supporting European justice training institutions and legal professionals, and increasingly other professional groups, in the Covid-19 pandemic context which continued in 2021. By the end of 2021, the number of users of the HELP online Platform (<http://help.elearning.ext.coe.int/>) reached 95,000 (compared to 40,000 by the end of 2019).

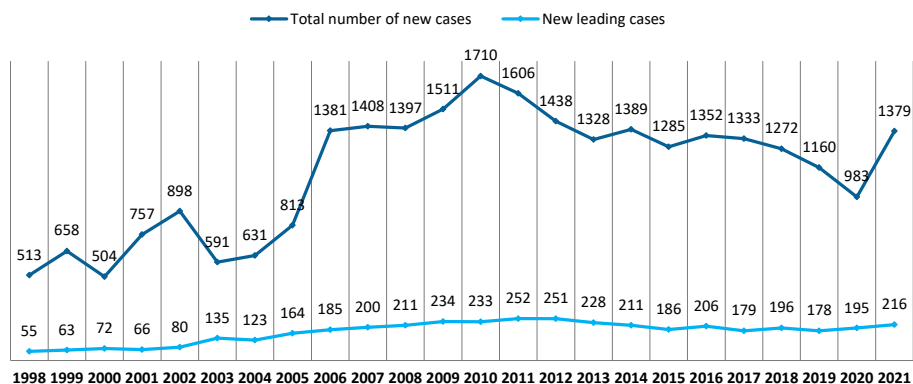
In support of these efforts, the Committee of Ministers, in its Human Rights decisions concerning pending cases, frequently invites respondent States to take advantage of the different co-operation programmes and projects offered by the Council of Europe. In 2021, the HELP Programme, in close cooperation with DEJ, launched and implemented national versions of the HELP online course on Introduction to the European Convention on Human Rights and the European Court of Human Rights, including a dedicated module on the Execution of the Court's Judgments in nine countries for 23 groups of participants. This course is now available in 23 language versions on the HELP online Platform.

The HELP Programme has now 38 HELP online training courses in its catalogue, which deal with most of the Convention issues. HELP activities are usually tailored to the country's legal framework, including specific Convention issues raised in the national context: more than 400 national adaptations of HELP courses have already been carried out throughout the Council of Europe member States and are available in the HELP platform. HELP training activities are regularly reviewed to reflect training needs as they emerge from the supervision of the execution of the Court's judgments. HELP is also a unique pan-European network of national training institutions for judges and prosecutors and of bar associations which constantly exchange good training practices on the most acute Convention issues. Lastly, it is noted that many Council of Europe cooperation projects incorporate HELP courses as training tools for legal and other professionals.

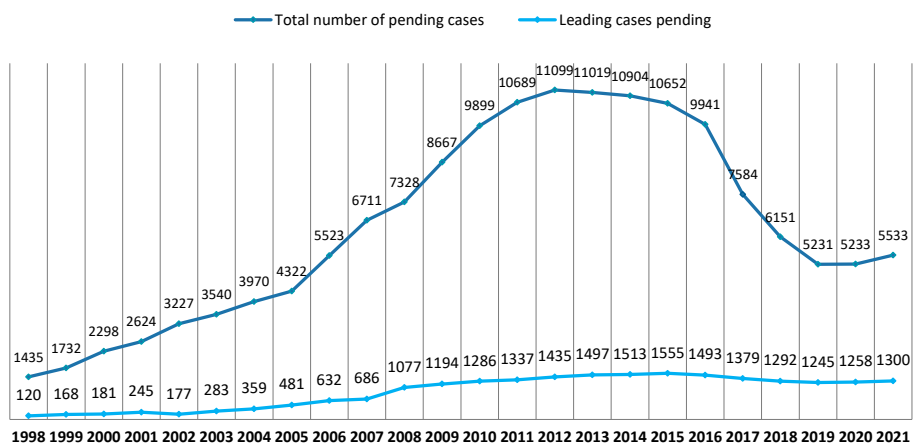
## IV. Statistics<sup>18</sup>

### A. Overview

#### A.1. New cases



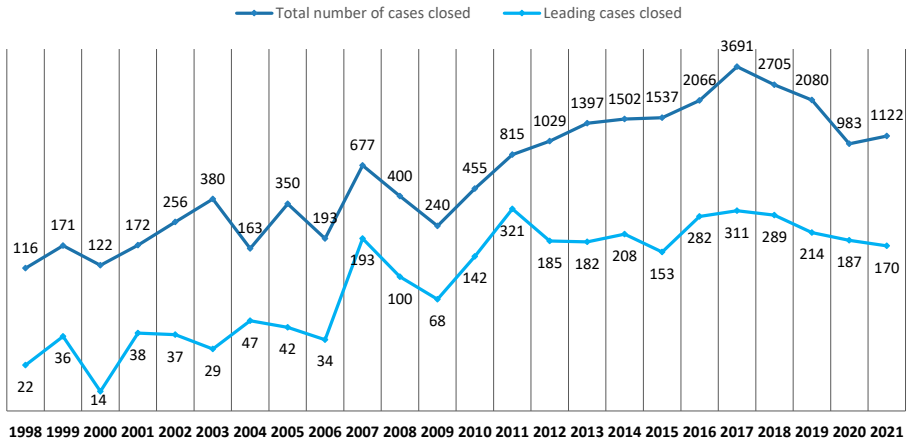
#### A.2. Pending cases



18. The data presented also includes cases where the Committee of Ministers decided itself whether or not there had been a violation under former Article 32 of the Convention (while this competence in principle disappeared in connection the entry into force of Protocol No. 11 in 1998, a number of such cases remain pending under former Article 32).

## A.3. Closed cases

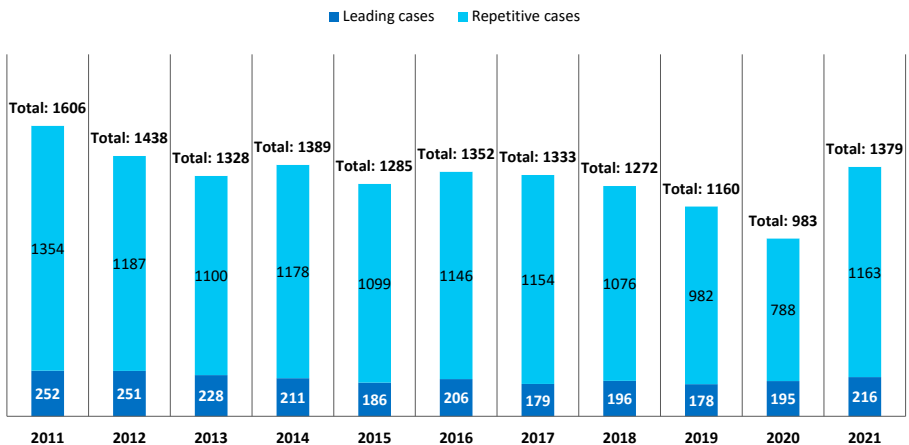
### Overview



## B. New cases

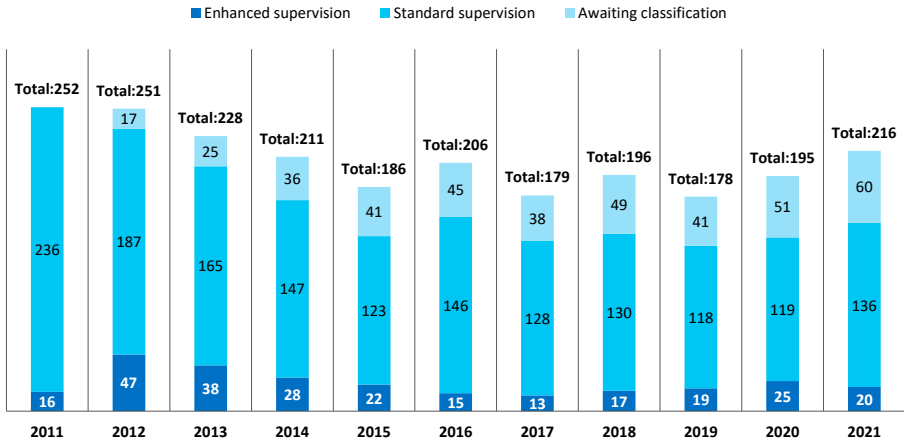
### B.1. Leading or repetitive cases

For cases awaiting classification under enhanced or standard supervision (see B.2.), their qualification as leading or repetitive cases is not yet final.

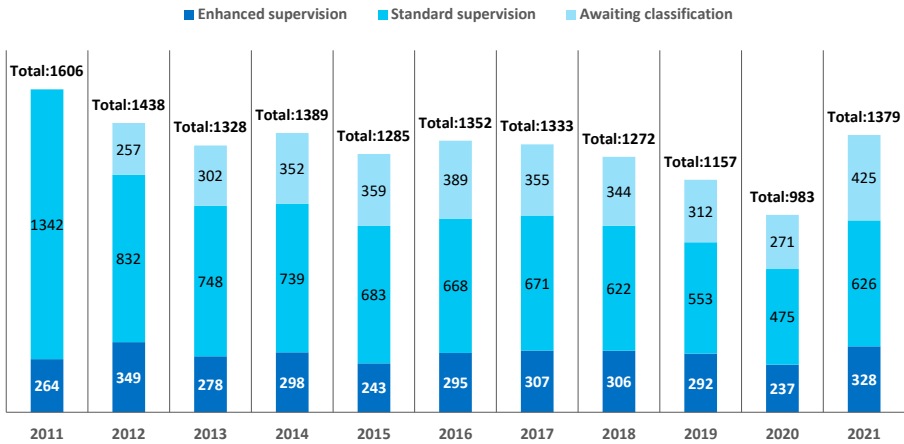


## B.2. Enhanced or standard supervision

### New leading cases



### Total number of new cases



### B.3. New cases – State by State

STATE	LEADING CASES								REPETITIVE CASES								TOTAL	
	Enhanced supervision		Standard supervision		Awaiting classification		Total of leading cases		Enhanced supervision		Standard supervision		Awaiting classification		Total of repetitive cases			
	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021
Albania	1			1	2		3	1						4	0	4	3	5
Andorra							0	0							0	0	0	0
Armenia			5	5		4	5	9	2	7	6	4	2	2	10	13	15	22
Austria				2		2	0	4			1	3			1	3	1	7
Azerbaijan	5		4	2	2	1	11	3	12	11	14	18	14	14	40	43	51	46
Belgium	1		5	3		2	6	5		2	8	4		3	8	9	14	14
Bosnia and Herzegovina	1		2	2	1		4	2	3	4	1	9	3	3	7	16	11	18
Bulgaria		1	6	12	8	4	14	17	8	8	6	9	6	13	20	30	34	47
Croatia			3	14	2	1	5	15		1	8	21	13	9	21	31	26	46
Cyprus			2			2	2	2			1	1		1	1	2	3	4
Czech Republic					1		1	0			1	3	1	1	2	4	3	4
Denmark				1	1	1	1	2						1	0	1	1	3
Estonia			1	1			1	1			1	2			1	2	2	3
Finland			1		1		2	0							0	0	2	0
France	2		7	5	1	2	10	7			3	6		1	3	7	13	14
Georgia			6	2		3	6	5	3	3	2	4	2		7	7	13	12

STATE	LEADING CASES								REPETITIVE CASES								TOTAL	
	Enhanced supervision		Standard supervision		Awaiting classification		Total of leading cases		Enhanced supervision		Standard supervision		Awaiting classification		Total of repetitive cases			
	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021
Germany			2	3			2	3			1	2			1	2	3	5
Greece			7	4	1		8	4	2	4	18	13	7	8	27	25	35	29
Hungary	2	1	6	2	1		9	3	5	8	30	26	17	15	52	49	61	52
Iceland					1		1	0			7	6		1	7	7	8	7
Ireland							0	0	1			3			1	3	1	3
Italy	2	3	2	2	1	4	5	9	1	2	17	33	5	15	23	50	28	59
Latvia			5		1	1	6	1			2	2			2	2	8	3
Liechtenstein							0	0							0	0	0	0
Lithuania	1		2	3	2		5	3			2	3		1	2	4	7	7
Luxembourg							0	0							0	0	0	0
Malta	1	1	1	1			2	2	5	3	2	1	1	5	8	9	10	11
Republic of Moldova			5	9	2	4	7	13	2	3	21	20	2	18	25	41	32	54
Monaco					1		0	1							0	0	0	1
Montenegro			3	2			3	2			7	1	1	1	8	2	11	4
Netherlands				2		1	0	3				4		0	0	4	0	7
North Macedonia			6	4	1		7	4		2	7	12	2	2	9	16	16	20
Norway				1			0	1	4	4				3	4	7	4	8
Poland		1	3	4	1	3	4	8	2	2	14	26	2	6	18	34	22	42

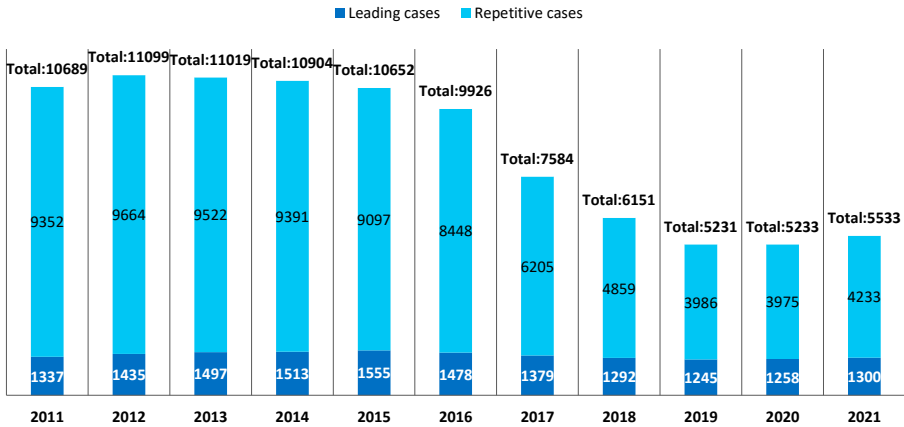


STATE	LEADING CASES								REPETITIVE CASES								TOTAL	
	Enhanced supervision		Standard supervision		Awaiting classification		Total of leading cases		Enhanced supervision		Standard supervision		Awaiting classification		Total of repetitive cases			
	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021
Portugal	1		4			1	5	1		2	2	5	2	3	4	10	9	11
Romania	4	3	6	9	6	8	16	20	16	21	24	13	22	50	62	84	78	104
Russian Federation		4	6	8	3	2	9	14	72	72	76	110	61	71	209	253	218	267
San Marino			1	1			1	1			1	1		1	1	2	2	3
Serbia			4	1			4	1	1	9	4	19	7	40	12	68	16	69
Slovak Republic			3	4	1	3	4	7		1	11	18	4	13	15	32	19	39
Slovenia					1	1	1	1							0	0	1	1
Spain			1	5	2	1	3	6			2	3	2		4	3	7	9
Sweden		1					0	1							0	0	0	1
Switzerland			2	5	2		4	5				1			0	1	4	6
Turkey	1	2	6	3	3	4	10	9	27	20	45	54	21	23	93	97	103	106
Ukraine	2	2	1	10	3	2	6	14	46	119	9	26	23	37	78	182	84	196
United Kingdom	1	1	1	3		2	2	6			2	4			2	4	4	10
<b>TOTAL</b>	<b>25</b>	<b>20</b>	<b>119</b>	<b>136</b>	<b>51</b>	<b>60</b>	<b>195</b>	<b>216</b>	<b>212</b>	<b>308</b>	<b>356</b>	<b>490</b>	<b>220</b>	<b>365</b>	<b>788</b>	<b>1163</b>	<b>983</b>	<b>1379</b>

## C. Pending cases

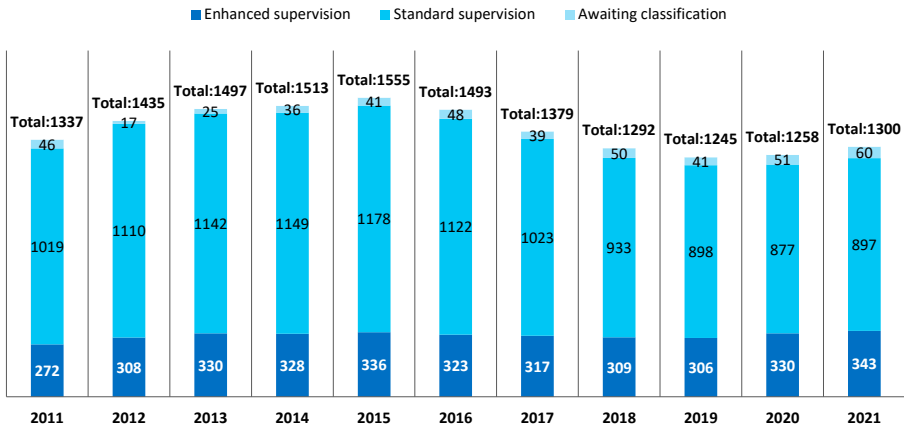
**Pending cases** are those in which the execution process is on-going. As a consequence, pending cases are at various stages of execution and must not be understood as unexecuted cases. In the overwhelming majority of these cases, individual redress has been provided, and cases remain pending mainly awaiting implementation of general measures, some of which are very complex, requiring considerable time. In many situations, cooperation programmes or country action plans provide, or have provided, support for the execution processes launched.

### C.1. Leading or repetitive cases

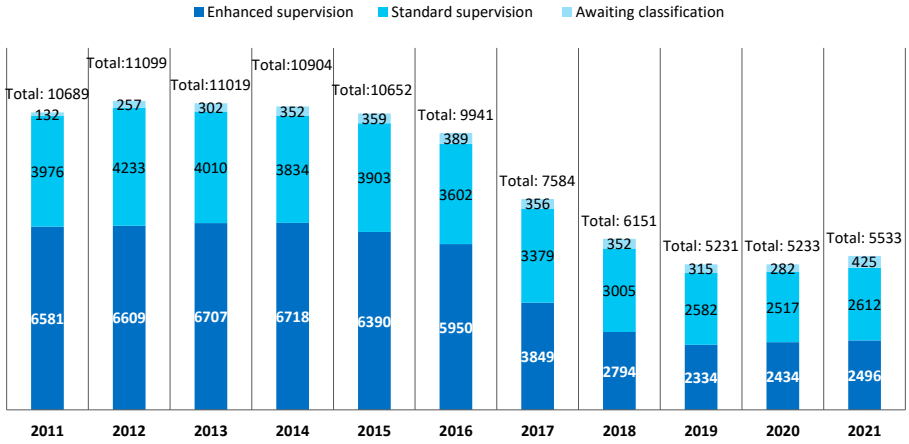


### C.2. Enhanced or standard supervision

#### Leading cases pending



## Total number of pending cases



### C.3. Pending cases – State by State

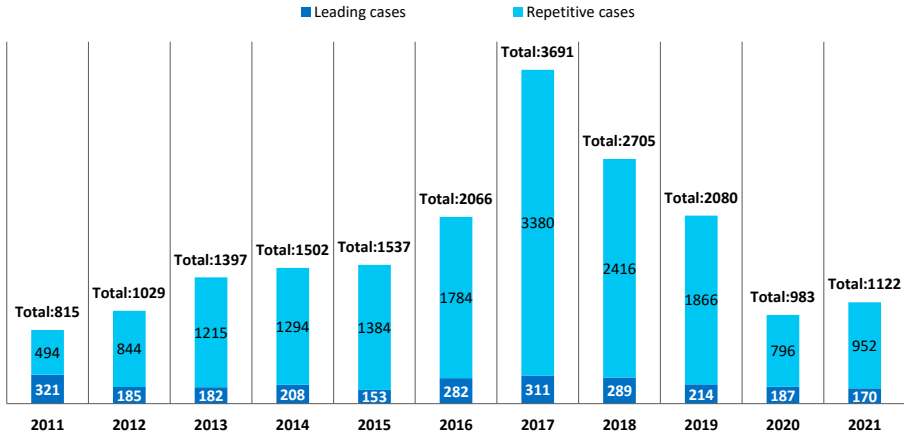
STATE	LEADING CASES								REPETITIVE CASES								TOTAL	
	Enhanced supervision		Standard supervision		Awaiting classification		Total of leading cases		Enhanced supervision		Standard supervision		Awaiting classification		Total of repetitive cases			
	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021
Albania	2	2	9	12	2		13	14	1	1	15	12		4	16	17	29	31
Andorra							0	0							0	0	0	0
Armenia	5	5	14	15		4	19	24	6	9	15	15	2	2	23	26	42	50
Austria			5	4		2	5	6			8	6			8	6	13	12
Azerbaijan	20	21	23	27	2	1	45	49	91	110	85	98	14	14	190	222	235	271
Belgium	5	5	13	14		2	18	21	4	5	9	8		3	13	16	31	37
Bosnia and Herzegovina	4	1	6	11	1		11	12	11	4	9	15	3	3	23	22	34	34
Bulgaria	18	20	57	68	8	4	83	92	30	26	47	33	6	13	83	72	166	164
Croatia	2	2	19	22	2	1	23	25	7	8	30	37	13	9	50	54	73	79
Cyprus	2	2	5	6		2	7	10	1	1	2	1		1	3	3	10	13
Czech Republic	1	1		1	1		2	2			1	3	1	1	2	4	4	6
Denmark				2	1	1	1	3						1	0	1	1	4
Estonia			2	1			2	1							0	0	2	1
Finland		1	10	8	1		11	9			20	9			20	9	31	18
France	4	4	21	19	1	2	26	25	1	1	8	5		1	9	7	35	32
Georgia	5	5	18	19		3	23	27	19	23	9	13	2		30	36	53	63

STATE	LEADING CASES								REPETITIVE CASES								TOTAL	
	Enhanced supervision		Standard supervision		Awaiting classification		Total of leading cases		Enhanced supervision		Standard supervision		Awaiting classification		Total of repetitive cases			
	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021
Germany			10	13			10	13			2	3			2	3	12	16
Greece	7	7	31	27	1		39	34	29	17	45	34	7	8	81	59	120	93
Hungary	13	14	40	33	1		54	47	68	70	137	133	17	15	222	218	276	265
Iceland		1	2	1	1		3	2			9	3		1	9	4	12	6
Ireland	1	1	1	1			2	2	1			3			1	3	3	5
Italy	23	23	33	31	1	4	57	58	59	25	63	72	5	15	127	112	184	170
Latvia			7	6	1	1	8	7				2			0	2	8	9
Liechtenstein			1	1			1	1			1	1			1	1	2	2
Lithuania	4	3	15	13	2		21	16			13	15		1	13	16	34	32
Luxembourg							0	0							0	0	0	0
Malta	4	5	7	8			11	13	17	15	4	6	1	5	22	26	33	39
Republic of Moldova	7	7	40	40	2	4	49	51	9	7	92	94	4	18	105	119	154	170
Monaco					1		0	1							0	0	0	1
Montenegro			5	5			5	5			1	1	1	1	2	2	7	7
Netherlands	1	1	4	6		1	5	8				2			0	2	5	10
North Macedonia	2	3	12	12	1		15	15	1	8	22	22	2	2	25	32	40	47
Norway	1	1	1	1			2	2	4	7				3	4	10	6	12
Poland	10	11	22	24	1	3	33	38	25	23	29	30	2	6	56	59	89	97

STATE	LEADING CASES								REPETITIVE CASES								TOTAL	
	Enhanced supervision		Standard supervision		Awaiting classification		Total of leading cases		Enhanced supervision		Standard supervision		Awaiting classification		Total of repetitive cases			
	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021
Portugal	3	3	18	13		1	21	17	5	5	6	3	2	3	13	11	34	28
Romania	29	33	54	65	6	8	89	106	160	159	76	94	22	50	258	303	347	409
Russian Federation	58	56	156	159	3	2	217	217	984	1047	518	607	70	71	1572	1725	1789	1942
San Marino			1	2			1	2					1	0	0	1	1	3
Serbia	5	5	7	7			12	12	2	10	12	14	7	40	21	64	33	76
Slovak Republic		1	13	16	1	3	14	20		1	13	29	4	13	17	43	31	63
Slovenia			6	3	1	1	7	4							0	0	7	4
Spain	1	2	15	20	2	1	18	23			10	14	2		12	14	30	37
Sweden	1	2	2				3	2							0	0	3	2
Switzerland	1	1	5	7	2		8	8				1			0	1	8	9
Turkey	37	37	109	98	3	4	149	139	206	152	248	196	21	23	475	371	624	510
Ukraine	51	53	53	51	3	2	107	106	357	416	80	79	23	37	460	532	567	638
United Kingdom	3	4	5	5		2	8	11	6	3	1	2			7	5	15	16
<b>TOTAL</b>	<b>330</b>	<b>343</b>	<b>877</b>	<b>897</b>	<b>51</b>	<b>60</b>	<b>1258</b>	<b>1300</b>	<b>2104</b>	<b>2153</b>	<b>1640</b>	<b>1715</b>	<b>231</b>	<b>365</b>	<b>3975</b>	<b>4233</b>	<b>5233</b>	<b>5533</b>

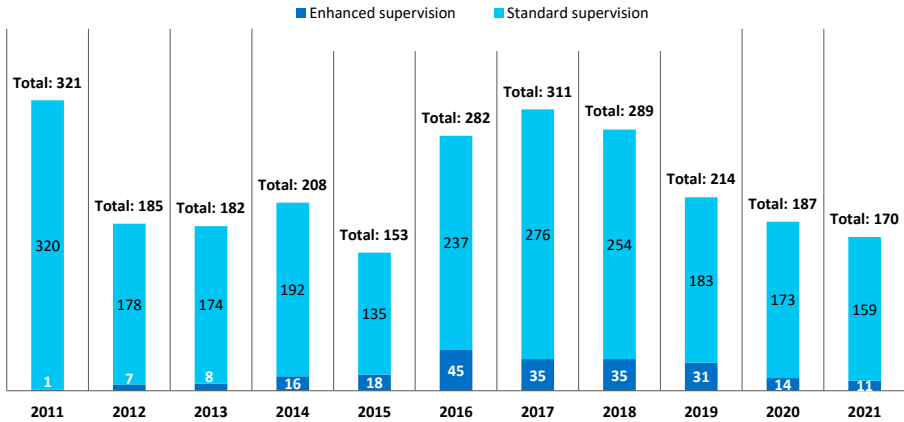
## D. Closed cases

### D.1. Leading or repetitive cases

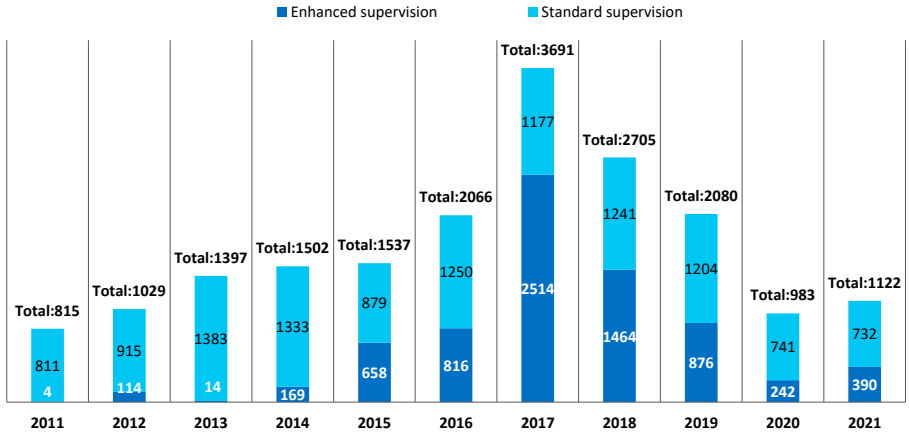


### D.2. Enhanced or standard supervision

#### Leading cases closed



## Total number of cases closed





### D.3. Closed cases – State by State

STATE	LEADING CASES						REPETITIVE CASES						TOTAL	
	Enhanced supervision		Standard supervision		Total of leading cases		Enhanced supervision		Standard supervision		Total of repetitive cases			
	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021
Albania			2		2	0	2		6	3	8	3	10	3
Andorra					0	0					0	0	0	0
Armenia			5	4	5	4	4	4	2	7	6	11	11	15
Austria			1	3	1	3			4	5	4	5	5	8
Azerbaijan	1				1	0	2	2	3	10	5	12	6	12
Belgium			6	2	6	2	1	1	6	5	7	6	13	8
Bosnia-Herzegovina	1		2	1	3	1	9	7	4	11	13	18	16	19
Bulgaria			10	8	10	8	1	14	27	27	28	41	38	49
Croatia			19	14	19	14			18	27	18	27	37	41
Cyprus			1		1	0				2	0	2	1	2
Czech Republic			1		1	0			1	2	1	2	2	2
Denmark			1		1	0					0	0	1	0
Estonia			1	2	1	2			1	2	1	2	2	4
Finland				1	0	1				11	0	11	0	12
France			3	8	3	8			11	9	11	9	14	17
Georgia			2	1	2	1	4		1	1	5	1	7	2
Germany			6		6	0			5	1	5	1	11	1

STATE	LEADING CASES						REPETITIVE CASES						TOTAL	
	Enhanced supervision		Standard supervision		Total of leading cases		Enhanced supervision		Standard supervision		Total of repetitive cases			
	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021
Greece	2	1	11	11	13	12	36	19	62	26	98	45	111	57
Hungary			3	11	3	11	6	12	42	43	48	55	51	66
Iceland			1	1	1	1			1	12	1	12	2	13
Ireland					0	0		1			0	1	0	1
Italy		2	4	5	4	7	3	37	35	29	38	66	42	73
Latvia			4	2	4	2			4		4	0	8	2
Liechtenstein					0	0					0	0	0	0
Lithuania			5	8	5	8			10	1	10	1	15	9
Luxembourg			1		1	0					0	0	1	0
Malta			4		4	0		5	4		4	5	8	5
Republic of Moldova			11	11	11	11	5	8	35	21	40	29	51	40
Monaco					0	0					0	0	0	0
Montenegro			1	2	1	2			7	2	7	2	8	4
Netherlands					0	0			1	2	1	2	1	2
North Macedonia			6	3	6	3	2		3	10	5	10	11	13
Norway				1	0	1		1			0	1	0	2
Poland		1	3	3	3	4	6	4	22	27	28	31	31	35
Portugal			1	5	1	5		2	7	10	7	12	8	17
Romania			2	3	2	3	2	29	11	13	13	42	15	45

STATE	LEADING CASES						REPETITIVE CASES						TOTAL	
	Enhanced supervision		Standard supervision		Total of leading cases		Enhanced supervision		Standard supervision		Total of repetitive cases			
	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021
Russian Federation	1	2	10	1	11	3	23	70	58	60	81	130	92	133
San Marino					0	0			1	1	1	1	1	1
Serbia	3		2	1	5	1	15	2	20	28	35	30	40	31
Slovak Republic	1		1	1	2	1	10		8	6	18	6	20	7
Slovenia	1		5	5	6	5			1		1	0	7	5
Spain			1	1	1	1				1	0	1	1	2
Sweden				2	0	2					0	0	0	2
Switzerland	1		2	5	3	5			1		1	0	4	5
Turkey		4	17	16	17	20	34	80	117	122	151	202	168	222
Ukraine	3	1	16	14	19	15	63	78	26	33	89	111	108	126
United Kingdom			2	3	2	3		3	3	3	3	6	5	9
<b>TOTAL</b>	<b>14</b>	<b>11</b>	<b>173</b>	<b>159</b>	<b>187</b>	<b>170</b>	<b>228</b>	<b>379</b>	<b>568</b>	<b>573</b>	<b>796</b>	<b>952</b>	<b>983</b>	<b>1122</b>

## E. Supervision process

### E.1. Action plans/reports

A general practice of gathering relevant execution information in **action plans** to be provided within six months of the judgment becoming final, and in **action reports**, as soon as execution was deemed completed by the respondent State, was introduced in 2011. Earlier, information was conveyed in many different forms, without specific deadlines.

Year	Action plans received	Action reports received	Reminder letters <sup>19</sup> (States concerned)
2021	245	427	84 (16)
2020	212	398	48 (19)
2019	172	438	54 (18)
2018	187	462	53 (16)
2017	249	570	75 (36)
2016	252	504	69 (27)
2015	236	350	56 (20)
2014	266	481	60 (24)
2013	229	349	82 (29)
2012	158	262	62 (27)
2011	114	236	32 (17)

19. According to the 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 of Judgments 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).

## E.2. Interventions of the Committee of Ministers<sup>20</sup>

Year	Number of interventions of the CM during the year	Total cases/groups of cases examined	States concerned	States with cases under enhanced supervision
2021	168	161	29	28
2020	136	131	28	32
2019	131	98	24	32
2018	123	96	30	31
2017	157	116	26	31
2016	148	107	30	31
2015	108	64	25	31
2014	111	68	26	31
2013	123	76	27	31
2012	119	67	26	29
2011	97	52	24	26

The Committee of Ministers' interventions are divided as follows:

Year	Examined four times or more	Examined three times	Examined twice	Examined once
2021	28	9	33	91
2020	1	3	16	86
2019	3	4	14	77
2018	3	1	11	81
2017	6	2	17	89
2016	5	6	11	85
2015	4	10	9	41
2014	6	5	11	46
2013	6	5	14	51
2012	6	9	11	41
2011	1	12	12	27

## E.3. Transfers of leading cases/groups of cases

### Transfers to enhanced supervision

In 2021, two leading cases/groups of cases concerning two States (Russian Federation and North Macedonia) have been transferred from standard to enhanced supervision. In 2020, six leading cases/groups of cases concerning five States (Cyprus, Sweden, Serbia, Turkey and Hungary) have been transferred from standard to enhanced supervision. In 2019, five leading cases/groups of cases concerning three States (Poland, Romania and Turkey) have been transferred. In 2018, four leading cases/groups of cases concerning

20. Examinations during ordinary meetings of the Committee of Ministers without any decision adopted are not included in these tables.

three States (Cyprus, Malta and Hungary) were transferred. In 2017, two leading cases/groups of cases concerning two States (Ireland and Russian Federation) were transferred. In 2016, six leading cases/groups of cases concerning four States (Bulgaria, Georgia, Romania and Turkey). In 2015, two leading cases/groups of cases concerning two States (Hungary and Turkey). In 2014, seven leading cases/groups of cases concerning four States (Bulgaria, Lithuania, Poland and Turkey). In 2013, two leading cases/groups of cases concerning two States (Italy and Turkey). In 2012, one leading case/group of cases concerning one State (Hungary). No leading case/group of cases was transferred in 2011.

### Transfers to standard supervision

In 2021, three leading cases/groups of cases concerning two States (Bosnia and Herzegovina and Lithuania) have been transferred from enhanced to standard supervision. In 2020, four leading cases/groups of cases concerning four States (Russian Federation, Serbia, Croatia, Ukraine) were transferred from enhanced to standard supervision. In 2019, thirty-two leading cases/groups of cases concerning two States (North Macedonia and Greece) were transferred. In 2018, no leading cases/groups of cases were transferred from enhanced to standard supervision. In 2017, five leading cases/groups of cases concerning three States (Bulgaria, Bosnia and Herzegovina and Russian Federation) were transferred from enhanced to standard supervision. In 2016, four leading cases/groups of cases concerning three States (Greece, Ireland and Turkey). In 2015, two leading cases/groups of cases concerning two States (Norway and the United Kingdom). In 2014, nineteen leading cases/groups of cases concerning seven States (Bosnia and Herzegovina, Germany, Greece, Hungary, Italy, Poland and Russian Federation). In 2013, seven leading cases/groups of cases concerning three States (Slovenia, Turkey and Russian Federation). In 2012, nine leading case/group of cases concerning six States (Croatia, Spain, Republic of Moldova, Poland, Russian Federation and the United Kingdom). In 2011, four leading case/group of cases concerning four States (France, Georgia, Germany and Poland) were transferred.

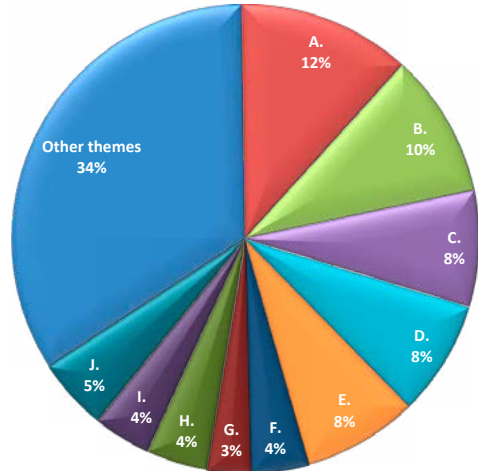
### E.4. Contributions by NHRIs and NGOs

Year	Contributions from Non-Governmental Organisations (NGO) or National Human Rights Institutions (NHRI)	States concerned
2021	207	27
2020	176	28
2019	133	24
2018	64	19
2017	79	19
2016	90	22
2015	81	21
2014	80	21
2013	81	18
2012	47	16
2011	47	12

## E.5. Main themes of leading cases under enhanced supervision<sup>21</sup>

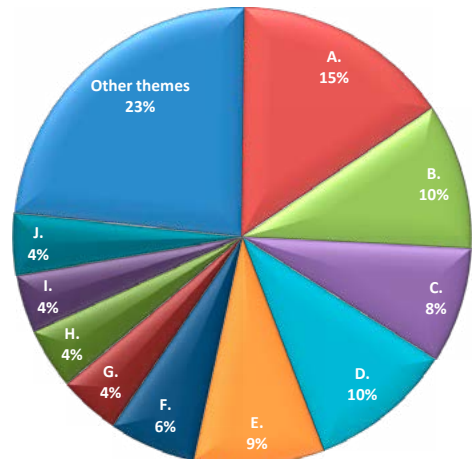
### 2021

- Other themes
- A. Actions of security forces
- B. Lawfulness of detention and related issues
- C. Right to life - Protection against ill-treatment: specific situations
- D. Conditions of detention and medical care
- E. Length of judicial proceedings
- F. Other interferences with property rights
- G. Enforcement of domestic judicial decisions
- H. Lawfulness of expulsion or extradition
- I. Freedom of assembly and association
- J. Freedom of expression



### 2020

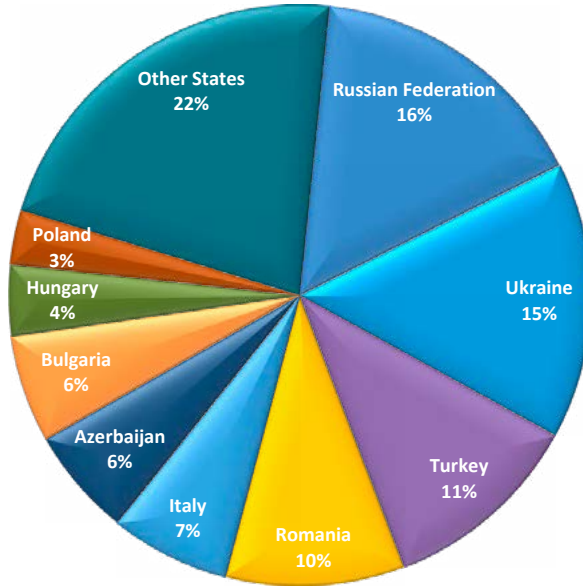
- Other themes
- A. Actions of security forces
- B. Lawfulness of detention and related issues
- C. Right to life - Protection against ill-treatment: specific situations
- D. Conditions of detention and medical care
- E. Length of judicial proceedings
- F. Other interferences with property rights
- G. Enforcement of domestic judicial decisions
- H. Lawfulness of expulsion or extradition
- I. Freedom of assembly and association
- J. Freedom of expression



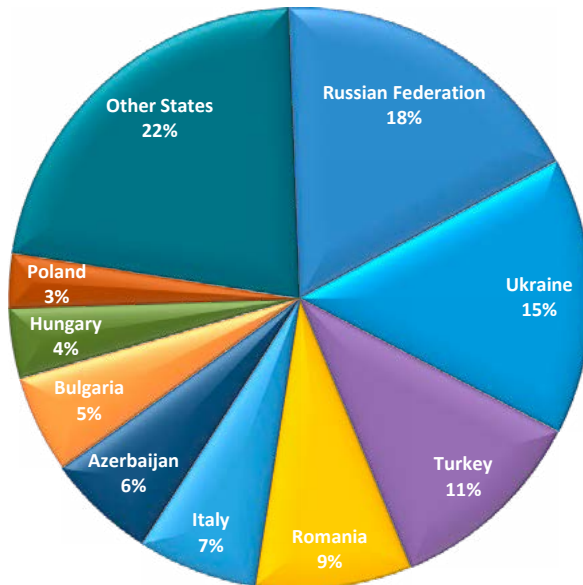
21. "Other interferences with property rights" refers to cases concerning interferences other than expropriations and nationalisations.

## E.6. Main States with leading cases under enhanced supervision

2021



2020

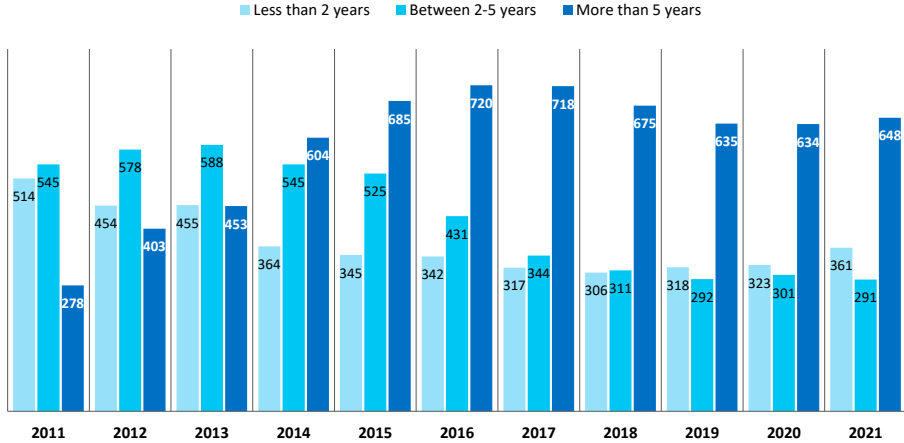




## F. Length of the execution process

### F.1. Leading cases pending

#### Overview



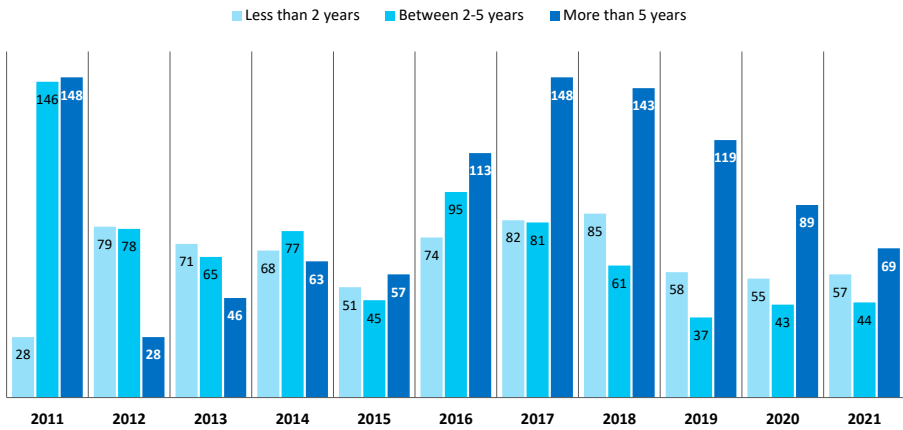
#### Leading cases pending – State by State

STATE	ENHANCED SUPERVISION						STANDARD SUPERVISION					
	< 2 years		2-5 years		>5 years		< 2 years		2-5 years		>5 years	
	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021
Albania	1	1			1	<b>1</b>	2	3	6	7	1	<b>2</b>
Andorra												
Armenia			2	2	3	<b>3</b>	7	7	4	4	3	<b>4</b>
Austria							1	2	1		3	<b>2</b>
Azerbaijan	6	6	2	2	12	<b>13</b>	4	8	2	1	17	<b>18</b>
Belgium	1	1	1		3	<b>4</b>	9	6	4	6		<b>2</b>
Bosnia and Herzegovina			1		3	<b>1</b>	4	5	2	3		<b>3</b>
Bulgaria		2	3		15	<b>18</b>	9	22	20	12	28	<b>34</b>
Croatia					2	<b>2</b>	2	11	6	4	11	<b>7</b>
Cyprus			1	1	1	<b>1</b>	2	3	3	3		
Czech Republic					1	<b>1</b>		1				
Denmark								2				
Estonia							2	1				
Finland						<b>1</b>	1				9	<b>8</b>
France	3	2	1	2			10	10	5	5	6	<b>4</b>
Georgia			1	1	4	<b>4</b>	9	8	6	7	3	<b>4</b>

STATE	ENHANCED SUPERVISION						STANDARD SUPERVISION					
	< 2 years		2-5 years		>5 years		< 2 years		2-5 years		>5 years	
	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021
Germany							2	5	8	5		3
Greece				1	7	6	12	7	8	8	11	12
Hungary	3	3	2	1	8	10	7	9	9	2	24	22
Iceland		1					1		1	1		
Ireland					1	1					1	1
Italy	5	5	7	6	11	12	8	5	10	10	15	16
Latvia							5	5		1	2	
Liechtenstein									1			1
Lithuania	1		1	1	2	2	8	5	7	7		1
Luxembourg												
Malta	1	2	1		2	3	2	2	3	4	2	2
Republic of Moldova	1			1	6	6	6	12	2	3	32	25
Monaco												
Montenegro							4	3	1	1		1
Netherlands			1	1			1	2	3	2		2
North Macedonia	1		1	2		1	6	7	1	2	5	3
Norway	1			1				1	1			
Poland		2			10	9	5	5	10	9	7	10
Portugal	2	1		1	1	1	6	4	9	5	3	4
Romania	6	8	8	8	15	17	19	19	23	26	12	20
Russian Federation	6	6	12	15	40	35	18	16	31	38	107	105
San Marino							1	2				
Serbia					5	5	4	4	1	1	2	2
Slovak Republic		1					7	7	3	5	3	4
Slovenia							2	1	3	2	1	
Spain		1			1	1	6	7	7	10	2	3
Sweden		1	1			1			2			
Switzerland			1			1	4	5	1	2		
Turkey	5	4	7	7	25	26	19	8	26	25	64	65
Ukraine	4	5	6	7	41	41	6	14	10	9	37	28
United Kingdom	1	2			2	2	3	3	1	1	1	1
<b>TOTAL</b>	<b>48</b>	<b>54</b>	<b>60</b>	<b>60</b>	<b>222</b>	<b>229</b>	<b>224</b>	<b>247</b>	<b>241</b>	<b>231</b>	<b>412</b>	<b>419</b>

## F.2. Leading cases closed

### Overview



### Leading cases closed – State by State

STATE	ENHANCED SUPERVISION						STANDARD SUPERVISION						
	< 2 years		2-5 years		>5 years		< 2 years		2-5 years		>5 years		
	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021	
Albania												2	
Andorra													
Armenia							4	3	1	1			
Austria							1	1		1			1
Azerbaijan					1								
Belgium							4	1	2	1			
Bosnia and Herzegovina	1						1			1	1		
Bulgaria							3	3	5	2	2	3	
Croatia							2	7	2	1	15	6	
Cyprus									1				
Czech Republic									1				
Denmark							1						
Estonia							1	2					
Finland								1					
France							2	2	1	4		2	
Georgia									2	1			
Germany							1		4		1		
Greece			1		1	1	2	5	5	3	4	3	

STATE	ENHANCED SUPERVISION						STANDARD SUPERVISION					
	< 2 years		2-5 years		>5 years		< 2 years		2-5 years		>5 years	
	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021
Hungary									1	3	10	
Iceland							1	1				
Ireland												
Italy				1		1	1		4	3	1	
Latvia							2		1		1	2
Liechtenstein												
Lithuania							2	6		2	3	
Luxembourg									1			
Malta							1		2		1	
Republic of Moldova							5	4			6	7
Monaco												
Montenegro								2	1			
Netherlands												
North Macedonia							3	2			3	1
Norway										1		
Poland						1	2	2	1			1
Portugal									1	4		1
Romania								2			2	1
Russian Federation				1	1	1					10	1
San Marino												
Serbia			1		2		1	1	1			
Slovak Republic					1		1			1		
Slovenia					1		2	1	2	3	1	1
Spain									1	1		
Sweden										2		
Switzerland	1						1	5	1			
Turkey				1		3	4	3	4	5	9	8
Ukraine					3	1	3	1	1	1	12	12
United Kingdom							2	2		1		
<b>TOTAL</b>	<b>2</b>	<b>0</b>	<b>2</b>	<b>3</b>	<b>10</b>	<b>8</b>	<b>53</b>	<b>57</b>	<b>41</b>	<b>41</b>	<b>79</b>	<b>61</b>

## G. Just satisfaction

### G.1. Just satisfaction awarded

#### Global amount

YEAR	TOTAL AWARDED
2021	36 381 005 €
2020	76 452 187 €
2019	77 244 322 €
2018	68 739 884 €
2017	60 399 112 €
2016	82 288 795 €
2015	53 766 388 €
2014	2 039 195 858 €
2013	135 420 274 €
2012	176 798 888 €
2011	72 300 652 €
2010	64 032 637 €

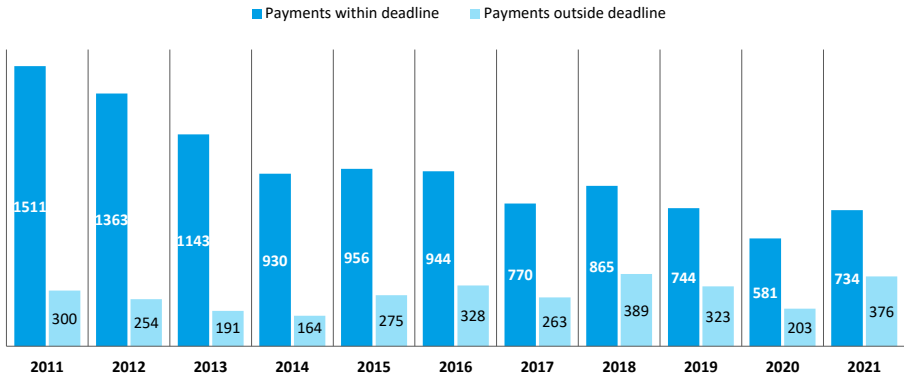
#### State by State

STATE	TOTAL AWARDED	
	2020	2021
Albania	62 220 €	25 350 €
Andorra	0 €	0 €
Armenia	417 550 €	298 448 €
Austria	6 000 €	138 071 €
Azerbaijan	803 726 €	890 490 €
Belgium	324 015 €	158 451 €
Bosnia and Herzegovina	117 720 €	175 713 €
Bulgaria	330 213 €	452 546 €
Croatia	237 458 €	519 601 €
Cyprus	52 119 €	105 425 €
Czech Republic	23 669 €	24 610 €
Denmark	14 000 €	47 923 €
Estonia	64 300 €	39 040 €
Finland	149 525 €	0 €
France	1 006 536 €	138 957 €
Georgia	183 200 €	106 650 €
Germany	11 828 €	47 647 €
Greece	2 131 421 €	1 145 080 €

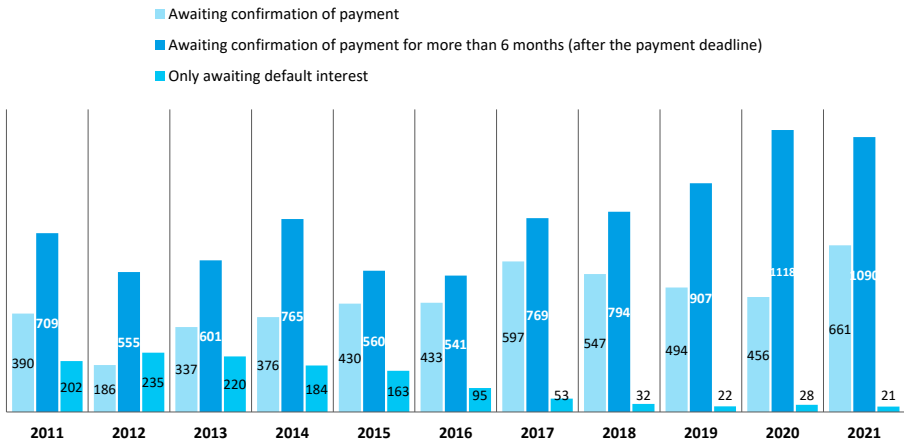
STATE	TOTAL AWARDED	
	2020	2021
Hungary	1 655 127 €	1 942 650 €
Iceland	109 000 €	180 050 €
Ireland	3 000 €	19 800 €
Italy	5 134 768 €	3 190 110 €
Latvia	20 353 €	11 382 €
Liechtenstein	0 €	0 €
Lithuania	364 419 €	34 936 €
Luxembourg	0 €	0 €
Malta	1 669 066 €	613 279 €
Republic of Moldova	4 179 342 €	2 558 897 €
Monaco	0 €	35 741 €
Montenegro	4 589 746 €	19 250 €
Netherlands	0 €	29 897 €
North Macedonia	329 683 €	155 350 €
Norway	116 800 €	204 000 €
Poland	252 304 €	740 847 €
Portugal	227 667 €	140 097 €
Romania	37 455 775 €	4 181 275 €
Russian Federation	11 458 094 €	11 917 616 €
San Marino	26 000 €	61 000 €
Serbia	221 305 €	983 100 €
Slovak Republic	176 788 €	726 843 €
Slovenia	18 412 €	22 947 €
Spain	55 048 €	90 688 €
Sweden	0 €	52 625 €
Switzerland	118 103 €	52 019 €
Turkey	1 548 027 €	1 061 335 €
Ukraine	685 755 €	2 452 840 €
United Kingdom	102 104 €	588 429 €
<b>TOTAL</b>	<b>76 452 187 €</b>	<b>36 381 005 €</b>

## G.2. Respect of payment deadlines

### Overview of payments made



### Awaiting Information on payment



## State by State

STATE	RESPECT OF PAYMENT DEADLINES									
	Payments within deadline		Payments outside deadline		Cases only awaiting default interest		Cases awaiting confirmation of payments at 31 December		... including cases awaiting this information for more than six months (outside payment deadline)	
	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021
Albania				2			10	12	7	9
Andorra										
Armenia	12	23		2			8	2	3	2
Austria	4	6					1	2	1	1
Azerbaijan	6	23	18	28	6	6	69	58	35	33
Belgium	10	5	5	6			9	6	2	4
Bosnia and Herzegovina	7	16	3	2			13	14	10	10
Bulgaria		55		10			41	17	17	3
Croatia	19	45		2			8	7		
Cyprus	2	5					2	2		
Czech Republic		3					3	4		2
Denmark	1	1						3		
Estonia	2	3								
Finland		1					1		1	
France	13	9	2	4			4	6		1
Georgia	11	9					2	2		2
Germany	4	6					4	2	1	2
Greece	42	24	3	5			12	7	1	1
Hungary	43	47	1	5			153	155	113	115
Iceland	9	6					1	2		1
Ireland	1	3								
Italy	14	30	16	24	8	7	40	40	29	22
Latvia	5	3					1			
Liechtenstein										
Lithuania	12	7					3	1	1	1
Luxembourg										
Malta	7	5	2	2			3	3	1	1
Republic of Moldova	28	54		1			19	21	6	



STATE	RESPECT OF PAYMENT DEADLINES									
	Payments within deadline		Payments outside deadline		Cases only awaiting default interest		Cases awaiting confirmation of payments at 31 December		... including cases awaiting this information for more than six months (outside payment deadline)	
	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021
Monaco										
Montenegro	10	3					1			
Netherlands		5						1		
Norway	3	2		1			2	6		1
North Macedonia	11	20		1			5	3	1	1
Poland	26	32		2			13	19	6	5
Portugal	9	8	1	2			7	7	2	2
Romania	22	28	8	26			105	147	60	85
Russian Federation	28	100	77	193	10	6	750	730	620	539
San Marino	2	1						1		1
Serbia	8	18	6	17			10	41	1	5
Slovak Republic	13	23					3	17		1
Slovenia	1	1					1			
Spain	3	2					3	7		4
Sweden		1								
Switzerland	2	6					1			
Turkey	123	54	12	10			66	91	50	54
Ukraine	65	37	48	30	4	2	199	310	149	182
United Kingdom	3	4	1	1			1	5	1	
<b>TOTAL</b>	<b>581</b>	<b>734</b>	<b>203</b>	<b>376</b>	<b>28</b>	<b>21</b>	<b>1574</b>	<b>1751</b>	<b>1118</b>	<b>1090</b>

## H. Additional statistics

### H.1. Overview of friendly settlements and WECL cases

(WECL: cases whose merits are already covered by well-established case-law of the Court)

A friendly settlement with undertaking implies a respondent State's commitment to adopt individual measures or general measures in order to address and prevent future similar violations.

Year	"WECL" cases Article 28§1b	New friendly settlements <u>without</u> undertaking	New friendly settlements <u>with</u> undertaking	TOTAL of new friendly settlements
2021	664	367	43	410
2020	466	224	16	240
2019	537	339	12	351
2018	523	275	7	282
2017	507	383	23	406
2016	302	504	6	510
2015	167	534	59	593
2014	205	501	98	599
2013	214	452	45	497
2012	198	495	54	549
2011	261	544	21	564
2010	113	227	6	233

### H.2. WECL cases and Friendly settlements – State by State

STATE	"WECL" cases Article 28§1b (number of corresponding applications)		Friendly settlements (Article 39§4) (number of corresponding applications)		TOTAL	
	2020	2021	2020	2021	2020	2021
Albania				5 (6)	0	5
Andorra					0	0
Armenia	7 (7)	10 (11)	4 (8)	1 (1)	11	11
Austria		2 (3)	1 (2)	3 (6)	1	5
Azerbaijan	18 (39)	18 (47)	12 (23)	20 (67)	30	38
Belgium	3 (9)	2 (2)	6 (8)	5 (6)	9	7
Bosnia and Herzegovina	6 (17)	13 (59)	1 (3)	4 (6)	7	17
Bulgaria	15 (25)	17 (30)	1 (1)	12 (30)	16	29
Croatia	8 (9)	16 (23)	10 (10)	12 (34)	18	28
Cyprus		1 (1)	1 (1)	1 (1)	1	2

STATE	“WECL” cases Article 28§1b (number of corresponding applications)		Friendly settlements (Article 39§4) (number of corresponding applications)		TOTAL	
	2020	2021	2020	2021	2020	2021
Czech Republic			2 (2)	4 (4)	2	4
Denmark				1 (1)	0	1
Estonia	1 (1)		1 (8)	2 (2)	2	2
Finland					0	0
France		2 (2)	3 (3)	7 (10)	3	9
Georgia	4 (4)	5 (8)	1 (1)		5	5
Germany		1 (1)	1 (1)	1 (1)	1	2
Greece	8 (10)	4 (6)	16 (52)	13 (40)	24	17
Hungary	23 (45)	25 (78)	31 (233)	23 (221)	54	48
Iceland			6 (6)	6 (7)	6	6
Ireland				3 (3)	0	3
Italy	10 (10)	19 (28)	14 (15)	27 (236)	24	46
Latvia	3 (3)				3	0
Liechtenstein					0	0
Lithuania	4 (8)	5 (5)	1 (1)	1 (1)	5	6
Luxembourg					0	0
Malta	5 (5)	7 (7)		1 (1)	5	8
Republic of Moldova	16 (28)	36 (41)	7 (9)	8 (8)	23	44
Monaco				1 (1)	0	1
Montenegro	7 (10)	1 (1)	1 (1)	1 (1)	8	2
Netherlands				2 (4)	0	2
North Macedonia	7 (8)	3 (3)	3 (22)	13 (74)	10	16
Norway		5 (5)			0	5
Poland	11 (12)	6 (6)	7 (7)	26 (131)	18	32
Portugal			4 (16)	7 (11)	4	7
Romania	37 (280)	70 (479)	18 (62)	27 (224)	55	97
Russian Federation	129 (498)	163 (641)	45 (396)	58 (242)	174	221
San Marino			1 (1)	2 (2)	1	2
Serbia	1 (1)	5 (12)	10 (101)	61 (708)	11	66
Slovak Republic	7 (8)	16 (18)	7 (12)	18 (26)	14	34
Slovenia					0	0
Spain	4 (8)	4 (4)			4	4

STATE	“WECL” cases Article 28§1b (number of corresponding applications)		Friendly settlements (Article 39§4) (number of corresponding applications)		TOTAL	
	2020	2021	2020	2021	2020	2021
Sweden					0	0
Switzerland	1 (1)			1 (1)	1	1
Turkey	59 (76)	36 (95)	21 (151)	23 (43)	80	59
Ukraine	72 (200)	172 (485)	3 (14)	5 (7)	75	177
United Kingdom			1 (1)	5 (5)	1	5
<b>TOTAL</b>	<b>466 (1322)<sup>22</sup></b>	<b>664 (2101)</b>	<b>240 (1171)</b>	<b>410 (2172)</b>	<b>706</b>	<b>1074</b>

22. For comparison, in 2011 there were 259 WECL cases corresponding to 371 applications.



## **V. New judgments with indications of relevance for the execution**

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### **A. Pilot judgments which became final in 2021**

In 2021 the European Court did not issue a pilot judgment.

## B. Judgments with indications of relevance for the execution (under Article 46) which became final in 2021

Note: If the judgment has already been classified, the corresponding supervision procedure is indicated.

STATE	CASE	APPLICATION No.	JUDGMENT FINAL ON	NATURE OF INDICATIONS GIVEN BY THE COURT
<b>Belgium</b>	<i>Willems and Gorjon</i>	74209/16+	21/12/2021	<p><b>To be classified in 2022</b></p> <p>The Court of Cassation displayed excessive formalism when it rejected as inadmissible appeals on points of law on account of the failure of the applicants' lawyer to refer to his requisite certification. The Court referred to its case-law, according to which a retrial or the reopening of proceedings which breached Article 6 and resulted in convictions represented, in principle, an appropriate way of redress. Article 442bis of the Code of Criminal Procedure allows for the possibility to reopen proceedings against a convicted person. Recourse to this in the present case would be a matter for assessment, if appropriate, by the Court of Cassation, having regard to domestic law and to the particular circumstances of the case.</p>
<b>Bulgaria</b>	<i>Bulgarian Orthodox Old Calendar Church and Others</i>	56751/13	20/04/2021	<p><b>Enhanced supervision</b></p> <p>The refusal to register the applicant church revealed a systemic problem which had already given rise to similar and may lead to further applications. The Court reiterated that the general measures should include either an amendment of the statutory provisions enshrined in the Religious Denominations Act 2002 or an interpretation of them that would not preclude the registration of a religious denomination on the grounds that it had (i) the same beliefs or practices as an existing religious denomination, or (ii) the same name as an existing religious denomination (unless the two names are literally identical or, indeed, so similar that the adherents of the existing religious denomination and the general public might genuinely confuse the two denominations. As for the individual measures, they could involve either granting a renewed request for its registration as a religious denomination or a reopening of the registration proceedings.</p>

STATE	CASE	APPLICATION No.	JUDGMENT FINAL ON	NATURE OF INDICATIONS GIVEN BY THE COURT
<b>Bulgaria</b>	<i>Tsonyo Tsonev (No. 4)</i>	35623/11	06/09/2021	<p><b>Standard supervision</b></p> <p>With regard to the violation of the ne bis in idem principle on account of the imposition of an administrative fine and a sentence of eighteen months' imprisonment, essentially for the same offence, the Court observed that, in the context of the execution of the prior Tsonyo Tsonev (no. 2) judgment, changes to domestic law and practice had been introduced to prevent similar violations. As concerns individual measures, relief could be provided, for example, by closing or annulling the second set of proceedings and making reparation for any consequences.</p> <p>In view of the seriousness of the facts at issue in the present case involving physical assault, the Court acknowledged that the authorities might have a legitimate interest in maintaining the criminal sanctions and that the destruction of the administrative file made it impossible, in practice, to reopen the administrative proceedings. Finally, the Court concluded that the finding of a violation in the present case could not in itself be regarded as imposing on the respondent State an obligation under the Convention to reopen either of the two sets of proceedings against the applicant.</p>
<b>Malta</b>	<i>Mattei and Others</i>	14615/19	17/06/2021	<p><b>Enhanced supervision</b></p> <p>With regard to the disproportionate and excessive interference with the right to property on account of rent control legislation related to requisitioned properties and indefinite extensions of private leases, the Court made reference to its call for general measures identified in similar cases, in order to put an end to the systemic violation of property rights and its encouragement to the Government to pursue such measures speedily and with due diligence under the supervision of the Committee of Ministers.</p>



STATE	CASE	APPLICATION No.	JUDGMENT FINAL ON	NATURE OF INDICATIONS GIVEN BY THE COURT
Norway	<i>Abdi Ibrahim</i>	15379/16	10/12/2021	<p><b>To be classified in 2022</b></p> <p>Interference with the right to family life on account of shortcomings in decision-making in adoption proceedings resulted in the complete severance of mother-child ties, in a context of different cultural and religious backgrounds between the child's mother and his adoptive parents. As to the applicant's request to indicate individual measures, the Court noted the importance to consider the best interests of the child in light of the fact that the child and his adoptive parents currently enjoy family life together. Indicating individual measures could entail an interference with their right to family life, thus raise a new issue not covered by the present judgment on the merits. With regard to general measures, the Court acknowledged the Government's recent efforts to implement its judgments on various types of child welfare measures and the process of enacting new legislation in this regard.</p>

STATE	CASE	APPLICATION No.	JUDGMENT FINAL ON	NATURE OF INDICATIONS GIVEN BY THE COURT
Romania	<i>Polgar</i>	39412/19	20/10/2021	<p><b>To be classified in 2022</b></p> <p><b>Support for the execution of the <i>Rezmiveş and Others</i> group:</b> The case concerned the material conditions of detention in Romanian prisons, in particular with regard to overcrowding, and the effectiveness of available domestic remedies. In 2017, the Court delivered the above pilot-judgment finding a structural problem. In the present judgment, it took stock of recent developments and, in principle, welcomed the steps taken by the national authorities, noting a declining level of prison overcrowding.</p> <p>As concerns the compensatory remedy, an action in tort based on Article 1349 of the Civil Code, as interpreted consistently by the national courts, had represented since 13/01/2021 (publication of relevant High Court judgment) an effective remedy for individuals who were allegedly subjected to inadequate conditions of detention, but are no longer held in such conditions.</p> <p>With regard to the preventive remedy, prisoners' requests to the post-sentencing judge enabled domestic courts to regularly assess the situation. However, the downward trend in prison overcrowding ended in June 2020, rising to a rate of 119.2% in December 2020. As a result, the Court concluded that, without a clear improvement in material detention conditions, the preventive remedy was not likely to provide prisoners with an effective possibility of bringing those conditions into line with the requirements of Article 3. The Court urged the State to ensure that the reforms to reduce prison overcrowding continued and to maintain the prison population at manageable levels.</p>

STATE	CASE	APPLICATION No.	JUDGMENT FINAL ON	NATURE OF INDICATIONS GIVEN BY THE COURT
<b>Romania</b>	<i>R.D. and I.M.D.</i>	35402/14	12/10/2021	<p><b>To be classified in 2022</b></p> <p>With regard to the applicants' non-voluntary confinement in a psychiatric hospital for the purpose of compelling them to undergo medical treatment in the absence of sufficient legal safeguards against forced medication, the Court recommended that the respondent State consider general measures to ensure that the administration of such treatment be accompanied by minimum legal guarantees against arbitrariness.</p>
<b>Russian Federation</b>	<i>OOO Informatsionnoye Agentstvo Tambov-Inform</i>	43351/12	18/08/2021	<p><b>Enhanced supervision</b></p> <p>Unjustified interference with freedom of expression on account of a media outlet's conviction for the publication of articles and an online poll on a website during an election campaign, classified as "pre-election campaigning" in breach of the relevant domestic law. The Court considered that it was incumbent on Russia to devise and implement the appropriate legislative or judicial measures to (i) protect the right to freedom of expression exercised by the print and online media and their editorial independence during an electoral campaign, and (ii) to mitigate any chilling effect arising on account of the application of the electoral legislation on pre-election campaigning.</p>
	<i>Kuzmina and Others</i>	66152/14	20/07/2021	<p><b>Enhanced supervision</b></p> <p>Unfair criminal proceedings as a result of structural problems concerning the domestic regulatory framework with regard to police entrapment and incitement to commit a crime (drug test purchases). The Court held that the structural defect identified must be addressed by the Russian authorities and specified that the legal framework pertaining to the conduct of operational-search activities must be amended so as to provide for a clear and foreseeable procedure for the authorisation of undercover operations, such as test purchases and operational experiments, by a judicial body providing effective guarantees against abuse.</p>

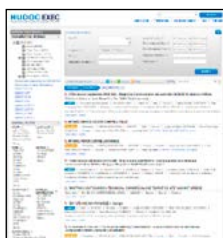
STATE	CASE	APPLICATION No.	JUDGMENT FINAL ON	NATURE OF INDICATIONS GIVEN BY THE COURT
<b>Russian Federation</b>	<i>Gasangusenov</i>	78019/17	30/06/2021	<p><b>Enhanced supervision</b></p> <p>Unjustified use of lethal force by State agents resulting in the killing of the applicant's sons and lack of effective investigation into the incident. The Court noted that the investigation was still pending at the national level without any clear factual findings made in the context of the criminal and other relevant proceedings. The Court concluded that specific measures were required by the Russian Federation, in particular in view of the elucidation of the main circumstances of the State agents' use of lethal force, the evaluation of their actions in consideration of all known facts and to ensure the next-of-kins' access to the key documents in the criminal cases.</p>
<b>Slovenia</b>	<i>Pintar and Others</i>	49969/14+	14/12/2021	<p><b>To be classified in 2022</b></p> <p>Unlawful interference with the applicants' property due to insufficient procedural guarantees against arbitrariness and their inability to challenge or seek compensation following the extraordinary measures taken by the national bank cancelling shares and bonds. The violation found in this case affects a great number of persons and entities, whose shares and bonds had been cancelled. Rapid access to a legal avenue enabling them to effectively challenge the interference with their property rights in practice is therefore essential. Appropriate arrangements are to be made in order to ensure that the proceedings, once initiated or resumed, are conducted without any further unnecessary delays.</p>



## VI. Further information on the execution of judgments

### A. Internet

#### HUDOC-EXEC database



In close cooperation with the European Court of Human Rights, the Execution Department (DEJ) launched, in 2017, its HUDOC-EXEC database, a documentary search engine which aims at improving the visibility and transparency of the process of the execution of judgments of the European Court.

HUDOC-EXEC provides easy access through a single interface to documents relating to the execution process (for example description of pending cases and problems revealed, the status of execution, memoranda, action plans, action reports, other communications, Committee of Ministers' decisions, final resolutions). It allows searching by a number of criteria (State, supervision track, violations, themes etc.).

<https://hudoc.exec.coe.int/ENG>

#### Website of the Committee of Ministers



The Committee of Ministers' website provides a search engine for documents and decisions linked to the supervision by the Committee of Ministers of the execution of the Court's judgments.

<http://www.coe.int/en/web/cm>

#### Website of the Department for the Execution of Judgments



The website provides the public with various information on the work of the Committee of Ministers and DEJ, notably through the regular publication of the latest news on the supervision of cases and on the activities of the department. Amongst other things, it includes country and thematic factsheets, interim and final resolutions, annual reports, articles on seminars, round tables, workshops, meetings, and other support activities. There is also a webpage where applicants can follow the payment of just satisfaction and make contact in the event of problems. A specific information webpage is available for NHRIs and NGOs.

In 2021, the DEJ website traffic increased by around 12% and reached more than 84,000 visits (compared to approximately 75,000 in 2020 and 63,000 in 2019).

<https://www.coe.int/en/web/execution>

## Social media



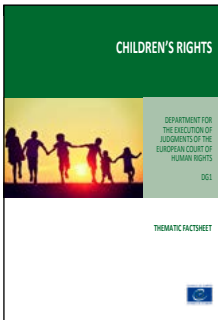
Since the end of 2017, DEJ has its own Twitter account providing targeted information for legal professionals, the media, and the public in general. The followers of the Twitter account increased in 2021 by approximately 48% and reached around 4,450 (compared to around 3,000 in 2020 and 1,600 in 2019).

The department publishes the Committee of Ministers decisions on the cases dealt with at the end of each HR meeting as well as information on the activities related to the execution of the European Court's judgments.

[https://twitter.com/COE\\_Execution](https://twitter.com/COE_Execution)

## B. Publications

### Thematic factsheets



The thematic factsheets are issued by DEJ and aim to present an overview of selected legislative, case-law and other reforms in the member States, following the European Court's judgments whose execution has been supervised and concluded by the Committee of Ministers. As the execution process in pending cases may evidence important progress, some factsheets may also include relevant pending cases. In 2021, six new thematic factsheets have been published on the themes of Children's rights, Freedom of expression, Conditions of detention, LGBTI persons' rights, Freedom of assembly and association, Migration and asylum. A total of seven factsheets have been translated into 14 non-official languages.

<https://www.coe.int/en/web/execution/thematic-factsheets>

### Country factsheets



In 2021, DEJ launched a new webpage containing country factsheets with information on the execution by all member States of the European Court's judgments.

The online factsheets present an overview of the main issues raised by the European Court's judgments whose execution is pending before the Committee of Ministers, with links to information on the cases' status of execution. They also provide concise information on legislative and other reforms made by member States in the context of execution of the European Court's judgments. Country-based statistics are also available on the new webpage including a new modern, interactive tool.

<https://www.coe.int/en/web/execution/country-factsheets>

### Closed cases

In 2021, about 300 summaries were drawn up and published in the table of closed cases listing, by country, the main progress reported in the final resolutions adopted by the Committee of Ministers.

These summaries of closed cases are also available in the HUDOC-EXEC database.

<https://www.coe.int/en/web/execution/closed-cases>

## Appendix – Glossary

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**Action plan** – document setting out the measures taken and/or envisaged by the respondent State to implement a judgment of the European Court of Human Rights, together with an indicative timetable.

**Action report** – report transmitted to the Committee of Ministers by the respondent State setting out all the measures taken to implement a judgment of the European Court and/or the reasons for which no additional measure is required.

**Judgment with indications of relevance for the execution “Article 46”** – judgment by which the Court seeks to provide assistance to the respondent State in identifying the sources of the violations established and the type of individual and/or general measures that might be adopted in response. Indications related to individual measures can also be given under the section Article 41.

**Case** – generic term referring to a judgment (or a decision) of the European Court.

**Case awaiting classification** – case for which the classification – under standard or enhanced supervision – is still to be decided by the Committee of Ministers.

**Classification of a case** – Committee of Ministers’ decision determining the supervision procedure – standard or enhanced.

**Closed case** – case in which the Committee of Ministers adopted a final resolution stating that it has exercised its functions under Article 46 § 2 and 39 § 4 of the Convention, and thus closing its examination of the case.

**Deadline for the payment of the just satisfaction** – when the Court awards just satisfaction to the applicant, it indicates in general a deadline within which the respondent State must pay the amounts awarded; normally, the time-limit is three months from the date on which the judgment becomes final.

**“DH” meeting** – meetings of the Committee of Ministers specifically devoted to the supervision of the execution of judgments and decisions of the European Court. If necessary, the Committee may also proceed to a detailed examination of the status of execution of a case during a regular meeting.

**Enhanced supervision** – supervision procedure for cases requiring urgent individual measures, pilot judgments, judgments revealing important structural and/or complex problems as identified by the Court and/or by the Committee of Ministers, and interstate cases. This procedure is intended to allow the Committee of Ministers to closely follow progress of the execution of a case, and to facilitate exchanges with the national authorities supporting execution.



**Final judgment** – judgment which cannot be the subject of a request of referral referral to the Grand Chamber of the European Court. Final judgments have to be executed by the respondent State under the supervision of the Committee of Ministers. A Chamber judgment (panel of 7 judges) becomes final: immediately if the parties declare that they will not request the referral of the case to the Grand Chamber of the Court, or three months after its delivery to ensure that the applicant or the respondent State have the possibility to request the referral, or when the Grand Chamber rejects the referral's request. When a judgment is delivered by a committee of three judges or by the Grand Chamber, it is immediately final.

**Final resolution** – Committee of Ministers' decision whereby it decides to close the supervision of the execution of a judgment, considering that the respondent State has adopted all measures required in response to the violations found by the Court.

**Friendly settlement** – agreement between the applicant and the respondent State aiming at putting an end to the application before the Court. The Court approves the settlement if it finds that respect of human rights does not justify maintaining the application. The ensuing decision is transmitted to the Committee of Ministers which will supervise the execution of the friendly settlement's terms as set out in the decision.

**General measures** – measures needed to address more or less important structural problems revealed by the Court's judgments to prevent similar violations to those found or put an end to continuing violations. The adoption of general measures can notably imply a change of legislation, of judicial practice or practical measures such as the refurbishing of a prison or staff reinforcement, etc. The obligation to ensure effective domestic remedies is an integral part of general measures (see notably Committee of Ministers Recommendation (2004)6). Cases revealing structural problems of major importance will be classified under the enhanced supervision procedure.

**Group of cases** – when several cases under the Committee of Ministers' supervision concern the same violation or are linked to the same structural or systemic problem in the respondent State, the Committee may decide to group the cases and deal with them jointly. The group usually bears the name of the first leading case transmitted to the Committee for supervision of its execution. If deemed appropriate, the grouping of cases may be modified by the Committee, notably to allow the closure of certain cases of the group dealing with a specific structural problem which has been resolved (partial closure).

**Individual measures** – measures that the respondent States' authorities must take to erase, as far as possible, the consequences of the violations for the applicants – *restitutio in integrum*. Individual measures include for example the reopening of unfair criminal proceeding or the destruction of information gathered in breach of the right to private life, etc.

**Interim resolution** – form of decision adopted by the Committee of Ministers aimed at overcoming more complex situations requiring special attention.

**Isolated case** – case where the violations found appear closely linked to specific circumstances, and does not require any general measures (for example, bad

implementation of the domestic law by a tribunal thus violating the Convention). See also under *leading case*.

**Just satisfaction** – when the Court considers, under Article 41 of the Convention, that the domestic law of the respondent State does not allow complete reparation of the consequences of this violation of the Convention for the applicant, it can award just satisfaction. Just satisfaction frequently takes the form of a sum of money covering material and/or moral damages, as well as costs and expenses incurred.

**Leading case** – case which has been identified as revealing new structural and/or systemic problems, either by the Court directly in its judgment, or by the Committee of Ministers in the course of its supervision of execution. Such a case requires the adoption of new general measures to prevent similar violations in the future. Leading cases also include certain possibly isolated cases: the isolated nature of a new case is frequently not evident from the outset and, until this nature has been confirmed, the case is treated as a leading case.

**New cases** – expression referring to a judgment of the Court that became final during the calendar year and was transmitted to the Committee of Ministers for supervision of its execution.

**Partial closure** – closure of certain cases in a group revealing structural problems to improve the visibility of the progress made, whether as a result of the adoption of adequate individual measures or the solution of one of the structural problems included in the group.

**Pending case** – case currently under the Committee of Ministers' supervision of its execution.

**Pilot judgment** – when the Court identifies a violation which originates in a structural and/or systemic problem which has given rise or may give rise to similar applications against the respondent State, the Court may decide to use the pilot judgment procedure. In a pilot judgment, the Court will identify the nature of the structural or systemic problem established, and provide guidance as to the remedial measures which the respondent State should take. In contrast to a judgment with mere indications of relevance for the execution under Article 46, the operative provisions of a pilot judgment can fix a deadline for the adoption of the remedial measures needed and indicate specific measures to be taken (frequently the setting up of effective domestic remedies). Under the principle of subsidiarity, the respondent State remains free to determine the appropriate means and measures to put an end to the violation found and prevent similar violations.

**Reminder letter** – letter sent by the Department for the Execution of Judgments to the authorities of the respondent State when no action plan/report has been submitted in the initial six-month deadline foreseen after the judgment of the Court became final.

**Repetitive case** – case relating to a structural and/or general problem already raised before the Committee in the context of one or several leading cases; repetitive cases are usually grouped together with the leading case.

**Standard supervision procedure** – supervision procedure applied to all cases except if, because of its specific nature, a case warrants consideration under the enhanced procedure. The standard procedure relies on the fundamental principle that it is for respondent States to ensure the effective execution of the Court’s judgments and decisions. Thus, in the context of this procedure, the Committee of Ministers limits its intervention to ensuring that adequate action plans/reports have been presented and verifies the adequacy of the measures announced and/or taken at the appropriate time. Developments in the execution of cases under standard procedure are closely followed by the Department for the Execution of Judgments, which presents information received to the Committee of Ministers and submits proposals for action if developments in the execution process require specific intervention by the Committee of Ministers.

**Transfer from one supervision procedure to another** – a case can be transferred by the Committee of Ministers from the standard supervision procedure to the enhanced supervision procedure (and *vice versa*).

**Unilateral declaration** – declaration submitted by the respondent State to the Court acknowledging the violation of the Convention and undertaking to provide adequate redress, including to the applicant. The Committee of Ministers does not supervise the respect of undertakings formulated in a unilateral declaration. In case of a problem, the applicant may request that its application be restored to the Court’s list.

**“WECL” case** – judgment on the merits rendered by a Committee of three judges, if the issues raised by the case are already the subject of “well-established case-law of the Court” (Article 28 § 1b).



This annual report presents an overview of major developments and outreach activities concerning the execution of judgments and decisions of the European Court of Human Rights. It also provides statistics concerning notably: new, pending and closed cases; action plans and reports submitted by respondent States; the length of the execution process; as well as just satisfaction awarded to applicants.

Although the Covid-19 pandemic continued to pose serious challenges, in 2021 the Committee of Ministers examined a record high number of cases at the four Human Rights meetings and closed more than 1,100 cases following the adoption by respondent States of individual, and a wide range of legislative and other general measures. Also, the participatory nature and transparency of the execution process were further reinforced, notably due to an ever increasing number of communications received by the Committee of Ministers from civil society organisations and national human rights institutions.

The execution process, however, continues to face a number of serious challenges. The increasing number of new judgments, including particularly complex inter-state and “Article 18” cases, places the system under strain. Concerns are also raised by delays in the submission by States of information vital for the execution process, such as action plans and reports and confirmation of payment of just satisfaction. In addition, several long-standing, systemic and structural problems at national level persist and require particular attention, although in a number of these cases progress has been made. As a result, further efforts should be pursued by member States and the Council of Europe to ensure that the Convention system can continue to respond effectively to the numerous human rights challenges Europe faces.

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The Council of Europe is the continent’s leading human rights organisation. It comprises 46 member states, including all members of the European Union. The Committee of Ministers is the Council of Europe’s decision-making body, composed by the foreign ministers of all 46 member states. It is a forum where national approaches to European problems and challenges are discussed, in order to find collective responses. The Committee of Ministers participates in the implementation of the European Convention on Human Rights through the supervision of the execution of judgments of the European Court of Human Rights.

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