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

2019

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13th Annual Report of the Committee of Ministers

COMMITTEE OF MINISTERS
COMITÉ DES MINISTRES

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

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of the Committee of Ministers
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I. Preface by the Chairs of the Human Rights meetings

The year 2019 was a significant and eventful one for the Council of Europe, which marked the 70th anniversary of its foundation. It was the occasion for the Committee of Ministers, at the ministerial session held in Helsinki, to clearly restate the deep and abiding commitment of the 47 member States of the organisation to the protection of human rights and fundamental freedoms, and to the rule of law. At the heart of the unique political project that is the Council of Europe stands the European Convention on Human Rights. The Convention was the first achievement of the organisation, conceived and drafted in its earliest days, and also its finest achievement. Coming at a time when European societies face multiple risks and challenges that threaten the values and principles that constitute the very essence of the organisation, the Declaration adopted on the occasion of the 70th anniversary of the Council of Europe takes a resolute stance in support of the ideals and values of a democratic society.

The centrality of the Convention to the action and endeavours of the Council is beyond doubt. Its norms and principles, as elaborated in the extensive jurisprudence of the European Court of Human Rights, inspire and guide its activities across many domains. This is clearly seen in the priorities selected by the three successive presidencies of the Committee of Ministers during 2019, those of Finland, France and Georgia. Thus, the Finnish presidency gave prominence to strengthening the system of human rights and the rule of law in Europe, with a series of activities and events at Strasbourg and in Finland. During the French Presidency (May-November 2019), its first priority was to preserve and consolidate the European system of human rights protections, with a major focus on the role of the European Court. Of great prominence in the calendar of presidency events was the conference bringing together in Paris the leaders of the superior courts of Council of Europe States, an important act of the dialogue between the European and national limbs of the Convention system that is both a necessity and a real strength. Of direct relevance to the execution of judgments at the conference was the discussion devoted to the right of the individual to have access to an effective remedy before a court to ensure the protection of their rights under the Convention.

In turn, the Georgian presidency has chosen as its first priority the issue of human rights and environmental protection, connecting one of the most urgent contemporary challenges for our societies to the most authoritative international normative system that exists today, tapping into the well-developed and still evolving jurisprudence of the European Court in this domain.

The year 2019 was also significant in that it marked the completion of the reform process that began with the Interlaken conference in 2010. While the overall evaluation of all that has been achieved during that period is, at the time of writing, still in progress, it is clear that this full decade of reform has indeed strengthened the system of the European Convention on Human Rights in various respects and at each level of its operation – implementation at national level, the functioning of the international supervisory mechanism, and the execution of the Court's judgments under the supervision of the Committee of Ministers. It is this third element that is the subject-matter of the present report, which describes the advances made and officially acknowledged in decisions of the Committee along with other situations where renewed efforts are clearly called for.

The primary message that the three Chairs of the human rights meetings in 2019 wish to convey here is, once again, the unconditional obligation on States to abide by the Court's judgments, as Article 46 of the Convention prescribes. This fundamental point has been reiterated, wherever required, in the decisions adopted by the Committee in 2019 supervising the implementation of Strasbourg judgments, and also at the ministerial level in Helsinki in the Ministers' decisions on securing the long-term effectiveness of the system of the European Convention on Human Rights. This is an essential matter for the Convention system; its effectiveness and its credibility hinge upon it. In this regard, mention should be made of a very significant development – the delivery by the Court's Grand Chamber of the first judgment under the procedure provided for in Article 46 § 4 of the Convention (infringement proceedings). In remarks that are of broad significance for the implementation of judgments, the Court endorsed what it called the "extensive *acquis*" of the Committee of Ministers, composed of the Committee's supervisory practice and also the related standards set in the relevant recommendations addressed to States over the past two decades. Taken together, the Convention system features a comprehensive framework for the execution of the Court's judgments.

Yet the challenges are real, and many are enduring. The findings and assessments made on previous occasions about the types of difficulty that beset the execution stage of Convention proceedings – problems of capacity of domestic actors, problems of resources, insufficient political will or even clear disagreement with a Strasbourg ruling – have lost none of their pertinence. What is equally clear, though, is the Committee's persistence and tenacity in its Convention role, through a dialogue that is both constructive and candid, focussed on an end-result that affords full redress to those who have endured a violation of their human rights and also addresses on the broader level the causes and the factors underlying such infringements.

While the Convention entrusts the key role of supervising the execution of judgments to the Committee of Ministers, it has long been evident in the Committee's practice that the process is greatly aided and supported by the efforts of other actors, well expressed by the notion of shared responsibility. This was as much in evidence in 2019 as previously. In numerous instances the Committee drew on the assessments and proposals of relevant national actors, in particular the ombudsman or public defender and expressly encouraged their involvement in the process of execution. The role of civil society in this context was also affirmed. Likewise, the contribution

of other Council of Europe bodies, for instance the Human Rights Commissioner, the Committee for the Prevention of Torture, the Venice Commission, and ECRI, was regularly underlined, evidence both of how fundamental the Convention is to all of the Council's various activities in defence of human rights and the rule of law, and how the efforts of these actors in their respective fields can be usefully harnessed to the ends of the Convention.

Also clear in the practice of the Committee is the importance of the work of the Council of Europe's Secretariat in assisting and advising national authorities in identifying and preparing measures to implement the judgments of the Court. The forms of action are many – provision of legal expertise, design and delivery of training programmes, assessment of draft legislation, facilitating the transfer of knowledge and the sharing of experience among States. It is essential that the organisation can retain, and indeed further develop, its capacity to be a valued and reliable partner of the national authorities and an agent of change.

As the Convention, in its turn, approaches its 70th anniversary in 2020, let that landmark event be the occasion for the States of Europe to affirm once more their profound attachment to this seminal European text, and their commitment to make of its ideals and principles a lived reality for all those under its protection.

France	Georgia	Greece
Mr Jean-Baptiste MATTEI	Mr Irakli GIVIASHVILI	Mr Panayiotis BEGLITIS

II. Summary

The present report spans two significant anniversaries. It covers the year 2019, the 70th anniversary of the Council of Europe, and its publication comes in the year of the 70th anniversary of the signing of the European Convention on Human Rights. The importance of this collective guarantee set up by the Council of Europe member States, be it for European public order, democratic security or good governance, has been continuously stressed over the years, and in particular during the 10-year Interlaken reform process now reaching its conclusion

In their preface to the report, the three Chairs of the Committee of Ministers Human Rights meetings in 2019 stress the continued centrality of the Convention to the action and endeavours of the Council. This is reflected in the priorities of the Finnish presidency that placed particular emphasis on the need to strengthen rule of law, in the programme of the French presidency with its major focus on the role of the European Court, followed by the Georgian presidency giving priority to the issue of human rights and environmental protection.

The report provides a selection of concrete examples of the development of the Convention system and main achievements in 2019, along with statistics illustrating the positive impact of the Interlaken process on the execution of the judgments of the Court. Progress here over the decade 2010-2019 is particularly apparent when compared to the previous decade following on from the Rome conference in 2000.

Yet the report also points to a number of persistent difficulties in the execution of certain judgments by respondent States – notably linked to the capacity of domestic actors, insufficient resources or political will or even clear disagreement with a specific Strasbourg ruling – and thus the need to continue to strengthen the system and boost the effectiveness and resources of the supervisory framework.

Mr Christos GIAKOUMOPOULOS

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

Introduction – 70 years

The present report spans two significant anniversaries. It covers the year 2019, the 70th anniversary of the Council of Europe, and its publication comes in the year of the 70th anniversary of the signing of the European Convention on Human Rights. The importance of this collective guarantee set up by the Council of Europe member States in the form of the Convention has been continuously stressed over the years since ever since the Convention was adopted, not least during the 10-year Interlaken reform process now reaching its conclusion.

The Convention as an ever-developing treaty – some highlights

Given these significant anniversaries, it is worth recalling several highlights in the story of the Convention.

The fundamental importance of the Convention for the newly formed Council of Europe, and for the realisation of its aims, was immediately evident. It was the first post-war treaty to provide for supranational decision-making. This step forward in international law appeared natural as the Council's aim with the Convention was to put in place an effective collective guarantee of the principles guiding co-operation and the achievement of greater unity among the States of Europe, and upon which European public order should be built: respect for human rights, the rule of law and democracy[1].

In order to safeguard the effectiveness of the system over time in light of societal and technological developments, and to ensure that member States' responses remained consistent with a common understanding of the fundamental commitment to human rights, the rule of law and democracy, major efforts have been made. The Convention has been the subject of 16 Protocols improving its procedures and updating the catalogue of rights in keeping with developments in European societies (although it is greatly to be regretted that, seven years on, Protocol No. 15 is still not in force, with two final ratifications still outstanding). In parallel, the continuing relevance of the Convention has been ensured by the cardinal principle of interpretation that it is a living instrument to be read in the light of present-day conditions. In addition, all States have incorporated the Convention into national law, a development that the Committee of Ministers already welcomed in 2004. The direct effect of the Court's judgments in the States concerned, as well as of its case-law in general, has been increasingly recognised.

A major event was the Council of Europe summit in Vienna in 1993 which stressed the immense hopes which attached to the new Europe that emerged after the fall of the Berlin wall and the Organisation's enlargement, united in its commitment to the values defended by the Council and safeguarded by the Convention, and which required that all new member States adhere to its control system, accepting the compulsory jurisdiction of the Court and the right to individual petition.

The supervision procedure of the Committee of Ministers has been largely shaped by the importance of the system. It is evident that the credibility of the system depends on the full and speedy execution of judgments establishing violations of the Convention, both to uphold the authority of the Court and to contribute to the effective respect by member States for the common values protected by the Convention. It has in fact been extremely rare to experience major resistance to execution, even where the legal or practical aspects were very complex and required much time and effort to deal with.

1. In its original version, the Convention conferred on the Committee of Ministers the power, to decide, by a two-thirds majority, whether a State had violated the Convention and what effect should be given to its decisions (former Article 32 of the Convention, repealed in 1998 by Protocol No. 11).

A very valuable effect of the supervision process, with its in-built dialogue, has been its capacity to foster openness to the experience of other States and to the expertise of the many specialised bodies within the Council of Europe when seeking adequate responses to violations found. In this way, the supervision of the Committee of Ministers has not just ensured respect for the judgments of the Court, but it has also contributed to a significant degree to the Council of Europe's general aims of fostering cooperation and greater unity in Europe.

Over the years, in its supervisory role, the Committee of Ministers has certainly earned a high level of trust from States. Numerous complex structural problems, often longstanding because of national difficulties in overcoming them, have been resolved under the supervision and guidance of the Committee, thanks to its capacity to follow and support reform efforts over many years, and to mobilise the Council of Europe's expertise and cooperation programmes.[2] The supervision process has also demonstrated an ability to help overcome occasional reticence and even initial resistance on the part of national authorities to a specific judgment of the Court. Mention should be made here of the importance of the development, in response to the Brussels Conference, of the capacity for rapid, targeted support action by the Department for the Execution of Judgments.

In the light of the system's major achievements, it is not surprising that the Interlaken process has stressed its extraordinary contribution to the protection and promotion of human rights and the rule of law in Europe and the central role it plays today in maintaining democratic security and improving good governance across the Continent.

It is sometimes said, critically, that the supervision process is "political". Yet this argument misses the core aim of the process, which is to ensure respect for the Convention as interpreted in the judgments of the Court regarding the State concerned, taking account as well of the relevant case-law, thereby preventing similar violations from occurring again. This being said, it is true that the achievement of this non-political aim may well require political action along with other, essentially technical forms of support. Yet this political dimension is the value added by the Committee of Ministers to the supervisory mechanism of the Convention, essential to its effectiveness. In other words, the political support offered to the judicial process should be regarded as its strength rather than an error or a failing.

The essential purpose of the Committee's action is to ensure by means of peer pressure and effective political leverage that the domestic execution process leads to the individual and general measures required in response to the Court's judgments (or pledged by States in the context of friendly settlements). The process cannot in any way prejudge the competence of the Court and results achieved may be submitted to the assessment of the Court in the context of new applications. If the measures adopted do not provide redress and fail to effectively prevent new similar violations of the Convention, this will lead to new judgments and to a more rigorous supervision on the part of the Committee.

2. A summary of the major achievements since the present Court was established by Protocol No. 11 in 1998 appears in the Committee's Annual Report for 2015, with updates in the subsequent Annual Reports.

70 years – but stable execution requirements

Since the very beginning and over the years, the requirements for full execution of the Court's judgments have remained constant: over and above the payment of any just satisfaction awarded, respondent States have to grant individual redress and prevent similar violations through the adoption of general measures.

Already the first violation established – in the *Pataki and Dunshirn* case against Austria, decided by the Committee of Ministers in 1963 under the former Article 32 – set the stage. Individual redress was granted to the applicants in the form of the reopening of the impugned unfair criminal proceedings and the organisation of new, fair ones. General measures were adopted in the form of legislative changes to prevent the repetition of the violation and interim measures to cover all pending applications (all received the same right as the applicants to obtain the reopening of proceedings).

The important practice which has been developed since by States and by the Committee of Ministers is not, I feel, sufficiently well known; it certainly deserves wider attention.

As to individual measures, it is, for example, a constant practice before the Committee of Ministers, ever since the first violation of Article 7, to ensure that any consequences of a criminal conviction or sanction imposed in violation of Article 7 are erased or at least deprived of legal effect.[3] Responses thus encompass the quashing of unforeseeable convictions or their non-enforcement, the reduction of sentences to what was foreseeably prescribed by law at the material time, and/or the award of compensation for seizures or other monetary consequences stemming from the impugned convictions.

As to general measures, it has been the practice since the outset to ensure that findings of violations lead not only to the adoption of measures capable of preventing new similar violations, but also, wherever feasible, to provisional or intermediary measures (frequently by courts and authorities granting direct effect to the judgments at issue) while the more permanent reforms are prepared

The Interlaken process – significant progress

The Interlaken process began in 2010 in response to the extremely critical situation of the Court (some 120,000 pending cases at the beginning of 2010, reaching a high point of over 160,000 in 2011). The situation before the Committee of Ministers, with almost 10,000 cases under its supervision, was also a major source of concern.

The process received an early and very welcome boost from the entry into force of Protocol No. 14 in June 2010. It entailed a thorough examination of the Convention system, both its strength and weaknesses. It is noteworthy that civil society was more closely involved in the exercise than was the case with earlier reforms, and

3. See the case *Welch v. United Kingdom*. The Court delivered its judgment on the merits in 1995 and its judgment on just satisfaction in 1996. The Committee of Ministers closed its supervision of the execution of the judgment by Resolution DH(97)222.

that the concept of shared responsibility, be it at the national or the European level, was more strongly underlined than ever before.

In terms of treaty-making, the process brought about two new protocols to the Convention reinforcing subsidiarity and improving the possibilities for dialogue between the highest national courts and the European Court through a new possibility of seeking advisory opinions.

In December 2010, the Committee of Ministers adopted - new working methods aimed at enhancing the transparency and efficiency of the supervisory process. In 2017, it amended its rules of procedure to formally recognise the right of international organisations and of the Commissioner of Human Rights to intervene in the supervisory process (which she recently did for the first time).

In October 2019, the Committee updated its Recommendation to the member States regarding university education and professional training[4]. Shortly after it also mandated the Steering Committee for Human Rights (CDDH) to consider the possible updating of other relevant recommendations before the end of 2021. Mention can also be made of the work of the CDDH in preparing two guides of good practices, one about effective remedies in 2013[5] and one about national structures to ensure the speedy execution of the Court's judgments in 2017[6].

In November 2019, the CDDH also presented its contribution to the evaluation of the Interlaken process. It concluded that the process has brought significant advances that bode well for the capacity of the Convention system to meet new challenges as well as to consolidate and further develop the progress made. In light of this, the CDDH considered that no major revision of the system is needed.

The Committee of Ministers will soon draw the overall conclusions about the reform process and identify the areas for continuing work in future.

From my perspective, there are three major conclusions that can be reached. First, that there is indeed no need for a major revision of the Convention system. Second, that the shared responsibility between State Parties, the Court and the Committee of Ministers is the *sine qua non* for the proper functioning of the system. Third, that there is a need to continue to monitor the system in order to devise targeted interventions whenever needed to secure its effectiveness. Naturally, I subscribe to the CDDH's call for the necessary resources to be provided to the Convention system. It bears emphasis that this refers not only to the international mechanism (the Court and the Department for the Execution of Judgments), but to all relevant actors at the national level too.

4. Recommendation CM/Rec(2019)5 of the Committee of Ministers to member States *on the system of the European Convention on Human Rights in university education and professional training.* See CM(2019)149 of 17 September 2019.
5. Guide to good practice in respect of domestic remedies, adopted by the Committee of Ministers on 18 September 2013.
6. Guide to good practice on the implementation of Recommendation (2008)2 of the Committee of Ministers on efficient domestic capacity for rapid execution of judgments of the European Court of Human Rights, CDDH(2017)R87 Addendum I.

The position of the CDDH, it may be noted, is very much in line with the remarks made in previous annual reports by the ambassadors who have chaired the Committee's Human Rights meetings in recent years, and the present annual report provides no reason to depart from that view. The efficiency of the execution process has greatly improved over the 10-year Interlaken reform period as compared to the previous decade that began with the important conference held in Rome in 2000 (see statistical graph A.4). Indeed, one sees that the total number of leading cases closed in the period 2010-2019 was greater than the number of new such cases. In strong contrast, over the period 2000-2009, the number of leading cases closed amounted to only some 40% of the number of new leading cases.

The more detailed reasons for this positive development have already been set out in previous annual reports, notably that of 2018, and also in the CDDH Interlaken report. The first factor is the Committee of Ministers' working methods introduced in 2010, which improved the prioritisation and transparency of the Committee's work and saw an increase in the guidance and support provided for execution in more important cases. The second factor is the general reinforcement of domestic capacity for prompt execution, inspired by the Committee's Recommendation (2008)2. The third is the availability of Council of Europe advice, assistance and expertise, some of which can be made available at very short notice (in particular by the Department for the Execution of Judgments) and the support provided under more extensive cooperation programs that can deliver legal training on a large scale. Other bodies that are part of the Council of Europe, notably the Parliamentary Assembly and the Commissioner for Human Rights, have had a significant impact here too. The same is true of the Council of Europe Bank, which has contributed financially to important projects such as the building of prisons.

The report also highlights the increasing role of NGOs in the supervision procedure, in particular through submissions to the Committee of Ministers. Indeed, more such submissions were made in 2019 than in any previous year. This development, largely supported throughout the Interlaken process, in particular in the Brussels Declaration, is to be welcomed.

There are many concrete examples of the capacity of the supervision process to give impetus and assistance to domestic execution processes. This capacity has been particularly evident in cases revealing major structural problems; many have been overcome during the Interlaken period.

A telling example is the length of judicial proceedings. For a number of States, this was their major problem in terms of frequency of violations of the Convention. In 2011, 22% of cases under the Committee's supervision related to this problem. Much progress has been achieved since, involving crucially the introduction of effective remedies in almost all Member States. By the end of 2019, the relative share of such cases under the Committee's enhanced procedure had decreased to just 8%. Major progress has also been made over time in addressing other more country-specific problems.

Today the problems that arise most frequently in the cases before the Committee concern the control of the action of security forces, inhuman and degrading conditions of detention, and the unjustified deprivation of liberty.

Remaining problems

Notwithstanding clear signs of the improved efficiency of the system, Europe is in constant change and new challenges arise continuously.

There can be no room for complacency. Among the most difficult cases to deal with are typically inter-State cases and individual cases relating to unresolved conflicts, post-conflict situations, or cases displaying other with inter-State features. In 2019 there were few, if any, developments in the execution of such cases. The need for major efforts at all levels, for innovative approaches and for effective synergies with all relevant actors is urgent.

More generally, the number of pending leading cases under enhanced supervision is decreasing very slowly, as is the number of leading cases that have been under the standard procedure for more than five years. Many of these derive from well-known and deeply rooted problems, such as persistent prejudice against certain groups in society, or inadequate national organisation, or again a lack of necessary resources. Effectively addressing these frequently requires reinforcement both of national structures and of the support available from Strasbourg, as was also suggested in the CDDH report. A new challenge observed in 2019 is where execution measures taken with the encouragement and support of the Committee of Ministers are quickly revoked amid political controversy. This was seen in the *Rezmiveş and Others* case when the Romanian Parliament took the extraordinary decision in December 2019 to abolish the remedy for poor conditions of detention that had been previously introduced in response to a pilot judgment, without any alternative remedial measures. The Government gave the Committee an undertaking at the time, in view of the risk of thousands of repetitive applications, to rapidly present a new action plan and ensure the full and swift completion of the execution process. However, early in 2020 Parliament withdrew its confidence from the Government, as a result of which the authorities have been unable to make any significant progress, pending the formation of a new Government.-

The past year provided good examples of the importance of working closely and continuously with national authorities to ensure execution in difficult situations. The case of *Zorica Jovanović* against Serbia is a particularly good example of this. The efforts of the domestic authorities, fully supported by the Council of Europe, eventually ensured the adoption in early 2020 of the legislation setting up an investigatory mechanism to establish the fate of the many new-born babies who went missing from maternity wards in past decades.

The importance of parliamentary involvement in the domestic execution process has to be underlined. There is clearly room to do more in this area , be it through debates on important execution issues, the creation of specialised parliamentary committees, making Convention expertise available to lawmakers, requiring regular government reports on the progress of execution, or providing Parliament with the (translated) action plans and other documents submitted to Strasbourg, and so on.

Resistance to execution remains an issue of concern. The last few years have seen an increasing number of instances where the Committee of Ministers has felt compelled to remind the respondent States of the unconditional obligation to abide by

the Court's judgments. In the *Ilgar Mammadov* case, the Committee finally deemed it necessary to initiate the infringement procedure under Article 46 § 4 of the Convention. The Court's judgment was given in May 2019, strongly confirming the clear and consistent position of the Committee regarding the measures required in this serious case. To the Committee's great concern, and in spite of its forceful calls on the Azerbaijani authorities, by the end of the year the applicant continued to be affected by the consequences of the violations of his Convention rights. The ongoing failure of the respondent State to respond adequately has brought the execution process to a situation of unprecedented gravity, raising the question of measures to be taken under Article 46 § 5 of the Convention.

Conclusion

The importance of safeguarding the values protected by the Council of Europe is greater than ever. The concrete results achieved over the Interlaken period, as confirmed in 2019, indicate that the prospects for the Convention system's continued contribution to democratic security and good governance in Europe, based on the rule of law and respect for human rights, remain very encouraging.

However, given the growing number of difficulties in the execution of the Court's judgments by respondent States, there is a clear need to boost the effectiveness of the supervisory framework. What this will evidently require, among other things, is a review of the adequacy of the resources devoted to execution at each level, an issue that has also been highlighted by the CDDH.

What is now required are concrete steps and effective political action to ensure the adoption of the necessary measures to better secure the implementation of the European Court's judgments.

Council of Europe's 3rd Summit – Warsaw, 16-17 May 2005

IV. Improving the execution process: a work of continuing reform

GUARANTEEING LONG-TERM EFFECTIVENESS OF THE SYSTEM

A. Rome to Interlaken

1. The main developments concerning the implementation of the Convention for the Protection of Human Rights and Fundamental Freedoms (the Convention) which have led to the current system are summarised in the Annual Reports 2007-2009.[7]

2. The pressure on the Convention system due to the success of the right to individual petition and the enlargement of the Council of Europe led rapidly to the necessity of further reforms, beyond those put in place by Protocol No. 11 in 1998, to ensure the long-term effectiveness of the system. The starting point for these new efforts was the Ministerial Conference in Rome in November 2000 which celebrated the 50th anniversary of the Convention. The main avenues followed since then consisted in improving:

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

3. The importance of these three lines of action has been regularly emphasised at ministerial meetings and also at the Council of Europe's 3rd Summit in Warsaw in 2005 and in the ensuing Action Plan. A large part of the implementing work was entrusted to the Steering Committee for Human Rights (CDDH).

7. See notably Sections III and IV of the 2009 Annual Report.

High Level Conference on the Future of the European Court of Human Rights – Interlaken, 18-19 February 2010

4. Since 2000 the CDDH has presented a number of different proposals. These have in particular led the Committee of Ministers to:

- adopt seven recommendations to States on various measures to improve the national implementation of the Convention,[8] including in the context of the execution of judgments of the Court;
- adopt Protocol No. 14,[9] both improving the procedures before the Court and providing the Committee of Ministers with certain new powers for

8. Recommendation No. R(2000)2 of the Committee of Ministers to member states on the re-examination or reopening of certain cases at domestic level following judgments of the European Court of Human Rights;
- Recommendation Rec(2002)13 of the Committee of Ministers to member states on the publication and dissemination in the member states of the text of the European Convention on Human Rights and of the case-law of the European Court of Human Rights;
- Recommendation Rec(2004)4 of the Committee of Ministers to member states on the European Convention on Human Rights in university education and professional training;
- Recommendation Rec(2004)5 of the Committee of Ministers to member states on the verification of the compatibility of draft laws, existing laws and administrative practice with the standards laid down in the European Convention on Human Rights;
- Recommendation Rec(2004)6 of the Committee of Ministers to member states on the improvement of domestic remedies.
The status of implementation of these five Recommendations has been evaluated by the CDDH. Civil society was invited to assist the governmental experts in this evaluation (see CDDH(2006)008 Add.1). Subsequently, the Committee of Ministers has adopted special recommendations on the improvement of the execution of judgments:
- Recommendation CM/Rec(2008)2 of the Committee of Ministers to member states on efficient domestic capacity for rapid execution of judgments of the European Court of Human Rights;
- Recommendation CM/Rec(2010)3 of the Committee of Ministers to member states on effective remedies for excessive length of proceedings.
In addition to these recommendations to member states, the Committee of Ministers adopted a number of Resolutions addressed to the Court:
- Resolution Res(2002)58 on the publication and dissemination of the case-law of the European Court of Human Rights;
- Resolution Res(2002)59 concerning the practice in respect of friendly settlements;
- Resolution Res(2004)3 on judgments revealing an underlying systemic problem,
as well as in 2013 the following non-binding instruments intended to assist national implementation of the Convention:
- Guide to good practice in respect of domestic remedies;
- Toolkit to inform public officials about the State's obligations under the European Convention on Human Rights.

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

High Level Conference on the Future of the European Court of Human Rights – Izmir, 26-27 April 2011

the supervision of execution (in particular the possibility to lodge with the Court requests for the interpretation of judgments and to bring infringement proceedings in the event of refusal to abide by a judgment);

- adopt new Rules for the supervision of the execution of judgments and of the terms of friendly settlements (adopted in 2000, with further important amendments in 2006) in parallel with the development of the Committee of Ministers' working methods;[10]
- reinforce subsidiarity by inviting States in 2009 to submit action plans for the execution of the Court's judgments and/or, as regards actions taken, action reports (at the latest six months).

5. In addition, in 2000 the Parliamentary Assembly started to follow the execution of judgments on a more regular basis, in particular by introducing a system of regular reports, partly following country visits in order to assess progress concerning open issues in important cases. The reports have notably led to recommendations and other texts for the attention of the Committee of Ministers, the Court and national authorities.

B. Interlaken – Helsinki

Interlaken – Izmir – Brighton

6. The efforts undertaken did not prevent the Court from being put under serious pressure by the number of applications lodged demonstrating that additional measures were required. A further reform process was thus launched by the Interlaken Conference in 2010 which has dealt with a wide range of issues, notably as regards the situation before the Court and the Committee of Ministers' supervision of the execution of the Court's judgments, but also as regards the national implementation of the Convention and stressing the shared responsibility of all stakeholders, both domestically and at the Council of Europe level.

10. Relevant texts are published on the website of the Department for the Execution of Judgments of the European Court. Further details with respect to the developments of the Rules and working methods are found in Appendix 7 and also in previous annual reports.

High Level Conference on the Future of the European Court of Human Rights – Brighton, 19-20 April 2012

7. The Committee of Ministers decided to evaluate whether the measures adopted over the period 2010-2019 are sufficient to assure sustainable functioning of the supervisory mechanism of the Convention or whether more profound changes are necessary.

8. As regards the Committee of Ministers' supervision, *new working methods* were adopted in 2011., based on a twin-track supervision procedure to better prioritise the Committee of Ministers' support for execution and aimed at improving the transparency of the supervision process.

9. Following the Brighton Conference in 2012, the reform work accelerated, with two new protocols adopted by the Committee of Ministers in 2013: **Protocol No. 15** (now ratified by 45 of the 47 member States) and **Protocol No. 16** (presently ratified by 14 States).[11] Protocol No. 16 entered into force on 1 August 2018.

10. The Committee of Ministers also gave a mandate to the CDDH to *examine certain other questions* of relevance also for the execution of judgments and the Committee of Ministers' supervision thereof. One concerned possible new means to resolve *large numbers of applications resulting from systemic problems*. On this issue the CDDH underlined the importance of respondent States ensuring full, prompt and effective execution, in full co-operation with the Committee of Ministers. It stressed that, besides the new possibilities offered by Protocol No. 14, recent experience showed the considerable impact of carefully designed domestic remedies, allowing the "repatriation" of repetitive applications to the national level.

11. The Committee of Ministers also decided to examine the question whether more efficient measures were required *vis-à-vis* States that failed to implement judgments in a timely manner.

12. The first results of the Committee of Ministers' examination were presented in December 2012, and those of its working group GT-REF.ECHR in April 2013 (see Annual Report 2013). These results were communicated to the CDDH. The ensuing CDDH report of November 2013 noted the excessively large and growing number of judgments pending before the Committee of Ministers (at the time over 11 000 judgments) and the need for remedial action.

11. Number of ratifications at the time of going to press.

High Level Conference "Implementation of the European Convention on Human Rights: our shared responsibility" – Brussels, 26-27 March 2015

13. The Court's opinion on the report highlighted in particular the continuing problem of repetitive cases and clarified that the pilot judgment procedure response it had devised proceeded from the concern – clearly expressed in the Brighton Declaration – to safeguard the effectiveness of the Convention system, while respecting the competences and prerogatives of its different actors. The opinion concluded by noting that very few of the CDDH proposals appeared to find much support and that it was hard to see how they could significantly improve the current system – yet such improvement was undoubtedly needed. Reflection thus had to continue.

14. The efficiency of the execution process was also among the themes discussed at the Oslo Conference *"Long-term future of the European Court of Human Rights"*. Several avenues for future development, both at the Council of Europe and national levels, e.g. the creation of an independent national mechanism ensuring that governments draw full conclusions from the Court's judgments, were explored. The conclusion was that further in-depth reflection was required.

Brussels and Copenhagen

15. The reform process continued with the 2015 Brussels conference, entitled "*The implementation of the Convention, our shared responsibility*". The Declaration adopted at the conference and the accompanying action plans were endorsed by the Committee of Ministers at its ministerial session in May 2015.

16. As to the continuing work on the implementation of the Brussels Declaration, the CDDH notably:

a. reviewed the *implementation of the Recommendation CM/Rec(2008)2 on efficient domestic capacity measures taken for rapid execution of judgments of the European Court of Human Rights* and drew up a guide to good practice. The Committee of Ministers adopted this Guide on 13 September 2017.

b. considered mechanisms for ensuring the *compatibility of legislation and draft legislation with the Convention* (arrangements, advantages, obstacles) and considered good practices in this respect. A specific webpage was created in this regard. The summary of the exchange of views was formally adopted in 2017. No further action was deemed to be necessary.

c. organised a conference, followed by intergovernmental discussions on the theme of the *"Place of the Convention in the European and International Legal Order"*.

High Level Conference on the reform of the European Convention on Human Rights system – Copenhagen, 12-13 April 2018

17. The Copenhagen Conference, entitled "*Continued Reform of the European Human Rights Convention System – Better Balance, Improved Protection*", took place in April 2018. The Copenhagen Declaration, subsequently endorsed by the Committee of Ministers at the Ministerial Conference in Copenhagen on 11-12 May 2018, stressed anew the extraordinary contribution of the Convention system to the protection and promotion of human rights and the rule of law in Europe and the central role it plays in maintaining democratic security and improving good governance across the continent.

18. The Declaration underlined the need for dialogue as a means of ensuring a stronger interaction between the national and European levels of the system and noted that ineffective national implementation of the Convention, in particular in relation to serious systemic and structural human rights problems, remained the principal challenge confronting the Convention system. As regards the execution of the Court's judgments, the Declaration stressed the importance of strengthening national capacity for effective and rapid execution and the Council of Europe's capacity to offer rapid and flexible technical assistance to States, in particular to assist in solving systemic and structural problems. The organisation of thematic debates by the Committee of Ministers in order to discuss the main problems revealed in its supervision of execution was encouraged.

19. As regards the special problems linked to the case load, and notably those linked to repetitive cases, the Declaration stressed the need for continued combined efforts of all actors involved, including the Committee of Ministers when supervising execution. Also, the particular problems linked with situations of conflict and crisis – important concerns in the context of the supervision of the execution – were underlined.

2019 – The end of the Interlaken process – 70th anniversary – Helsinki

20. The final stage of the Interlaken process coincided with the Council of Europe's 70th anniversary. On this occasion, the member States adopted a Declaration at the ministerial session in Helsinki in May 2019. In this Declaration, they reaffirmed their deep and abiding commitment to the Statute of the Council of Europe and to the Convention. They underlined the Organisation's unprecedent achievement of a common legal space based on respect for human rights, rule of law and democracy, whilst underlining that European unity is required more than ever to face

Ministerial session – Helsinki, 16-17 May 2019

also new challenges which threaten European societies and that it was vital for the Organisation to respond rapidly and efficiently to emerging issues in member States.

21. The Committee of Ministers' evaluation of the results of the Interlaken process is underway. A first step in this exercise was the contribution of the CDDH published at the end of 2019. The CDDH considered that the results obtained demonstrated the capacity of the system to meet future challenges, even if further actions and reinforcement of resources are necessary. The opinion of the Court will also be taken into account in this exercise.

C. Parliamentary Assembly

22. The Parliamentary Assembly of the Council of Europe has continued its work on regular reporting on the implementation of the Court's judgments.

23. In April 2019, the Assembly adopted a resolution on the role and mission of the Parliamentary Assembly and main challenges for the future[12] in which it notably highlighted the importance of the execution process and compliance with the Convention and its own contribution to the process.

24. The work on the preparation of the 10th report on the implementation of judgments of the European Court of Human Rights is ongoing. In this context the Committee on Legal Affairs and Human Rights held several hearings in 2018 and 2019.

25. The Assembly also pursued its awareness-raising efforts aimed at increasing knowledge about the Convention requirements, in particular about the role of national parliament in execution of the European Court's judgments, among the secretaries of parliamentary delegations to Parliamentary Assembly. For example, in October 2019 the fifth capacity-building seminar as held for the staff of national parliaments of twelve member States, namely Albania, Azerbaijan, Bosnia and Herzegovina, Bulgaria, France, Greece, Hungary, Ireland, Italy, North Macedonia, Poland and Romania. These events have also provided the possibility to organise country-specific meetings with relevant Council of Europe bodies, including the Department of the Execution of judgments of the Court.

12. See Resolution 2277 (2019) Role and mission of the Parliamentary Assembly: main challenges for the future, adopted on 10 April 2019.

26. In the pursuit of these efforts a checklist for parliaments in their work related to the execution of judgments of the Court was presented in Budapest in 2018 and a handbook "National Parliaments as Guarantors of Human Rights in Europe" for parliamentarians from all over Europe was presented in Bucharest the same year.

27. The Assembly also continues to encourage national parliaments to set up, as has already been done in a number of states, special parliamentary mechanisms to supervise the progress of execution. As regards special parliamentary mechanisms, an overview of those put in place was published in 2015.[13] The development of such mechanisms in all states was strongly recommended in the texts adopted by the Assembly in 2015 and 2017 following the 8th and 9th reports. It is also a major theme in the discussions around the 10th report, presently under preparation. Reflections in a number of other countries are continuing.

13. PPSD(2014)22 19 October 2014.

V. Cooperation activities

1. The importance of domestic authorities' access to Council of Europe expert advice and cooperation activities and programmes to support the processes necessary for the execution of the Court's judgments, and thus also to support the general reception of the Convention and its fuller incorporation into the domestic law and practice, has been highlighted throughout the Interlaken process.

2. The coordination of this support with the requirements of the execution of the Court's judgments has also on numerous occasions proven crucial in bringing about the necessary reforms.

3. Cooperation activities and programmes only receive marginal funding from the Organisation's ordinary budget and therefore are primarily conducted with support from the HRTF, voluntary contributions or joint programmes and activities, notably with the European Union.

4. The Copenhagen Declaration of April 2018 encouraged the Committee of Ministers to continue to ensure good synergies among cooperation activities and programmes. It also underlined the need to ensure that these can be rapidly made available where required, especially in relation to cases disclosing systemic and structural problems, which if unresolved would result in more repetitive violations of the Convention. Activities should focus on the need to further strengthen the capacity of the Council of Europe to offer rapid and flexible technical assistance to the domestic authorities. In line with this, the Committee today frequently invites States to avail themselves of the support that may be provided through Council of Europe cooperation programmes and activities.

A. Activities of the Department for the Execution of Judgments of the European Court

5. In accordance with its mandate, the Department for the Execution of Judgments of the European Court of Human Rights not only assists the Committee of Ministers, but provides support to the member States in their efforts to achieve full, effective and prompt execution of judgments (notably through bilateral meetings, various forms of legal expert opinions, round tables, awareness-raising and dissemination measures, training programmes and activities facilitating exchanges of experiences between interested States or with involvement of other monitoring or standard setting bodies of the Council of Europe). A major advantage of these activities, strongly encouraged at the Brussels Conference, is that they are focused on specific demands of execution and may be organised at very short notice. Activities can be confidential, but today most are public. Some of these activities involve NGOs or national human rights institutions. The sharing of good practices, transparency, the focus on the process of execution, its technical nature and the inclusion of the work of relevant Council of Europe expert bodies are always important features of these activities.

6. Activities organised by the Department in 2019 included a series of contact missions to Bosnia and Herzegovina to provide assistance in the relaunching of the constitutional amendment process necessary to achieve a non-discriminatory election system and events in Bulgaria (safeguards to ensure effective criminal investigations and the possibility of independent investigation against a Chief Prosecutor), in Georgia (Parliament's role in overseeing execution of judgments), in Greece (police ill-treatment and effective investigations), in Hungary (series of meetings with the authorities and civil society on all major outstanding issues pending execution), and in Ukraine (reform of the criminal justice system, penitentiary reform, safety of journalists, judicial independence and efficiency and access to justice with the main focus on non-execution of domestic judgments). Depending on the circumstances, the activities involve meetings with representatives of governments, courts, parliamentary committees, other authorities, civil society and academia.

7. The Department also participated in numerous activities organised in the above States and other member States by other Council of Europe bodies, with involvement of other international organisations, the EU and domestic authorities – notably events in Armenia (on the role of the Ombudsman's office and NGOs in implementing judgments), Bulgaria (International Roundtable on "Applying engagement-based alternatives to detention (ATDs) and reducing irregularity in the migration systems – an exchange of experience"), in Germany (annual conference of the Law and Development Research Network in Berlin on the execution of judgments of the regional human rights courts), Croatia (EIN training on drafting communication to Committee of Ministers for NGOs), in Hungary (UNHCR's annual meeting in Budapest on the practice and procedure for Rule 9 communications), Latvia (PACE Parliamentary Conference on Execution of the European Court's judgments), in Italy, Romania and Georgia (topical issues related to the protection of fundamental rights in the context of asylum and migration), Serbia (Parliamentary hearing on "missing babies" as well as First Execution Weekend School in Vršac – and a meeting in Belgrade of delegations from Bosnia and Herzegovina on repayment of "old" foreign-currency savings), in North Macedonia (project on family law in Skopje), Slovenia (Conference marking the 60th anniversary of the European Court), in Turkey (bilateral meetings with the authorities and the superior courts, notably with the Ministry of Foreign Affairs, the Constitutional Court, the Court of Cassation, the Council of State, the Turkish Ombudsman Institute and the Human Rights Institute and participation in the preparatory work of the Judicial Reform Strategy Document and the draft Human Rights Action Plan), in Ukraine (Annual Forum on Execution of Court Judgments, Lviv Forum on the Case-law of the European Court of Human Rights, Summer Schools on Internal Displacement and the Freedom of Expression, Induction course for the newly selected Supreme Court judges, International High Level Conference on Judicial Education in Implementation of the European Convention of Human Rights and execution of judgments), in the United Kingdom (Conference on execution of the European Court's judgments, University of Liverpool).

8. In addition, the Department actively participated in the cooperation activities organised by the Council of Europe under various country-related action plans in order to provide insights into the special execution dimensions of problems

discussed. This included joint programmes organised with the EU, member States' voluntary contributions, and the Human Rights Trust Fund ("HRTF"). In particular, this included projects under the "EU Horizontal Facility", with a number of activities held in Serbia, Bosnia and Herzegovina, North Macedonia, Montenegro, with participation of the CPT. Of particular importance was a high-level regional conference on the eradication of police impunity (involving ministers and/or high-level representatives from Croatia, Montenegro, North Macedonia and Serbia). Similarly, the Department took part in a number of expert activities organized under the auspices of the HRTF-financed project on support to implementation of judgments of the European Court of Human Rights for Ukraine.

9. Many activities included high-level meetings with ministers, speakers of parliament and members of parliamentary committees, judges of supreme courts and constitutional courts and high-level prosecutors and thus gave political visibility to the process of execution and ensured support at the highest levels.

10. The practice of study visits and meetings with public officials in Strasbourg continued in 2019. These activities involved public officials and national judges, including from supreme and constitutional courts (Montenegro, Serbia, Kosovo,[14] Republic of Moldova, Turkey, Ukraine), and/or legal secretariats of the domestic interlocutors in the execution process, notably from the judiciary, legislative bodies and governmental bodies, with direct involvement of decision-makers (Armenia, Bosnia and Herzegovina, Republic of Moldova, North Macedonia, Russian Federation, Ukraine). These activities are supplemented by regular and ad hoc visits to Strasbourg of government agents, other officials and/or judges, to participate in different events related to the Committee of Ministers' supervision of execution and/or specific execution issues. A number of study visits for national judges or members of the Government agent's offices were also organised for Serbia. A regional study visit for junior lawyers in the Offices of Government Agents from Bosnia and Herzegovina, Croatia, North Macedonia, Montenegro and Serbia was organised in Strasbourg. Additionally, a study visit from the Secretariat of the Supreme Court of Ukraine and a meeting with a network of domestic interlocutors in the execution process were organised in 2019.

B. General cooperation programmes and national Action Plans and cooperation documents

11. The importance of technical assistance and cooperation programmes to provide support for the execution of the Court's judgments has been highlighted throughout the Interlaken process.

12. Cooperation 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's different expert bodies (CPT, CEPEJ, GRECO, ECRI, Venice Commission, etc.).

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

The cooperation programmes thus constitute a welcome – and sometimes even indispensable – support to ensure the adoption of the suitable, sustainable measures to address the problems revealed by the Court's judgments.

13. In 2019, major Action Plans between the Council of Europe and member states were being implemented in Armenia (2015-2018), in Azerbaijan (2018-2020), in Bosnia and Herzegovina (2018-2021), in Georgia (2016-2019), in the Republic of Moldova (2017-2020) and in Ukraine (2018-2021). All include actions that support the execution of judgments revealing structural problems and the need for long-term continuing efforts. Such support has also been given through the more targeted cooperation activities implemented in 2019 with EU support in Albania (following the end of the last Action Plan 2015-2017), Montenegro, North Macedonia, Ukraine and Turkey.

14. The Office of the Directorate General of Programmes ensures, notably through regular contacts with the Department for the Execution of Judgments, that Action Plans and other cooperation activities as well as general cooperation policies systematically include appropriate actions to meet specific needs arising from the Court's judgments and the Committee of Ministers' supervision of their execution.

C. Targeted Convention-related cooperation projects

15. 2019 has seen a continuation of the special efforts within DGI aiming at responding quickly to national demands for cooperation activities related to the implementation of the Convention, and notably to assist in ensuring timely execution of Court 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, including Joint programmes with the EU, member states' voluntary contributions, including within the Human Rights Trust Fund ("HRTF").

16. 2019 saw a continuation of many of the earlier projects notably as regards Turkey (the Project on Improving the Effectiveness of Investigation of Allegations of Ill-treatment and Combating Impunity in Turkey (concerns *Bati* group), which was a direct outcome of the Informal Working Group meetings and as regards the cooperation in the "informal working group" set up by the Secretary General thus continued and several activities of relevance notably for freedom of expression (*Incal* group) and freedom of assembly (*Oya Ataman* group) were organised – in addition a new project on the effectiveness of investigations into actions of security forces was launched in February 2018), and Ukraine (support for the execution of judgments concerning the independence and efficiency of the judiciary – fairness of disciplinary proceedings against judges *(Volkov)* – the absence of enforcement of judgments against the state, or state-owned or controlled entities including the lack of any effective remedy *(Ivanov/Burmych)* – and the reopening of proceedings to give effect to Strasbourg judgments (*Bochan No. 2* group of cases). Targeted projects were also organised in the Russian Federation including a high-level event at the Saint Petersburg Legal Forum in May 2019. Professional training programmes for judges, prosecutors and lawyers on recurrent Convention issues have continued throughout 2019 and the development of further cooperation activities is being discussed and some activities have already been planned with the Russian authorities.

17. The European Programme for Human Rights Education for Legal Professionals, better known as HELP Programme, has also continued to provide invaluable support to the implementation of the Court's judgments in all 47 countries. The HELP Programme has by now 36 training courses in its catalogue, which deal with most of the Convention issues. HELP activities are usually tailored to the country's legal order, including specific Convention issues raised in the national context: 230 national adaptations of HELP courses have already been done throughout the Council of Europe member states. 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 unique pan-European network of national training institutions and bar associations which constantly exchange good training practices on the most acute Convention issues. The HELP Programme is only partly funded by the ordinary budget and regularly receives financial support from the EU (HELP in the EU and HELP Radicalisation Prevention and Fight against Terrorism) as well as voluntary contributions for region or country-specific projects of particular importance (HELP in Russia, HELP in the Western Balkans and Turkey, both funded by HRTF). In support of these efforts, the Committee of Ministers, in its decisions in individual cases, frequently invites the States to take advantage of the different cooperation programmes and projects offered by the Council of Europe. In 2019, the HELP programme, in close cooperation with the Department, worked on the development of a special training course on execution of judgments of the European Court of Human Rights.

D. Thematic debates in the Committee of Ministers

18. A special form of co-operation and experience sharing, specifically encouraged in the Brussels and Copenhagen declarations, is thematic debates organised by the Committee of Ministers. In 2019, the Committee held a thematic debate on the issues of effective investigations into actions of the security forces. The debate focused on three main topics: Addressing the shortcomings revealed by the Court's judgments, independent oversight of investigations and reparation for victims (the materials are available on the websites of the Committee and of the Department for the Execution of Judgments).

VI. Main recent achievements

(based on the final resolutions adopted in 2019)

ARMENIA

Length of judicial proceedings

Excessive length of criminal proceedings

Following the adoption of the 2012-2016 Strategic Programme for Legal and Judicial Reforms aimed at addressing the issue of lengthy proceedings, important reforms were adopted. The Constitution was amended in 2015 to enshrine the right to a fair trial within a reasonable time as well a right to compensation for damage caused by a decision, action or the inaction of a State or local self-government body or their officials. The amendments also provided that basic rights and freedoms should be interpreted taking into account the European Court's case-law.

A new Judicial Code was subsequently adopted which contains specific criteria for assessing the reasonableness of the length of proceedings and evaluating the performance of judges. New evaluation tools are envisaged in the Government Action Plan 2019-2023.

In addition, quite a number of measures have been adopted to improve the case management in order to prevent lengthy proceedings. Further measures are foreseen in the draft criminal Code which is under elaboration.

Moreover, the Armenian Civil Code now provides for the possibility to claim both pecuniary and non-pecuniary damage in case of violations of fundamental rights and freedoms.

Aganikyan v. Armenia (21791/12)
Judgment final on 05/04/2018
CM/ResDH(2019)290

BULGARIA

Effective investigations into actions of security forces

Lack of effective investigations into alleged ill-treatment due to the inability to identify masked police officers

The European Court considered that masked police officers deployed in police operations should display anonymous means of identification to permit their identification by the investigative authorities. An amendment to the Ministry of Interior Act, in force since 1 January 2019, provides that police officers who take part in special police operations, such as search and seizure operations, must wear individual identification numbers. When special forces officers are involved, the requirement to visibly display some anonymous form of identification aims at preventing impunity even when legitimate security concerns require confidentiality.

Hristovi v. Bulgaria (42697/05)
Judgment final on 11/01/2012
CM/ResDH(2019)236

CROATIA

Access to a court

Denial of access to a court in defamation proceedings on account of an excessively formalistic interpretation of the Media Act

The refusal to accept defamation claims due to an excessive formalism in the interpretation and application of the relevant provisions of the Media Act was addressed through a change of the case-law of the Constitutional Court and the Supreme Court. Since 2014, the Constitutional Court has held in similar cases that excessive formalism in the application of the Media Act amounted to a deprivation of the right to a fair hearing. These findings have been upheld by the Supreme Court.

Buvač v. Croatia (47685/13)
Judgment final on 06/09/2018
CM/ResDH(2019)72

Automatic application of the principle that a party pays all costs related to claims not granted also in proceedings against the State for compensation because of ill-treatment by police

Following the European Court's judgments, the domestic courts, including the Supreme Court and the Constitutional Court, changed their case-law so as to avoid automatic application of the rules on costs. In the same vein, in July 2019 the impugned provision of the Civil Procedure Code was amended. Thus, as regards apportionment of the costs in cases of partial success, domestic courts now take a qualitative approach, taking into account all relevant facts and circumstances.

Klauz v. Croatia and 1 other case (38458/15)
Judgment final on 09/12/2013
CM/ResDH(o2019)296

CYPRUS

Protection against degrading treatment and protection of private and family life during solitary confinement

Degrading treatment during the solitary confinement of a detainee, restriction on the rights to receive visits and monitoring of letters – lack of effective remedy

As regards material conditions during solitary confinement, soon after the judgment became final, the Ministry of Justice sent instructions to the Director of Prisons highlighting the Court's findings on the applicant's material conditions of detention in solitary confinement and indicating the need to improve those conditions. These instructions have led to a change in practice so that prisoners in solitary confinement have better access to sanitary facilities, outdoor exercise and regular meals, thus responding the Court's specific concerns.

The Prison (General) Regulations were amended in July 2018. A prisoner's letters to or from family members, associates and friends can only be opened, read and retained under limited circumstances and the prisoner must be informed underlying reasons. Some letters may not be opened or monitored: notably correspondence between the prisoner and their lawyer, the Prisons Board, the Council of Europe CPT or the European Court of Human Rights.

Imposition of solitary confinement is made subject to strict formal requirements, and the prisoner retains the right to send or receive letters as well as the right to make phone calls and receive visits from his lawyer.

Concerning effective remedies, the Prison Law, which was also amended in July 2018, provides that the Prisons Board, in charge of handling prisoner complaints, is henceforth independent and none of its members can have any links with the prison administrations. In its supervisory role, the Board cooperates with the Director of Prisons to ensure proper detention conditions, adequate educational programmes and the appropriate treatment of prisoners.

Onoufriou v. Cyprus (24407/04)
Judgment final on 07/04/2010
CM/ResDH(2019)86

CZECH REPUBLIC

Protection of family life – Filiation

Inability to challenge legal paternity on grounds of new biological evidence

The Special Judicial Proceedings Act was amended on 30 September 2017. The new Article 425a provides for the possibility to reopen paternity proceedings even after the expiry of the statutory three-year time-limit. This possibility is notably afforded if "new evidence which relates to new scientific methods that could not have been used in the original proceedings exists". The Article specifies that a decision on

declaration or denial of paternity does not affect the validity of legal acts carried out in relation to parental rights and obligations before the decision became final.

Novotný v. Czech Republic (16314/13)
Judgment final on 07/09/2018
CM/ResDH(2019)87

Placement in social care home

Lack of safeguards against incapacitated persons' arbitrary placement and of possibility to seek compensation

Legislative amendments in 2016 specified the conditions under which a guardian of an incapacitated person can resort to the person's placement in a social care institution. Prosecutor offices are now empowered to enter any social care institution, talk in private with any client of the institution and access all documentation in order to ascertain whether judicial review of the placement is required. In January 2019, the Ministry of Labour and Social Affairs published further guidance for providers of social care services and public guardians under the new legislation. Prior to the Court's judgment, the new Civil Code of 2012 had strengthened the legal status of persons suffering from mental illness providing for a larger array of support measures and defining restrictions of legal capacity as measures of last resort.

Červenka v. Czech Republic (62507/12)
Judgment final on 13/01/2017
CM/ResDH(2019)273

ESTONIA

Freedom of expression – right to receive information

Restrictions on prisoners' access to Internet sites containing legal information, including the local Council of Europe Information Office website.

The Imprisonment Act was amended in 2019, enabling prisoners to access legislation databases and registers of judicial decisions. Access remains under the supervision of the prison service, and the consultation of webpages enabling electronic communications is prohibited.

In accordance with the European Court's judgment, the Supreme Court changed its case-law in December 2017 requesting lower courts to establish the facts justifying any denial of access, in particular grounds related to security and economic risks.

Kalda v. Estonia (17429/10)
Judgment final on 06/06/2016
CM/ResDH(2019)109

FRANCE

Freedom of expression

Disproportionate criminal or disciplinary conviction for defamatory statement and disproportionate civil liability for the publication of information on private life

A large dissemination of the European Court's judgments enabled a better consideration of the criteria to be followed for any restriction of the freedom of expression, in order to better assess the proportionality of the punishments in that area. The initial and continuous trainings of judges include targeted programmes related to the Court's case-law in respect of freedom of expression. The recent case-law of the Court of cassation highlights a more explicit assimilation of the criteria defined in the Court's case-law on freedom of expression for assessing the proportionality of the sanctions imposed for statements made. In several recent judgments dealing with public defamation, the Court of cassation referred to the fundamental distinction between statements of fact and value-judgments as well as to the notion of public interest debate. The Court of cassation also takes into account the potential deterrent effect of any restriction to freedom of expression. The consideration of the Court's case-law is also visible in the reasoning of the Court of cassation and lower courts in civil matters concerning the balance between the right to freedom of expression and the right to respect for private life.

Jean-Jacques Morel v. France and 7 other cases (25689/10+)
Judgment final on 10/01/2014
CM/ResDH(2019)88

GEORGIA

Right to vote for prisoners

General and automatic ban on prisoners' voting rights irrespective of the length of the sentence and the nature or gravity of the offence

The Electoral Code and the Constitution had already been amended in 2011 – before the Court gave its judgment – in accordance with the Venice Commission recommendations of 2010, themselves based on the Court's case law, to allow persons deprived of their liberty for "crimes of little gravity" a right to vote. In order to narrow the restriction, the Constitution was amended again in October 2017 and now excludes voting rights solely of those persons who are in prison for particularly serious criminal offences. Training activities were organised in the framework of joint projects of the Central Election Commission, the Training Centre of Georgia and the Penitentiary and Probation Training Centre.

Ramishvili v. Georgia (48099/08)
Judgment final on 31/05/2018
CM/ResDH(2019)49

GREECE

Fairness of judicial proceedings – Presumption of innocence

Reasoning/comments equating to statements of guilt in judicial decisions rejecting claims for damages for wrongful pre-trial detention *(Kabili)* and ordering release from such detention *(Kampanellis)*

In 2010, the Code of Criminal Procedure was amended and provides for the nullity of all criminal proceedings in case of infringement of the defendants' rights, including the presumption of innocence.

According to new legal provisions in 2019, all defendants whose right to the presumption of innocence is breached are entitled to compensation. The principle of presumption of innocence was also codified in the Code of Criminal Procedure.

Kampanellis v. Greece and 2 other cases (9029/05+)
Kabili v. Greece and 1 other case (28606/05+)
Judgments final on 21/09/2007 and 31/10/2008
CM/ResDH(2019)176 – CM/ResDH(2019)175

Protection of property – Length of judicial proceedings

Reforestation ordered on the basis of old, outdated, executive decisions and absence of protection of persons who bona fide possessed or owned lands eventually found to be state lands, including absence of compensation

The Supreme Administrative Court's case-law is now in line with the Court' s findings. The authorities are under the obligation to proceed to a fresh assessment before taking a reforestation decision in cases in which a long time has elapsed from the original decision. In addition, under amendments adopted in 2003, people possessing lands in good faith for 30 years may be considered – under certain conditions – as owners in disputes against the State. The duration is limited to 10 years if the persons concerned also provide a property title. Compensation is ensured in case of reforestation of such lands. The problems of ownership were closely linked with the absence of a Land Register. The work to establish such a Register started in 1995. Cadastral surveys were carried out in 1995-2000 and again in 2008 on a regional basis. Certain regions (mainly island, rural, mountain and forest areas) still need to be incorporated. The cadastre is intended to be completed by mid-2021.

The work is largely supported by the European Union. On 24 January 2019 the European Commission stated that the European Regional Development Fund (ERDF) is investing almost €84 million in the completion of the land registry system, covering an additional 4 000 municipalities, many in the remaining rural and mountainous areas.

Papastavrou and Others v. Greece and 1 other case (46372/99)
Judgment final on 10/07/2003 and 18/02/2005
CM/ResDH(2019)178

Deprivation, without compensation, of properties from persons who bona fide believed that they possessed or owned the properties, as the lands in question were eventually found, after lengthy court proceedings, to be state lands

The violations were closely linked with the absence of an efficient system of registration of property rights and ensuing land ownership disputes between the State and private persons. The general development of a Greek Land registry is described above in the context of the *Papastavrou* case. As regards in particular inaccurate initial registration, the law provides for the possibility to dispute and correct the entry within seven years of registration. After that, the registration will be non-rebuttable. Properties flagged with "unknown owner" are considered state owned and only financial compensation is possible. As a result of these developments, the problem of uncertain property rights has been resolved.

Nastou and Others v. Greece and 3 other cases (51356/99+)
Judgment final on 16/04/2003
CM/ResDH(2019)179

Access to a court

Excessively formalistic provisions for the notification of orders for the demolition of buildings

The rule that an administrative decision ordering/prohibiting the demolition of a building would be irrebuttably notified to those concerned through simple posting of a bill on the building under demolition was amended in 2017. The law now provides for effective notification of the owners of the building. Bills also have to be posted at the municipal or community store on the same day and kept for thirty days, or sixty days in case of unknown owners. If the owner is unknown, a presumption of knowledge is established thirty days after notification.

Paroutsas and Others v. Greece (34639/09)
Judgment final on 02/06/2017
CM/ResDH(2019)129

HUNGARY

Protection of property rights

Disproportionately high taxation of civil servants' severance pay

In January 2014, the impugned special tax rate was lowered from 98% to 75%. The new rate was subsequently found to be in conformity with the Hungarian Constitution and the European Convention by the Constitutional Court and the European Court. As regards dismissals effected between 2010 and 2013 under the impugned regime, a new law of September 2014 introduced a retroactive flat-rate public charge of 40% for 2010, 15% for 2011, 20% for 2012 and 25% for 2013, with the possibility for private individuals affected by the previous scheme to lodge a request to the National Tax Authority claiming back the difference between the amount already paid under the 98% tax rate and the amount to be paid under the

new scheme. New legislation in 2018 abolished the overall imposition of special tax on severance pay, so that no special tax is applied to any bracket of severance pay which became claimable as from 1 January 2018.

N.K.M. v. Hungary and 32 other cases (66529/11)
Judgment final on 04/11/2013
CM/ResDH(2019)182

ICELAND

Fairness of civil proceedings

Absence of right to an oral hearing in Supreme Court in civil proceedings where the claimant refuses to appear

A general reform of the Icelandic judicial system has been conducted and a new Court of Appeal was established on 1 January 2018. It is competent to deal with civil and criminal cases on appeal from the district courts and can hear witnesses directly. On 21 March 2019, the Code of Civil Procedure was amended enabling the Court of Appeal and the Supreme Court to conduct an oral hearing even if a party refuses to appear or has not submitted relevant documents within given time limits.

Súsanna Rós Westlund v. Iceland (42628/04)
Judgment final on 07/07/2008
CM/ResDH(2019)119

LATVIA

Length of judicial proceedings

Excessive length of administrative proceedings

In 2013, amendments to the Law on Judicial Power in conjunction with the Civil Procedure Law already allowed the parties to file motions for the acceleration of proceedings. In 2017-2018, further legislative, policy and organisational measures (such as the introduction of an online monitoring system, the possibility to transfer cases to courts with lesser caseload, a territorial reform of courts and an increased number of judges) ensured a faster examination of cases. As regards the length of hearings, courts can limit the length of the pleadings, provided that all parties are given equal rights to express themselves. Statistical data show a decrease in the average length of proceedings over the last three years. This progress has been acknowledged by the CoE – CEPEJ.

Kirjaņenko v. Latvia (39701/11)
Judgment final on 19/07/2018
CM/ResDH(2019)222

LITHUANIA

Protection against degrading treatment in the context of life imprisonment

Absence of any mechanism providing for a possibility to review the necessity of detention of life prisoners after a certain minimum tariff

Legislative amendments, in force as from April 2019, have established a mechanism enabling life prisoners to request a review and commutation of their sentence into a fixed-term custodial sentence after having served a minimum tariff of 20 years. Clear conditions and requirements have been established so that life prisoners know, at the outset of their sentence, what they must do to be considered for release and under what conditions, including when a review of the sentence may be sought. This mechanism is supplemented by access to rehabilitation programmes and plans that are drawn up taking into consideration the degree of risk of a prisoner's criminal behaviour, criminological factors, maintenance of social relations as well as factors contributing to the prisoner's social rehabilitation.

Matiošaitis and Others v. Lithuania (22662/13+)
Judgment final on 23/08/2017
CM/ResDH(2019)142

MALTA

Freedom of expression

Criminal conviction on account of journalistic statements presented in a question format and treated as statements of fact by domestic courts

Under the previous legislation in Malta, there was no specific definition of the term "defamation". The new Act on Media and Defamation came into force on 14 May 2018 in order to strengthen the right to freedom of expression. It introduced the notion of "serious harm" in the definition of defamation and decriminalised defamation so that actions for libel and slander can only be brought before the civil courts. In addition, it provides for the possibility for the court to refer the case to mediation. Defendants can put forward the "truth" and "honest opinion" defences if the statement involves a public figure or is a matter of public interest.

Falzon v. Malta (45791/13)
Judgment final on 20/06/2018
CM/ResDH(2019)122

REPUBLIC OF MOLDOVA

Freedom of assembly – Discrimination of sexual minorities

Ban on LGBT demonstrations and lack of effective remedy to challenge the refusal; discriminatory treatment of NGOs

The legislative framework regarding the holding of public assemblies and protection against discrimination was reformed and the relevant administrative practice changed accordingly.

Training and awareness-raising measures were taken, including COE HELP courses delivered to members of the judiciary and public officials.

Moreover, in the pursuit of its fight against discriminations, the Ministry of Justice hosted in March 2019 a round table with numerous stakeholders to discuss the need to improve the legal framework to combat hate crimes.

In the course of its supervision, the Committee of Ministers welcomed the rejection of a legislative proposal to outlaw "propaganda of homosexuality" among minors. When closing its supervision of this case, the Committee strongly encouraged the authorities, in line with its Recommendation (2004)5 to Member States, to ensure that, prior to any deliberation in Parliament, all draft laws, including those initiated directly by parliamentarians, are systematically submitted for expert scrutiny of their compatibility with the Convention and the case-law of the Court.

The effectiveness of judicial review of bans on demonstrations has been ensured. Guarantees have thus been introduced to ensure a decision before the event. Should a decision not have been given in time the event is presumed legal and authorised. The efficiency of the measures adopted was shown by the fact that applicant NGO was able to organise demonstrations (pride marches) without undue restrictions in 2016 – 2019 and with adequate police protection.

Genderdoc-M v. Republic of Moldova (9106/06)
Judgment final on 12/09/2012
CM/ResDH(2019)239

NORTH MACEDONIA

Actions of security forces and lack of effective investigations

Ill-treatment by state agents in the context of "secret rendition" operation in 2004

The legal framework for the prevention and investigation of ill-treatment inflicted by law enforcement officials has been fundamentally reformed after the events of this case and a clear message of zero tolerance of ill-treatment and torture by law enforcement agents was delivered at the highest level.

Harsher penalties were introduced for ill-treatment/torture at the hands of officials, and investigation procedures were improved. The powers of the public prosecutor in investigations against unknown members of the police forces were extended and prosecutors now have to take a decision on a criminal complaint within three months.

The role of criminal courts in prosecuting ill-treatment was enhanced and a special new jurisdiction was given to the Department for organised crime and corruption within the Skopje Criminal Court. In 2018/2019, several special training activities for prosecutors and judges were held.

The effectiveness of the measures is monitored by inspectors within the Ministry of the Interior and by an increased staff within the Department for Control and

Professional Standards. Training and awareness-raising measures have also been adopted, notably in the framework of a ten-year Council of Europe project.

With a view to ensuring better external supervision of the intelligence and security services, a special unit was set up in October 2018 within the Public Prosecution Office.

The effectiveness of the National Prevention Mechanism (the Ombudsman), whose powers were further strengthened in 2016, was acknowledged by the CPT in 2016.

El-Masri v. North Macedonia (39630/09)
Judgment final on 13/12/2012
CM/ResDH(2019)369

Fairness of judicial proceedings

Fairness problems in administrative proceedings against the State

Under the new Administrative Disputes Act of 2019, the Administrative Court is required to hold an oral hearing in public before giving a decision. The Act furthermore emphasises the adversarial principle and administrative courts are under an obligation to give the parties the opportunity to familiarise themselves with and comment on the requests and submissions of the other party in the proceedings.

Mitkova v. North Macedonia (48386/09)
Judgment final on 15/01/2016
CM/ResDH(2019)195

Taseva Petrovska v. North Macedonia (73759/14)
Judgment final on 11/01/2018
CM/ResDH(2019)197

RUSSIAN FEDERATION

Right to life – Actions of security forces

Deficient regulations allowing discretionary use of lethal force to prevent escape from a military unit

Under the previous legislation, namely the Statute of Garrison and Sentry Service, immediate use of firearms, without any assessment of the surrounding circumstances or any evaluation of the nature of the offense committed by a fugitive and the threat he/she posed, was authorised to prevent an escape. By a Presidential Decree of 2015, the impugned provision was repealed and replaced with a new provision in the Military Police Statute, providing that all possible alternative measures must be taken to arrest a person before using firearms.

Putintseva v. Russian Federation (33498/04)
Judgment final on 10/08/2012
CM/ResDH(2019)126

Access to a court – Immunity of a foreign state

Domestic courts' refusal to examine a civil claim concerning the non-repayment of a loan made to the trade representation of a foreign state without any analysis of the underlying transaction

The absolute immunity principle was abrogated in 2015. The new law provides that a foreign state has no immunity before Russian courts with regard to claims resulting from activities of a private law nature.

Oleynikov v. Russian Federation (36703/04)
Judgment final on 09/09/2013
CM/ResDH(2019)100

Right to vote

Automatic and indiscriminate ban on prisoners' voting rights laid down in the Constitution

On 19 April 2016, the Constitutional Court noted the imperative nature of the Russian Constitution, and consequently the impossibility of making amendments to the domestic law but noted also that the federal legislator could optimise the criminal punishment system. In the follow-up of this ruling, Parliament amended the Criminal Code on 1 January 2017 to introduce a new category of criminal punishment as an alternative to detention: community work, which can be imposed for non-grave or medium gravity offence or when a grave offence is committed for the first time. In addition, the reform also provides for the possibility to replace the non-served part of deprivation of liberty by a more lenient punishment in the form of community work. Under this new regime, persons sentenced to community work remain able to vote.

Anchugov and Gladkov v. Russian Federation and 1 other case (11157/04)
Judgment final on 09/12/2013
CM/ResDH(2019)240

SERBIA

Protection against ill-treatment – Actions of security forces – Lack of effective investigations – Discrimination

Failure to protect against hate crime (religious motives)

In 2011, a new Criminal Procedure Code was adopted to increase the efficiency of criminal proceedings. It notably transferred the responsibility for leading criminal investigations from the police to public prosecutors and reinforced victim participation. In 2012, the offence of hate crime was introduced and hatred, including religious hatred, became an aggravating factor. In 2017, the Chief Public Prosecutor issued special guidelines for prosecution of hate crimes and took measures to improve prosecutors' handling of hate crime cases. Information offices for victims were set up as recommended by the European Commission against Racism and Intolerance. As to discrimination in general, a special law prohibiting discrimination was adopted in 2009, providing in particular for a right of victims to seek protection in civil courts.

A Commissioner for Equality was introduced. Further policy and administrative measures were taken in the context of a general anti-discrimination strategy (2013-2018), a special strategy for Roma (2016-2020), and a national judicial reform strategy (2013-2018). The effectiveness of the measures taken can be seen in the relevant statistics. For example, the number of complaints based on religious and political hatred decreased significantly in the period between 2015 and 2018. Moreover, the Constitutional Court banned certain extremist far right organisations.

Milanović v. Serbia (44614/07)
Judgment final on 20/06/2011
CM/ResDH(2019)365

SLOVENIA

Private and family life – Custody and visiting rights

Excessive length of proceedings concerning the enforcement of custody and visiting rights

In June 2018, a new Non-Contentious Civil Procedure Act was drafted providing that relations between parents and children are to be decided in non-contentious proceedings. In proceedings concerning the protection of the child's best interests (including proceedings on determination of custody and contact arrangements), strict deadlines were set for courts and experts. Special measures were adopted to ensure respect for deadlines for interim orders in custody and access proceedings before the Ljubljana District Court. A new Family Code – applicable as of April 2019 – introduced in parallel mediation aimed at resolving family-related disputes, which are to be addressed as priority.

S.I. v. Slovenia (45082/05)
Judgment final on 13/01/2012
CM/ResDH(2019)68

SWITZERLAND

Access to a court

Fixed general ten-year limitation period applied to claims related to asbestos damage irrespective of whether victim was aware of the damage or not

In 2018, the general limitation period in cases related to death or bodily injury (including for asbestos victims) was increased to 20 years. Following a Round Table held in 2015 with the participation of all those dealing directly or indirectly with the asbestos-related issues, a special body, the Foundation "Asbestos Victims Compensation Fund", was created and became operative on 1 July 2017. It offers asbestos victims rapid access to several types of benefits, including financial compensation.

Howald Moor and Others v. Switzerland (52067/10)
Judgment final on 11/06/2014
CM/ResDH(2019)232

Private and family life

Absence of adequate regulation of secret surveillance by public social-insurance companies in case of suspected insurance fraud

In October 2016, directly after the judgment, the Swiss National Accident Insurance Fund ended the use of private detectives in the fight against insurance fraud. In 2017, the Federal Court delivered two leading judgments according to which the relevance of the judgment of the European Court was not limited to accident-insurance issues but extended to all areas of law.

In order to provide a clear regulatory framework for possible secret surveillance activities, the Federal Law on Social Insurance was amended in September 2019. The new rules set out the conditions for the recording of images and videos for investigative purposes and define which measures require judicial authorisation and which require only an insurance manager's decision. Furthermore, the amendments provide for the obligation to inform the person concerned and establish the general rules for storage/destruction of the data collected.

Vukota-Bojić v. Switzerland (61838/10)
Judgment final on 18/01/2017
CM/ResDH(2019)233

TURKEY

Freedom of expression – Conscientious objector

Excessive criminalisation of criticism of compulsory military service (related to conscientious objection/pacifist views without incitement to desertion) – lack of independence and impartiality of military courts.

The Criminal Code was amended in 2013 to restrict the conditions for prosecution for the crime of incitement to immediate desertion or to abstain from compulsory military service. Mere criticism of military service is not sufficient anymore. New case-law presented also demonstrated that domestic courts applied the amended provisions in a manner consistent with Article 10 of the Convention, notably stating that "declaring a conscientious objection does not constitute elements of the crime of its own". As to the problems relating to the independence and impartiality of the military courts, these were solved as military courts were abolished in 2017 and their competence transferred to civil criminal courts.

Ergin No. 6 v. Turkey and 6 other cases (47533/99+)
Judgment final on 04/08/2006
CM/ResDH(2019)148

Voting rights in detention

Inability to vote in detention and after conditional release

Under the former legislation, disenfranchisement was applied in an automatic and indiscriminate statutory manner in Turkey. By judgment of 8 October 2015,

the Constitutional Court partially abrogated some provisions of the Criminal Code so that convicted persons who are not in prison could use their rights to vote and stand for elections. In the same vein, a person under conditional release during the execution of their prison sentence could enjoy these rights.

By successive decisions from 2015 to 2018, the Supreme Election Board went further deciding that prisoners on remand, persons convicted of offences committed involuntarily, conditionally released persons, persons whose prison sentences are suspended and those who are released on probation can vote. As a consequence, only persons convicted for intentional crimes are disenfranchised during the period of service of their prison sentence.

Söyler v. Turkey and 1 other case (29411/07)
Judgment final on 20/01/2014
CM/ResDH(2019)147

UKRAINE

Protection against ill-treatment in prison

Regular practice of strip searches in front of other detainees

Prison Rules have been successively modified. The most recent amendments in 2018 lay down strict regulations for the conduct of strip searches: the presence of persons of other sex in the dedicated area is prohibited; searches of several persons in one room at the same time is also prohibited; any examination of body cavities must be carried out by medical staff. Special training is regularly provided to prison staff and awareness-raising measures about the appropriate behaviour during searches are organised. The new rules are also designed to comply with relevant CPT standards and UN Standard Minimum Rules for the Treatment of Prisoners.

Malenko v. Ukraine (18660/03)
Judgment final on 19/05/2009
CM/ResDH(2019)322

Access to a court

Inability for incapacitated persons suffering from mental illness to obtain review of their condition and restoration of legal capacity

Following amendments to the Code of Civil Procedure in 2017, incapacitated persons obtained direct access to courts to request the restoration of their legal capacity, including the right to challenge earlier court rulings. Moreover, the term of validity of judicial decisions declaring a person incapacitated cannot now exceed two years.

Nataliya Mikhaylenko v. Ukraine (49069/11)
Judgment final on 30/08/2013
CM/ResDH(2019)324

Protection of property rights

Systematic delays in VAT refunds and malpractice by tax authorities in customs matters (including disrespect of the res judicata effect of domestic judgments)

VAT: As a first step, in 2010, a new Tax Code was adopted and, in 2014, a new VAT reimbursement procedure, as well as an electronic system of VAT administration, was introduced to simplify VAT refunds. A 2017 amendment further simplified the VAT refunding procedure and introduced a Unified Public Register of all applications for VAT refunds enhancing the transparency and reactivity of the system. The Supreme Court developed in parallel a coherent approach as regards compensation for delays in VAT refunds.

Custom malpractice: A new procedure for the payment of compensation for, or the reimbursement of, misguided or erroneous custom levies was established by the Ministry of Finance in 2017. Taxpayers shall be rapidly informed of mistakes and repayments are to be made from the state budget with priority.

Continuous challenges to the authority of judicial decisions: The Supreme Court adopted in October 2017 a decision stressing the fiscal authorities' duty to respect the *res judicata* effect of judicial decisions so as to avoid constant relitigation of clear judicial positions.

Intersplav v. Ukraine (803/02)
Judgment final on 09/01/2007
CM/ResDH(2019)321

UNITED KINGDOM

Freedom of expression

Excessive responsibility for the legal costs (success fees) of the winning party in defamation proceedings

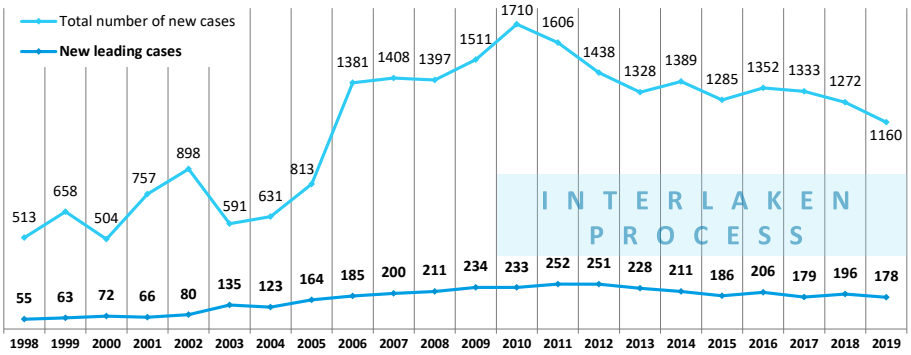
A first cost reduction scheme for defamation cases was introduced in 2013. Further changes to the responsibility for costs introduced the same year in the Legal Aid, Sentencing and Punishment of Offenders Act implying that the losing party is no longer liable to pay the winning party's success fees was not immediately implemented in respect of defamation and privacy cases. The implementation of the Act in respect of such cases started only April 2019. Under the present rules, lawyers' excessive "success fees" are no longer recoverable from the losing party in these cases. A general review of the impacts of the Act in 2019 concluded that the reforms had met their objectives, including cost control.

MGN Limited v. the United Kingdom (39401/04)
Judgment final on 18/04/2011
Judgment on just satisfaction final on 12/09/2012
CM/ResDH(2019)307

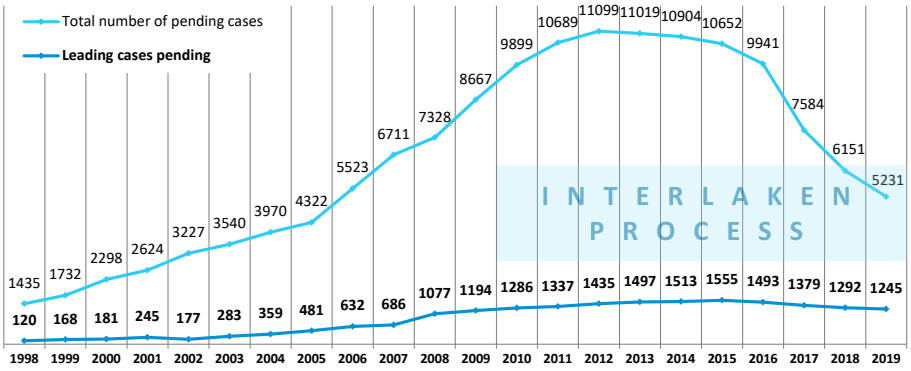
Appendix 1 – Statistics[15]

A. Overview

A.1. New cases



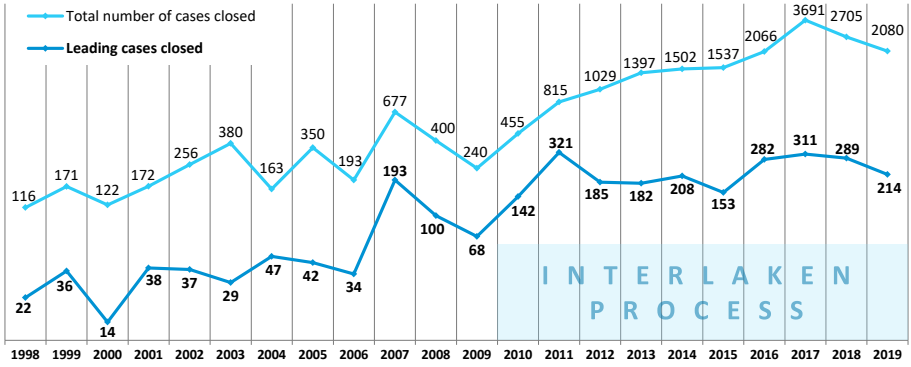
A.2. Pending cases



15. 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).

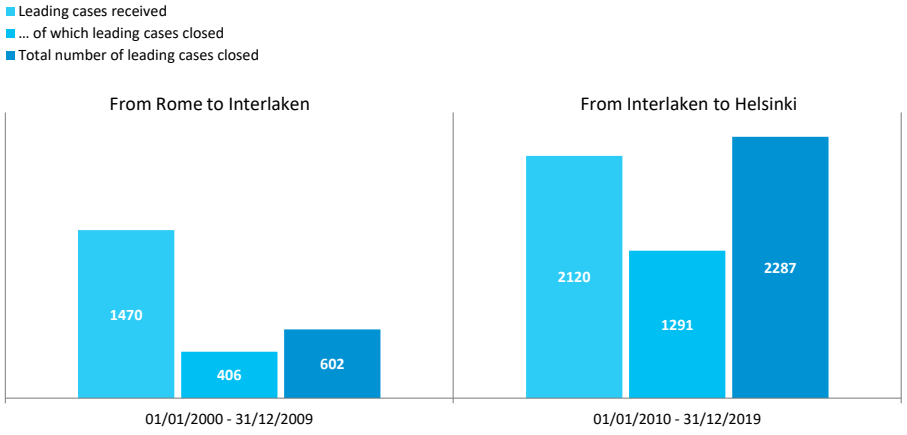
A.3. Closed cases

Overview



A.4. Interlaken process: Focus on new and closed leading cases

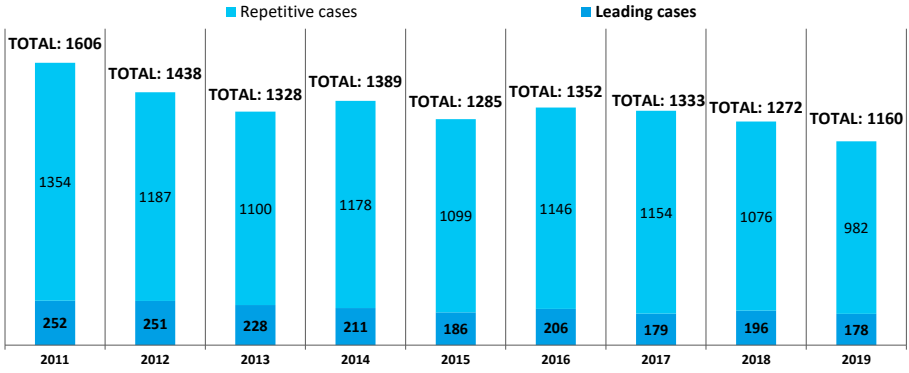
The graph below presents the total number of leading cases received during each period and the number of these cases closed during the same period.



B. New cases

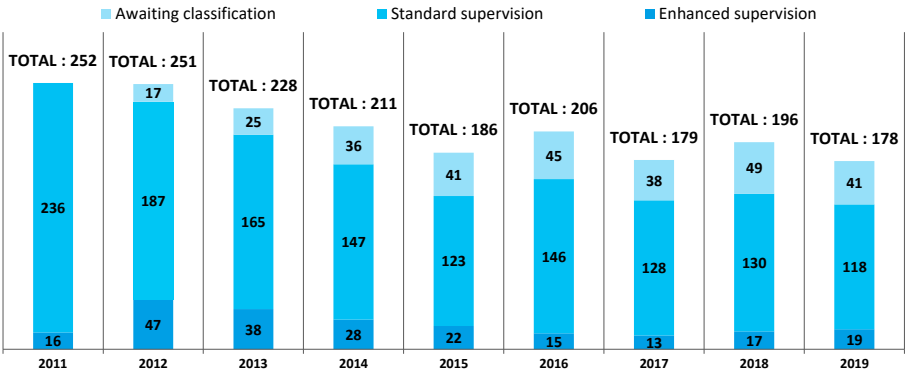
B.1. Leading or repetitive

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

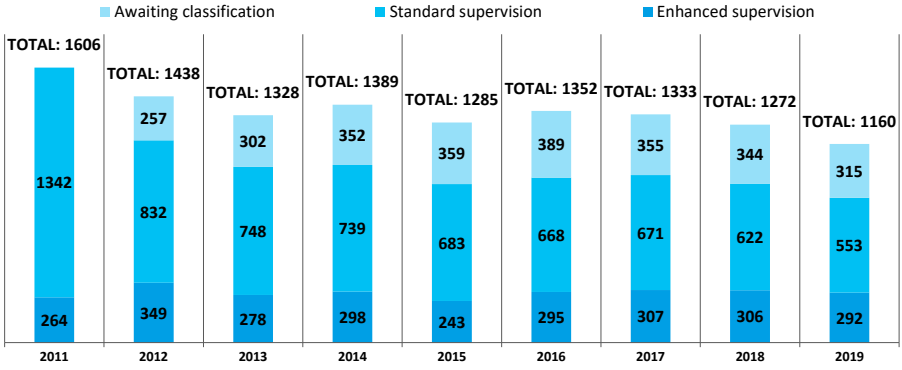


B.2. Enhanced or standard supervision

New leading cases



Total number of new cases
(including repetitive)



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			
	2018	**2019**	2018	**2019**	2018	**2019**	2018	**2019**	2018	**2019**	2018	**2019**	2018	**2019**	2018	**2019**	2018	**2019**
Albania			4	2			4	**2**			3	1			3	**1**	7	**3**
Andorra																		
Armenia			2	6	2		4	**6**		1	5	9	6	2	11	**12**	15	**18**
Austria			1			2	1	**2**			4	4			4	**4**	5	**6**
Azerbaijan		1	1				1	**1**	4	6	1	7	1	5	6	**18**	7	**19**
Belgium			1	5	3	2	4	**7**			2	2		5	2	**7**	6	**14**
Bosnia and Herzegovina	1		3	1	1	2	5	**3**	1	12	7	3	2	4	10	**19**	15	**22**
Bulgaria			14	4	2		16	**4**	5		9	11	6	3	20	**14**	36	**18**
Croatia			7	1	1		8	**1**			9	5	1	7	10	**12**	18	**13**
Cyprus	1		3		1		5					1	1		1	**1**	6	**1**
Czech Republic			2				2				3				3		5	
Denmark						1		**1**										**1**
Estonia			1	2		1	1	**3**									1	**3**
Finland																		
France	1	1	3	3		2	4	**6**	1		6	2		7	7	**9**	11	**15**
Georgia			3	2	2	1	5	**3**		4	1	2	3	3	4	**9**	9	**12**

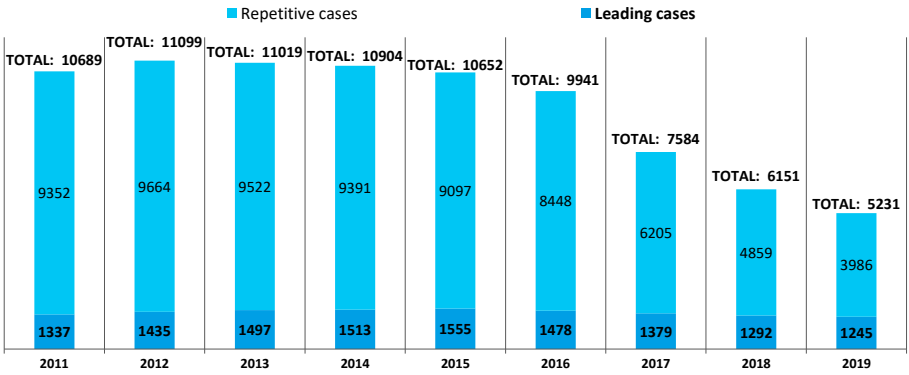
STATE	LEADING CASES								REPETITIVE CASES								TOTAL	
	Enhanced supervision		Standard supervision		Awaiting classification		Total of leading cases		Enhanced supervision		Standard supervision		Awaiting classification		Total of repetitive cases			
	2018	**2019**	2018	**2019**	2018	**2019**	2018	**2019**	2018	**2019**	2018	**2019**	2018	**2019**	2018	**2019**	2018	**2019**
Germany			5	3	1		6	**3**			3			1	3	**1**	9	**4**
Greece	1		4	1	2		7	**1**	13	12	67	31	16	7	96	**50**	103	**51**
Hungary			1	1			1	**1**	3	3	49	57	8	42	60	**102**	61	**103**
Iceland			1	1			1	**1**			2				2		3	**1**
Ireland			1				1			1						**1**	1	**1**
Italy	2	2	2	6	2		6	**8**	4	2	9	23	21	15	34	**40**	40	**48**
Latvia			5	1	1		6	**1**			3	3	2		5	**3**	11	**4**
Liechtenstein																		
Lithuania	1	1	8	4	1	1	10	**6**			7	8	1	10	8	**18**	18	**24**
Luxembourg				1				**1**										**1**
Malta			4	1	2		6	**1**	2	5		7	3	1	5	**13**	11	**14**
Republic of Moldova		1	5	6	2	1	7	**8**	10	5	15	21	6	7	31	**33**	38	**41**
Monaco																		
Montenegro			6	2			6	**2**			7		1	1	8	**1**	14	**3**
Netherlands				1	1		1	**1**			1		2		3		4	**1**
North Macedonia	1	1	1	2	3	1	5	**4**	1		11	4	6	1	18	**5**	23	**9**
Norway		1	1		1		2	**1**									2	**1**
Poland			5	4	1	1	6	**5**	2	4	22	20	13	9	37	**33**	43	**38**

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			
	2018	**2019**	2018	**2019**	2018	**2019**	2018	**2019**	2018	**2019**	2018	**2019**	2018	**2019**	2018	**2019**	2018	**2019**
Portugal		1	2	1	1	1	3	**3**		2	7	3	3	4	10	**9**	13	**12**
Romania	3	2	6	9	5	5	14	**16**	43	32	60	35	32	6	135	**73**	149	**89**
Russian Federation	3	2	10	10	4	6	17	**18**	121	75	86	69	57	78	264	**222**	281	**240**
San Marino																		
Serbia				1	1		1	**1**		7	22	23	17	1	39	**31**	40	**32**
Slovak Republic			1	4	1		2	**4**	1	1	5	10	5		11	**11**	13	**15**
Slovenia			5	5	1		6	**5**				2				**2**	6	**7**
Spain			3	5			3	**5**				2		1		**3**	3	**8**
Sweden			1				1										1	
Switzerland		1	3	3			3	**4**				1				**1**	3	**5**
Turkey	2	4	11	14	4	1	17	**19**	41	38	73	81	32	46	146	**165**	163	**184**
Ukraine	2	2	3	3	4	3	9	**8**	39	50	9	18	28	35	76	**103**	85	**111**
United Kingdom				3		1		**4**			2	2		1	2	**3**	2	**7**
TOTAL	**17**	**19**	**130**	**118**	**49**	**41**	**196**	**178**	**289**	**273**	**492**	**435**	**295**	**274**	**1076**	**982**	**1272**	**1160**

C. Pending cases

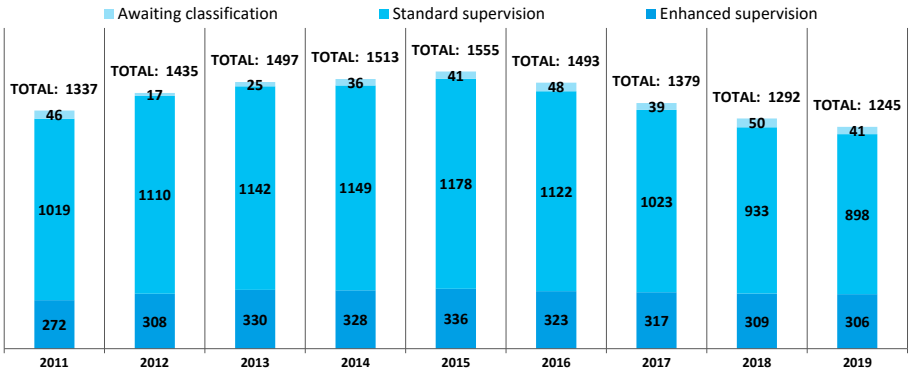
Pending cases are those in which the execution process is on-going. As a consequence, pending cases are at various stages of execution and must not be understood as unexecuted cases. In the overwhelming majority of these cases, individual redress has been provided, and cases remain pending mainly awaiting 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

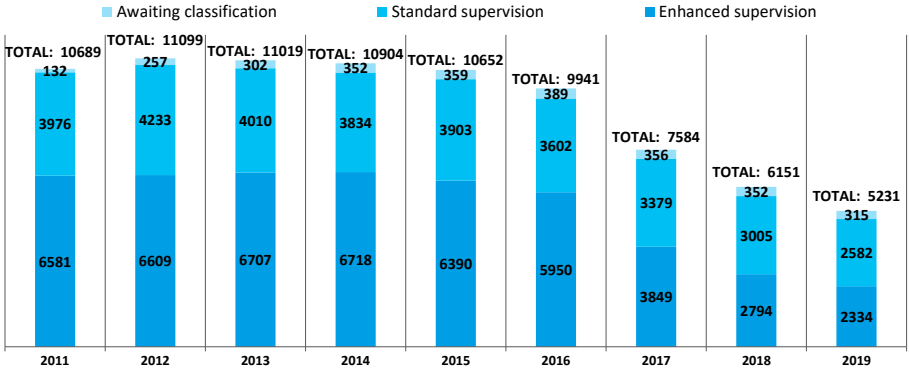


C.2. Enhanced or standard supervision

Leading cases pending



Total number of pending cases
(including repetitive)



C.3. Pending cases – State by State

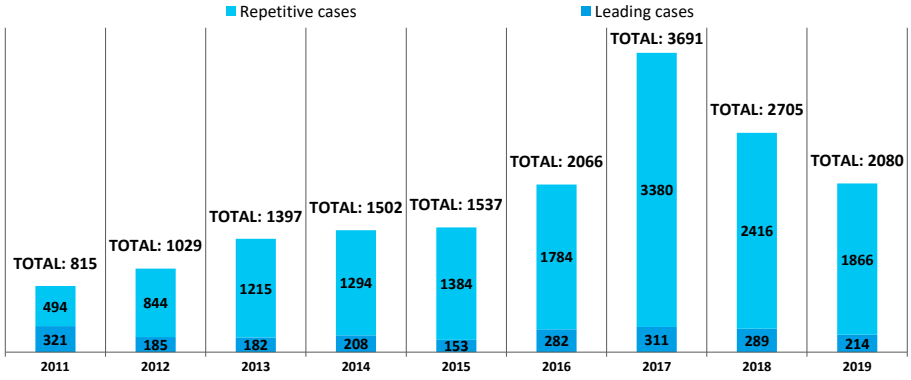
STATE	LEADING CASES								REPETITIVE CASES								TOTAL	
	Enhanced supervision		Standard supervision		Awaiting classification		Total of leading cases		Enhanced supervision		Standard supervision		Awaiting classification		Total of repetitive cases			
	2018	**2019**	2018	**2019**	2018	**2019**	2018	**2019**	2018	**2019**	2018	**2019**	2018	**2019**	2018	**2019**	2018	**2019**
Albania	1	1	8	10			9	11	3	3	25	22			28	25	37	36
Andorra																		
Armenia	4	5	9	14	2		15	19	3	7	12	10	6	2	21	19	36	38
Austria			10	4		2	10	6			9	11			9	11	19	17
Azerbaijan	14	15	41	19			55	34	87	80	43	70	1	5	131	155	186	189
Belgium	4	4	7	12	3	2	14	18	5	5	2	2		5	7	12	21	30
Bosnia and Herzegovina	4	4	5	4	1	2	10	10	4	16	8	9	2	4	14	29	24	39
Bulgaria	21	18	67	61	2		90	79	51	23	60	65	7	3	118	91	208	170
Croatia	3	3	42	34	1		46	37	8	8	36	32	1	7	45	47	91	84
Cyprus	3	2	4	5	1		8	7				1	1		1	1	9	8
Czech Republic	1	1	3	1			4	2			3	1			3	1	7	3
Denmark						1		1										1
Estonia			1	1		1	1	2									1	2
Finland			9	9			9	9			20	20			20	20	29	29
France	1	2	16	15		2	17	19	1	1	14	9		7	15	17	32	36
Georgia	5	5	10	13	2	1	17	19	15	18	6	7	3	3	24	28	41	47

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			
	2018	**2019**	2018	**2019**	2018	**2019**	2018	**2019**	2018	**2019**	2018	**2019**	2018	**2019**	2018	**2019**	2018	**2019**
Germany			15	14	1		16	14			2	4		2	2	6	18	20
Greece	11	9	36	30	2	4	49	43	78	63	106	80	5	9	189	152	238	195
Hungary	9	9	42	38		1	51	48	30	63	129	137	42	18	201	218	252	266
Iceland			3	2		1	3	3				2		1		3	3	6
Ireland	1	1	2	1			3	2									3	2
Italy	20	20	37	34		2	57	56	72	60	101	67	15	15	188	142	245	198
Latvia			5	6			5	6			2	2			2	2	7	8
Liechtenstein			1	1			1	1			1	1			1	1	2	2
Lithuania	4	3	14	16	3	2	21	21			12	19	8	2	20	21	41	42
Luxembourg			1	1			1	1									1	1
Malta	3	3	9	10	2		14	13	5	11	1	6	3	1	9	18	23	31
Republic of Moldova	10	7	43	45	2	1	55	53	29	12	83	101	6	7	118	120	173	173
Monaco																		
Montenegro			3	3			3	3					1	1	1	1	4	4
Netherlands		1	3	4	1		4	5			1	1	2		3	1	7	6
North Macedonia	3	2	14	11	3	1	20	14	1	3	25	17	6	1	32	21	52	35
Norway		1		1	1		1	2									1	2
Poland	7	9	24	20	1	1	32	30	21	30	34	29	13	9	68	68	100	98

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			
	2018	**2019**	2018	**2019**	2018	**2019**	2018	**2019**	2018	**2019**	2018	**2019**	2018	**2019**	2018	**2019**	2018	**2019**
Portugal	1	2	15	14	1	1	17	**17**	3	5	11	7	3	4	17	**16**	34	**33**
Romania	21	25	38	46	5	5	64	**76**	116	143	97	59	32	6	245	**208**	309	**284**
Russian Federation	56	55	154	158	5	6	215	**219**	905	900	402	466	63	78	1370	**1444**	1585	**1663**
San Marino																		
Serbia	6	5	6	8	1		13	**13**	1	11	29	32	17	1	47	**44**	60	**57**
Slovak Republic	1	1	6	11	1		8	**12**	9	10	14	10	5		28	**20**	36	**32**
Slovenia	1	1	9	11	1		11	**12**			2	1			2	**1**	13	**13**
Spain	1	1	13	15			14	**16**			6	7		1	6	**8**	20	**24**
Sweden			3	3			3	**3**									3	**3**
Switzerland	1	2	7	5			8	**7**				1				**1**	8	**8**
Turkey	37	34	125	120	4	1	166	**155**	373	204	666	284	32	46	1071	**534**	1237	**689**
Ukraine	53	53	70	63	4	3	127	**119**	659	346	109	91	28	35	796	**472**	923	**591**
United Kingdom	2	2	3	5		1	5	**8**	6	6	1	1		1	7	**8**	12	**16**
TOTAL	**309**	**306**	**933**	**898**	**50**	**41**	**1292**	**1245**	**2485**	**2028**	**2072**	**1684**	**302**	**274**	**4859**	**3986**	**6151**	**5231**

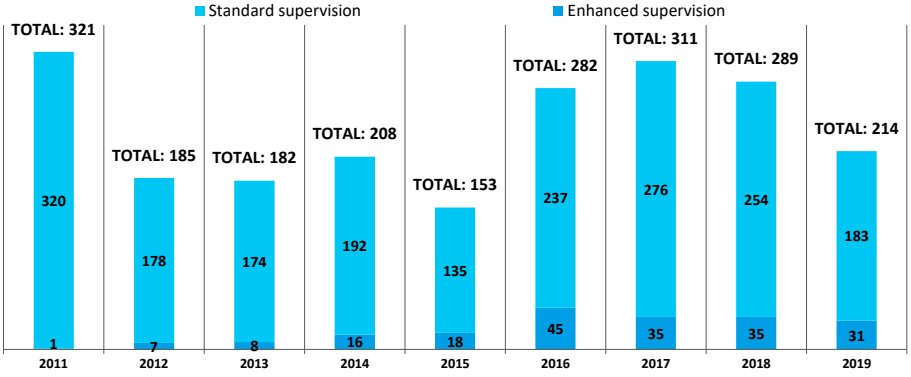
D. Closed cases

D.1. Leading or repetitive

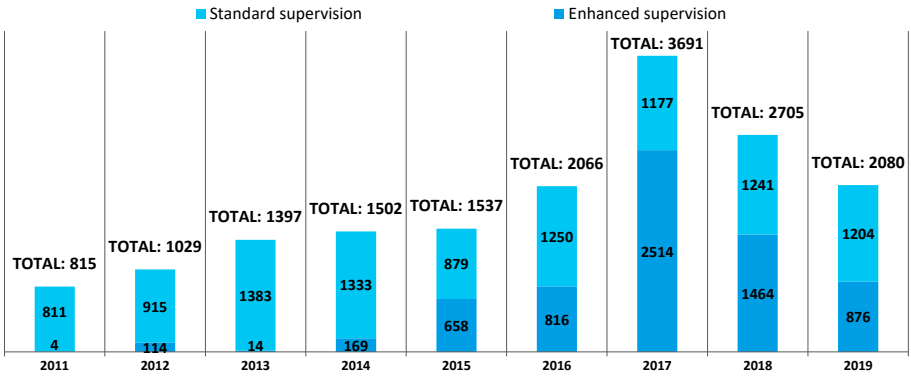


D.2. Enhanced or standard supervision

Leading cases closed



Total number of cases closed
(including repetitive)



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			
	2017	**2018**	2017	**2018**	2017	**2018**	2017	**2018**	2017	**2018**	2017	**2018**	2017	**2018**
Albania	2		2		4		14			4	14	**4**	18	**18**
Andorra														
Armenia				3		**3**		1	9	12	9	**13**	9	**9**
Austria			6	6	6	**6**			12	2	12	**2**	18	**18**
Azerbaijan				3		**3**		13	18		18	**13**	18	**18**
Belgium	1		3	3	4	**3**	15		5	2	20	**2**	24	**24**
Bosnia-Herzegovina			6	3	6	**3**			15	4	15	**4**	21	**21**
Bulgaria		4	3	12	3	**16**	21	28	11	12	32	**40**	35	**35**
Croatia			25	11	25	**11**			87	9	87	**9**	112	**112**
Cyprus		1	1		1	**1**	4	1			4	**1**	5	**5**
Czech Republic			5	2	5	**2**				2		**2**	5	**5**
Denmark			1		1								1	**1**
Estonia			2	2	2	**2**							2	**2**
Finland			4		4				9		9		13	**13**
France			4	4	4	**4**			9	7	9	**7**	13	**13**
Georgia			2	1	2	**1**	1	1	1	4	2	**5**	4	**4**
Germany			4	2	4	**2**							4	**2**

STATE	LEADING CASES						REPETITIVE CASES						TOTAL	
	Enhanced supervision		Standard supervision		Total of leading cases		Enhanced supervision		Standard supervision		Total of repetitive cases			
	2017	**2018**	2017	**2018**	2017	**2018**	2017	**2018**	2017	**2018**	2017	**2018**	2017	**2018**
Greece	1	1	10	14	11	15	20	19	87	50	107	69	118	84
Hungary			3	5	3	5	9	8	44	64	53	72	56	77
Iceland				2		2			2		2		2	2
Ireland				1		1	5	1			5	1	5	2
Italy	1	2	4	10	5	12	161	13	26	61	187	74	192	86
Latvia			21	1	21	1			9	1	9	1	30	2
Liechtenstein														
Lithuania		1	8	9	8	10			5	3	5	3	13	13
Luxembourg														
Malta				2		2			1	4	1	4	1	6
Republic of Moldova	13	4	16	6	29	10	94	24	13	7	107	31	136	41
Monaco			1		1								1	
Montenegro			6	2	6	2			18	1	18	1	24	3
Netherlands	1		6		7				2	2	2	2	9	2
North Macedonia		1	10	9	10	10			13	16	13	16	23	26
Norway			1		1								1	
Poland	1		3	7	4	7	36		29	34	65	34	69	41
Portugal				3		3	10		7	10	17	10	17	13
Romania			9	3	9	3	317	12	67	98	384	110	393	113

STATE	LEADING CASES						REPETITIVE CASES						TOTAL	
	Enhanced supervision		Standard supervision		Total of leading cases		Enhanced supervision		Standard supervision		Total of repetitive cases			
	2017	**2018**	2017	**2018**	2017	**2018**	2017	**2018**	2017	**2018**	2017	**2018**	2017	**2018**
Russian Federation	7	6	11	7	18	**13**	256	116	111	33	367	**149**	385	**162**
San Marino			1		1								1	
Serbia		1	7		7	**1**	63		58	34	121	**34**	128	**35**
Slovak Republic			3	1	3	**1**			37	18	37	**18**	40	**19**
Slovenia	1		14	4	15	**4**	16		12	3	28	**3**	43	**7**
Spain			8	3	8	**3**			6	1	6	**1**	14	**4**
Sweden														
Switzerland			2	5	2	**5**			2		2		4	**5**
Turkey	3	8	26	23	29	**31**	116	223	227	478	343	**701**	372	**732**
Ukraine	2	2	16	13	18	**15**	268	385	32	43	300	**428**	318	**443**
United Kingdom	2			1	2	**1**	3		3	2	6	**2**	8	**3**
TOTAL	**35**	**31**	**254**	**183**	**289**	**214**	**1429**	**845**	**987**	**1021**	**2416**	**1866**	**2705**	**2080**

E. Supervision process

E.1. Action plans / Action 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[16] (States concerned)
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)

E.2. Interventions of the Committee of Ministers[17]

Year	Number of interventions of the CM during the year	Total cases / groups of cases examined	States concerned	States with cases under enhanced supervision
2019	**131**	98	**24**	32
2018	**122**	128	**29**	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

16. According to the new working methods, when the six-month deadline for States to submit an action plan / report has expired and no such document has been transmitted to the Committee of Ministers, the Department for the Execution 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).
17. Examinations during ordinary meetings of the Committee of Ministers without any decision adopted are not included in these tables.

The Committee of Ministers' interventions are divided as follows:

Year	Examined four times or more	Examined three times	Examined twice	Examined once
2019	3	4	14	77
2018	4	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 2019, five leading cases/groups of cases concerning three States (Poland, Romania and Turkey) have been transferred from standard to enhanced supervision. In 2018, four leading cases/groups of cases concerning 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

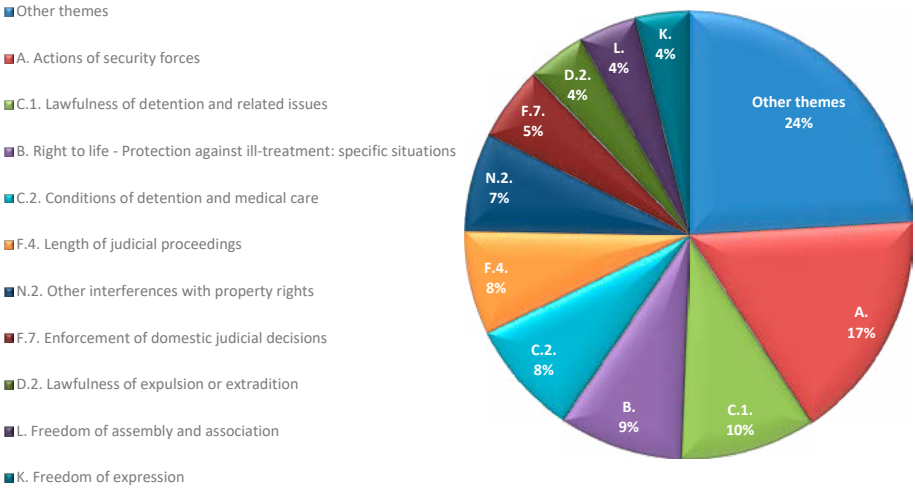
In 2019, 32 leading cases/groups of cases concerning 2 States (North Macedonia and Greece) were transferred from enhanced to standard supervision. In 2018, no leading cases/groups of cases were transferred from enhanced to standard supervision. In 2017, five leading cases/groups of cases concerning three 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, 19 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

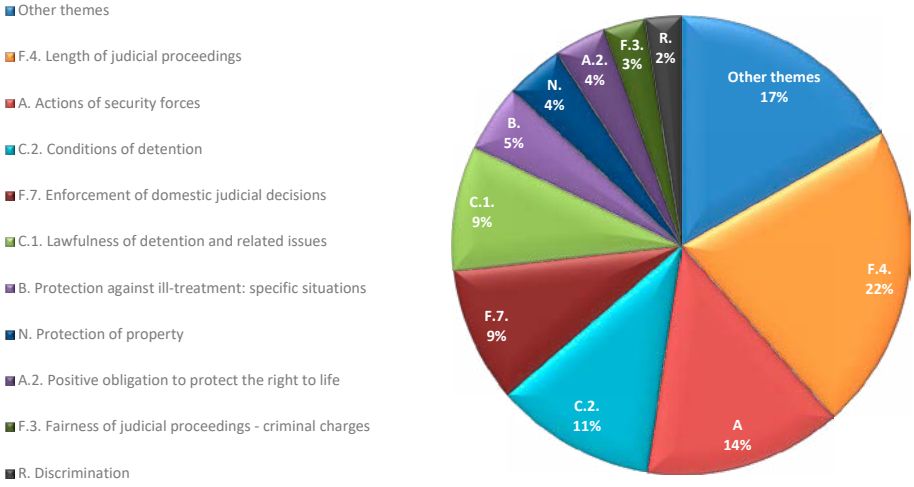
Year	Contributions from Non-Governmental Organisations (NGO) or National Human Rights Institutions (NHRI)	States concerned
2019	133	24
2018	64	19
2017	79	19
2016	90	22
2015	81	21
2014	80	21
2013	81	18
2012	47	16
2011	47	12

E.5. Main themes under enhanced supervision

2019

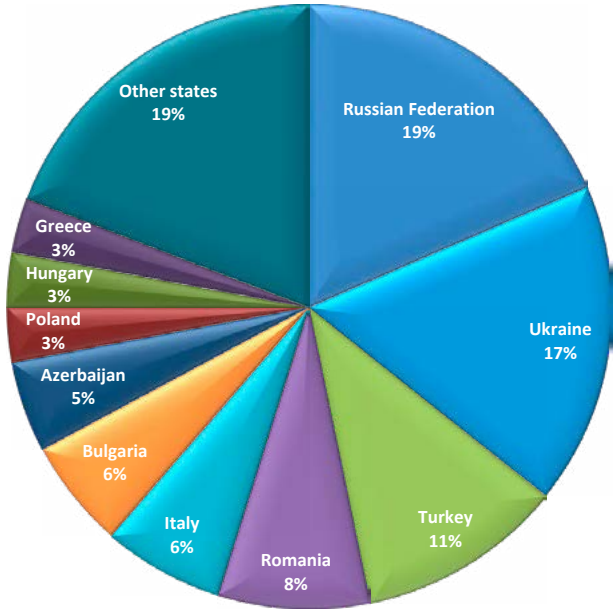


2011

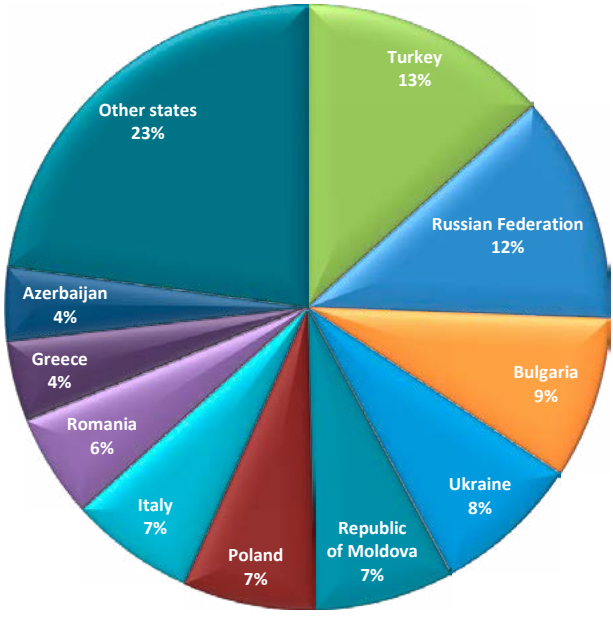


E.6. Main States with cases under enhanced supervision

2019



2011

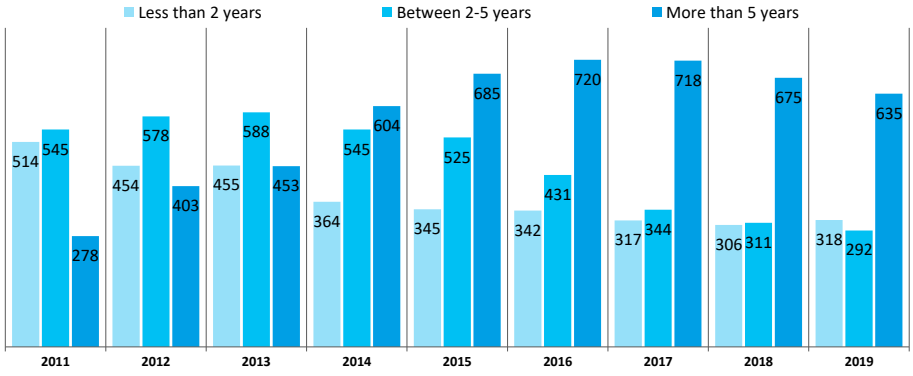


F. Length of the execution process

F.1. Leading cases pending

(at the end of the year)

Overview



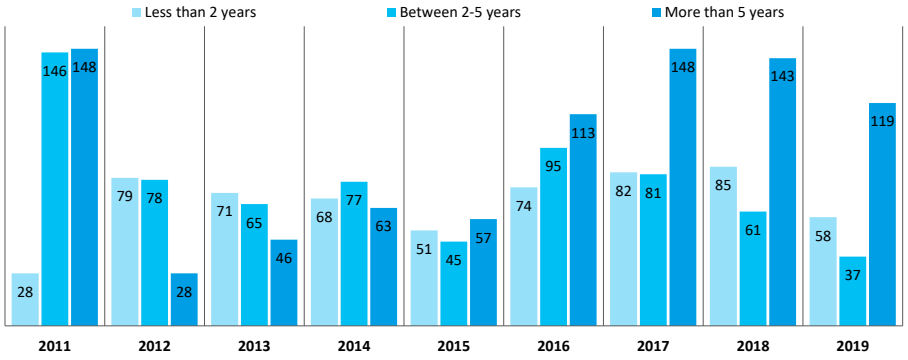
Leading cases pending – State by State

STATE	ENHANCED SUPERVISION						STANDARD SUPERVISION					
	< 2 years		2-5 years		>5 years		< 2 years		2-5 years		>5 years	
	2018	**2019**	2018	**2019**	2018	**2019**	2018	**2019**	2018	**2019**	2018	**2019**
Albania			1			1	5	6	1	2	2	2
Andorra												
Armenia	1	1	1	2	2	2	3	8	3	3	3	3
Austria							3	1			7	3
Azerbaijan		1	4	3	10	11	2	1	9	2	30	16
Belgium			2	2	2	2	3	7	3	5	1	
Bosnia and Herzegovina	1	1			3	3	3	2	1	1	1	1
Bulgaria	1		6	5	14	13	21	16	21	18	25	27
Croatia			1		2	3	8	4	12	10	22	20
Cyprus	1	1			2	1	3	3	1	2		
Czech Republic					1	1	3	1				
Denmark												
Estonia								1	1			
Finland									2		7	9
France	1	2					5	6	8	5	3	4

STATE	ENHANCED SUPERVISION						STANDARD SUPERVISION					
	< 2 years		2-5 years		>5 years		< 2 years		2-5 years		>5 years	
	2018	**2019**	2018	**2019**	2018	**2019**	2018	**2019**	2018	**2019**	2018	**2019**
Georgia	1		1	2	3	3	6	6	2	5	2	2
Germany							8	3	7	11		
Greece	1		4	3	6	6	9	6	5	11	22	13
Hungary			5	4	4	5	2	2	16	13	24	23
Iceland							2	1		1	1	
Ireland					1	1	1		1			1
Italy	4	4	5	7	11	9	10	11	17	6	10	17
Latvia							1	2	3	2	1	2
Liechtenstein									1	1		
Lithuania	2	1			2	2	8	11	5	2	1	3
Luxembourg							1	1				
Malta			1	1	2	2	5	5	2	3	2	2
Republic of Moldova		1	2		8	6	3	7	4	3	36	35
Monaco												
Montenegro							2	2	1	1		
Netherlands		1					1	1	2	3		
North Macedonia	1	2	1		1		1	2	6	4	7	5
Norway		1						1				
Poland			3	3	4	6	7	6	8	9	9	5
Portugal		1			1	1	5	4	9	9	1	1
Romania	5	6	6	4	10	15	13	18	18	20	7	8
Russian Federation	6	8	12	9	38	38	26	21	19	26	109	111
San Marino												
Serbia			2	1	4	4	1	2		1	5	5
Slovak Republic			1			1	1	6	3	3	2	2
Slovenia					1	1	6	8		1	3	2
Spain			1			1	10	8	2	6	1	1
Sweden							2	1	1	2		
Switzerland		1	1	1			4	5	1		2	
Turkey	2	6	11	7	24	21	21	27	22	25	82	68
Ukraine	5	4	14	11	34	38	10	9	7	10	53	44
United Kingdom					2	2		3	1	1	2	1
TOTAL	32	**42**	85	**65**	192	**199**	225	**235**	225	**227**	483	**436**

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	
	2018	**2019**	2018	**2019**	2018	**2019**	2018	**2019**	2018	**2019**	2018	**2019**
Albania					2						2	
Andorra												
Armenia								1		2		
Austria								1	3	1	3	4
Azerbaijan												3
Belgium			1				2	2			1	1
Bosnia and Herzegovina							4	3			2	
Bulgaria				1		3		6	2	2	1	4
Croatia							7	4	6	1	12	6
Cyprus						1	1					
Czech Republic							2	1	2	1	1	
Denmark							1					
Estonia							1	1	1	1		
Finland							1				3	
France							2		2	2		2
Georgia								1	2			
Germany								1	2	1	2	
Greece				1	1		3		4	2	3	12

STATE	ENHANCED SUPERVISION						STANDARD SUPERVISION					
	< 2 years		2-5 years		>5 years		< 2 years		2-5 years		>5 years	
	2018	**2019**	2018	**2019**	2018	**2019**	2018	**2019**	2018	**2019**	2018	**2019**
Hungary										1	3	4
Iceland								1				1
Ireland										1		
Italy					1	2	1	2	2	2	1	6
Latvia							6		7	1	8	
Liechtenstein												
Lithuania		1					6	6		3	2	
Luxembourg												
Malta								2				
Republic of Moldova					13	4	8	4	4		4	2
Monaco							1					
Montenegro							6	2				
Netherlands			1				1		1		4	
North Macedonia						1	3	4	2	3	5	2
Norway							1					
Poland					1		3	3		2		2
Portugal										2		1
Romania							2	2	2		5	1
Russian Federation				1	7	5	1		1		9	7
San Marino											1	
Serbia						1	3		3		1	
Slovak Republic							1		1		1	1
Slovenia			1				6	3	2		6	1
Spain							1	1	1	2	6	
Sweden												
Switzerland							1	1	1	1		3
Turkey					3	8	6	2	5	1	15	20
Ukraine			1	1	1	1	4	3	1	1	11	9
United Kingdom					2							1
TOTAL	**0**	**1**	**4**	**4**	**31**	**26**	**85**	**57**	**57**	**33**	**112**	**93**

G. Just satisfaction

G.1. Just satisfaction awarded

Global amount

YEAR	TOTAL AWARDED (€)
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 €

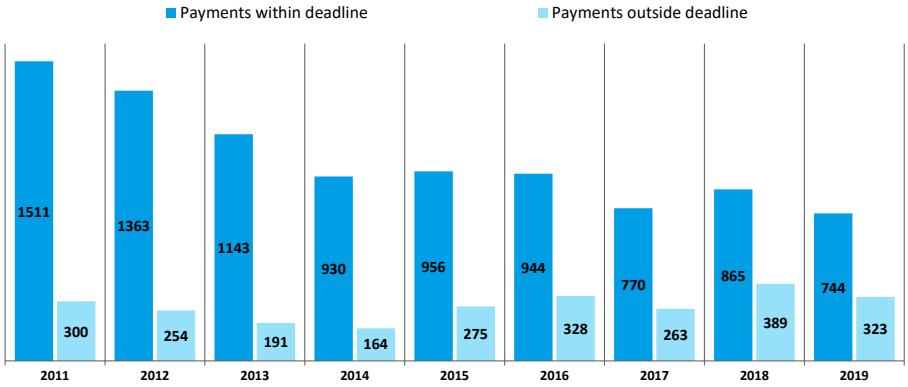
State by State

STATE	TOTAL AWARDED (in euros)	
	2018	**2019**
Albania	13 452 860 €	117 050 €
Andorra	0 €	0 €
Armenia	195 940 €	2 130 858 €
Austria	73 180 €	45 881 €
Azerbaijan	186 972 €	707 010 €
Belgium	38 905 €	211 561 €
Bosnia and Herzegovina	182 661 €	755 810 €
Bulgaria	794 968 €	421 823 €
Croatia	453 537 €	105 313 €
Cyprus	56 370 €	34 124 €
Czech Republic	78 922 €	0 €
Denmark	0 €	2 000 €
Estonia	6 000 €	73 900 €
Finland	0 €	0 €
France	6 731 310 €	256 320 €
Georgia	36 633 €	101 970 €
Germany	1 126 472 €	25 500 €
Greece	1 396 839 €	1 562 538 €
Hungary	5 578 364 €	5 391 826 €
Iceland	17 500 €	65 300 €

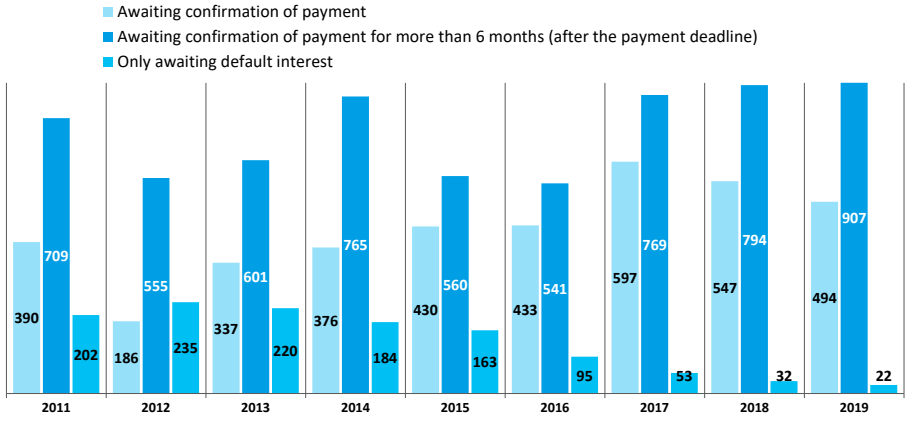
STATE	TOTAL AWARDED (in euros)	
	2018	**2019**
Ireland	9 000 €	11 000 €
Italy	9 792 285 €	16 964 113 €
Latvia	23 410 €	9 762 €
Liechtenstein	0 €	0 €
Lithuania	428 464 €	216 846 €
Luxembourg	0 €	0 €
Malta	699 540 €	1 081 035 €
Republic of Moldova	297 355 €	526 079 €
Monaco	0 €	0 €
Montenegro	87 270 €	16 500 €
Netherlands	22 062 €	4 196 €
North Macedonia	124 900 €	266 915 €
Norway	25 000 €	34 350 €
Poland	852 177 €	454 936 €
Portugal	273 075 €	4 690 494 €
Romania	5 806 667 €	4 395 996 €
Russian Federation	13 115 481 €	28 547 005 €
San Marino	0 €	0 €
Serbia	251 400 €	547 510 €
Slovak Republic	3 926 843 €	3 222 290 €
Slovenia	85 344 €	223 067 €
Spain	78 071 €	45 894 €
Sweden	3 300 €	0 €
Switzerland	70 720 €	56 834 €
Turkey	1 559 380 €	2 170 693 €
Ukraine	794 586 €	1 675 140 €
United Kingdom	6 120 €	74 883 €
TOTAL	**68 739 884 €**	**77 244 322 €**

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)	
	2018	**2019**	2018	**2019**	2018	**2019**	2018	**2019**	2018	**2019**
Albania	1	1	6	11			17	7	14	6
Andorra										
Armenia	11	20		1			5	5	2	2
Austria	4	5		1			4	4	1	2
Azerbaijan	70	1	2	19			51	51	46	37
Belgium	4	1	7			1	2	9		1
Bosnia and Herzegovina	12	11	3	3			6	12	2	3
Bulgaria	19	23	6	3			9	10	5	6
Croatia	19	10	1	1			1	1		
Cyprus	1	1		1			2	1		
Czech Republic	2	2					2			
Denmark								1		
Estonia	1	3								
Finland	4		2							
France	6	6	4	3			2	7		
Georgia	8	12		1			3		1	
Germany	4	1	1				2	5	1	1
Greece	53	51	5	5			33	16	10	
Hungary	70	62	2	7			110	133	30	96
Iceland	1	2	1					2		
Ireland	1	1								
Italy	17	21	28	42	13	7	57	42	41	21
Latvia	7	3	1							
Liechtenstein										
Lithuania	13	20		1			10	4		1
Luxembourg										
Malta	8	14	1	2			3	1	1	

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)	
	2018	**2019**	2018	**2019**	2018	**2019**	2018	**2019**	2018	**2019**
Republic of Moldova	22	41					17	15		4
Monaco										
Montenegro	11	3	3							
Netherlands	3	3								
Norway		1					1			
North Macedonia	11	22	1	1			14	2		
Poland	43	40	4	1			17	17	3	5
Portugal	16	8	3	1			3	8		1
Romania	69	52	38	48			67	63	15	24
Russian Federation	59	22	159	97	7	8	540	644	376	478
San Marino										
Serbia	28	36	15	10			22	9	3	1
Slovak Republic	13	18					4	1		
Slovenia	4	9					2			
Spain	4	4	2	1			3	3	1	1
Sweden	1									
Switzerland	5	4						1		
Turkey	184	134	46	6	2	1	76	99	46	53
Ukraine	54	72	47	57	10	5	255	226	196	164
United Kingdom	2	4	1				1	2		
TOTAL	**865**	**744**	**389**	**323**	**32**	**22**	**1341**	**1401**	**794**	**907**

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 defendant State commitment to adopt general measures in order to address and prevent future similar violations.

Year	"WECL" cases Article 28§1b	New friendly settlements without undertaking	New friendly settlements with undertaking	TOTAL of new friendly settlements
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	
	2018	**2019**	2018	**2019**	2018	**2019**
Albania	1 (1)			1 (1)	1	1
Andorra						
Armenia	6 (6)	12 (33)		1 (1)	6	13
Austria	3 (6)	3 (3)	2 (3)	2 (2)	5	5
Azerbaijan	3 (22)	7 (36)		3 (6)	3	10
Belgium			2 (2)	9 (17)	2	9
Bosnia and Herzegovina	6 (12)	18 (376)	5 (6)	3 (3)	11	21
Bulgaria	14 (22)	7 (8)	4 (4)	8 (8)	18	15
Croatia	9 (9)	4 (7)	3 (6)	4 (5)	12	8
Cyprus	1 (1)				1	
Czech Republic	3 (13)		1 (1)		4	

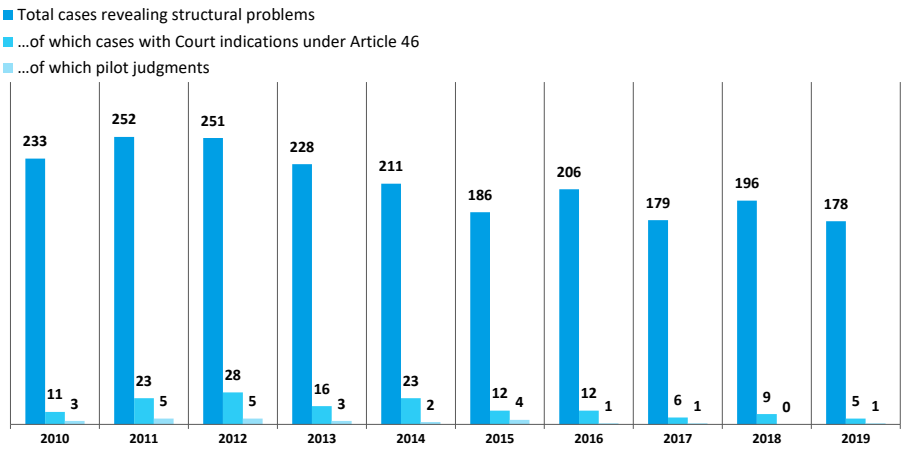
STATE	"WECL" cases Article 28§1b (number of corresponding applications)		Friendly settlements (Article 39§4) (number of corresponding applications)		TOTAL	
	2018	2019	2018	2019	2018	2019
Denmark						
Estonia						
Finland						
France	1 (1)	7 (7)	2 (2)	2 (2)	3	9
Georgia	3 (3)	4 (4)	1 (1)	1 (1)	4	5
Germany				4 (4)		4
Greece	10 (12)	6 (6)	21 (27)	20 (60)	31	26
Hungary	28 (81)	33 (97)	67 (456)	54 (437)	95	87
Iceland		2 (2)				2
Ireland	1 (1)	1 (1)			1	1
Italy	4 (15)	5 (5)	33 (243)	22 (298)	37	27
Latvia	1 (1)	1 (1)			1	1
Liechtenstein						
Lithuania	12 (19)	8 (8)	2 (21)	1 (5)	14	9
Luxembourg						
Malta	2 (2)	2 (2)		6 (6)	2	8
Republic of Moldova	16 (18)	34 (35)	11 (11)	2 (2)	27	36
Monaco						
Montenegro	7 (7)		1 (1)		8	
Netherlands	1 (1)	1 (1)	2 (2)		3	1
North Macedonia	5 (5)	5 (5)	10 (10)	1 (1)	15	6
Norway						
Poland	9 (9)	9 (9)	27 (278)	22 (31)	36	31
Portugal		5 (7)	10 (13)	5 (7)	10	10
Romania	59 (496)	53 (252)	74 (691)	34 (123)	133	87
Russian Federation	164 (688)	147 (392)	38 (151)	43 (430)	202	190
San Marino						
Serbia	10 (30)	17 (145)	28 (33)	13 (103)	38	30
Slovak Republic	4 (11)	1 (2)	7 (15)	9 (16)	11	10
Slovenia		1 (1)		1 (1)		2
Spain		2 (3)				2
Sweden						
Switzerland				1 (1)		1

STATE	"WECL" cases Article 28§1b (number of corresponding applications)		Friendly settlements (Article 39§4) (number of corresponding applications)		TOTAL	
	2018	**2019**	2018	**2019**	2018	**2019**
Turkey	72 (232)	48 (130)	28 (205)	76 (120)	100	124
Ukraine	68 (261)	93 (165)			68	93
United Kingdom		1 (7)	2 (2)	3 (3)	2	4
TOTAL	**523 (1985)**[18]	**537 (1750)**	**381 (2184)**	**351 (1694)**	**904**	**888**

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

Appendix 2 – New judgments with indications of relevance for the execution

Cases revealing structural problems:
Total established by the Committee of Ministers with indication of those with also special Court indications



A. Pilot judgments which became final in 2019

STATE	CASE	APPLICATION No.	JUDGMENT FINAL ON	NATURE OF VIOLATIONS FOUND BY THE COURT
Russian Federation	*Tomov and Others*	18255/10	09/07/2019	**Enhanced supervision** *New problem:* Inadequate conditions of prisoner transports by road and rail stemming from outdated standards (acute lack of space, inadequate sleeping arrangements, lengthy journeys, restricted access to sanitary facilities, dysfunctional heating and ventilation, etc.) and lacking remedy to challenge them.

B. Judgments with indications of relevance for the execution (under Article 46) which became final in 2019

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
Italy	*Cordella and Others*	54414/13	24/06/2019	**Enhanced supervision** Failure to protect the applicants' health against toxic emissions and environmental pollution and lack of an effective remedy to obtain measures to secure decontamination of the relevant area.
	Marcello Viola (No. 2)	77633/16	07/10/2019	**Enhanced supervision** Inability of a whole-life prisoner to have his sentence reviewed and a possibility of release without fulfilling the pre-condition of his cooperation with the authorities in their fight against Mafia crime, which underlines the need to reform the life imprisonment regime, preferably by introducing legislation, in order to guarantee the possibility of a review of sentence.

STATE	CASE	APPLICATION No.	JUDGMENT FINAL ON	NATURE OF INDICATIONS GIVEN BY THE COURT
Russian Federation	*Alekseyev and Others*	14988/09	27/02/2019	**Enhanced supervision** **Support for the execution of the *Alekseyev* group:** Failure to address the problem of repeated refusals to authorise LGBT public assemblies and to introduce a change of practice of local authorities and courts in this respect to safeguard freedom of assembly and protection against discrimination.
	Tomov and Others	18255/10	09/07/2019	**Enhanced supervision** Inadequate conditions of prisoner transport by road and rail stemming from outdated standards (lack of space, inadequate sleeping arrangements, lengthy journeys, restricted access to sanitary facilities, dysfunctional heating and ventilation, etc.) and lack of a remedy.
Turkey	*Hasan Köse*	15014/11	06/05/2019	**Enhanced supervision** **Support for the execution of the *Batı and Others* group:** Failure to ensure the accountability of agents of the State due to the possibility, under the Criminal Code of Procedure, to suspend the pronouncement of judgments against State agents who perpetrated serious offences, such as causing life-threatening injury by use of excessive force.
	Gömi	38704/11	24/06/2019	**Enhanced supervision** Failure to ensure that the applicant, who suffers from serious psychiatric illness, is moved to a detention facility that has the means to treat him adequately.

C. Article 46 § 4 – Infringement procedure

STATE	CASE	APPLICATION No.	JUDGMENT FINAL ON	SUMMARY OF FINDINGS
Azerbaijan	*Ilgar Mammadov*	15172/13	29/05/2019	**Enhanced supervision** Infringement proceedings under Article 46 § 4 of the Convention: In the light of the absence of measures to ensure the applicant's unconditional release notwithstanding the fundamental flaws of the criminal proceedings launched against him revealed by the Court's 2014 judgment, the Committee of Ministers decided on 5 December 2017 (interim resolution (2017)429) to launch infringement proceedings before the Court. In its judgment, the Court confirmed that "Azerbaijan was required to eliminate the negative consequences of the charges which the Court found to be abusive" and that the "limited steps" taken by the authorities did "not permit the Court to conclude that the State party acted in 'good faith', in a manner compatible with the 'conclusions and spirit' of the [2014] *Mammadov* judgment, or in a way that would make practical and effective the protection of the Convention rights which the Court found to have been violated in that judgment" and that Azerbaijan had therefore failed to fulfil its obligation under Article 46 § 1.

Appendix 3 – Glossary

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 an / 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).

Appendix 4 – Where to find further information on the execution of judgments

HUDOC Exec

http://hudoc.exec.coe.int

A search engine to follow the execution of judgments of the European Court of Human Rights

In close cooperation with the European Court of Human Rights, the Department for the Execution of Judgments launched, in 2017, its HUDOC-EXEC database, a 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.).

Country factsheets

A State-by-State overview of the execution of judgments of the Court

The Department for the Execution of judgments published early 2017 Country factsheets which present an overview of the main issues raised by judgments and decisions of the Court in cases transmitted for supervision of their execution by the Committee of Ministers.

These factsheets outline the main issues under supervision, the main reforms adopted and basic statistics. These sheets are updated after each HR meeting of the Committee of Ministers (four times a year).

https://go.coe.int/QQN1N

Website of the Department for the Execution of Judgments

http://www.coe.int/en/web/execution

The website of the Department is mainly case-oriented and presents, in addition to HUDOC-EXEC and fact sheets, also important reference documents and information on support activities. It presents notably compilations of decisions and interim and final resolutions, the annual reports, news on seminars, roundtables, workshops, meetings and other support activities. It is also the place where applicants can follow the payment of just satisfaction and make contact in the event of problems.

Website of the Committee of Ministers

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

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.

MEMBER STATES

Albania, Andorra, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Republic of Moldova, Monaco, Montenegro, Netherlands, North Macedonia, Norway, Poland, Portugal, Romania, Russian Federation, San Marino, Serbia, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom.

OBSERVER COUNTRIES

Canada, the Holy See, Japan, Mexico, the United States of America.

Appendix 5 – References

A. CMDH meetings in 2019

Meeting No.	Meeting dates
1362	3-5 December 2019
1355	23-25 September 2019
1348	4-6 June 2019
1340	12-14 March 2019

B. General abbreviations

AR	Annual Report of the Committee of Ministers
Art.	Article
CDDH	Steering Committee on Human Rights
CEPEJ	European Commission for the Efficiency of Justice
CM	Committee of Ministers
CMDH	Human Rights meeting of the Committee of Ministers (quarterly)
CMP	Committee on Missing Persons in Cyprus
CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
DEJ	Department for the Execution of Judgments of the European Court of Human Rights
ECHR	European Convention for the Protection of Human Rights and Fundamental Freedoms
European Court	European Court of Human Rights
HRTF	Human Rights Trust Fund
GM	General Measures
HR	"Human Rights" meeting of the Ministers' Deputies
IM	Individual Measures
IR	Interim resolution
NGO	Non-governmental organisation
NHRI	National Human Rights Institutions
ODIHR	Office for Democratic Institutions and Human Rights
OSCE	Organisation for Security and Cooperation in Europe
Prot.	Protocol
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees

The Committee of Ministers' annual report provides statistics relating to its supervision work under the Convention including details of new, pending, and closed cases and other information and observations on the supervision process. It also presents some of the main achievements in resolving the human rights problems revealed by the Court's judgments noted in the implementation of cases closed during the year.

The 10-year Interlaken reform process is now reaching its conclusion, and 2019 confirmed anew the positive results achieved where the number of pending cases continues its downward trend.

The progress achieved vouches for the enhanced dialogue and shared responsibility of all actors and the commitment of member states to abide by the European Court's judgments.

While the achievements over the decade 2010-2019 are particularly apparent when compared to the previous decade, a number of difficulties persist in the execution of certain judgments by respondent states. Thus, the need to continue to strengthen the system and boost the effectiveness and resources of the supervisory framework remains.

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The Council of Europe is the continent's leading human rights organisation. It comprises 47 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 47 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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