



SUPERVISION OF THE EXECUTION OF JUDGMENTS AND DECISIONS OF THE EUROPEAN COURT OF HUMAN RIGHTS **2023**



COUNCIL OF EUROPE
COMMITTEE OF MINISTERS

17th Annual Report
of the Committee of Ministers

COMMITTEE
OF MINISTERS
COMITÉ
DES MINISTRES

COUNCIL OF EUROPE

CONSEIL DE L'EUROPE

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Chapter I

Preface by the Chairs of the Human Rights meetings

This annual report highlights many positive developments in the supervision of the execution of judgments during 2023, also reflecting the impact of states' recommitment to the Convention system at the Reykjavík Summit including through decisions adopted in November 2023 providing increased funding for the Department for the Execution of judgments in the 2024-2027 budget. In addition to the major advances in cases outlined elsewhere in the report, these positive developments include: the significant number of cases closed; timely and increased engagement from member states and civil society with the Committee of Ministers' supervision work; for the first time since 2018, a decrease in the overall number of cases awaiting information on payment; and the continued commitment of Ukraine to executing the European Court's judgments despite the enormous challenges caused by the Russian full-scale war of aggression against it. The stable number of cases pending despite the high number of new cases coming in from the Court, and the notable development of synergies and co-operation projects by the Department of the Execution of Judgments also attest to the resilience and effectiveness of the supervision process.

2023 also saw however a continuation of some of the challenges to the Convention system present in previous years. The need to find ways to ensure the meaningful supervision of cases pending against the Russian Federation in the total absence of co-operation from that state and the deteriorating human rights situation within it continued to require an innovative approach from the Committee. The detention of the applicant in the case of *Kavala v. Türkiye*, despite the Committee's repeated calls for his immediate release in line with the judgments of the European Court, meant that this too remained a salient challenge to the Convention system.

Building on the work it began in 2022 to supervise the judgments of the European Court against the Russian Federation after that state's expulsion from the Council of Europe, the Committee adopted various innovative strategies which were put into practice in 2023. Thus, the Committee was able to continue to bring to light information on the human rights problems identified in the Russian cases and hear directly from key interlocutors. It held informal exchanges with representatives of Russian NGOs in March and September 2023, and in December 2023 it held an informal exchange of views with the UN Special Rapporteur on the situation of human rights in the Russian Federation. In that month it also decided to reflect the total lack of co-operation of the Russian Federation in its procedures and transferred all the

cases pending against Russia to the enhanced supervision procedure, and separated out the statistics for those cases, which are presented separately in their entirety, for the first time in this annual report. The Committee also took note of the first annual stocktaking document giving an overview of all the cases pending against Russia along with the measures that will be required to implement them. The document presents a detailed and vital insight into the human rights problems in that state.

Throughout 2023 the Committee closely examined the case of *Kavala v. Türkiye* deeply deploring the fact that Mr Kavala remained detained and looked to intensify dialogue in line with the commitments made at the Reykjavík Summit. The Committee has continued its examination of the case at every Human Rights and ordinary meeting on its agenda, adopting four decisions over the course of the year. In March, the co-rapporteurs of the Parliamentary Assembly of the Council of Europe were able to visit Mr Kavala in detention. The Committee welcomed the participation of the Turkish Deputy Minister of Justice at its meeting in September 2023, and in December, it urged the authorities to hold high level technical contacts with the Secretariat and engage in constructive and results-oriented dialogue with a view to identifying the means available within the domestic system to ensure the applicant's immediate release. As previous Chairs of the Committee of Ministers have done, we have raised this case with our Turkish counterpart.

Despite these efforts, Mr Kavala remains detained. The Committee will continue its work to ensure that the commitment to the Convention system and to implement the Court's judgments made by all states and at the highest levels in Reykjavík, is achieved. As the Minister for Foreign Affairs of Liechtenstein Ms Dominique Hassler, has underlined, "for the credibility of the Convention system – and the Organisation as a whole – it is imperative that all member states fulfil their obligation to implement the judgments of the Court".

A further avenue of dialogue was created through the organisation of an International conference by the Latvian Presidency on "The Role of the Judiciary in Execution of Judgments of the European Court of Human Rights" co-organised by the Constitutional Court and the Supreme Court of the Republic of Latvia on 21 September 2023. This conference provided a valuable contribution in bringing together many high-level judicial actors in the member states. In his opening address at the Conference, the President of the Latvian Constitutional Court, Mr Aldis Laviņš, aptly underscored that effective execution of judgments is an inalienable part of the right to a fair trial: "Our responsibility is to ensure execution of court rulings because, in the absence of it, the right to a fair trial might become merely apparent and lose its meaning. Failure to enforce rulings may jeopardize the democratic order and lead to authoritarian, totalitarian and, successively, also to internationally aggressive regimes...". Other speakers also highlighted the need and benefits of dialogue and exchanges between the highest courts on the continent to support the Convention system.

The year has thus reaffirmed the robustness of the system of the Supervision of the execution of judgments in many aspects, whilst also revealing some significant challenges to that system in exceptional cases. As the Minister of Foreign Affairs of Latvia, Mr Krišjānis Kariņš, said when addressing the Autumn Session of the Parliamentary

Assembly in October 2023 as Chair of the Committee of Ministers: “We created the Court. We are subject to the Court's final decision. The Court makes a final decision, we have to abide by that. If we do not abide by the Court's decisions, the entire fabric of our peaceful and democratic co-existence starts to unwind”.

Latvia
Jānis KĀRKLIŅŠI

Liechtenstein
Domenik WANGER



Mr Christos GIAKOUMOPOULOS

Chapter II

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

Introduction

2023 continued to be marked by the tragedy of war on the European continent with the continuation of the full-fledged aggression of the Russian Federation against Ukraine, in flagrant violation of the Council of Europe Statute. This continued to have a major impact on the Convention system as a whole, including the execution of the European Court's judgments.

Indeed, the war of aggression has not only caused extraordinary suffering but has also had very severe consequences on Ukraine's national capacity to promptly execute the Court's judgments both in terms of individual measures (the ability to locate applicants and pay just satisfaction) and the adoption of general measures required to resolve longstanding structural problems. Nevertheless, as in 2022, Ukraine continued to demonstrate its commitment to the Convention system by actively engaging in the execution process through the regular submission of action plans/reports, as well as participation in multiple co-operation activities, roundtables and meetings targeted at structural problems. Further to its determination and close co-operation and dialogue with the Department for the Execution of Judgments of the European Court of Human Rights (DEJ), 75 Ukrainian cases were closed in 2023 (including ten leading cases) (see the state by state overview in Chapter IV-A).

The lack of participation of and information from the Russian Federation in the supervision process also meant that no progress has been reported in any cases pending against the Russian Federation (which amount to 40% of the Committee of Ministers' pending caseload). This annual report includes therefore, for the first time, a separate overview of the cases pending against the Russian Federation (see Chapter V). This details both some of the reforms adopted in the Russian Federation whilst it was part of the Convention system as well as the strategy adopted by the Committee to continue the supervision of cases following the cessation of its membership to the Council of Europe, one aspect of which is the Committee's enhanced co-operation with civil society and the United Nations.

For the first time, the statistics in the 2023 annual report are separated into those related to member states (see Chapter IV) and those related to the Russian Federation (see Chapter V-B). This distinction aims to give a clearer vision of the developments in the execution of cases pending against member states who continue to participate actively in the execution process and where progress is continually reported. As in the 2022 annual report, much of the statistical information related to the current situation as regards execution in each member state can also be found in the state by state overview (see Chapter IV-A).

In the Reykjavík Declaration, adopted at the fourth historic Summit of the Heads of State and Government, leaders across the Council of Europe reaffirmed their deep and abiding commitment to the Convention and the European Court of Human Rights as the ultimate guarantors of human rights across the continent. Their recommitment to resolving the systemic and structural human rights problems identified by the Court is significant. They underlined the fundamental importance of the full, effective and prompt execution of the Court's judgments and the effective supervision of that process to ensure the long-term sustainability, integrity and credibility of the Convention system. The Declaration provides a guiding framework for the years ahead and emphasises the need for a co-operative and inclusive approach, based on dialogue, in the supervision process to assist states and overcome the challenges and obstacles encountered.

As regards the Committee of Ministers' supervisory role more generally, with the support and advice provided by the DEJ, at the Committee's four Human Rights meetings, it examined 160 cases or groups of cases concerning 30 States (including cases against the Russian Federation); 53 were examined by the Committee more than once (see Chapter VI-B). This is an increase compared to 2022, when 145 cases or groups of cases were examined. High-level interlocutors represented different respondent states during the examination of cases at those meetings, including for example, *Statileo v. Croatia* (the Deputy Prime Minister and Minister of Physical Planning, Construction and State Assets), *Corallo v. the Netherlands* (the Minister of Justice of Sint Maarten), *S.Z. group / Kolevi v. Bulgaria* (the Deputy Minister of Justice), *Kavala v. Türkiye* (the Deputy Minister of Justice) and *Burmych group v. Ukraine* (the Deputy Minister of Justice). Several Secretaries of State also attended the Human Rights meetings on behalf of the respondent states.

The Committee of Ministers closed its supervision of the execution of 982 cases (including 180 leading cases requiring specific and often wide-ranging measures

by states to guarantee non-repetition of the violations), following the adoption by respondent states of individual and/or general measures including, in some cases, constitutional and legislative reforms. This represents an overall increase compared to 2022 (where the figures for member states were 877 cases and 199 leading cases closed) although a small decrease in closure of leading cases (see Chapter IV-D). The significant reforms which made possible some of these closures include: changes to the Criminal Code in Bulgaria related to both defamation and investigations into torture (*Bozhkov and Velikova*); changes in the law on disability and related benefits in Hungary (*Béláné Nagy*); changes to the Code of Criminal Procedure in Italy (*Brazzi*); legislative amendments governing jurisdiction of courts applying disciplinary measures in Poland (*Mariusz Lewandowski*); legislative changes to introduce judicial review of decisions to remove senior officeholders in the State Prosecutor Service from office in Romania (*Kövesi*); changes to the Fundamental Law on Freedom of Expression in Sweden (*Arlewin*); and the removal of the unconditional ban on the right to strike for employees in the transport sector in Ukraine (*Veniamin Tymoshenko*) (see section A below for more details).

Over and above cases that were closed, 2023 was a year where many important advances took place in pending cases which should not be overlooked. Indeed, it is worth underlining that the fact that a case remains under the supervision of the Committee does not mean that the judgment is being ignored by a respondent state or that the process of execution is not under way or even, in some cases, very advanced. Some examples of cases still pending where significant steps forward were reported in 2023 include: legislative changes to the composition of the Judicial Legal Council in Azerbaijan (*Mammadli group*); important legislative reforms in Bulgaria strengthening rule of law and fight against impunity (*S.Z and Kolevi group*); the adoption of safeguards related to treatment of psychiatric patients in Finland (*X.*); legislative changes to expropriation laws in Greece (*Kanellopoulos*); changes to the Prison Administration Act related to whole life sentences in Italy (*Marcello Viola (No. 2)*); amendments to the Criminal Codes of both Montenegro and North Macedonia to abolish the statute of limitations for torture (*Siništaj and Others* and *Kitanovski* respectively); adoption of rules to enable the issuing of travel documents to refugees in Serbia (*S.E.*); the annulment of the provision under Turkish law obliging women to bear their husband's surname (*Ünal Tekeli*); and developments in the Supreme Court's caselaw on the Government Cleansing Act in Ukraine (*Polyakh and Others*) (see section A below for more details).

Despite the challenges and the continuing high number of new cases against member states being transmitted by the Court (1,043 in 2023 compared to 1,046 in 2022: after a 40% increase in 2021, see Chapter IV-B), the number of cases pending against member states has only slightly increased but with a decrease in the number of leading cases. At the end of 2023, there were 3,819 cases (1,071 leading) pending against member states compared to 3,760 (1,088 leading) at the end of the 2022 (see Chapter IV-C).

This is positive, given the context of Ukraine's decreased capacity to execute judgments (cases against Ukraine making up 20% of the pending case load for member states) as well as the Court's increased efficiency in its working methods, particularly as regards repetitive cases, where one judgment can frequently relate to multiple

joined applications (judgments delivered in 2023 related to 6,931 applications, compared to 4,168 in 2022:¹ see also Chapter IV-F.2). This leads to an increased workload for the Committee of Ministers and DEJ and may prolong the execution process of individual cases, since the Committee, in its supervisory role, is required to ensure that the required individual measures (payment of just satisfaction, release from detention, reopening of domestic proceedings etc) have been taken for every applicant in a single judgment. Even if the individual measures have been taken for nine out of ten applicants, the supervision of the case must continue and the case cannot be closed by the adoption of a final resolution until redress has been provided to every applicant concerned. This can give a false impression of overall delays in execution with some judgments still pending due to a particular issue encountered for only one out of many applicants. It is also noteworthy that the number of new judgments revealing new important structural and/or complex problems being transmitted by the Court, and thus classified in the enhanced procedure in 2023, has increased (from 17 in 2022 to 25 in 2023; see Chapter IV-B.3).

In the spirit of the Reykjavik Declaration, the DEJ has continued its extensive work to support states through co-operation, assistance and dialogue with a record number of 140 missions and bilateral meetings with national authorities both online and in person in either Strasbourg or capitals (see Chapter III for full details). High level representatives from respondent states often participated in these bilateral meetings, engaging in discussions and demonstrating commitment to the full implementation of the Court's judgments. These activities require a lot of work and preparation by the DEJ but are productive and often produce tangible results. The meetings are a valuable opportunity to discuss the measures required as well as help to identify any obstacles and potential ways forward. They raise awareness of the execution process and help to strengthen domestic capacity to execute the Court's judgments and thus for respondent states to provide long awaited information to the Committee of Ministers.

These activities appear to be starting to bear fruit as the statistics demonstrate that member states improved their engagement with the supervision process in 2023. A record high number of action plans and reports were submitted in 2023 (835 compared to 763 in 2022; see Chapter VI-A). In addition, more action plans and reports were submitted within the applicable time limits, meaning that fewer "reminder letters" needed to be sent (80 compared to 92 in 2022; see also Chapter VI-A). There was also an increase in submission of information on payment of just satisfaction (both within the deadlines and with some delay) which led, for the first time since 2018, to a decrease in the overall number of cases awaiting information on payment (from 1,137 to 1,128 cases; see Chapter IV-E.2).

Nevertheless, in light of the number of cases still pending and the increasing complexity of some of those cases, there is still a clear need to further reinforce domestic capacity, as also underlined in the Reykjavik Declaration. The launch in 2023 of a new 18-month multilateral transversal co-operation project to that end should assist by identifying effective models and practices to enhance execution mechanisms across the Council of Europe states. It will also facilitate the establishment of a "Network of

1. See p.108 of the 2023 Annual Report of the European Court of Human Rights.

national co-ordinators”, which will serve as a platform for sharing experiences and knowledge among member states. The network aims to enable mutual support in the execution process and its first meeting will take place in 2024.

Furthermore, in line with the importance given in the Reykjavík Declaration to increasing synergies between the DEJ and Council of Europe co-operation programmes, monitoring and advisory bodies and other departments, the DEJ intensified its work in 2023 with multiple relevant events and roundtables supported by Council of Europe co-operation programmes as well as participation in relevant activities organised by other departments (see Chapter III for details).

In March 2023, a seminar was organized, by the DEJ and the European Court, within the framework of the Icelandic Presidency of the Committee of Ministers on the theme “Binding Force: Institutional dialogue between the European Court of Human Rights and the Committee of Ministers under Article 46 of the European Convention on Human Rights”. The DEJ and the Court’s Registry also strengthened their co-operation in 2023 on transversal themes related to the execution of judgments (see Section E below for details).

Given the intensity of the work required to maintain these synergies effectively, it is welcome that states confirmed their commitment to ensure that the DEJ has the necessary resources to continue its work assisting member states and the Committee of Ministers.

Finally, it is noteworthy that the recent trend of increasing communications from civil society organisations (CSOs) and national human rights institutions (NHRIs) continued in 2023. A total of 239 communications were received concerning 33 states (compared to 214 in 2022) (see Chapter VI-D). This is an all-time high and is the concrete result of the ongoing work to increase the transparency of the execution process and reinforce as far as possible its participatory character. During missions to states, the DEJ frequently meets with NHRIs and also, time permitting, representatives of CSOs, to raise awareness of the potential of their involvement in the implementation system. Nevertheless, the number of communications from NHRIs remains, as in previous years, low (14). It is always to be hoped that this will increase over time, given the key role of NHRIs, recognised also in the Reykjavík Declaration, in monitoring compliance with the Court’s judgments. The DEJ invested time in 2023 to further increase synergies with the European Network of National Human Rights Institutions (ENNHRI), notably through participation at ENNHRI’s 10th anniversary conference *Advancing human rights, democracy and rule of law at a critical time in Europe* and the organisation of a capacity building seminar in co-operation with ENNHRI and the European Implementation Network attended by the NHRIs of 18 member states. It is expected that the Committee of Ministers’ decision in November 2023² to publish the indicative annual planning for Human Rights meetings, for the first time in December 2023, will further increase the efficiency and transparency of the supervision process and enable CSOs and NHRIs to plan ahead the timing of their possible communications during the year.

2. CM/Del/Dec(2023)1482/4.5.

A. Major advances³ in cases examined by the Committee of Ministers

2023 was another year with important advances in cases pending under the supervision of the Committee of Ministers, in particular as regards some important legislative reforms. Some of these developments led to the closure of the relevant cases, others marked significant steps forward in their implementation.

Significant steps forward

For example, in the *Mammadli v. Azerbaijan* group, concerning a pattern of arbitrary arrest and detention of government critics, civil society activists and human-rights defenders through retaliatory prosecutions and misuse of criminal law in defiance of the rule of law, the Committee welcomed the legislative changes to the composition of the Judicial Legal Council (JLC), which appear to respond to its calls and the GRECO recommendations regarding the composition of the JLC. In the *Mahmudov and Agazade group v. Azerbaijan*, mainly concerning violations of the applicant journalists' right to freedom of expression, but also breaches by the Public Prosecutor's service and the executive authorities of the right to presumption of innocence (examined under the *Fatullayev v. Azerbaijan* case), the Committee noted with satisfaction the legislative amendments to the Code of Administrative Offences as well as the other measures taken to ensure that statements made by the prosecution service and public officials respect the right to presumption of innocence, and decided to close the supervision of this aspect.

Important legislative reforms were also adopted in Bulgaria, strengthening the rule of law and the fight against impunity. The Committee welcomed the adoption of important and long-awaited reforms in the *S.Z. and Kolevi* group introducing, *inter alia*, a mechanism for the independent investigation into alleged criminal acts committed by the Chief Prosecutor, and judicial review of refusals to open an investigation (into serious criminal offences, and some other criminal offences concerning violations of the Convention and corruption), available to both victims and persons who reported a crime. It also welcomed legislative amendments concerning victim protection, aimed also at enhancing the effectiveness of investigations of rape and sexual assault.

In response to *X. v. Finland*, concerning the lack of legal safeguards surrounding forced medication of a patient held in a psychiatric hospital, the Finnish Parliament adopted legislative amendments to the Mental Health Act and the Administrative Court Act, which enable patients in similar situations to lodge an appeal against forced medication directly with the administrative court.

In the *Beka-Koulocheri v. Greece* group, concerning non-compliance by the authorities (notably local and regional) with final domestic judgments ordering the lifting of land expropriation orders, the Committee welcomed the adoption of a law providing for the automatic lifting of the expropriation in specific conditions, the abolishment of

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

the legislation placing the burden on landowners to provide technical documents concerning urban planning, as well as a new remedy by which the interested party can ensure the enforcement of the national judgments ordering the lifting of expropriations. These developments, addressing the underlying longstanding problem of the excessive burden on landowners to provide technical documents, enabled the Committee to close this aspect and to pursue the examination of the outstanding measures required under the *Kanellopoulos* case.

In light of the Court's inadmissibility decision of March 2023 in *Szaxon v. Hungary* holding that the new compensatory remedy which entered into force on 1 January 2022 constitutes an effective remedy for protracted contentious civil proceedings, the Committee decided to partly end its supervision of the *Gazsó v. Hungary* group (concerning the excessive length of judicial proceedings in civil, criminal and administrative matters, and the lack of effective domestic remedies in this respect), considering that no further general measures were required as regards a compensatory remedy for contentious civil proceedings.

In *Marcello Viola v. Italy (No. 2)*, concerning the irreducibility of whole life sentences, the Committee noted with satisfaction the legislative reform of the Prison Administration Act which introduced the possibility for prisoners who fail to cooperate with the justice system to be eligible for release on parole. It nevertheless underlined the need for continued supervision in view of the importance of ensuring that the established system is practical and effective.

In response to the Court's judgments in the *Siništaj and Others v. Montenegro* group of cases, concerning ill-treatment by law-enforcement officers and the lack of effective investigations, the Parliament of Montenegro adopted amendments to the Criminal Code, abolishing the statute of limitations for the crime of torture and introducing more serious sanctions for ill-treatment and torture when committed by state agents in performance of their duties, including an automatic ban from exercising public functions or duties.

The Parliament of North Macedonia also adopted amendments to the Criminal Code, abolishing the statute of limitation for the crime of torture, which was welcomed by the Committee in the context of the *Kitanovski* group as an important step towards prevention of impunity for serious human rights violations perpetrated by law-enforcement agents.

In response to the Court's indication under Article 46 in the case of *S.E. v. Serbia*, concerning a violation of the right to freedom of movement due to the prolonged refusal of the authorities to issue a travel document to a refugee, the Ministry of Internal Affairs adopted the *Rules on the form and content of travel documents for refugees*, which entered into force on 2 December 2023 and was applicable from 1 February 2024, to effectively ensure the right to leave the country.

In Switzerland, the newly introduced legal provision of the Federal Tribunal Act, providing for the possibility of reopening a case after a friendly settlement effected under Article 39 of the Convention was applied for the first time in two cases before the Federal Tribunal. Furthermore, a Swiss National Human Rights Institution (NHRI) was created and inaugurated.

The Committee examined the *Batı and Others v. Turkey* group, concerning the ineffectiveness of investigations, criminal prosecutions and disciplinary proceedings in relation to killing, torture and ill-treatment and the excessive use of force by the police and security forces. It welcomed the recent decision of the Constitutional Court, which annulled the paragraphs of Article 231 of the Code of Criminal Procedure that regulate the suspension of the pronouncement of judgments and will take effect as of 1 August 2024. This is key because in its *Hasan Köse* judgment, the Court had indicated under Article 46 that the suspension of the pronouncement of judgments may create an atmosphere of impunity and that in cases of state agents who perpetrated serious offences, this practice is incompatible with the requirement of Articles 2 and 3 of the Convention to ensure accountability. Another important development is a decision taken in response to the *Ünal Tekeli v. Turkey* group, in which the Constitutional Court declared unconstitutional and annulled the provision under Turkish law which obliged women to bear their husband's surname after marriage.

In the *Kaverzin v. Ukraine* group, on torture and/or ill-treatment by the police and the lack of effective investigations as well as effective remedies in this respect, the Committee welcomed the legislative amendments to Article 127 of the Criminal Code, aimed at bringing the definition of torture in line with international standards. In the *Polyakh and Others v. Ukraine* group, concerning violations of the right to respect for private and family life on account of lustration proceedings, the Committee welcomed the developments in the Supreme Court's case-law on the Government Cleansing Act, which allowed it to transfer the group from the enhanced to the standard supervision procedure.

Developments that led to the closure of cases

The Committee of Ministers ended its supervision of the execution of the *Aygün v. Belgium* case concerning violations of the applicants' right to respect for private life and freedom of religion on account of the impossibility to request an examination of the refusal to transport their sons' bodies for a funeral abroad before the termination of criminal investigations which ended more than two and a half years after their initial request. Following the Court's judgment, the Code of Criminal Investigation was amended to put in place a clear and well-defined procedure for contesting and re-examining such decisions. The Committee also ended its supervision in the *Romeo Castaño* case, in which Belgium had failed to comply with its obligations to cooperate internationally arising under the procedural limb of Article 2 (right to life) because of the domestic courts' refusal to execute the European arrest warrants issued by the Spanish authorities against a person suspected of murder and membership in the terrorist organisation ETA. In response to the Court's finding that the Belgian courts' examination of the risk of inhuman and degrading treatment on account of the conditions of detention in Spain had not been thorough enough to provide a sufficient factual basis for their refusal, the courts re-examined the situation in a fresh arrest warrant, which resulted in an agreement to execute the warrant, and the person was handed over to the Spanish authorities.

Following the adoption of amendments to the Criminal Code attenuating the legal consequences in cases of defamation or insult directed against public officials, the

Committee ended its supervision of the execution of the *Bozhkov v. Bulgaria* group, which concerned disproportionate interferences with the freedom of expression of the applicant journalists as a result of their convictions to administrative fines in criminal proceedings for defamation of public officials. Furthermore, Bulgaria introduced a provision criminalising torture, which, together with the introduction of the right to appeal before a court against the refusal to open criminal investigation, as well as previous measures, led the Committee to close the examination of the *Velikova v. Bulgaria* case and to continue the examination of all outstanding questions in this group (concerning deaths, torture and ill-treatment by law enforcement officers and the lack of effective investigations) under the *Dimitrov and Others* case.

In response to the judgment in *Dragan Kovačević v. Croatia*, where the Court had found a violation of the Convention on account of the failure to reimburse the applicant, a person of low-income suffering from a mental disability, the costs of his constitutional complaint proceedings, the Croatian Constitutional Court aligned its practice regarding reimbursement of such costs. The Constitutional Court asks complainants to substantiate their claims and provides meaningful reasons for its decisions while being mindful of the specific circumstances of each case, notably its significance for the complainants, their financial situation and their vulnerability.

The Committee also ended its supervision of the execution in *M.A. v. Denmark*, which concerned the statutory three-year waiting period for family reunification, considered by the European Court to be unjustified in the case of the applicant who had fled Syria and been granted temporary protection. The Court found that, given the lack of an individualised assessment of the applicant's case and the long waiting period, the authorities had failed to strike a fair balance between the different interests involved. Following the judgment, amendments to the Alien Act were adopted by Parliament in June 2022 and entered into force on 1 July 2022 reducing the previous three-year waiting period to two years. A person granted temporary protection generally has access to family reunification after two years, except in certain exceptional circumstances.

In response to the Court's judgment in *Baldassi and Others v. France*, concerning the disproportionate interference with the applicants' freedom of expression, due to their criminal convictions for incitement to economic discrimination (because they had called for a boycott on products imported from Israel), the criminal proceedings were reopened, the applicants' convictions quashed, and the cases referred to the Court of Appeal of Paris. The Ministry of Justice issued a circular to all public prosecutors in October 2020, clarifying that only calls for boycotts representing a real call to hatred or discrimination shall be prosecuted. Moreover, awareness raising measures were taken among judges and public prosecutors. The judiciary has already applied the Court's *Baldassi* principles to other cases on several occasions.

In the case of *Wenner v. Germany*, the Court had criticised the respondent state's failure to ensure that the health of the applicant, a long-term heroin addict who had received substitution treatment for many years, was adequately secured during his detention in a Bavarian prison at a level comparable to that which the state authorities had committed themselves to provide to persons at liberty. The Committee ended its supervision of the execution of this case as the authorities changed their practice

and statistical data showed a significant increase in the number of prisoners receiving medically prescribed and supervised drug substitution therapy. In cases where a medically indicated substitution therapy is not available in a particular prison, prisoners are transferred to another prison. The German Länder also established a joint working group coordinating their efforts to effectively collect and analyse data on drug consumption and addiction as well as on the therapeutic measures to be taken in prisons.

The Committee further closed its supervision of the *Rahimi v. Greece* group of cases, which concerned the degrading treatment of unaccompanied minors on account of their poor living or detention conditions. In response to this judgment, in 2020, a law was adopted to abolish the practice of so-called “protective custody” of unaccompanied minors, and a Special Secretariat was established to ensure the application of a new comprehensive system for their protection. In 2021, this Secretariat launched the National Emergency Response Mechanism for unaccompanied minors which includes an emergency telephone line, with the aim of tracing and providing immediate support/accommodation to unaccompanied minors in precarious living conditions. Data confirm that unaccompanied minors were detained as a matter of last resort and only for very short periods before their swift transfer to suitable accommodation. The Committee also ended its supervision of the execution of the case *Molla Sali*, where the Court had found a violation due to the discriminatory deprivation of inheritance rights on account of the application by the domestic courts of Islamic religious law to an inheritance dispute between nationals belonging to the Muslim minority, contrary to the will of the testator of Muslim faith. Legislative amendments had abolished the compulsory application of Islamic law on family and inheritance matters and provided that Greek nationals of Muslim faith may choose between civil law or Islamic religious law in their inheritance matters.

The Committee of Ministers ended its supervision of the execution of the *Bélané Nagy v. Hungary* group of cases, which concerned violations of the applicants’ right to protection of property on account of the complete or partial loss of their disability benefits due to new eligibility criteria, introduced in 2012 in the law on disability and related benefits, even though there was no improvement in their health situation. Following the Court’s judgment, legislative changes in 2021 led to the rectification of the applicants’ individual situation and to the compensation of persons whose disability benefits had been lowered as a result of the new eligibility criteria introduced in 2012.

The Committee also ended its supervision of *Brazzi v. Italy*, a case concerning a violation of the applicant’s right to respect for his home due to the lack of prior judicial oversight or effective *ex post facto* review of a house search ordered by the criminal investigation authorities in the Italian legal system, unless the search had led to the seizure of property. Following the Court’s judgment, amendments to the Code of Criminal Procedure were adopted in October 2022, introducing the possibility for the suspect or the person concerned by a search to apply, within 10 days from the date on which the search was carried out and even when no property was seized, for judicial review of the lawfulness of the public prosecutor’s warrant authorising the search (Article 252 *bis*). The legislative reform secured the additional safeguards against abuse or arbitrariness required to remedy the shortcomings highlighted in the Court’s judgment.

The *Mariusz Lewandowski v. Poland* judgment concerned a violation of the right to a hearing by an impartial tribunal because the same judge who had been criticised by the applicant sat as the judge deciding whether that criticism constituted contempt of court and imposed the most severe sanction possible on him. In response to that judgment, legislative amendments were adopted governing the jurisdiction of domestic courts when applying disciplinary measures. In particular, in similar situations, the decision on the application of disciplinary measures shall now be taken by a different judge and in a separate set of proceedings. The enforcement will only be possible once the decision becomes final and the punished person will be entitled to lodge an interlocutory appeal with suspensive effect. Against this background, the Committee decided to end its supervision of the execution of this case.

The Committee of Ministers further ended its supervision of the execution of the Court's judgment in *Kövesi v. Romania*, concerning the lack of judicial review of the premature termination of the applicant's mandate as Chief Prosecutor of the National Anticorruption Directorate, after her expression of views on legislative reforms and the fight against corruption. The applicant now serves as Chief Prosecutor of the European Public Prosecutor's Office. The authorities took action to implement the judgment in the framework of a broader judicial reform, which took effect in December 2022. The new legislation gives full jurisdiction to the High Court of Cassation and Justice to review, under an emergency procedure, the legality and merits of decisions to remove senior officeholders in the State Prosecution Service from office. Furthermore, the Romanian Parliament abolished legislative provisions which had unduly restricted the freedom of expression of judges and prosecutors. Also worth mentioning is the closure of the case *Camelia Bogdan*, concerning the denial of access to a court due to the impossibility for the applicant, a former career judge, to challenge her automatic suspension from office while her appeal against her exclusion from the judiciary in 2017, as a disciplinary sanction, was being considered by the High Court of Cassation and Justice. The legislative measures to implement the judgment were enacted in the framework of the same judicial reform. First, the automatic character of the suspension from duty of a magistrate during appeal proceedings against a disciplinary sanction of exclusion from the judiciary was lifted. Second, clear provisions on how to challenge such a suspension were introduced. The jurisdiction to rule on such appeals is vested in a panel of five judges of the High Court of Cassation and Justice, which must examine it as a matter of urgency and with priority over other cases.

The *Rodriguez Ravelo v. Spain* group of cases concerned violations of freedom of expression established due to the applicants' disproportionate criminal convictions and fines imposed on them, with default imprisonment in case of non-payment, for slander and insults on account of statements and comments made in different contexts (Articles 205 and 208 of the Criminal Code). The Committee of Ministers closed this group of cases noting that the applicants who requested the reopening of the proceedings had obtained the quashing of the criminal convictions against them, with final effect; and that none of the applicants presently has a criminal record. As regards general measures, the Committee noted with satisfaction the information, assessments and statistical data provided by the authorities on the awareness-raising measures adopted and their impact as regards the incorporation

in the domestic case-law of Convention requirements when it comes to applying the above-mentioned provisions of the Criminal Code.

In response to the European Court's judgment in the case of *Arlewin v. Sweden*, concerning the lack of effective access to a court to obtain protection against alleged defamation through a foreign TV broadcast, the Swedish Parliament amended the Fundamental Law on Freedom of Expression (one of the four laws making up the Swedish Constitution). The scope of application of the Fundamental Law on Freedom of Expression was extended to include the possibility to bring before domestic courts defamation cases concerning satellite transmissions having a particularly strong connection to Sweden (perceived to be Swedish, retransmitted in Sweden, and addressed to a Swedish audience). The amendments entered into force on 1 January 2023.

The Committee also ended its supervision of the execution of the case *Hakan Arı v. Turkey*, concerning the violation of the applicant's right to peaceful enjoyment of his property as he was denied a building permit because his land had been earmarked for a public school in the town planning scheme, without any formal expropriation decision or compensation ("virtual expropriation"). Following the Court's judgment, the domestic courts changed their practice and legislative amendments were adopted. In particular, the Plenary of the Court of Cassation in Civil Matters held that virtual expropriation should be considered as *de facto* expropriation and compensation must be paid. Similar decisions were adopted by the Supreme Administrative Court. The Constitutional Court also delivered several decisions in cases concerning virtual expropriations, closely following the case-law of the European Court. Moreover, Law no. 2942 on Expropriation was amended, making it possible for landowners to request compensation for virtual expropriation from administrative authorities. Further, the Committee closed the case *Cumhuriyetçi Eğitim ve Kültür Merkezi Vakfı v. Turkey*, in which the Court had found a violation on account of discriminatory treatment on religious grounds due to the authorities' refusal to extend the exemption from the costs of electric lighting that is granted under domestic law to places of worship to Alevi premises (*cemevis*). In response to this judgment legislative measures were taken to ensure that lighting costs of the Alevi premises are now also reimbursed by the state. Also worth mentioning is the closure of the case *Çam* concerning a violation of the right not to be discriminated against and the right to education due to the refusal by the National Music Academy to enrol a blind child despite her having passed the competitive entrance examination solely on account of her visual disability. The Ministry of National Education amended the applicable secondary legislation introducing new safeguards for disabled students. The Istanbul Technical University (to which the Music Academy is attached) amended its teaching methods to ensure that disabled students receive proper education and adapted the enrolment and evaluation process, where necessary.

Lastly, the Committee of Ministers closed the case *Veniamin Tymoshenko and Others v. Ukraine*, concerning a violation of the right to freedom of assembly and association due to the ban on a strike by employees and members of a trade union of an airline company on the basis of a provision of the Transport Act 1994. In October 2022, the Ukrainian Parliament adopted Draft Law No. 4048 which removed the unconditional ban on the right to strike for employees working in the transport sector and harmonised the regulations with the legislation on collective labour disputes in other sectors.

B. Developments in inter-state and other cases related to post-conflict situations or unresolved conflicts

The supervision by the Committee of Ministers of the execution of inter-state and other conflict-related cases continues to be particularly challenging due to their political dimensions and complexities. Such cases, some of which have been on the Committee's agenda for a long time, continued to be examined throughout 2023.

The cases of *Chiragov and Others v. Armenia* and *Sargsyan v. Azerbaijan* concern violations of the rights of persons forced to flee from their homes during the active military phase of the Nagorno-Karabakh conflict (1992-94). In decisions adopted in both cases in September 2023 the Committee noted that consultations with the Secretariat had continued and strongly encouraged again the authorities to continue this dialogue on the ways and means to execute the Court's judgments on the just satisfaction and merits. As regards the *Sargsyan* case, it welcomed again the readiness of the authorities of Azerbaijan to sign a Memorandum of Understanding (MoU) prepared by the Secretariat to enable payment of the just satisfaction awarded by the Court and default interest accrued to take place through a Council of Europe bank account. It noted, however, their position which followed from the draft MoU, that the signature and payment were dependent on receipt of a reciprocal clear indication from the Armenian authorities of their readiness to make the payment of the just satisfaction in the *Chiragov and Others* case. The Committee strongly urged the authorities of Azerbaijan to proceed to the payment of the just satisfaction without further delay. In the *Chiragov and Others* case, the Committee noted the indication by the Armenian authorities that they would soon finalise their consideration of the text of the MoU, with a view to signing it, to enable payment of the just satisfaction awarded by the Court and default interest accrued to take place through a Council of Europe bank account. It strongly urged the Armenian authorities to proceed to the payment of the just satisfaction without further delay.

As concerns *Georgia v. Russia (I)*, concerning the arrest, detention and expulsion from the Russian Federation of large numbers of Georgian nationals from the end of September 2006 until the end of January 2007, the Committee strongly reiterated its profoundest concern that the payment of the just satisfaction and default interest accrued had not been made despite the passage of over four years since the deadline for payment expired on 30 April 2019, stressing that delay in fulfilling this obligation deprived the individual victims of the violations from receiving compensation for the damages they suffered. The Committee noted the newly created public register of just satisfaction owing in all inter-state cases against the Russian Federation which would be regularly updated by the Secretariat as regards the default interest accrued. The Committee also reiterated its invitation to the authorities of all member states to explore all possible means to ensure execution of the present case. It invited the Chair of the Committee to consider making a public statement conveying the Committee's profound concerns about the present situation. In line with the Committee's invitation, on 8 June 2023, the Minister of Foreign Affairs of Latvia and Chair of the Committee made a public statement underlining that the Russian authorities must heed the Committee's call and comply with their

unconditional obligations under international law and the Convention to pay these sums and fully abide by the judgments of the European Court.

With regard to the *Georgia v. Russia (II)* case, concerning various violations of the Convention in the context of the armed conflict between Georgia and Russia in August 2008, the Committee adopted an interim resolution in December 2023 noting that the deadline for the payment of just satisfaction expired on 28 July 2023. It urged the Russian authorities to pay the just satisfaction, together with the default interest accrued, without any further delay. Furthermore, the Committee exhorted again the authorities to thoroughly, independently, effectively and promptly investigate the serious crimes committed during the active phase of hostilities as well as during the period of occupation, so as to identify all those responsible for the purposes of bringing the perpetrators to justice. The Committee also firmly reiterated its profound concern about the inability of Georgian nationals to return to their homes in South Ossetia and Abkhazia. It again insisted that the Russian Federation, which has effective control over these regions, ensures without delay measures to prevent kidnapping, killing, torture or any other incident which impedes the free and safe movement of Georgian nationals and ensures the safe return of persons wishing to return to their homes.

The Committee also continued to examine the group of *Catan and Others v. Russia* concerning violations of the rights of children, parents and staff members of Latin-script schools located in the Transnistrian region of the Republic of Moldova during the periods 2002-2004 and 2013-2014, for which the Court had found the Russian Federation responsible due to its continued effective control and decisive influence. The Committee recalled that the measures for the execution of these judgments include the revocation of the “regulatory framework” at the origin of the violations, the return of the Latin-script schools to their former premises or to alternative suitable premises, and measures to eliminate the harassment and intimidation of the pupils, parents and staff members. The Committee strongly exhorted again the Russian authorities to pay the just satisfaction and the default interest accrued and to provide an action plan setting out their concrete proposals as regards the execution of these judgments without any further delay.

With regard to the *Mozer v. Russia* group of cases concerning various violations of the Convention, which took place in the Transnistrian region of the Republic of Moldova in the period between 1997 and 2016, and for which the Russian Federation was also found by the Court to incur responsibility due to its continued effective control and decisive influence, the Committee exhorted the Russian authorities to proceed with the payment of the amounts of just satisfaction awarded by the Court, along with the interest accrued, and to submit an action plan without further delay. In the absence of an action plan, the Committee instructed the Secretariat to prepare an analysis of the measures required for the execution of these judgments, in the light of the Court’s findings and publicly available information concerning the current relevant factual circumstances.

In the context of *Cyprus v. Turkey*, the Committee, in its latest decision, acknowledged the progress that has been made as regards the measures taken to determine the fate of Greek Cypriot missing persons since the delivery of the judgment *Cyprus*

v. Turkey on the merits on 10 May 2001, in particular the assistance provided by the Turkish authorities to the Committee on Missing Persons (CMP) and the work carried out by the Missing Persons Unit (MPU). Recalling the important humanitarian issues which arise in respect of the missing persons in Cyprus, the Committee reiterated its call on the Turkish authorities to continue to ensure that the CMP has unhindered access to all areas which could contain the remains of missing persons and to all relevant information on any places where remains might be found. The Committee also invited the Turkish authorities to ensure the continuation of the investigations conducted by the MPU and to submit to the Committee updated information as regards their assistance to the CMP and the work of the MPU. Lastly, the Committee deplored the absence of response to the Committee's interim resolution of 2021, by which it had strongly urged the Turkish authorities to abide by their unconditional obligation to pay the just satisfaction awarded by the European Court and strongly urged Türkiye to effect the payment of this sum, together with the default interest accrued, without further delay.

With regard to *Varnava and Others v. Turkey*, the Committee deplored again the absence of response to its interim resolution of 2022 concerning the absence of payment of the just satisfaction awarded by the European Court, and strongly urged Türkiye to effect the payment of this sum, together with the default interest accrued, without further delay.

As regards the examination of the *Xenides-Arestis v. Turkey* group of cases concerning the continuous denial of access to property in the northern part of Cyprus and the consequent loss of control thereof, the Committee adopted an interim resolution firmly reiterating its insistence on Türkiye's unconditional obligation to pay the just satisfaction awarded by the Court. It expressed profound concern that prolonged delays in fulfilling this obligation not only deprived the individual victims of compensation for the damages suffered by them but was also in flagrant disrespect of Türkiye's international obligations, both as a High Contracting Party to the Convention and as a member state of the Council of Europe. The Committee therefore exhorted the Turkish authorities to abide by their obligations and pay the just satisfaction, together with the default interest accrued, without further delay.

The *Kakoulli v. Turkey* and *Isaak v. Turkey* groups concern the excessive use of force or firearms by Turkish or Turkish-Cypriot military security forces in or along the UN buffer zone in Cyprus in 1996 and the lack of an effective and impartial investigation into these events. As regards general measures, the Committee, *inter alia*, noted with interest the information that no similar incidents involving the use of firearms by the military and the police have occurred since 1996, which was an indication of the positive impact of training and the amendment of secondary legislation concerning the use of firearms by the military, as well as an indication that the primary legislation concerning the police and the military has been applied in a manner which has not resulted in loss of life contrary to Article 2 of the Convention. The Committee moreover welcomed the Turkish authorities' willingness to continue their close cooperation with the Secretariat to clarify the outstanding questions regarding the individual measures, as well as those concerning the applicable legal frameworks on use of firearms by the military and the police and to examine whether further safeguards are required.

C. “Article 18” cases concerning abusive limitations of rights and freedoms

The role of Article 18 is to protect individuals from limitations of their rights through state actions, such as politically motivated prosecutions, which run against the spirit of the Convention. This type of violation is rarely found by the Court: only 25 violations of Article 18 have been found in the history of the Convention system. At the end of 2023, there were 17 such cases pending before the Committee of Ministers, concerning seven states:⁴ Azerbaijan, Bulgaria, Georgia, Poland, the Russian Federation, Türkiye and Ukraine.⁵ In accordance with the Committee of Ministers’ usual practice, supported by the Court’s reasoning in its two Article 46 § 4 judgments, the principle of *restitutio in integrum* requires in such cases that all the negative consequences of the abusive criminal/disciplinary proceedings be erased for the applicant.⁶ Other required measures focus on the need to prevent a repetition of the abuse of power, either for the applicant or for others. Where the violation reveals a misuse of the criminal justice system, reforms to reinforce the independence of the judiciary and to shield the prosecuting authorities from political influence are necessary.

With regard to *Mammadli v. Azerbaijan* group, which was examined at each of the four Human Rights meetings in 2023, the Committee recalled its long-standing position that, having regard to the wrongful and abusive criminal proceedings instituted against the applicants, which were found to breach Article 18 of the Convention, the best possible way to ensure *restitutio in integrum* is to fully eliminate the negative consequences of the criminal proceedings against them, which were *a priori* devoid of any substance. The Committee therefore called on the authorities to urgently quash the remaining seven applicants’ convictions, ensure their erasure from the criminal records and eliminate all other consequences of the criminal charges brought against them, including by fully restoring their civil and political rights. Since the European Court identified the root cause of the Article 18 violation as the lack of independence of the prosecuting authorities and the judiciary, general measures were required to reinforce the capacity of the judiciary to withstand external pressures and to operate independently and within the law. At its last decision adopted at the December 2023 Human Rights meeting, the Committee recalled the positive measures⁷ taken concerning the composition of the Judicial Legal Council. It encouraged the authorities to continue their efforts to ensure that the requirements of the Convention are respected by the prosecution authorities and that restrictions of the right to liberty are not imposed for purposes other than

4. At the end of 2022 there were 13 cases concerning six states pending before the Committee of Ministers.
5. *Mammadli* group of five cases v. Azerbaijan, Democracy and Human Rights Resource Centre and Mustafayev v. Azerbaijan, Miroslava Todorova v. Bulgaria, Merabishvili v. Georgia, Juszczyzyn v. Poland, Navalnyy v. Russia, Navalnyy (No. 2) v. Russia, Kogan v. Russia, Kutayev v. Russia, Kavala v. Türkiye, Selahattin Demirtaş v. Turkey (No. 2), Yüksekdağ Şenoğlu v. Türkiye, and Lutsenko v. Ukraine.
6. This practice was confirmed in 2019 in the Court’s Grand Chamber judgment in *Ilgar Mammadov v. Azerbaijan* (Article 46 § 4), Appl. No. 15172/13, judgment of 29 May 2019.
7. See for more details, Part A.

bringing an accused before a competent legal authority on reasonable suspicion of having committed an offence, as prescribed by Article 5 § 1 (c) of the Convention.

The Committee examined the *Miroslava Todorova v. Bulgaria* case for the first time at its June 2023 Human Rights meeting. It underlined that the nature of the Court's findings under Article 18 that disciplinary proceedings against a judge had been misused in abuse of power for ulterior purposes indicated the need for reinforced guarantees against undue influence on the Judicial Chamber of the Supreme Judicial Council (SJC). The Committee therefore invited the authorities to consider such measures, while taking into consideration the more general concerns expressed by other Council of Europe bodies over the composition of the Judicial Chamber of the SJC and division of powers between the SJC and the Inspectorate to the SJC. While noting as positive a development in the practice of the Supreme Administrative Court (SAC), the Committee invited the authorities to provide further examples of judicial practice allowing a thorough assessment of the modalities of examination of arguments concerning disciplinary sanctions of judges allegedly imposed in retaliation for the legitimate exercise of freedom of expression, and to clarify if the SAC can suspend the immediate implementation of a sanction also for reasons related to avoiding violations of Article 18 combined with Article 10.

The Committee also continued the examination of *Merabishvili v. Georgia*. During its last examination of the case in March 2023, it recalled the gravity of the findings of the Court under Article 18 and the ensuing indications as to the need to reinforce the independence of the prosecution authorities. It noted with interest the adoption of the draft constitutional amendments concerning the rules governing the appointment of the Prosecutor General in first reading at Parliament and called upon the authorities to accomplish the reform in a timely manner and in line with the Venice Commission's recommendations.

In December 2023, the Committee also examined the *Juszczyszyn v. Poland* case concerning a judge's suspension predominantly aiming to sanction and dissuade him from verifying the lawfulness of appointment of judges on recommendation of the reformed National Council of the Judiciary. The Committee underlined that the Court's findings under Article 18, in conjunction with Article 8, that the disciplinary proceedings against the applicant were misused for ulterior purposes, indicated the need for reinforced guarantees against undue influence on such proceedings. It called on the authorities to reflect on the necessity for a broader reform of the system of disciplinary liability of judges in Poland, limiting the influence of the executive on disciplinary proceedings against judges to prevent such misuse, while taking into account the more general concerns expressed by other Council of Europe bodies.

The Committee examined the *Navalnyy v. Russia* and *Navanyy (No. 2) v. Russia* cases at its June and December 2023 Human Rights meetings and recalled that the violations in this group reveal a profoundly alarming pattern of arbitrary and unjustified misuse of the criminal and administrative law to convict, detain and silence Mr Aleksey Navalnyy, with the ulterior purpose of suppressing political pluralism. It strongly condemned that Mr Aleksey Navalnyy was still in prison and exhorted the Russian authorities to ensure his immediate release, urging them also to ensure his free access to independent doctors and unimpeded visits from his lawyers. It

further exhorted the Russian authorities to quash the relevant criminal convictions against the applicants and to erase their negative consequences. It also urged the Russian authorities to carry out an effective investigation into credible allegations of attempted murder, aggravated by the suspected use of substances prohibited by the Chemical Weapons Convention in the attack against Mr Aleksey Navalnyy. Finally, it further urged the Russian authorities to abide by their international law obligation and to take comprehensive measures to ensure judicial independence in the Russian Federation.

The *Kavala v. Turkey* case concerns the detention of the applicant without reasonable suspicion and for the ulterior purpose of silencing him and dissuading other human rights defenders. In July 2022 the Court issued a second judgment, finding under Article 46 § 4 that, in failing to release Mr Kavala, Türkiye had failed to fulfil its obligation to abide by the first judgment. This is the only case supervised by the Committee where the Court has found a violation of Article 46 § 4 and the required individual measures – principally, the applicant’s release – have still not been taken. In 2023, the Committee continued examining the *Kavala* case at each of its regular (weekly) meetings and all four Human Rights meetings, and continued to strongly urge the Turkish authorities, including the judiciary, to ensure Mr Kavala’s immediate release. The Committee also called on the Turkish authorities to engage in constructive and results-oriented dialogue, and repeatedly called on all member states, the Secretary General as well as other relevant Council of Europe bodies and Observer states to further intensify their high-level contacts with Türkiye. Steps were taken to strengthen such dialogue, including high-level technical meetings with the authorities, the appointment of a Liaison Group of Ambassadors to assist the Chair in engaging with the Turkish authorities, contacts with the authorities at the highest levels by consecutive Chairs of the Committee of Ministers, the participation of the Turkish Deputy Minister of Justice at the Committee of Ministers Human Rights meeting in September 2023, and the visit of the Secretary General to Türkiye on 13 November 2023. Nonetheless, on 28 September 2023, the Court of Cassation upheld the applicant’s conviction for attempting to overthrow the government by force and sentence of aggravated life imprisonment, and the applicant remains in prison. The Committee has also been calling for general measures to improve the independence of the Turkish judiciary and has strongly urged the authorities to take all necessary measures, in particular by securing the structural independence of the Council of Judges and Prosecutors from the executive.

The Committee also examined the *Selahattin Demirtaş v. Turkey (No. 2)* case at its four Human Rights meetings in 2023. The *Yüksekdağ Şenoğlu and Others* case, which concerns the lifting of the applicants’ parliamentary inviolability by the Constitutional amendment of 20 May 2016, and in which the Court found the same violations of the Convention as in the *Selahattin Demirtaş (No. 2)* judgment,⁸ was also examined under this group by the Committee at its June, September and December 2023 Human Rights meetings. At its last examination of the group in December 2023, the Committee focused on the urgent individual measures in respect of the two applicants still in detention, namely Mr Demirtaş and Ms Yüksekdağ Şenoğlu and

8. Articles 10, 5 §§ 1 and 3, Article 3 of Protocol No. 1, and Article 18 in conjunction with Article 5.

expressed its profound regret that they remain in detention despite the Court's findings and the Committee's previous decisions. It deplored, in this context, the length of time it is taking the Constitutional Court to reach a decision on Mr Demirtaş's application, and exhorted the authorities to take all possible steps to ensure that the Constitutional Court makes its determination concerning both applicants' ongoing detention in the shortest possible timeframe and with full regard to the Court's findings. The Committee also strongly urged the Turkish authorities, once again, to ensure the applicants' immediate release, in the case of Mr Demirtaş, for example by exploring alternative measures to detention, pending the completion of the proceedings they initiated before the Constitutional Court. As to general measures, at its September 2023 Human Rights meeting, the Committee reiterated their appeal to the authorities to take legislative or other measures to ensure that procedural safeguards in place for political speech of parliamentarians are effective in practice and afford the protection of immunity to those who defend a political viewpoint. In line with the spirit of the Reykjavík Principles of Democracy, the Committee invited the authorities to consider working in co-operation with the Council of Europe, and in particular the Venice Commission, to address the issues identified by the Court.

The Committee continued its examination of the *Lutsenko and Tymoshenko v. Ukraine* cases at its March 2023 Human Rights meeting. Considering that no further individual measures were required in either case given that both applicants had been released and fully rehabilitated and that all the negative consequences of the violations had been erased, it decided, without prejudice to the Committee's evaluation of the general measures, to close the examination of the *Tymoshenko* case. As to the general measures, the Committee, underlining the importance of effective safeguards shielding the prosecution service and individual prosecutors from undue political pressure, including in the arrangements for disciplinary proceedings, career management and prosecutorial self-governance, welcomed the re-introduction and resumption of the full operation of the prosecutorial self-governance and disciplinary bodies and the re-entry into force of the respective legal framework. The Committee further encouraged the authorities to continue their efforts to align the composition and practices of these bodies with Council of Europe standards and to ensure that all safeguards set forth by the legislation are fully applicable in practice.

D. Systemic, structural or complex problems and advances

D.1. Functioning of the judicial and criminal justice systems

Excessive length of judicial proceedings (and lack of effective domestic remedies)

In 2023, the Committee examined the *Gazsó v. Hungary* group and noted with satisfaction the consolidation of the general positive trend in the length of proceedings before domestic courts. It further noted with satisfaction the entry into force on 1 January 2022 of Act No. XCIV introducing a compensatory remedy for contentious civil proceedings and decided to end its supervision of this aspect of this group. Nevertheless, the Committee expressed serious concern about the lack

of information on the outstanding administrative and criminal remedies and urged the authorities to provide a concrete timetable for the legislative process without further delay. Given that the new compensatory remedy is not applicable to non-contentious civil proceedings, it also asked the authorities to ensure that all kinds of civil proceedings falling under the scope of Article 6 of the Convention are covered by a remedy for excessively lengthy proceedings as required by the Convention and the Court's case-law.

In its examination of the *McFarlane v. Ireland* case, the Committee recalled that over the years, the Irish authorities have taken several important measures to tackle the substantive problem of excessively lengthy proceedings and noted with satisfaction their recent approval of a 14% increase in the number of judges. Nevertheless, the Committee reiterated its profound concern that almost 20 years since the Court first established a violation of Article 13 of the Convention the authorities have still not established an effective remedy. It therefore welcomed the significant progress made in that regard, noting that the Court Proceedings (Delays) Bill 2023 was steadily progressing through Parliament and strongly encouraged the authorities to continue to give the necessary priority to the legislative process so that an effective remedy is established and accessible without any further delay.

When examining the Polish group of cases⁹ relating to the excessive length of criminal and civil proceedings as well as certain problems in the functioning of the domestic remedy, the Committee noted with interest recent and ongoing legislative amendments and called for the completion of work and adoption of draft amendments to the Law on the Common Courts to reform the system of courts' experts. It noted with concern the absence of a global strategy to improve the efficiency of the justice system in Poland and urged the authorities to provide a comprehensive assessment on the impact of measures that had already been implemented, together with conclusions as to the need for further reforms. The Committee also asked for information on the number of judges effectively adjudicating, including on the current number of vacant positions and of judges seconded to perform administrative tasks (as well as auxiliary staff) to allow an assessment of the available resources of the judiciary. The Committee also requested information on the functioning of the domestic remedy and its monitoring at the domestic level, as well as measures to address the problem of the lack of an effective remedy aimed at contesting the length of judicial proceedings which are stayed, pending examination of a legal question by the Constitutional Court.

In the *Jevremović group v. Serbia*, the Committee noted with satisfaction the adoption of several measures (the 2022 Action Plan for the implementation of the National Judicial Reform Strategy 2021-2025, the Strategy of Human Resources in the Judiciary for the period 2022-2026, with the accompanying Action Plan, and the full implementation of Case Weighting Formula in all the courts). It also noted with interest statistics indicating clear improvements in some areas, such as a significant decrease of disposition time before the basic courts, a continued increase in the number of completed backlog cases and a general decrease in the total number of backlog

9. This group includes the following precedent judgments: *Bąk* (No. 7870/04), *Majewski* (No. 52690/99), *Rutkowski and Others* (No. 72287/10).

cases. The Committee was however concerned by the increase of disposition times in cases before the higher courts, and a general increase in new backlog cases. It therefore invited the authorities to make use of the Backlog Reduction Tool adopted by European Commission for the Efficiency of Justice in June 2023. It further urged the authorities to adopt the new Civil Procedure Act, and to provide further details as to the measures to increase the use of alternative dispute resolution mechanisms. Finally, the Committee called on the authorities to provide a plan for resolving the problem of inadequate compensation awarded by the national courts as a matter of priority.

The structural problems revealed in the *Merit v. Ukraine* group have been pending before the Committee of Ministers since 2004. While acknowledging the difficulties faced by the Ukrainian authorities in the context of the continued aggression of the Russian Federation, the Committee encouraged them to demonstrate firm political will and continue to give the necessary priority to ensuring efficient administration of justice. It noted the ongoing judicial reforms, the legislative, institutional, and practical measures underway to reduce the length of civil and criminal proceedings, the continued work of the Supreme Court in the manual collection of statistical data and the positive trends on length of proceedings. The Committee nevertheless regretted the absence of electronic tools for systematic data collection on length of civil and criminal proceedings which would enable both the authorities and the Committee to assess the impact of the substantive measures taken so far. The Committee was deeply concerned about the levels of staffing and financing of the judiciary and called on the Ukrainian authorities to show strong and firm commitment to ensure that the new judicial appointments are in line with the core principles of institutional and structural independence of the judiciary. Finally, the Committee exhorted the Ukrainian authorities to give the necessary priority to the strategy for establishment of a remedy (or a combination of remedies) covering all types of judicial proceedings in line with Convention principles.

Non-enforcement or delayed enforcement of domestic judgments

The Committee examined the case *Sharxhi and Others v. Albania* twice in 2023, concerning in particular the demolition of flats and business premises in an Albanian coastal town in disregard of an interim court order restraining the authorities from taking any action that could breach property rights. In December 2023, it adopted an interim resolution in respect of the individual measures, in which it expressed deep concern at the prolonged failure of the authorities for over five years to secure payment of the just satisfaction awarded by the Court and exhorted them to take, as a matter of urgency, all necessary action to ensure full payment. As to the general measures, it noted that targeted awareness raising and training measures appeared crucial to prevent future similar violations and strongly encouraged the authorities to further their plans for organising training, also envisaged within the framework of the European Union/Council of Europe project “Improving the protection of the right to property and facilitating execution of European Court of Human Rights judgments in Albania (D-REX III)”. Recalling that the individual constitutional complaint was considered in 2022 by the European Court to be effective in principle in respect of all complaints alleging any breach of rights protected by the Convention, the

Committee asked for clarifications on the concrete redress that that complaint and the remedy against lengthy enforcement proceedings could provide in situations of disregard of an interim court order.

When examining the *Lyubomir Popov v. Bulgaria* group, the Committee recalled that most cases concern unjustified delays in complying with decisions recognising the applicants' rights to restitution or compensation in respect of agricultural land or forests collectivised during the communist era, and urged the authorities to take decisive steps to complete the restitution procedures that are still pending. The Committee noted that the present judgments and other sources reveal lengthy periods of inactivity on the part of the competent authorities and strongly encouraged the consideration of additional measures, such as enhanced training of officials or increase of staff. It encouraged the adoption of recently elaborated legislative amendments to finalise the restitution in preserved or traceable old boundaries *ex officio*. The Committee welcomed the fact that in 15 out of 28 regions there are no pending procedures and urged the authorities to make a thorough inventory of the still pending procedures in at least 11 regions. The Committee also requested more detailed information on the functioning of the preventive remedies regarding specifically requests to ensure timely completion of restitution procedures and the compensatory remedy for delayed restitution.

The Committee also examined the *Beka Koulocheri v. Greece* group, which concerns non-compliance by the local and regional authorities with final domestic judgments ordering the lifting of land expropriation orders. The Committee welcomed the adoption of a law providing for the automatic lifting of expropriation from certain properties, as well as the abolishment of the legislation placing the burden on landowners to provide technical documents on urban planning.¹⁰

The *S.C. Polyinvest S.R.L. and Others v. Romania* cases¹¹ concern the state's responsibility for the non-implementation of domestic court decisions or arbitral awards ordering state-controlled companies to pay various amounts to the applicants. When examining these cases, the Committee deplored that the domestic court decisions and arbitral awards at issue remain unenforced and reiterated the heightened concerns about the prolonged failure by the authorities to secure *restitutio in integrum* to the applicants, by paying from state funds, all the sums due, granted in the domestic court decisions or arbitral awards, with default interest up to the date of the payment. The Committee also deeply regretted that, despite its numerous and urgent calls and the steps more recently taken at the highest level of government to this end, the applicants' situation has still not been settled. The Committee invited the Secretary General to raise the issue of the payments due in these cases in her contacts with the Romanian authorities, calling on them to urgently take the measures necessary in order to provide *restitutio in integrum* to these applicants without any further delay.

In the same *Săcăleanu group v. Romania*, the Committee noted most recently with interest, as regards *S.C. Polyinvest S.A.* and eight similar applications, that following

10. Further details can be found under Part A above.

11. These cases are part of a wider group of cases, i.e. the *Săcăleanu v. Romania* group (No. 73970/01).

the Committee's invitation at its September 2023 examination, the Secretary General had raised the question of execution in her contacts with the Romanian authorities. The Committee noted with satisfaction that the regulatory amendments deemed necessary by the authorities to enable payments to be made were enacted, and called on the authorities to proceed to the payments, without any further delay. As to general measures, the Committee restated its strong support to the process initiated by the authorities in 2016 to introduce safeguards and mechanisms to guarantee voluntary and timely implementation of pecuniary and non-pecuniary awards by the state. It further restated its calls for intensified efforts to complete this process and to address the issues linked to the state's responsibility for the non-implementation of pecuniary awards against state-controlled companies. The Committee took note of the establishment of an office tasked with ensuring the execution of these judgments and reiterated its request for details on its mandate. Regretting the lack of a full and decisive response to the Committee's calls, it called upon the authorities to engage, as announced, in consultations with the Secretariat on the precise measures still required in order to comply fully with the European Court's judgments in these cases.

In the *R. Kačapor and Others group v. Serbia*, concerning non-enforcement or delayed enforcement of judicial decisions given against socially/state-owned companies, the Committee welcomed the consultations which took place in May 2023 between the Secretariat and the Serbian authorities and the authorities' decision to pursue the adoption of a comprehensive solution for execution of this group, in particular the establishment of a working group for the preparation of a repayment scheme for judicial decisions against socially-owned/state companies in respect of salary arrears. It noted with interest the adoption by the Parliament, on 26 October 2023, of the amendments to the 2015 Law on Protection of Right to a Trial within a Reasonable Time and encouraged the authorities to consider taking additional measures to strengthen the capacities of the Constitutional Court in dealing with these cases, and to adopt the necessary by-laws.

The Committee welcomed the presence of the Deputy Minister of Justice of Ukraine at the examination of *Yuriy Nikolayevich Ivanov, Zhovner group and Burmych and Others v. Ukraine* during the September 2023 Human Rights meeting. Acknowledging the extreme difficulties faced by the Ukrainian authorities in the context of the continued aggression of the Russian Federation and their negative impact on the execution of the European Court and domestic judgments, the Committee welcomed the authorities' efforts to ensure the operation of the justice system, notably by ensuring implementation of final and binding judicial decisions without undue delays. It nevertheless expressed grave concern that the current enforcement rate for all types of domestic judgments appeared to be near zero and reiterated its call on the authorities to adopt a complete package of legislative and institutional measures to address all the root causes of this problem. To that end, it strongly encouraged co-operation with the Council of Europe and other international partners, notably the European Union. The Committee encouraged the government and the Verkhovna Rada to complete the review of social legislation and ensure that all legislative proposals to create new budgetary allocations have adequate funding provision. It also underlined the importance of lifting legislative prohibitions, in particular moratoriums, which

block the enforcement of judgments, and reiterated that the proceedings before the Constitutional Court related to the constitutionality of the laws on moratoriums provide an important opportunity for a full examination of their compatibility with the Convention. Finally, the Committee strongly encouraged the authorities to establish a data collection system regarding the enforcement of pending and future judgments against the state and state-controlled entities which is essential to determine the extent of the problem and the scale of the measures required.

Access to a fair trial, independence and impartiality of the judicial system

The group of cases *Group of International Bank for Commerce and Development AD and Others v. Bulgaria*, mainly concerns the lack of possibility for the applicant banks to seek and obtain proper judicial review of a decision to withdraw their banking licences and lack of proper representation in the context of insolvency proceedings, as well as the prosecutor's decisions affecting the bank's management which lacked safeguards against arbitrariness in one of the cases. During its examination of the case, the Committee noted with satisfaction that, as a result of Bulgaria's accession to the Single Supervisory Mechanism, in the future the examination of any appeal against a withdrawal of a banking licence will take place before the Court of Justice of the European Union whose case law ensures Convention-compliant examination. The Committee encouraged the authorities to pursue their legislative work to allow a bank to be represented in insolvency proceedings by its management. Finally, the Committee invited the authorities to provide information on the outcome of the parliamentary process concerning proposed amendments of the Constitution related to the powers of the prosecutors' office outside the criminal law sphere (i.e. competence to take measures affecting the management of a bank).

In *Baka v. Hungary*, concerning the undue and premature termination of the applicant's mandate as President of the Supreme Court through *ad hominem* legislative acts beyond judicial control, prompted by the applicant's views and criticisms expressed on reforms affecting the judiciary and thus exerting a "chilling effect" on the freedom of expression of other judges and court presidents, the Committee strongly exhorted the authorities to introduce measures to ensure that a decision to remove the President of the *Kúria* is subject to effective oversight by an independent judicial body. The Committee further exhorted the authorities to provide an evaluation of the domestic legislation on the status of judges and the administration of courts, including an analysis of the impact of all legislative and other measures on judges' freedom of expression, and to present their conclusions to the Committee for a full assessment of whether the "chilling effect" has been abated. The Committee is still waiting for information about the developments in the proceedings before the Constitutional Court initiated by the President of the *Kúria* in respect of the new Code of Ethics for Judges.

Successive judicial reforms undermining the independence of the judiciary in Poland resulted in several infringements of the Convention under the examination of the Committee: of the right to a tribunal established by law, as the applicants' cases were examined by judges appointed after March 2018 in various chambers in the Supreme Court in a deficient procedure involving the National Council of the Judiciary ("NCJ")

which lacked independence (*Reczkowicz* group); the premature termination of the applicants' term of office as vice-presidents of a regional court on the basis of temporary legislation (*Broda and Bojara*); or premature *ex lege* termination of the applicant's mandate as judicial member of the NCJ without any possibility of judicial review (*Grzęda*). In an interim resolution, concerning the *Reczkowicz* group and *Broda and Bojara* case, the Committee underlined once again the unconditional obligation that Poland has under Article 46 of the Convention to abide by the Court's final judgments fully, effectively and promptly and remove any obstacles in its national legal system that might prevent adequate redress. It deeply regretted the authorities' continued reliance on the judgment of the Constitutional Court in the case K 7/21 as an obstacle to the adoption of relevant general measures. It exhorted again the authorities to rapidly elaborate measures to: (i) restore the independence of the NCJ through introducing legislation guaranteeing the right of the Polish judiciary to elect judicial members of the NCJ; (ii) address the status of all judges appointed in deficient procedures involving the NCJ as constituted after March 2018 and of decisions adopted with their participation; (iii) ensure effective judicial review of the NCJ's resolutions proposing judicial appointments to the President of Poland, including of Supreme Court judges, respecting also the suspensive effect of pending judicial review; (iv) ensure that questions as to whether the right to a tribunal established by law has been respected can be examined without any restrictions or sanctions for applying the requirements of the Convention; and (v) ensure the protection of presidents and vice-presidents of courts from arbitrary dismissals, including through introducing judicial review. The Committee invited the authorities to enter into high level consultations with the Secretariat to explore possible solutions for the execution of these judgments.

The *Xero Flor w Polsce sp. z o.o. v. Poland* case concerns a violation of the right to a tribunal established by law on account of the participation in the Constitutional Court's panel that rejected the applicant company's constitutional complaint, of Judge M.M., whose election by the eight-term Sejm was vitiated by grave irregularities in the wider context of successive judicial reforms aimed at weakening judicial independence in Poland. During its examinations in 2023, the Committee expressed again deep regret at the authorities' continued and erroneous reliance on the judgment of the Constitutional Court in the case K 6/21 as an obstacle to implementation, and on the argument that the European Court had acted beyond its legal authority in adopting the *Xero Flor* judgment. It recalled, in this context, Poland's unconditional obligation to abide by the Court's judgments fully, effectively, and promptly, regardless of any barriers which may exist within the national legal framework. It further noted with deep regret the absence of an adequate response to an earlier interim resolution and exhorted again the authorities to rapidly elaborate and adopt measures to avoid similar violations of the right to a tribunal established by law, which: (i) ensure the lawful composition of the Constitutional Court, by allowing the three judges elected in October 2015 to be admitted to the bench and to serve until the end of their nine-year mandate, while also excluding from the bench judges who were irregularly elected; (ii) address the status of decisions already adopted in cases concerning constitutional complaints with the participation of irregularly appointed judge(s); and (iii) are capable of preventing external undue influence on the appointment of judges in the future. The Committee also urged the authorities to enter into high level consultations with the Secretariat to explore possible solutions for the execution of this judgment.

Disciplinary proceedings against judiciary / lawyers

In 2023, the Committee examined the case of *Miroslava Todorova v. Bulgaria*, related to disciplinary proceedings and sanctions by the Supreme Judicial Council (SJC) against a judge who had criticised the SJC and the executive in relation to various topics related to the judiciary. As regards individual measures, the Committee, noting that there are no further disciplinary proceedings pending against the applicant, that she continues to work as a judge and is actively exercising her freedom of expression in public life, considered that there are no indications of ongoing reprisals in respect of her for her critical opinions. Details of the examination of the general measures can be found in Part C above.

In the *Żurek and Juszczyzyn v. Poland* cases, both concerning procedures taken against judges defending the rule of law and judicial independence, the Committee invited the authorities to consider measures to ensure a high degree of protection of freedom of expression of judges and to inform the Committee of the results of such reflection without delay. It encouraged them in this context to draw inspiration from the Opinion of the Consultative Council of European Judges (CCJE) on freedom of expression of judges. The Committee invited the authorities to elaborate measures to ensure that: (i) the disciplinary liability in connection with the giving of a judicial decision is possible only in exceptional situations; grounds for disciplinary liability of judges are applied and interpreted in proceedings that offer adequate safeguards, and whose duration is not excessive; and (ii) pending the adoption of measures to ensure that all judicial bodies comply with the requirements under Article 6 of the Convention examined in the *Reczkowicz* group (see above under Access to a fair trial, independence and impartiality of the judicial system for full details), decisions concerning disciplinary liability of judges are adopted by a body that complies with these requirements. Finally, the Committee called on the authorities to reflect on the necessity for a broader reform of the system of disciplinary liability of judges in Poland, limiting the influence of the executive on disciplinary proceedings against judges to prevent misuse, while taking into account the more general concerns expressed by other Council of Europe bodies.

Lastly, in the *Oleksandr Volkov group v. Ukraine*, related to the independence and impartiality of the judiciary and the reform of the system of judicial discipline and careers, the Committee recalled that significant steps were taken in reply to the Court's judgments to rebuild the system of disciplinary liability and careers of judges in 2014-2018, including changes to the Constitution and implementing legislation. Stressing that a comprehensive and consistent approach to any changes to the legal framework governing the judiciary is essential, the Committee expressed regret that no action plan has been developed for the justice development strategy for 2021-2023. It welcomed the relaunch of the operation of the Higher Council of Justice and its re-composition in line with the Venice Commission recommendations as well as the appointment of members of the Higher Qualification Commission of Judges with the participation of international experts in the process. The Committee called upon the authorities to ensure that, without undue delay, the Higher Qualification Commission of Judges is fully operational and to form the Service of Disciplinary Inspectors of the High Council of Justice, with a view to fully re-establishing its disciplinary powers. The Committee reiterated its previous calls on the authorities to

ensure that only deliberate miscarriages of justice by judges are criminalised and that criminal sanctions are applied only in case of malice or if the fault was otherwise clearly intentional. It invited the authorities to provide updated information as to any legislative developments in this area, as well as the practices of courts and prosecutors regarding criminal proceedings against judges.

D.2. Excessive use of force/ill-treatment by security forces and ineffective investigations

Cases concerning excessive use of force and ill-treatment by security forces, as well as ineffective investigations, remained the most prevalent issue under enhanced supervision in 2023, accounting for 12% of all leading cases. This issue is a major concern for the Committee of Ministers, but there has been significant progress made particularly through the adoption of general measures, which has been welcomed by the Committee during 2023.

In 2023, the Committee continued its supervision of execution by Armenia of the *Muradyan* group of cases. It encouraged the authorities to rapidly make progress in the establishment of an anonymous referral mechanism for reporting torture, inhuman or degrading treatment in the armed forces and to update the Committee in this regard. It also invited them to report on the implementation of the relevant activities of the domestic Human Rights Action Plan. The Committee noted with interest the preparation of the draft Suicide and Self-Harm Prevention Strategy and invited the authorities to inform it about a number of issues including timing and steps envisaged for its adoption and implementation.

In the *Muradova group v. Azerbaijan* the Committee recalled with regret that ill-treatment in law enforcement remains a repetitive problem. It noted with interest the measures adopted to increase supervision over investigations of ill-treatment. However, in light of the CPT report and submissions from civil society, it noted that significant improvement in the situation is necessary, and therefore repeated its call for statistical data on the overall number of ill-treatment complaints covering all situations, including the number of full-fledged criminal investigations initiated, the number of convictions and the details of sentences imposed. The Committee also invited the authorities to remove the statutory time-limits for prosecution of torture and encouraged them to consider drawing inspiration from the best practices of other member states to enhance effectiveness of investigations, ensuring at the same time compliance with the requirements of the Convention.

In the *Velikova group v. Bulgaria* the Committee welcomed the important legislative reforms, adopted in 2023, introducing both the right to appeal before a court against a refusal to open a criminal investigation and a provision criminalising torture, while also noting that their application remains to be assessed. It recalled the previously adopted important legislative and other measures and decided, in view of the substantial progress achieved so far, to close the examination of the *Velikova* case and to continue the examination of all outstanding questions under the *Dimitrov and Others case*. It urged again the authorities to ensure that preliminary inquiries and investigations are supervised by prosecutors who do not have (regular) working relations with the suspected police officers, and that preliminary inquiries are carried

out by persons who enjoy sufficient institutional and hierarchical independence and do not have (regular) working relations with the suspected police or penitentiary officers, as well as to introduce automatic notifications to the Prosecutor's Office of complaints of ill-treatment received by the police.

The Committee examined the *Tsintsabadze group v. Georgia* and noted with interest the legislative and institutional measures concerning the Special Investigation Service, including its new function to investigate crimes related to violations established by the Court's judgments. It called upon the authorities to continue updating the Committee on further measures to ensure stronger independence and effectiveness of investigations, including by improving the legislative framework, allocating the necessary resources and building the capacities of the institution. The Committee noted with concern persistent obstacles to the effective exercise of procedural rights by victims and repeatedly called upon the authorities to take concrete and effective steps without further delay to improve the legislation and/or practice on granting victim status and update the Committee on the progress made. It welcomed the amendments to the Administrative Offences and the Imprisonment Codes aimed at improving detection and response to ill-treatment. The Committee noted with interest the work on the preparation of guidelines on classification of crimes and encouraged the authorities to ensure that the methodology developed is aligned with the Convention standards and the Court's case law. It also encouraged the authorities to increase the scale and effectiveness of video/audio recording of interaction between law enforcement agents and individuals.

As regards the *Sidiropoulos and Papakostas group v. Greece*, the Committee noted with satisfaction the improvements achieved so far to strengthen the effectiveness of investigations, including the measures adopted to ensure the independence of investigations, promptness, victim participation, adequacy of penalties, and the investigation of special motives of crimes, and decided to close examination of these issues. It strongly invited the authorities to continue supporting and reinforcing the Mechanism for the Investigation of Arbitrary Incidents notably by taking measures to provide it with the necessary staff, as well as to give effect to the Mechanism's recommendations in order to enhance disciplinary investigations.

In the *Cestaro group v. Italy*, the Committee noted with concern the legislative initiatives aimed at repealing the provisions of the Criminal Code on the crime of torture introduced in 2017 in execution of the *Cestaro* judgment and noted with interest in this connection the position expressed by the Italian Government clarifying that it has no intention to repeal the current free-standing offence of torture in the Criminal Code. It strongly invited the authorities to ensure that any possible amendment of the relevant provisions will be compliant with the relevant Convention requirements and case-law of the Court. It noted with interest the draft legislation under consideration in Parliament aimed at securing the identification of law enforcement agents through alphanumeric codes and strongly called on them to rapidly finalise this legislative process. It reiterated their previous call for a clear message at high political level to be sent to law enforcement agencies as to the policy of "zero tolerance" of ill-treatment underlining that the rights of persons in custody must be respected and that agents involved in ill-treatment will be prosecuted and sanctioned adequately.

As regards the *Kitanovski group v. North Macedonia*, the Committee welcomed the abolishment of the statute of limitation for the crime of torture as well as the authorities' continuing efforts to convey the message of "zero tolerance" of police ill-treatment at the highest political level. The Committee noted however with concern the lack of fundamental safeguards for the prevention of ill-treatment (such as notification of a third person of detention, access to a lawyer and to a doctor and information on rights) and invited the authorities to urgently address these issues and to continue to reinforce training and awareness raising of the police, prosecutors and judges, drawing also on the Council of Europe expertise and training courses such as the relevant HELP courses. The authorities were also encouraged to continue enhancing the capacities of the External Oversight Mechanism.

In the *Levinta group v. the Republic of Moldova* the Committee noted with interest that the number of complaints about alleged ill-treatment has decreased considerably since 2019. Nevertheless, it expressed concern about the low number of criminal cases initiated and sent to court as well as a particularly high rate of acquittals, which may be indicative of problems related to the effectiveness of investigations. In view of the authorities' continuing practice of conducting a preliminary inquiry before opening a fully-fledged criminal investigation, it invited them to reflect on the measures necessary to bring the prosecutorial practice in line with Convention standards and the Court's case-law as well as to ensure that a proper investigation is conducted into each credible complaint. The Committee also urged the authorities to ensure that courts apply dissuasive sanctions in cases of ill-treatment by law-enforcement agents, underlining the need for a zero-tolerance policy towards any forms of ill-treatment, and that the granting of an amnesty is not permissible.

In the *Association "21 December 1989" and Others group v. Romania* concerning criminal investigations into violent crackdowns on the anti-governmental demonstrations which attended the fall of the Communist regime, the Committee recalled that the remaining questions under examination only concerned the individual measures required. As regards the investigation into the crackdown on demonstrations in June 1990, the Committee recalled the information received that this investigation had been completed in 2017 and that 14 persons had been committed to the High Court of Cassation and Justice to stand trial on charges of crimes against humanity. This development was fundamental to the Committee's decision to close its supervision of the individual measures in the case of *Mocanu and Others*. In respect of the applicants Ms Mocanu and Mr Stoica, the Committee recalled that irregularities found in the investigation required the High Court of Cassation and Justice to exclude, in 2020, all the evidence gathered and to return the case to the prosecution service and that as a result, two new criminal investigations are being carried out into the events in question. In the light of this development, it decided to reopen their supervision of the execution of the European Court's judgment in *Mocanu and Others* to make sure that the ongoing investigative measures are capable of providing, as far as possible, *restitutio in integrum*.

The Committee examined for the first time the *Magnitskiy group of cases v. Russian Federation* and recalled that these cases concern the European Court's findings as to deaths of critics of the Russian authorities: in particular the death of Mr Magnitskiy in prison due to the absence of proper medical care, and the failure to investigate it; the

failure to effectively investigate the murders of Ms Politkovskaya and Ms Estemirova; and the extrajudicial targeted killing of Mr Litvinenko attributable to the Russian Federation and the failure to investigate it. As regards individual measures, it stressed the unconditional obligation of the authorities to pay the just satisfaction in all cases and called on them to issue a public apology to the family members of all four victims and to expunge Mr Magnitskiy's criminal record. It further stressed the obligation to examine *ex officio* the possibility of remedying the specific investigative shortcomings identified by the European Court in all cases through full, independent, impartial, prompt, expeditious, transparent and thorough investigations, involving the family members, possibly conducted by a special independent national or international commission.

In the *R.R. and R.D. group v. Slovak Republic* concerning the excessive use of force by the police in an operation carried out in a Roma¹² neighbourhood, *as regards individual measures*, the Committee welcomed the government's apology to the victims of the incident and their recognition of the gravity of the human rights violations. It also noted its relevance for the general measures as it includes a statement about Slovakia's commitment to avoid similar violations in the future. The Committee asked for information concerning several outstanding questions regarding safeguards against ill-treatment and effectiveness of the investigations of police ill-treatment and of possible racist motives.

As regards the *Batı and Others group v. Türkiye*, the Committee welcomed the recent decision of the Constitutional Court to annul paragraphs of Article 231 of the Criminal Procedure Code and abolished the practice of suspension of pronouncement of sentences, something which had been criticised by the Court. It invited the authorities to keep the Committee updated regarding the application of this provision by domestic courts in the course of next year, until the amendment officially enters into effect. It also invited the authorities to intensify their efforts to implement the specific measures taken to address the violations related to the ineffectiveness of investigations and judicial review. Statistical information is awaited on the judgments rendered by the Constitutional Court concerning ineffective investigations in recent years with a breakdown of violations established to identify the root causes of these breaches.

The Committee examined for the first time the *Yukhymovych v. Ukraine* case, noting with concern, as regards individual measures, that more than 23 years after the killing of the applicant's son the investigation into the actions of the police has not yet been concluded. It therefore called on the authorities to conclude the criminal investigations addressing all shortcomings identified by the European Court. It also invited the authorities to provide additional information to demonstrate how the amended legislative framework and regulations on planning and conduct of police

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

operations are applied in practice. In the *Kaverzin* group, as regards general measures, the Committee welcomed the adoption of the Strategy on Combating Torture, its implementing Action Plan, and the amendments aimed at bringing the definition of torture, under Article 127 of the Criminal Code, in line with international standards. It urged the authorities to further strengthen the central role of the State Bureau of Investigations (SBI) as an independent investigative body dealing with allegations of ill-treatment and called on them to ensure that the SBI redoubles its efforts to investigate ill-treatment allegations, fully implementing a “zero tolerance” policy, with the aim of eradicating impunity for ill-treatment in light of the new possibility to prosecute torture committed by officials under Article 127 of the Criminal Code. The Committee also welcomed the range of institutional and capacity building measures taken by the authorities to prevent and eradicate torture.

Lastly, in the *McKerr group v. United Kingdom*, which was examined on several occasions in 2023, the Committee recalled its concerns about the Northern Ireland Troubles (Legacy & Reconciliation) Bill’s compatibility with the European Convention and its repeated calls upon the authorities to sufficiently amend the Bill, if progressed and ultimately adopted, to allay those concerns. It reiterated serious concern about the proposed conditional immunity scheme which risks breaching obligations under Article 2 of the European Convention to prosecute and punish serious grave breaches of human rights, and seriously undermining the Independent Commission for Reconciliation and Information Recovery’s capacity to carry out effective investigations within the meaning of Article 2 of the Convention. It therefore strongly urged the authorities to consider repealing the immunity provisions.

D.3. Poor conditions of detention and medical care

In 2023, cases concerning poor conditions of detention and medical care (including the need for effective remedies) scored very highly (9,3 %) among the numbers of leading cases under enhanced supervision by the Committee of Ministers. While some progress has been made and respondent states have continued to pursue their efforts to resolve these complex and often structural problems, the Committee remains deeply concerned about the persisting poor conditions of detention and medical care in many member states.

In *Strazimiri v. Albania*, the Committee noted with concern that the Lezha Special Institution, conceived to be a temporary solution until the construction of a permanent specialized forensic psychiatric facility, is currently significantly exceeding its planned capacity and urged the authorities to indicate urgently appropriate measures to prevent overcrowding. It strongly encouraged the authorities moreover to continue and intensify their efforts aimed at reducing, as much as possible, the negative effects of the carceral environment in the Lezha Special Institution on the therapeutic treatment of patients. The Committee also stressed the urgent need to provide for an appropriate and lasting solution for accommodation and treatment of forensic psychiatric patients. It noted the information on the steps taken to ensure financing, with the assistance of the European Union, of the construction of a permanent specialised forensic psychiatric facility and exhorted them to deploy all efforts to accelerate its creation.

In *Vasilescu v. Belgium*, the Committee encouraged the authorities to adopt rapidly all necessary measures to ensure that the numerical decrease in the average rate of overcrowding is reflected on the ground and sustained over time. It invited once again the authorities to set up as soon as possible the Prison Council, provided for in a 2019 law, to assess policies and contribute to a comprehensive plan to combat overcrowding based on an integrated and systematic approach and measures to be able to monitor developments in the prison population in real time. The Committee also noted with satisfaction the round table organised between several member states on effective preventive remedies in relation to conditions of detention and overcrowding and the willingness of the Belgian authorities to study the feasibility of setting up such a remedy. It exhorted the authorities to establish, without further delay, a specific preventive remedy that could benefit detainees, both convicted and in pre-trial detention, and put a rapid end to violations of Article 3.

In *Cosovan v. Republic of Moldova*, the Committee noted the efforts undertaken by the authorities to address the deficiencies in prison healthcare and stressed the need for continued resolute action and a holistic approach on the part of the authorities. It further invited the authorities to develop a comprehensive strategy to address these issues as part of national health policies. The Committee decided to close its supervision of the issue of inadequate medical care in temporary detention facilities under the Ministry of Interior, given the progress made in that area.

In *Corallo v. the Netherlands*, the Committee expressed serious concern about the persisting lack of material progress in the conditions of detention at the Philipsburg Police Station (in Sint Maarten, the Caribbean part of the Kingdom of the Netherlands). Welcoming the authorities' subsequent assessment of police cells and the renovation works planned as well as the imminent creation of a prison administration system, it urged the authorities to rapidly implement that system to be able to provide up-to-date statistical data in relation to the duration of detention in Philipsburg Police Station; and to ensure that no detainees are held in excess of ten days. The Committee noted with interest that phase one of the United Nations Office for Project Services project agreement related to the construction of the new prison began in February 2023. It also noted positive developments in the material conditions of detention in Point Blanche Prison and the wider use of alternatives to pre-trial detention/imprisonment and encouraged the authorities to continue those efforts.

In *Petrescu group v. Portugal*, the Committee, as regards prison overcrowding, noted with interest the information attesting to an increased use of alternatives to imprisonment, but expressed their concern that despite this, the prison population has been on the rise since its March 2021 examination, with overcrowding now affecting more than half of the prisons in the country. It urged the authorities to rapidly adopt a comprehensive strategy aimed at identifying and tackling the root causes of prison overcrowding. As regards domestic remedies, the Committee urged the authorities to develop and enact, without further delay, the legislative measures required to establish an effective judicial preventive remedy and requested them to make sure that an effective compensatory remedy already exists or ensure that it will be established.

In *Rezmiveş and Others and Bragadireanu group v. Romania*, the Committee reiterated its concern at the persisting overcrowding in the prison system and stressed the importance of measures designed to reduce the prison population and to keep it at manageable levels. The Committee positively noted the authorities' consideration of a major reform of the state's penal policy and called upon them to draw fully on the European Court's relevant indications and the Council of Europe's other expertise in this respect. It also welcomed the authorities' initiative to rely on co-operation from the Council of Europe's dedicated unit with support from the Human Rights Trust Fund to strengthen the provision of health care and mental health care to prisoners. As regards the domestic system of remedies, it greatly welcomed the jurisprudential setting up of an effective compensatory remedy for arguable complaints related to inadequate conditions of detention and of transportation and noted the Court's assessment that the effective functioning of the preventive remedy hinges on further improvements across the prison and remand systems.

In the *Nevmerzhitsky group v. Ukraine*, the Committee noted with satisfaction that the Ukrainian authorities have underlined their commitment to resolve the long-standing problems reiterated in the *Sukachov* pilot judgment, despite the unprecedented challenges brought by the ongoing Russian aggression. It noted with deep regret nevertheless that an overall strategic approach to improve material conditions of detention is still lacking and strongly urged the authorities to take stock of the results of the measures taken so far and draw up a list of lessons learned and steps forward. The Committee also invited the authorities to reconsider the "paid cells" financing option and to find Convention-compliant alternative ways for the financing of improvements in detention conditions.

D.4. Democracy, pluralism and non-discrimination

Freedom of thought, conscience and religion

In 2023, the Committee of Ministers examined the *Mushfig Mammadov and Others v. Azerbaijan* case regarding the prosecution and criminal conviction of the applicants, as conscientious objectors, for their refusal to perform compulsory military service. It called on the authorities to remedy the negative consequences of the applicants' criminal convictions, including deletion of their criminal records. The Committee took note of the authorities' intention to initiate domestic consultations for the preparation of the draft legislation on alternative civilian service and called on them to adopt such legislation without delay. While stressing the need for the legislation to comply with Convention standards, the Committee encouraged the authorities to make use of the technical support and expertise available through the Council of Europe.

In the *Ülke v. Turkey* group, which concerns repetitive convictions and prosecutions of conscientious objectors and pacifists for refusing to carry out compulsory military service, the Committee strongly urged the Turkish authorities to ensure that all negative consequences of the violations found by the Court are rapidly eliminated in respect of the applicants who continue to face the threat of criminal and administrative proceedings. It noted, with respect to general measures, that "paid military

service” and reduction of the length of compulsory military service do not constitute an alternative to mandatory military service and profoundly regretted that no progress has been achieved since the delivery of the *Ülke* judgment in 2006 in terms of targeted measures to prevent future similar violations. It therefore strongly urged the Turkish authorities to provide an action plan with concrete proposals for legislative amendments to address the Court’s findings.

The Committee also examined the *İzzettin Doğan and Others v. Turkey* and *Hasan and Eylem Zengin v. Turkey* groups which concern the authorities’ unjustified refusal to recognise the religious nature of the Alevi faith and *inter alia* the discriminatory treatment of their followers compared to citizens adhering to majority branch of Islam, who benefit from legal recognition and religious public services financed by the state. It welcomed certain developments capable of partially eliminating the imbalance in religious public services provided by the state and invited the authorities to assess whether and to what extent these measures have addressed the lack of recognition of their religious leaders and the impossibility to receive donations or state subsidies encountered by the Alevi community. While deeply regretting the failure to address the shortcomings as regards compulsory religious culture and ethics classes, the Committee strongly urged the authorities to ensure that the Turkish education system fulfils the state’s duty of neutrality and impartiality towards various religions, denominations and beliefs, respecting the principles of pluralism and objectivity. It stressed that the Turkish education system should offer appropriate options for children of parents who have a religious or philosophical conviction other than that of Sunni Islam to opt out of compulsory religious education, without pupils’ parents being obliged to disclose their religious or philosophical convictions.

Freedom of expression

The Committee examined the group of cases *Khadija Ismayilova v. Azerbaijan*, concerning the authorities’ failure to protect the rights to respect for private life and freedom of expression of the applicant (an investigative journalist who had received anonymous threats and had an intimate video secretly filmed in her bedroom published on the Internet) by, *inter alia*, their failure to carry out an effective criminal investigation into these events. It noted that the applicant’s personal information had been removed from the public domain and that the prosecution authorities reopened the investigation. It called for the Media Law to fully comply with Council of Europe standards to create a favourable environment enabling journalists to exercise their right to freedom of expression. The Committee further called on the authorities to take a proactive approach when dealing with threats and crimes against persons exercising their freedom of expression and to ensure effective investigations of any possible connection and links between crimes committed against journalists and their professional activities. Finally, it invited the authorities to improve the practice of domestic courts in conducting an adequate balancing exercise between the right to respect for private life and reputation and the right to freedom of expression.

In *Mahmudov and Agazade v. Azerbaijan* and *Tagiyev and Huseynov v. Azerbaijan*, mainly concerning violations of the journalists’ right to freedom of expression and imposition of disproportionate criminal sanctions for defamation, the Committee noted that the applicants had been released, and their criminal records erased. It took

note of the statistics on the use of criminal sanctions for defamation and encouraged the prosecution authorities to continue improving their practice so that recourse to criminal prosecutions for defamation is only carried out in exceptional circumstances such as in well-established instances of hate speech or incitement to violence. The Committee urged the authorities to accelerate the already long-awaited legislative process. It further called for the improvement of the domestic judicial practice aimed at protecting journalists against arbitrary criminal prosecution in line with Convention standards. Finally, it noted with satisfaction the legislative measures adopted, as well as other measures taken to improve the practice of prosecution authorities, to ensure the respect of the right to the presumption of innocence in statements made by the prosecution service and public officials and closed the supervision of this issue.

In *Manole and Others v. Moldova*, related to undue interferences with the right to freedom of expression of journalists, editors and producers working at the state television company *Teleradio-Moldova* on account of censorship and political control by the state authorities in the period 2001-2006, the Committee welcomed the authorities' readiness to improve the current legislative framework on mass-media. It encouraged them to rapidly draft amendments to the Code of Audiovisual Media Services, with the proper involvement of civil society and due consideration of the relevant Council of Europe and European Union standards, with a view to ensuring clear safeguards for the genuine independence of the Audiovisual Council and irremovability of its members, excluding possible political control.

When examining the freedom of expression groups¹³ against Türkiye concerning mainly criminal proceedings against journalists for having expressed opinions that did not incite hatred or violence, and the consequent chilling effect on society as a whole, the Committee noted with interest the continuing good practice of the courts and the Constitutional Court, and the examples of speeches from high-level politicians regarding the right to freedom of expression. It urged the authorities to clarify in the Criminal Code and the Anti-Terrorism Law that the exercise of the right to freedom of expression does not constitute an offence and to limit the application of the criminal provisions strictly to cases of incitement to violence. It regretted that the Constitutional Court's pilot judgment in the case of *Hamit Yakut* has not been executed for more than one and a half years since its transmission to the Parliament and strongly urged the authorities to consider amending and abrogating certain Articles of the Criminal Code, to comply with the findings of the Constitutional Court and in accordance with the European Court's case-law.

The *Ahmet Yıldırım v. Turkey* case concerns domestic legislation allowing wholesale blocking of access to the internet without sufficient judicial-review procedures to avoid abuse. The Committee recalled that the amendments of 2019 and 2020 to Law No. 5651 appeared to have addressed the legislative lacuna highlighted by the Court and welcomed again the consistent approach of the Constitutional Court in adopting Convention-compliant criteria in its application which appear to leave little room for similar applications on wholesale blocking of access to be brought

13. *Öner and Türk* group (No. 51962/12), *Nedim Şener* group (No. 38270/11), *Altuğ Taner Akçam* group (No. 27520/07), *Artun and Güvener* group (No. 75510/01) and *Işıkırık* group (No. 41226/09).

before the European Court. It further noted with interest that training is provided for judges and prosecutors concerning the application of the domestic legislation in compliance with the principle of respect for freedom of expression and requested statistical or other available information showing the general trends on the overall number of decisions taken within the last three years blocking access to entire websites under Article 8 of the Law, together with further sample judgments. Given the progress, it decided to continue supervision of the outstanding issues under the standard supervision procedure.

Freedom of assembly

In the *Mushegh Saghatelyan group v. Armenia*, while noting that according to the authorities, judicial oversight of policing decisions appears to be developing in a positive direction, the Committee expressed concern regarding incidents of apparently disproportionate restrictions on protests. It therefore encouraged the authorities to further continue their efforts to exclude undue and disproportionate interferences with the right to freedom of assembly and provide updated statistics. It also welcomed the developments of the judicial practice in the application of the Code of Administrative Procedure and requested information on the role of the new Patrol Service, other police units and the Police Guard, in policing mass demonstrations, and on specific training for all relevant police units to ensure safe exercise of the right to freedom of assembly.

In the *Gafgaz Mammadov group v. Azerbaijan*, mainly concerning breaches of freedom of assembly through the dispersal of unauthorised peaceful demonstrations not posing any threat to public order and ensuing arrests, unfair administrative convictions and detention, the Committee stressed the need for legislative reform to ensure sufficient safeguards against the currently unfettered powers of local executive authorities and the police. The Committee called for improvement of the legislation and practice on lawfulness of administrative arrests, detentions and fairness of administrative proceedings. It urged the authorities to send clear high-level messages of tolerance towards peaceful assemblies and noted that to improve judicial practice, the Supreme Court could elaborate guidelines on the exercise of the right to freedom of assembly. Finally, it invited the authorities to provide statistics on the holding of demonstrations and strongly encouraged them to co-operate and benefit from the assistance of the Council of Europe co-operation programmes within the framework of the Council of Europe's Action Plan for Azerbaijan for 2022-2025.

In its examination of the execution of the *Oya Ataman v. Türkiye* group concerning the problem of disproportionate interventions in the right to freedom of peaceful assembly, including the prosecution of participants and/or the use of excessive force to disperse peaceful demonstrations, the Committee adopted an interim resolution. It strongly urged the authorities to amend Law No. 2911 on Meetings and Demonstrations in line with the principles set out in the case law of the European Court and the Constitutional Court and expressed the readiness of the Council of Europe to provide assistance to this end. It urged measures to ensure that the 2016 directive on the use of tear gas and other crowd control weapons and its implementation comply with international standards. While noting the examples of speeches from high-level politicians regarding the protection of human rights in general, the

Committee encouraged the continuation of trainings of judges, prosecutors and law enforcements personnel on the implementation of the legislative framework.

Freedom of association

In the *Bulgarian Orthodox Old Calendar Church and Others v. Bulgaria* group concerning the systemic problem of unjustified refusals by Bulgarian courts to register Orthodox churches, the Committee regretted that the new request for registration of one of the applicant churches was rejected by domestic courts on grounds, contradicting the European Court's judgments in these cases and its indications under Article 46 of the Convention. It urged the competent domestic courts to examine any pending or new request for registration in line with the requirements of the present judgments and to authorise registration of separate denominations with similar Orthodox doctrine, as long as the names are not completely identical. Finally, it urged the Bulgarian authorities to rapidly elaborate relevant legislative changes or ensure Convention-compliant judicial practice to resolve the systemic problem identified by the European Court, in line with its indications under Article 46 of the Convention.

When examining implementation of the *UMO Ilinden and Others v. Bulgaria* group of cases, the Committee deplored again that more than 17 years after the first final judgment in this group, associations aiming to "achieve the recognition of the Macedonian minority" continue to be routinely refused registration mainly due to a wider problem of disapproval of their goals. It exhorted the authorities to take decisive action to ensure that any new registration request of the applicant associations or of associations with similar goals is examined in full compliance with Article 11 of the Convention and strongly urged them again to extend the obligation of the Registration Agency to give instructions for the rectification of registration documents. It stressed in addition the need for the Registration Agency and the courts to also identify exhaustively the defects of a registration file, to overcome the negative practice of raising new grounds for refusal, despite several examinations of identical documents. The Committee further noted with interest the authorities' engagement, including consultations with the Department for the Execution of Judgments and further awareness-raising measures, to clarify that the registration of an association is not tantamount to an approval of its goals or statements. In view of the prolonged absence of tangible progress, the Committee invited its Chair to send a letter to his Bulgarian counterpart, underlining the need to find swift solutions to abide fully and effectively by the obligations deriving from the Court's judgments in these cases.

In the *Bekir-Ousta and Others v. Greece* group of cases, the Committee reiterated deep concern that, more than 15 years since the leading judgment in this group and despite the legislative amendment adopted by Greece in 2017 which allowed the reopening of the impugned proceedings, the applicants have still not been provided with *restitutio in integrum*, despite having exhausted the possibilities available to them within the domestic legal system. It welcomed the consultations of November 2023 between the Secretariat and the Deputy Minister for Foreign Affairs, and the intention expressed by the Greek authorities to establish a Committee of Experts to study the matter and advise them on the next steps to take. The authorities

were called upon to establish this Committee at the earliest opportunity with a view to providing the applicants with the possibility to obtain *restitutio in integrum*.

Right to free elections

In the *Mugemangango v. Belgium* group, the Committee noted with interest the intention of the authorities to bring the entire Belgian electoral system (beyond the Walloon Parliament) into conformity with the *Mugemangango* judgment, by assigning to the Constitutional Court the review of the validation of the credentials of the elected representatives of all the parliamentary assemblies. While recalling the impossibility of amending the Constitution before the elections of 9 June 2024, it noted with satisfaction a draft “declaration of revision of the Constitution” and other drafts to enable the requisite amendments to numerous texts, so that the judgment can be fully executed as soon as possible after the elections. The Committee further welcomed the inclusion by several Belgian parliamentary assemblies of safeguards in their internal rules in case of disputes on the validation of their members’ credentials. It invited the authorities to consider adopting safeguards in the Senate’s internal rules and the possible establishment of a supervisory body for the Parliaments of the Communities and Regions which could be specific to the 2024 elections, pending the amendment of the Constitution.

In 2023, the Committee continued to regularly examine the *Sejdić and Finci v. Bosnia and Herzegovina* case. At the December 2023 Human Rights meeting, it adopted an interim resolution, insisting firmly on the utmost importance of instantly relaunching the electoral reform work, while pursuing all consultations necessary aimed at eliminating discrimination based on ethnic affiliation in elections for the Presidency and the House of Peoples of Bosnia and Herzegovina. It reiterated once again the willingness of the Council of Europe to assist the authorities in meeting their obligations under Article 46 of the Convention and urged them to take advantage of all expertise available within the Council of Europe, notably the Venice Commission, to rapidly reach a consensus on the required electoral system reform. It decided to invite the competent Minister of the Council of Ministers of Bosnia and Herzegovina for an exchange of views at its June 2024 Human Rights meeting.

As regards the *Kulinski and Sabev group v. Bulgaria* concerning the automatic and indiscriminate restriction of the right to vote, enshrined in the Constitution, applied to all convicted persons in detention and to all persons under partial guardianship, the Committee noted that, in light of the decision of the Constitutional Court of 18 October 2022, the constitutional restriction could not be interpreted in a Convention-compliant manner. The Committee thus urged the authorities to take the necessary steps to prepare the required constitutional reform and encouraged them to continue their co-operation with the Secretariat.

In *Cegolea v. Romania*, concerning a breach of the right to free elections and the prohibition of discrimination in respect of national minority organisations not yet represented in Parliament, the Committee noted with satisfaction the preparation of draft legislation to remedy the flaws relating to the procedure and the safeguards attending the eligibility requirement imposed solely on such organisations, including by removing the executive’s discretion and giving the domestic courts full powers

to review negative decisions and set them aside if they are unlawful. It was positive that inclusive and constructive consultations had been held with civil society and public stakeholders and that the authorities had engaged in a sustained and effective dialogue with the DEJ in the process. The Committee strongly called upon all the relevant authorities to ensure that the new provisions are enacted and come into effect in good time before the next parliamentary elections, foreseen to take place in late 2024.

Special surveillance measures

The Committee examined the *Association for European Integration and Human Rights and Ekimdzhiev group v. Bulgaria*, which concerns the lack of sufficient safeguards in Bulgarian law against the risk of abuse inherent in every secret surveillance system and the lack of an effective remedy or the deficiencies of the domestic remedy; as well as in the system of retention and accessing of communications data. It noted with interest the efforts by various domestic authorities to improve their practices on authorisation and implementation of secret surveillance and the decrease of secret surveillance in 2022. It nevertheless urged the development of legislative amendments to strengthen the guarantees of qualification and independence of the members of the National Bureau for Control of Special Means of Surveillance (“the Bureau”) from the authorities that the Bureau supervises; and called on the authorities to adopt without delay other outstanding measures identified in its decisions of December 2022. The Committee decided to close supervision of the *Association for European Integration and Human Rights and Ekimdzhiev*, noting the significant progress achieved over the years and to continue the supervision of all outstanding general measures, notably the safeguards concerning retention and accessing of communications data, in the context of the *Ekimdzhiev and Others* case. In this respect, the Committee indicated that the law must provide that bodies requesting access to communications data must disclose to the judge all relevant information, including that which weakens their case, and attach supporting materials; and judges must give reasons for the need to access data. It further asked to be informed of the legislative or other measures envisaged to ensure the existence of clear, comprehensive and accessible rules on procedures for storing, accessing, examining, using, communicating and destroying communications data to which the authorities have access, which guarantee an adequate level of protection. Lastly, it requested statistical data on access to communications data and information on any complaints, notifications and use of domestic remedies in this area.

In an interim resolution adopted regarding the *Szabó and Vissy group v. Hungary*, concerning the absence of sufficient guarantees against abuse in the legislation on secret surveillance within the framework of intelligence-gathering on national security grounds, the Committee reiterated that secret surveillance should be regarded as a highly intrusive act that potentially interferes with the rights to freedom of expression and privacy and threatens the foundations of a democratic society. The Committee noted with deepest concern the absence of any written information, almost seven years after the judgment became final, despite the authorities’ confirmation in 2017 of the need for a legislative reform and notwithstanding the Committee’s repeated calls in this respect. It exhorted the authorities to adopt,

without further delay, the measures required to bring the domestic legislation fully and effectively in line with the Convention requirements, to establish a timeline for the legislative process, to present a draft legislative proposal and keep the Committee informed about all relevant developments. The Committee also encouraged the authorities to make full use of the expertise available by the Council of Europe in order to ensure that the legislative reform is fully Convention-compliant.

In *Bucur and Toma v. Romania*, relating to the disclosure by a military officer within the Romanian Intelligence Service of information on wide-scale illegal telephone tapping of citizens by the Intelligence Service, the Committee recalled that measures were still needed to guarantee non-repetition of the violations of Articles 8 and 13 because of the lack of sufficient safeguards in the national legislation governing secret surveillance based on national security considerations. It expressed great concern at the absence of renewed efforts from the authorities to bring that legislation fully into line with Convention requirements and deeply regretted, in these circumstances, that the authorities had decided to restore the possibility to use material obtained through such surveillance as evidence in criminal proceedings. The Committee exhorted therefore the authorities to implement, without any further delay, the measures still needed to ensure that the domestic law sets out all the required safeguards to protect individuals against abuses of power in pursuit of secret surveillance. It strongly encouraged again the authorities to make full use of the expertise available through the Council of Europe with a view to ensuring that Convention-compliant solutions are developed and implemented.

Roma and Travellers

Further details of the Committee of Ministers examination of the *R.R. and R.D. v. Slovakia* group of cases concerning notably the excessive use of force by the police in an operation carried out in a Roma neighbourhood and lack of investigation into the alleged racist motives in the planning of the operation, are set out in Part D.2 above. In addition, regarding investigations of possible racist motives during the police operations, the Committee invited the authorities to clarify how the independence and impartiality of an internal inquiry carried out by senior police officers is ensured and to provide statistics and relevant examples. It also requested further information about investigations of possible racist motives in crimes committed by private persons.

In the *Fedorchenko and Lozenko v. Ukraine* group, concerning the authorities' failure to carry out effective investigations into violent acts against the applicants, including into possible motives of racial or religious hatred behind the attacks, the Committee noted with interest the relevant measures among law enforcement authorities and notably the trust building measures with civil society and Roma communities and invited the authorities to redouble their efforts, taking advantage of the relevant Council of Europe co-operation programmes. The Committee reiterated its call on the authorities to submit information on compensation schemes available to the victims of hate crimes. It strongly urged again the authorities to establish a disaggregated data collection mechanism for hate crimes and to monitor the responses of law enforcement authorities and the progress of cases through the justice system. Finally, the Committee noted with interest the adoption of the Strategy to promote

the rights and opportunities of persons belonging to the Roma national minority in Ukrainian society until 2030 and invited the authorities to adopt the updated action plan on its implementation without further delay.

LGBTI rights

In its examination of the *Oganezova v. Armenia* case, mainly concerning lack of protection by the authorities from homophobic attacks and hate speech and the absence of effective investigations, the Committee of Ministers called for the prompt completion of the drafting process of the Law on Equality in line with the relevant international standards and the Court's findings in this case, and its adoption without further delay. It welcomed the new elements introduced in the criminal legislation which allow for a criminal law response to homophobic hate crimes and invited the authorities to provide information and statistical data on their practical application. The Committee welcomed the readiness of the authorities to implement the Council of Europe guidelines on policing hate crimes and their plan to elaborate guidelines on the investigation of discrimination and hate speech and encouraged them to take full advantage of co-operation possibilities with the Council of Europe in this field.

When examining the *Y.T. v. Bulgaria* group of cases, concerning unjustified refusals of domestic courts in 2016 and 2020 to grant the requests for recognition of gender reassignment, the Committee deeply regretted that the recent interpretative decision of the Supreme Court of Cassation of February 2023, based on a judgment of the Constitutional Court of October 2021, had made it impossible for transgender persons to obtain legal gender recognition in Bulgaria, thus considerably aggravating their uncertainty. It requested clarification on whether that interpretative decision affects the situation of transgender persons who obtained positive judicial decisions on gender reassignment before its adoption but have not yet obtained the necessary modifications in the civil status register. The Committee stressed the need for the rapid elaboration and adoption of legislative measures, providing for a Convention-compliant procedure for legal gender recognition and encouraged the authorities to draw inspiration from the resources and standards of the Council of Europe.

During its examination of the *Identoba and Others v. Georgia* group, the Committee noted with deep concern reports from the Council of Europe Commissioner for Human Rights, the Public Defender and civil society which underline the seriousness of the situation with regard to protection of the rights of LGBTI persons and religious minorities. It exhorted the authorities to convey an unambiguous zero-tolerance message at the highest level towards any form of discrimination and hate crime and to duly bring to justice organisers and instigators of hate violence without further delay. The Committee strongly called upon the authorities to demonstrate that enabling the LGBTI community to fully enjoy their right to peaceful assemblies is a clear priority through adopting effective measures to ensure safe conduct of the relevant gatherings. It further regretted that the adopted National Strategy for the Protection of Human Rights for 2022-2030 does not adequately address the needs of the LGBTI community. Finally, it called upon the authorities to speed up the work of the implementing Action Plan and to effectively involve all relevant stakeholders in the process to ensure that this

document sets out comprehensive, inclusive and far-reaching measures to properly address the needs of LGBTI people and religious minorities.

As to the *L. v. Lithuania* case, concerning the lack of legislation regulating the conditions and procedures for gender reassignment surgery and legal gender recognition, the Committee of Ministers expressed grave concern that, more than 15 years after the judgment became final, the legislative process regulating the conditions and procedures for gender reassignment and legal recognition still has not been completed. It reiterated again that for the full execution of this judgment, the Lithuanian authorities must ensure the adoption of a clear legal framework regulating the conditions and procedures for gender reassignment and legal recognition in line with Convention principles as established in the Court's case law and exhorted the authorities to set a strict timeline for the completion of the legislative process.

In the case of *X. v. North Macedonia*,¹⁴ concerning the absence of quick, transparent and accessible procedures in national legislation allowing the change of the sex/gender marker on birth certificates, the Committee of Ministers noted with grave concern that, after the withdrawal from Parliament in March 2022 of the draft amendments to the Civil Status Registration Act, a new Civil Status Registration Act has still not been finalised. It called upon the authorities to step up efforts to ensure the adoption of a clear legal framework regulating conditions and procedures for legal gender recognition without further delay and in close co-operation with the Council of Europe. Nevertheless, it noted with satisfaction the continuing positive developments of domestic practice regarding changes of records in official documents, including the consolidation of the administrative practice of the State Commission and the case-law of the Administrative Court, allowing legal gender recognition, including on the basis of self-determination and without imposing any medical treatment as a condition to the legal gender recognition.

Persons with disabilities

Details about the Committee's examination of the *Strazimiri v. Albania* case, which concerns the inhuman and degrading treatment of the applicant due to the cumulative effect of the poor material conditions at the Tirana Prison Hospital and insufficient psychiatric and therapeutic treatment, are set out in Part D.3 above.

The Committee examined the *L.B. group* and *W.D. v. Belgium* case, concerning the prolonged detention of internees in prison psychiatric wings without appropriate therapeutic treatment and the lack of suitable places in the external circuit and of qualified staff in prisons. It expressed concern at the significant increase in the number of internees in prison and urged the authorities to immediately improve the health care available to them and to recruit sufficient custodial and care staff, so that the standard of supervision of this care, fixed in 2021, becomes effective. Furthermore, it urged the authorities to establish a national mechanism for the prevention of torture to monitor all places of detention, including those in centres

14. The name of the case as contained in the judgment of the European Court is *X. v. "the former Yugoslav Republic of Macedonia"*. Following the entry into force on 12 February 2019 of the Final Agreement as notified notably to international organisations, the official name of the respondent state is Republic of North Macedonia – short name: North Macedonia.

and psychiatric hospitals. As to the compensatory remedy, the Committee noted with interest that, following the *Venken and Others* judgment, some Belgian courts and tribunals have eased the procedural burden on internees. As regards the preventive remedy, it expressed its concern about the practical effectiveness of the interim remedy, given the increase in the number of internees in prison and delays in the creation of places elsewhere.

When examining the *Stanev v. Bulgaria* group, related to the unlawful placement in a social care home of persons suffering from mental health disorders and the lack of effective remedy, the Committee noted the numerous measures adopted by the authorities, which go in the right direction, but noted also that further measures appear necessary to avoid the risks of serious forms of neglect and unhygienic conditions. The Committee noted that the foreseen closure of 41 social care homes, according to the action plan for 2022-2027, could become a powerful tool for improving living conditions. It welcomed the rules allowing residents of institutions to complain to the Social Services Quality Agency but asked for clarification about their implementation and other procedural arrangements and safeguards related to placements in residential care. Finally, the Committee invited the authorities to adopt measures improving judicial review, which could be best fulfilled by a combination of periodic review and a right for the directly concerned person to submit an application for termination of the placement and the availability of judicial review.

The Committee examined *Citraro and Molino v. Italy* concerning the failure of the authorities to do all that could reasonably be expected to prevent the suicide in prison of a person, who suffered from a pre-existing psychiatric condition. While positively noting the adoption in 2017 of a comprehensive national action plan for the prevention of suicide and self-harm in prison, the Committee also noted the unprecedented level of number of suicides in prisons in 2022. It urged the authorities to ensure that the relevant guidelines, including the recent recommendations of the Department of Prison Administration, are rapidly implemented in every prison, that adequate funds are provided for this purpose, and to monitor closely their impact in practice.

In *Sy v. Italy*, concerning the prolonged detention of a person with psychiatric disorders in an ordinary prison despite orders from the domestic court to transfer him to a psychiatric facility for the enforcement of security measures (REMS), the Committee noted with interest the reduction of 45% in the number of persons awaiting transfers to REMS, as a result *inter alia* of the enhanced and streamlined co-operation among the different stakeholders. It encouraged the authorities to pursue their efforts in order to ensure sufficient capacity in the REMS, including by securing adequate human and financial resources, particularly in the regions where the situation appeared most critical. The Committee further requested the authorities to assess whether additional measures are required to ensure that when the European Court indicates under Rule 39 of its Rules that an applicant should be transferred to REMS, this happens without delay.

As to the case of *X. v. Finland*, concerning the extension of involuntary confinement in a psychiatric hospital and forcible administration of medication without adequate legal safeguards, the Committee recalled that the 2014 amendments to the Mental Health Act had addressed the main deficiencies criticised by the Court

as regards involuntary confinement, enabling patients to request a second independent opinion prior to extension of their confinement and to initiate themselves an appeal against its extension, and that thus similar violations in the future would be prevented. Nevertheless, the Committee noted with deep concern that, more than a decade after the judgment in this case became final, decisions on forcible administration of medication still rest solely with the doctors and are not subject to judicial review. It therefore called on the authorities to urgently adopt the necessary legislative measures to introduce procedures for judicial review of such decisions and strongly encouraged close co-operation with the Secretariat to resolve any outstanding issues regarding the modalities of the review.

In 2023, the Committee also examined the *Centre for Legal Resources on behalf of Valentin Câmpeanu and N. (No. 2) cases v. Romania*, concerning, *inter alia*, deficiencies of the legal protection system for adults with intellectual disabilities or mental health conditions, in particular the drastic limitations on the capacity of protected persons to exercise their rights and the lack of adequate solutions to the situation of vulnerable adults who have no relative able or willing to act on their behalf. The Committee called on the authorities to closely monitor the implementation of the new support and legal protection system established in 2022 in response to its previous calls and to the Court's more recent findings in the second case, in particular the ongoing re-assessment of the situation of those previously placed under guardianship, and to ensure that the new legislation is effectively applied. The Committee strongly urged the authorities to redouble their efforts in order to enact, without any further delay, Convention-compliant solutions to the situation of vulnerable adults who have no relative able or willing to take over support or representation duties under the new system, stressing that such solutions are crucial to ensuring effective access to justice for this particularly vulnerable group of people. Recalling the existence in Romanian legal order of provisions granting relevant civil society organisations *locus standi* in proceedings involving rights and legitimate interests of people with disabilities, the Committee urged the authorities to continue to allow these organisations access to these people in all types of facilities.

The Committee also examined the *Parascineti* and the *Cristian Teodorescu and N. v. Romania* groups, concerning longstanding structural problems linked to overcrowding and inadequate living conditions, treatment and care for patients in psychiatric establishments; and deficiencies in the relevant procedures and the safeguards attending involuntary placements as well as the psychiatric treatment given to these patients. It underlined that these issues relate to the rule of law and also raise humanitarian concerns with regard to individuals belonging to a particularly vulnerable group, historically subject to prejudice with lasting consequences, resulting in their social exclusion. It recalled its heightened concerns at the persistence of the structural deficiencies revealed by the judgments and expressed its utmost concern at the high risk of further violations. While noting with interest the promising initiatives led by public stakeholders and civil society to define and advance solutions, the Committee deplored the lack of any indication of a strategic, comprehensive and coordinated response to the judgments and exhorted the Romanian authorities, at a high political level, to provide impetus, direction and coordination to the action required. It strongly urged the authorities to submit a

clear and precise roadmap with a tight timetable for the completion and adoption of a comprehensive action plan fully addressing the structural deficiencies revealed by these judgments. The Committee urged the authorities to rely in particular on the Romanian Ombudsperson's relevant findings and recommendations, expressing once more its appreciation for this institution's sustained efforts to uphold respect for the fundamental rights of patients in psychiatric establishments, including in its capacity of National Preventive Mechanism. In view of the humanitarian aspect of the violations found and the urgent need to overcome the impasse in addressing them and advance the execution process, the Committee invited the authorities of the Council of Europe member states to raise the issue of the implementation of these judgments in their contacts with the Romanian authorities.

Asylum seekers and migrants, including children and unaccompanied children

The Committee examined *M. H. and Others v. Croatia*, concerning *inter alia* the collective expulsion of a family of asylum-seekers along the railway line at the Croatian border with Serbia and the lack of effective investigation into the death of one of the children who was hit by a train, as well as the detention of the family in prison-type conditions which violated the right of minor children under Article 3. It took note of the *ex officio* reopening of the criminal investigations on the circumstances leading to the death of the child and asked for the examination of all available evidence and proper involvement of the applicants and their legal representative in the investigation. The Committee welcomed the establishment of the independent border monitoring mechanism, the first of its kind in all member states, and noted also the efforts to make the asylum procedure more accessible, including the translation of the asylum information in various languages. The Committee invited the authorities to provide information on the steps taken to limit the detention of children in immigration centres with prison-type elements; and noted with interest the introduction of a regular *ex officio* judicial review of detention orders as well as a positive trend in the application of alternative measures to immigration detention and the efforts taken by the authorities to ensure the police, including the border police act with diligence in asylum proceedings.

As regards the *M.A. group v. France*, the Committee noted again the information following which the regulatory framework and the practice of the authorities dealing with asylum and removal would always allow an individualised examination of the risks in case of removal of individuals with a profile identical to that of the applicant in *M.A.*. The Committee requested information on the current conditions and modalities under which the notification of decisions by the Ministry of the Interior determining the country of destination of foreigners representing a serious threat to public order is carried out in practice. Regarding the compliance with the Court's interim measures, the Committee urged the authorities to adopt specific measures to remind the competent authorities (in particular, within the Ministry of the Interior) of their imperative obligation to comply with the Court's interim measures in all cases, unless there is an objective obstacle preventing them from doing so in accordance with the Court's case-law.

In the *Moustahi v. France* case, concerning the administrative detention and collective and expeditious expulsion from Mayotte of unaccompanied minors, arbitrarily attached to adults, the Committee noted positively the Mayotte departmental council's plan to create a service dedicated to assessing the age and potential isolation of unaccompanied minors. Whilst noting positively mechanisms to detect unaccompanied minors and the increased presence of associations in places of detention, the Committee was concerned that minors could continue to be wrongly attached to adults with whom they have no ties. It asked the authorities to ensure, in line with the case-law of the Court and the Council of State, that administrative authorities verify the identity of minors, the exact nature of their ties with the adults they are accompanying and the conditions of their care in the place of destination. Concerning the lack of an effective domestic remedy, the Committee asked the authorities about the measures adopted and/or envisaged to ensure that minors, about to be removed, be given sufficient time to effectively seize a judge and to reinforce measures intended to ensure that referral to the interim relief judge is respected in all cases, in accordance with the current regulations in force.

In the *M.S.S. v. Greece* group of cases, the Committee noted with interest the authorities' sustained efforts to enhance the national asylum system, including the increase of recognition rates at first instance and the steady increase of cases in which legal assistance was provided by the state. It underlined however that there are still concerns about the length of and access to the asylum procedures, as well as obstacles in obtaining legal assistance. The Committee welcomed the reported improvements in living conditions of asylum seekers and requested information on the functioning of the "ESTIA 21" programme, on the quality of the services provided in new reception facilities, including in the mainland camps, and on the reception and living conditions of pregnant women and other vulnerable individuals. The Committee welcomed the positive developments as regards the detention, reception and protection of unaccompanied minors, including the legislative measures to abolish "protective custody", the establishment of a Special Secretariat for their protection and the setting up of the National Emergency Response Mechanism for unaccompanied minors which enhanced their reception and protection at domestic level and decided therefore to close their supervision of the *Rahimi* case. Finally, the Committee welcomed the authorities' sustained efforts to improve migrant detention conditions and asked for additional information on asylum procedures, living conditions, and detention of asylum seekers to be able to make a complete assessment of the situation.

In the *Ilias and Ahmed v. Hungary* group, relating to the authorities' failure to assess the risks of ill-treatment before removing the asylum-seeking applicants to Serbia by relying on a general presumption of "safe third country" as well as the collective expulsion of asylum-seekers under the State Borders Act, the Committee adopted an interim resolution. Reiterating its grave concern as to the absence of any ongoing reform of the asylum system and the continuation and increasing rate of collective expulsions, the Committee exhorted the authorities to terminate the practice of removing asylum-seekers to Serbia, pursuant to section 5 of the State Borders Act without their identification or examination of their individual situation. It called again on the authorities to introduce an effective remedy against collective expulsions

before an independent and impartial domestic forum, in line with the Court's case-law. The Committee strongly urged the authorities to reform the asylum system to afford effective access to means of legal entry, in particular border procedures in line with Hungary's international obligations. The Committee envisaged taking new action to ensure that Hungary abides by its obligations deriving from the Court's judgments, should no tangible progress be achieved by its September 2024 Human Rights meeting.

In the case of *Feilazoo v. Malta*, concerning notably inadequate conditions of, and unlawful, detention pending deportation, the Committee noted continued efforts to improve Safi Detention Centre but asked for information about other measures including to reduce de facto isolation. It also invited the authorities to continue providing updated statistics to enable it to track the developments and attest the trends in detention, given the influx of migrants to Malta. It further asked for information about the additional practical measures envisaged to ensure that the authorities approach deportation proceedings in an active and diligent manner, to avoid prolonged detention pending deportation or detention beyond what is necessary when deportation is no longer feasible.

Lastly, the Committee examined *M.K. and Others v. Poland*, concerning the wider state policy of refusal by border guards to receive asylum applications and to allow entry to foreigners entering Poland from Belarus, without an effective remedy with suspensive effect to challenge the refusal of entry. It requested clarifications on the statistical data presented, notably on the annual number of requests for international protection for the last ten years, the number of orders to leave the territory, the number of applications left unexamined by the Head of the Aliens Office based on the amended in 2021 provisions of the Act on granting protection to Aliens and on how the discretionary powers of the Head of the Aliens Office are applied. The Committee also called on the authorities to provide information on measures to eliminate the practice of misrepresentation of foreigners' statements and to give automatic suspensive effect to appeals against decisions refusing entry to the country, at least for persons in situations similar to that of the applicants, alleging that their claims for international protection have been disregarded.

E. Institutional dialogue between the Court and the Committee of Ministers

To further strengthen institutional dialogue between the Court and the Committee of Ministers, several initiatives were undertaken. In March 2023, a seminar, "Binding Force: Institutional dialogue between the Court and the Committee of Ministers under Article 46 of the European Convention", was co-organized by the DEJ in the framework of the Icelandic Chairmanship of the Committee of Ministers. It was an opportunity to share experiences and examine how the two Convention organs interact to enhance the effectiveness of the execution of the Court's judgments.

The Court submitted a memorandum to the Fourth Summit of the Council of Europe, emphasising the paramount importance of member states reaffirming their commitment to the execution of the Court's judgments and decisions, given their binding nature and the States parties obligations under the Convention.

The President of the Court held an exchange of views with the Committee of Ministers on two occasions in April and October 2023. She also participated in an international conference on the role of the judiciary in executing the Court's judgments in the framework of Latvia's Presidency of the Committee of Ministers.

Furthermore, the DEJ and the Court's Registry continued to develop a working group to promote the exchange of information on issues linked to the execution of judgments. Thematic and specific country meetings were organised in late 2023 to discuss common issues. It is planned that this practice of regular meetings on transversal themes and co-operation will be reinforced in 2024.

The DEJ also relaunched joint country missions with the Registry to strengthen domestic capacity to respond rapidly and efficiently to the Court's judgments, including a mission to Belgrade in May 2023 to discuss the implementation of judgments concerning delayed enforcement of court decisions against socially-owned companies in Serbia (*R. Kačapor* group).

The DEJ further took part in a tripartite meeting in Strasbourg in October 2023 with the Romanian authorities and representatives of the Registry focused on identifying solutions to the deficiencies identified by the Court in the reparation mechanism put in place in 2013 for properties taken over by the state during the communist regime (*Văleanu and Others v. Romania* and *Străin* group).

F. Closure of individual repetitive cases

In 2023, the Committee of Ministers continued its practice of closing individual repetitive cases in which all the individual measures needed to provide redress to the applicant have either been taken or cannot be taken. In 2023, 24% of cases closed by the Committee of Ministers were repetitive individual cases, for which general measures to remedy the underlying problem are still awaited.

These individual measures are key for applicants who often receive compensation and reopening of domestic proceedings. Indeed, in its judgments, the Court often indicates reopening of proceedings as the most appropriate way of putting an end to the violations found and affording redress to the applicant (see Chapter VII).

Unfortunately, in some cases, where the required individual measure is a fresh investigation, for example into allegations of ill-treatment, that measure can no longer be taken, due to the operation of statute of limitations meaning that no new or reopened investigation is possible. For this reason, the Committee has continued to encourage national authorities to put in place a system where reopening of investigations is considered at an early stage of the Convention process, for example, at the moment when the Court communicates an application.

Overall, the closures of repetitive individual cases do not alone provide a good indication of the progress of the execution process for a member state. They reveal that whilst some steps have been taken to redress the situation for the applicant, the general measures required to address the underlying problem and prevent similar

violations remain awaited and under the Committee's supervision in the framework of the corresponding leading cases. Only when the general measures appear to be adequate to prevent similar violations in the future can the leading case be closed.

Concluding Remarks

On a personal note, I have been working on the Convention system for nearly three decades. I have seen so much progress achieved in so many different areas across all Council of Europe member states during this period, much of it further to the full and effective implementation of judgments and decisions of the European Court of Human Rights.

I remain convinced that not only is this system the most effective human rights protection system that exists globally but also that it has been a key vehicle for maintenance and promotion of democratic security and peace throughout the continent. The Convention provides a unifying standard of values focused on human dignity, human rights and fundamental freedoms and the large majority of judgments are fully implemented despite delays.

Nevertheless, important challenges remain due both to the political and legal complexity and sensitivity of some of the issues examined as well as the difficulty states face resolving systemic and structural problems which require coordinated, coherent, long-term strategies as well as very often significant funds.

It is really encouraging therefore that in 2023 all Heads of State and Governments reaffirmed their unwavering commitment to the Convention system and to resolving the systemic and structural human rights problems identified by the Court. Now is the time to translate the statements about their fundamental importance of the full, effective and prompt execution of the Court's judgments into action leading to concrete results. That commitment applies to all cases, including the most complex, whether they are complicated due to the need for structural reform and significant expenditure or because they related to post conflict situations or topics of the highest political sensitivity.

Chapter III

Cooperation, assistance and dialogue

Introduction

In accordance with its dual mandate, the Department for the Execution of Judgments of the European Court of Human Rights (DEJ) not only assists the Committee of Ministers, but has also for many years provided extensive advice and support to member states in their efforts to achieve full, effective and prompt execution of judgments (including through ongoing bilateral dialogue, thematic events and round tables, participation in training programmes and activities facilitating exchanges of experiences between interested states).

In 2023, the DEJ continued to enhance and increase outreach activities and dialogue with states, notably through around 140 missions and bilateral meetings with national authorities which took place in person or on-line in Strasbourg or in the capitals concerned. It also published four new thematic factsheets and many news items on its website keeping all stakeholders informed about important developments in the execution process at national level and developments following the quarterly Human Rights meetings.

At the same time, the support and guidance offered by the Council of Europe through general co-operation activities, national action plans and targeted Convention-related activities continued to provide valuable assistance to member states for the full, prompt and effective execution of judgments. The work of other monitoring, advisory bodies and departments of the Council of Europe also greatly feeds into the process to ensure that member states have the necessary capacity and expertise. The DEJ pursued its efforts to maintain close communication and coordination with all these major stakeholders.

A. Enhanced dialogue

With states

In 2023, the DEJ continued to deepen the on-going bilateral dialogue with national authorities across the Council of Europe to foster the execution process and provide technical support and expert assistance where necessary.

Throughout the year, the DEJ held consultations with the authorities of Armenia concerning the implementation of the *Chiragov and Others* case and with Azerbaijan concerning the implementation of the *Sargsyan* case, both related to the property rights of persons forced to flee from their homes during the active military phase of the Nagorno-Karabakh conflict (1992-1994).

In 2023, the DEJ and the Director of Human Rights also visited Baku to discuss the general and individual measures required for the implementation of several groups of cases against Azerbaijan and underline the importance of continued cooperation and open dialogue to secure such implementation. Fruitful exchanges were held with the authorities, including the Constitutional Court, the Supreme Court, the Ministries of Justice and Foreign Affairs, the Prosecutor General's Office, the Office of the Ombudsperson, and the Government Agent's Office at the Presidential Administration. The authorities presented the measures taken or envisaged to execute relevant judgments, as well as the legislative amendments to ensure independence of the judiciary (*Mammadli* group).

The DEJ held a meeting with the Presidents of the highest courts of Belgium (Court of Cassation, Council of State and Constitutional Court) to inform them about cases both closed and still pending before the Committee, in particular under the enhanced procedure, and to highlight the central role of national courts for the full and effective implementation of some judgments. A mission to Brussels was also organised in 2023, during which the Director of Human Rights and the DEJ discussed with the competent authorities, NHRIs, and bar associations cases under enhanced procedure on prison conditions and the lack of effective preventive remedy (*Vasilescu* group), situation of internees in prison psychiatric wings (*L.B.* group and *W.D.* pilot judgment) and excessive length of judicial proceedings (*Bell* group).

The DEJ also held meetings with Bulgarian judges to discuss the implementation of judgments against Bulgaria and exchange on the supervision mechanism. Consultations were also held with Bulgarian legal experts and officials to talk about the Bulgarian authorities' ongoing work to establish a formalised national procedure for the implementation of judgments and its possible characteristics, drawing on practices of other member states.

Representatives of the DEJ further carried out two missions to Sofia to discuss the progress and outstanding measures in several groups of cases against Bulgaria under enhanced supervision concerning the following issues: rights of persons with mental disabilities (*Stanev*), proportionality assessments of eviction or demolition orders (*Yordanova and Others* group), the right to family life in the context of placement of children in closed boarding schools (*I.G.D.*), freedom of association (*Umo Ilinden and Others* group), freedom of religion (*Bulgarian Orthodox Old Calendar Church* case), and police ill-treatment (*Dimitrov and Others*). Two meetings also took place in response to the letter of the Minister of Justice requesting technical assistance from the Council of Europe in order to execute the *S.Z.* group of cases (ineffectiveness of criminal investigations).

The DEJ also carried out a mission to Croatia to discuss progress in a number of pending cases under both standard and enhanced procedures. In Zagreb, the DEJ met the Minister of Justice, the acting directors of the Directorate for the Prison System and Probation and the Directorate for Human Rights and National Minorities and Ethics, as well as the State and Deputy Attorney General, to discuss the measures taken and foreseen for the implementation of cases concerning excessive length of civil proceedings (*Kirinčić and Others*) and poor conditions of detention (*Huber* group). A separate meeting was held with the Deputy Prime Minister and the Minister of Physical Planning,

Construction and State Assets to exchange on the steps taken to resolve the long-standing issue concerning the statutory limitations on landlords' use of flats subject to protected leases (*Statileo* group). The DEJ also met with the Croatian Supreme Court to discuss mainly issues related to reopening of individual cases after the European Court has given a judgment. Finally, the DEJ participated in a meeting of the Croatian Council of Experts for the Execution of Judgments and Decisions of the European Court.

The DEJ carried out its first mission to Finland, organised in cooperation with the Ministry of Foreign Affairs, to discuss cases pending execution before the Committee of Ministers, strengthen cooperation and raise awareness of the work of the practice and procedures of the Committee as well as the mandate and work of the DEJ across all Ministries, including the Ministry of Justice. Meetings also took place with other key authorities, including the Presidents of the Supreme Court and the Supreme Administrative Court, to exchange about the direct application of the Convention in domestic case law. The DEJ also met with the Deputy Chancellor of Justice, two Deputy Parliamentary Ombudsmen and Members of Parliament. In advance of the examination of the *X v. Finland* case by the Committee in March 2023, the DEJ also met with the Ministry of Social Affairs and Health to discuss the required changes to the legislation and perspectives for its adoption. Throughout the rest of the year, the DEJ held regular online meetings with the Government Agent and her team.

At the request of the French authorities, in the context of the execution of the *J.M.B. and Others* judgment which concerns prison overcrowding and poor conditions of detention, the DEJ participated in a meeting in Paris with representatives of the CPT, its President, and the relevant authorities to discuss specifically the method of calculating prison capacity. It was also an opportunity to be updated on the functioning of the new preventive judicial remedy to complain about poor detention conditions. Later in 2023, the Director of Human Rights and the DEJ travelled to Paris and held meetings with the representatives of competent French ministries, NHRIs and civil society to discuss the status of execution and required measures in cases related to asylum and migration, under both enhanced and standard supervision (*Khan, M.A., Moustahi, M.D and A.D. and K.I.* groups).

A mission was carried out to Tbilisi to discuss with the Georgian authorities the progress and remaining challenges in the execution of cases concerning ill-treatment by law enforcement officers (*Tsintsabadze* group), hate crimes and discrimination (*Identoba and Others* group), domestic violence (*Tkheldze* group) and legal gender recognition (*A.D. and Others*). Participants included the Vice-Minister of Justice, the Head of the Department of State Representation in International Courts, the Supreme Court, the Parliamentary Human Rights and Civil Integration Committee, the Prosecutor General's Office, the Ministry of Internal Affairs and civil society. The DEJ also took part in a workshop for the Public Defender's Office on the supervision of the execution of the European Court's judgments and the submission of Rule 9 communications, and a conference on the protection of victims' rights and effective investigation by the Georgian Special Investigation Service into ill-treatment.

The DEJ together with the Government Agent of Germany held a workshop in Berlin on the practice and procedures of the Committee of Ministers and the Council of Europe HELP Programme. The workshop was the opportunity to discuss certain

issues in relation to pending cases against Germany. It took place in the Federal Ministry of Justice and was attended by staff of the Government Agent's Office, representatives from other federal ministries and ministries of the different Länder involved in the execution of judgments, as well as representatives from the federal courts. In a separate meeting in Strasbourg, the DEJ also met with the State Secretary of the German Ministry of Justice to present its work and discuss the most important pending issues regarding the execution of judgments. The DEJ also participated in the annual hybrid conference between the federal and regional authorities on the processing of cases pending against Germany before the European Court. The DEJ introduced the process of execution of judgments and presented judgments issued in respect of Germany.

The Director of Human Rights and the DEJ carried out a mission to Athens and had constructive discussions with competent authorities on a number of cases under the supervision of the Committee of Ministers for many years. Ways forward to implement the *Bekir-Ousta* group of cases, concerning freedom of association, were discussed with the Deputy Minister of Foreign Affairs. The Delegation also discussed progress and outstanding issues related to the *Nisiotis* group of cases concerning conditions of detention and effective remedies for the same with both the General Secretary of Justice at the Ministry of Justice and the General Secretary of Anti-Crime policy at the Ministry of Citizen Protection. Further measures required for full implementation of two groups of cases related to freedom of expression, *Katrami* and *Vasilakis* groups were also discussed. The Delegation also met the newly appointed President of the State Legal Council as well as her team to discuss all pending cases.

Online consultations were held between the Director of Human Rights, the DEJ, the newly appointed Deputy State Secretary of Hungary and her team as well as the Permanent Representation of Hungary to the Council of Europe. The discussions focused on a number of cases under supervision of the Committee, in particular cases under enhanced supervision foreseen for examination at upcoming Human Rights meetings.

The DEJ carried out a mission to North Macedonia and held meetings with representatives of the Ministry of Justice, the Ministry of Labour and Social Policy and the Ministry of Interior and MPs. Discussions focused on key issues such as legal gender recognition (*X. case*), parental contact rights (*Mitovi* group), DNA data retention (*Trajkovski and Chipovski* case), ill-treatment in law enforcement and lack of effective investigations (*Kitanovski* group). Meetings were also held with the Ombudsman and civil society representatives involved in the execution process.

Online consultations regarding Romania's execution of the European Court's judgments were held between the DEJ and representatives from the Ministry of Justice and the Government Agent's Office. Discussions focused on the legislative solutions envisaged to implement the *Cegolea* case concerning electoral rights of national minorities in Romania. In addition, the DEJ held a tripartite meeting with the Court's Registry and the Romanian authorities to exchange views about the deficiencies identified by the Court in judgments concerning properties nationalised during the communist period and potential solutions to address these (*Văleanu and Others* and *Străin* group). A study visit was also organised by the DEJ for members of the

Government Agent Office of Romania, enabling in-depth exchanges on the supervision mechanism, rules and working methods of the Committee and best practices in preparing action plans/reports.

The Director of Human Rights and the DEJ carried out a mission to Belgrade to discuss with the Serbian authorities ways to move forward with the implementation of the European Court's judgments concerning non-enforcement or delayed enforcement of domestic judicial decisions given in the applicants' favour against socially/state-owned companies (*R. Kačapor* group). The Court's Registry and the Department for the Implementation of Human Rights, Justice and Legal cooperation standards also participated in this mission in the context of the cooperation programme on "Strengthening human rights protection in Serbia".

A delegation of the DEJ participated in a mission to Ljubljana to discuss cases pending against Slovenia, strengthen cooperation and raise awareness on the work, practice and procedures of the Committee of Ministers. The delegation met the members of the Project Unit for the coordination of the execution of the European Court's judgments at the Ministry of Justice. The delegation also had the opportunity to attend a meeting of the Inter-Ministerial working group for coordination of the execution of the Court's judgments. Separate meetings were held with representatives of the State Attorney's Office, the Ministry of Justice and the Ministry of Finance to discuss the implementation of the *Pintar and Others* case concerning the lack of an effective remedy to challenge or seek compensation for the national bank's extraordinary measures, cancelling the applicants' shares and bonds. Further, the *Dolenc* case, concerning a violation of a right to a fair trial due to the recognition of foreign judgments rendered in unfair proceedings, was discussed.

The DEJ held quarterly cooperation meetings with the Turkish authorities to exchange views on cases pending both under enhanced and standard supervision. Moreover, the DEJ held a meeting with the Head of the Legal Counsel Office of the Turkish Directorate of Migration Management, during which pending cases concerning migration issues were discussed in detail (*G.B and Others, Ghorbanov and Others, Batyrkhairov and Akkad*).

In 2023, the DEJ carried out several missions and participated in many events and activities to support and strengthen cooperation with the Ukrainian authorities for the full implementation of the European Court's judgments notwithstanding the extreme difficulties faced in the context of the full-scale aggression of the Russian Federation. These were not only to assist the authorities in identifying and adopting the relevant necessary measures but also to finalise submissions to the Committee.

The DEJ met a delegation of the Supreme Court of Ukraine to exchange views on cases scheduled for examination by the Committee of Ministers at its March Human Rights meeting concerning the following issues: structural problems relating to domestic detention practices (*Ignatov* group); ban on strikes (*Veniamin Tymoshenko*); independence of the prosecution service (*Lutsenko/Tymoshenko* group); irreducibility of life sentences (*Petukhov No.2* group).

In April, the DEJ organised a meeting in Warsaw of the Network of Experts on the implementation of the European Court's judgments by Ukraine, with the support

of the Council of Europe Co-operation Programmes Division. This gathering of the Network marked the first in-person meeting since the Russian Federation's full-scale aggression against Ukraine. Representatives from various Ukrainian government bodies, including the Ministry of Justice, the Supreme Court, the Prosecutor General's Office and the Ukrainian Parliament, exchanged ideas and shared information about the measures taken and underway to address long-standing, structural and complex problems identified by the European Court. Despite challenges posed by the ongoing conflict, participants reaffirmed their commitment to implementing the Court's judgments as part of Ukraine's European integration efforts. They agreed to continue meeting regularly to collaborate on solutions.

Later in the year, representatives from the DEJ also carried out a mission to Kyiv to discuss challenges and steps to be taken by the Ukrainian authorities in order to implement the Court's judgments. Discussions focused on issues such as the lack of efficiency of the administration of justice, the lack of judicial independence in matters relating to judicial discipline and careers, investigations into torture and ill-treatment, issues relating to migration and asylum, and domestic violence. Meetings were also held with the relevant authorities to talk specifically about measures taken to address the shortcomings identified in the pilot judgment *Yuriy Nikolayevich Ivanov* and more generally in the *Burmych and Others* group of cases related to the longstanding structural issue of the non-enforcement of domestic decisions.

The DEJ, in anticipation of the December Human Rights meeting of the Committee of Ministers and its examination of cases related to ineffective investigations into ill-treatment by law enforcement officers, organised a study visit for the Office of the Government Agent, the Office of the Prosecutor General, the Ministry of the Interior and the National Police of Ukraine. The aim of the visit was to strengthen the stakeholders' capacity to identify and implement measures to ensure effective investigations into torture and ill-treatment, as well as to foster better coordination and interaction between them.

Finally, the DEJ carried out a mission to London in March organised in cooperation with the Ministry of Justice to discuss pending cases against the United Kingdom. A hybrid training session on the Convention system, execution of judgments and best practices for drafting action plans/reports was held with the participation of the United Kingdom Ambassador to the Council of Europe. It was attended by 70 participants from across various ministries in England and Wales, Northern Ireland and Scotland as well as representatives from the Equality and Human Rights Commission. Separate meetings were held with policy leads (the Home Office, Northern Ireland Office, Scottish Government, Department of Justice in Northern Ireland, Crown Prosecution Service, Prosecution Service in Scotland, College of Policing) to discuss the status of execution of different cases. Those included *V.C.L. and A.N.* (human trafficking), *Catt* (police information retention), *Big Brother Watch and Others* (bulk interception legal regime), *McKerr* group (Northern Ireland Troubles issues), and *Gaughran* group (biometric material retention for arrested/convicted persons). Throughout the year, the DEJ held online quarterly meetings with the national coordinators in the Ministry of Justice to continue to discuss developments in all pending cases.

Other international organisations

In June, the DEJ held online meetings with staff of the Frontex Fundamental rights monitors team, who are deployed to the operational areas on behalf of the Fundamental Rights Officer (FRO), mandated with monitoring Frontex's implementation of its fundamental rights obligations in accordance with European Union and international law. In November, the DEJ met a delegation of the Frontex Fundamental rights monitors during their study visit to the Council of Europe. The exchanges focused on migration related issues in cases pending under the supervision of the Committee of Ministers.

In August, the DEJ participated in an online meeting between the Director of Human Rights and the EU Director-General of Justice and Consumers and other staff of the European Commission's Directorate-General for Justice and Consumers (DG JUST) on Rule of Law related issues pending in respect of Hungary and Poland.

The DEJ also participated in the Warsaw Human Dimension Conference organised by the Organisation for Security and Cooperation in Europe (OSCE) Office for Democratic Institutions and Human Rights (ODIHR). During the session on judicial independence, the DEJ stressed the importance of the standards set out in the European Court's case law, pointed out relevant cases, and highlighted civil society's crucial role not only at domestic level but also in proceedings before the European Court and through communications to the Committee of Ministers. The DEJ also took part in the Annual Trial Monitoring Meeting organised by the OSCE ODIHR in Skopje, where representatives of OSCE field operations and of CSOs shared experiences, challenges and good practices in the field of trial monitoring.

Finally, the DEJ organised a number of meetings and activities with the United Nations, and in particular with the Special Rapporteur on the situation of human rights in the Russian Federation, following instructions from the Committee to make every effort to ensure the execution of the European Court's judgments by the Russian Federation. These are summarised in detail in Chapter V on the supervision of the execution of cases against the Russian Federation.

B. Thematic events and round tables

In 2023, the DEJ participated in a round table on national capacity in Armenia to execute the European Court's judgments, held in Strasbourg at the same time as the opening session of the Interagency Committee coordinating the execution of judgments against Armenia, which had been established in 2021. The DEJ stressed the importance of regular meetings of this Interagency Committee and discussed various topics in cases pending against Armenia including notably: ill-treatment in law enforcement, hate crimes, health care in detention facilities, and freedom of assembly.

At the request of the Belgian authorities, in the context of the execution of the judgment *Vasilescu*, the DEJ organised a virtual round table on effective preventive remedies to complain about poor material conditions of detention, and in particular prison overcrowding. It provided a platform for a direct exchange of views and

experiences between representatives and experts from a number of states, which had either already set up such a remedy (Poland, Italy, Croatia and more recently, Greece and France) or were considering whether and how to do so (Belgium and Portugal).

The DEJ also participated in a round table organised by the Supreme Judicial Council of Bulgaria, aimed at presenting the experience of Bulgarian magistrates seconded to the DEJ for a period of one year. Alongside the round table, the DEJ held a meeting with the Bulgarian Government Agent's Office and representatives of Sofia City and District courts, to discuss the implementation of cases concerning a violation of the right to family life, on account of the deficient examination of a request to allow a child to travel abroad without the agreement of one of the parents (*Penchevi* case) and the failure to examine speedily a request for recognition and enforcement of the final custody judgment of a foreign court (*E.S.* case).

The DEJ was also present at an international conference in Prague, "Making Human Rights a Reality", to conclude a three-year project organised by the Czech authorities on the country's international human rights obligations.

The DEJ also participated in the International Conference on the Nicosia Convention: A Criminal Justice Response to Offences Relating to Cultural Property, where issues related to implementation of European Court judgments and evaluation methods used for awards of just satisfaction under the judgments were discussed.

The DEJ took part in a round table organised by the Greek Ministry of Justice and the Council of Europe Division for Cooperation in Police and Deprivation of Liberty, which provided a forum to exchange experiences on the functioning of the new judicial remedy enabling detainees to complain about their conditions of detention in prisons and police stations and to request improvement and compensation. The DEJ also participated in a meeting in Athens, Greece, which gathered 140 representatives of key stakeholders (including probation, prosecution, judges, Ministry of Justice, Ministry of Citizen Protection, Bar associations, local municipalities) to exchange views on the community service recently reintroduced in the Greek penitentiary system as one of the alternatives to imprisonment and ways to effectively put it in practice. Both events are relevant for the *Nisiotis* group concerning conditions of detention and the lack of an effective remedy for the same.

In the context of the joint EU-Council of Europe programme "Horizontal Facility for the Western Balkans and Türkiye" whose third phase began in January 2023, the DEJ participated in several thematic events. The first was a round table on the execution of the European Court's judgments and the External Oversight Mechanism (EOM) in Skopje, which focused on the achievements and challenges in the functioning of the EOM. Since 2018, the Council of Europe has assisted the national authorities in the process of establishing an independent and effective EOM in North Macedonia to oversee the work of the police and to improve investigations into excessive use of force by police agents (*Kitanovski* case). Second, representatives of the DEJ also took part in a round table in Belgrade on the issue of unlawful taking of DNA data in the context of criminal proceedings in Serbia (*Dragan Petrović* case). This event mainly focused on the *restitutio in integrum* of the applicant, since the relevant legislation governing DNA had already been aligned with the European Convention.

The Director of Human Rights and the DEJ participated in a round table in Belgrade on the execution of the *Zorica Jovanović* case concerning the authorities' failure to provide credible information as to the fate of "missing babies" following their alleged death in hospital wards. The event provided a platform for a constructive exchange between judges engaged in the implementation of the 2020 law setting-up the fact-finding mechanism. In the course of discussions, the Director of Human Rights invited the Serbian authorities to adopt promptly the foreseen amendments to the Law on National DNA Register which would set up a "missing babies" database.

Together with the highest levels of management of the judicial councils of all Western Balkans countries, the DEJ participated in the 5th Regional Conference on the Role of the judicial councils in ensuring a right to a fair and efficient court hearing, held in Split, Croatia. Discussions focused notably on the root causes of excessive length of judicial proceedings and effective ways to overcome them, including drawing on the experience of other states.

The DEJ took part in a seminar to present an assessment of the pre-trial detention situation in North Macedonia. This assessment was conducted to aid the full implementation of European Court judgments in the *Vasilkoski and Others* group, which dealt with insufficient reasoning for extending pre-trial detention and a lack of equality of arms in proceedings reviewing applicants' detention. The assessment, conducted by the non-governmental organisation Coalition All for Fair Trial and supported by the Council of Europe was carried out in cooperation with the Academy for Judges and Public Prosecutors of North Macedonia. The seminar was an opportunity to make recommendations, particularly related to the need for changes in judicial practice.

The DEJ participated in the 14th Warsaw Human Rights Seminar, dedicated to the topic of Human Rights in Situations of Crisis: Turning Challenging Circumstances into Opportunities, with the participation of the Director General of Human Rights and Rule of Law, presenting information on the challenges concerning the execution of cases against the Russian Federation.

The DEJ also participated in the roundtable "Preventing, Combating and Responding to Trafficking in Human Beings in the Context of Asylum and Migration" held in Slovenia, organised in cooperation with the UNHCR, the Ministry of the Interior of Slovenia and Society Ključ. The purpose of this event was to discuss challenges and practices in the identification and referral of victims of trafficking among asylum-seekers with national stakeholders and raise awareness about the relevant case-law of the European Court.

The DEJ participated in a number of round tables and discussions focussed on the major structural problem of non-enforcement or delayed enforcement of domestic judicial decisions in Ukraine. Representatives of the Office of the Agent of Ukraine before the European Court, the Ministry of Justice, the Ministry of Social Policy, the Ministry of Finance, the State Treasury as well as the Verkhovna Rada and the judiciary took part. Participants underlined the importance of eradicating this long-standing problem, updating the necessary national action plans and taking into account the growing challenges related to the on-going war as well as Ukraine's European integration.

The DEJ took part in the conference “United for Justice”, organised in Lviv. In its margins it held a number of meetings with the Ukrainian authorities – the Office of the Prosecutor General, the Supreme Court, the Office of the Ombudsperson, the Ministry of Justice and the Ministry of the interior – on execution of judgments concerning Ukraine and the means to strengthen work on the general measures required by judgments of the European Court.

The DEJ participated in the conference “The Role of the Judiciary in Overcoming the Challenges of War”, held in Lviv, organised by the Supreme Court of Ukraine in cooperation with the Council of Europe and the OSCE. The DEJ participated in two sessions: one on the execution of the European Court’s judgments on the enforcement of domestic courts’ decisions concerning social obligations; and one on the effective protection of rights of civilians in wartime, including compensation for damages caused by war. In the sidelines of that conference, the DEJ also held bilateral meetings with the President of the Supreme Court, the High Council of Justice, and the Deputy Minister of Social Policy. The parties discussed the developments and challenges related to the execution the *Burmych/Yuriy Nikolayevych Ivanov* group concerning the non-enforcement of domestic judicial decisions, and the *Oleksandr Volkov* group concerning the structural independence of the judiciary.

The DEJ also participated in a roundtable organised by Wilton Park, in the United Kingdom, on “Strengthening Human Rights in the Crisis of Peace and Security”. Moreover, the DEJ participated in a round table organised by the Bingham Centre with the participation of numerous CSOs based in London with the aim of creating awareness of the execution system and the role of civil society in the execution process.

The DEJ was also involved in the organisation and participated in the Conference “Subsidiarity principle: national implementation of the European Convention on Human Rights” organised under the aegis of the Icelandic Presidency of the Committee of Ministers. It provided an up-to-date overview and a forum for exchanges among member states on the support offered by the Council of Europe for the execution of judgments. On this point, the Director of Human Rights recalled that the Council of Europe remains ardently committed to supporting its member states in fulfilling their primary responsibility to secure the rights and freedoms set out in the Convention.

The DEJ took part in the conference of the European Police Network in Strasbourg dedicated to police activities in the context of violence and the use of force.

C. Synergies with co-operation programmes

Introduction to co-operation activities and Action Plans for states

Co-operation programmes play a crucial role in facilitating ongoing discussions with decision-makers at domestic level, promoting experience-sharing, enhancing national capacity-building, and disseminating relevant knowledge from various expert bodies within the Council of Europe, such as the CPT, CEPEJ, GRECO, ECRI, and Venice Commission. These programmes are essential in ensuring the adoption of appropriate and sustainable measures to address the issues highlighted in the European Court’s judgments.

The Directorate of Programme Coordination plays a significant role in guaranteeing that national Action Plans and other cooperation frameworks consistently incorporate suitable actions to address specific needs arising from the Court's judgments and the Committee of Ministers' supervision of their execution. National Action Plans serve as strategic programming instruments aimed at aligning a state's legislation, institutions, and practices with European standards in the areas of human rights, rule of law, and democracy. These Action Plans support a country's commitment to fulfilling its obligations as a member state of the Council of Europe. Currently, several Action Plans are being implemented.

The Council of Europe Action Plan for Armenia 2023-2026 was officially launched in Yerevan in February 2023 by the Deputy Secretary General of the Council of Europe and the Minister of Foreign Affairs of Armenia. In April 2023, the Action Plan for Ukraine "Resilience, Recovery, and Reconstruction" for the period 2023-2026 was presented in Kyiv. The primary objective of this plan is to contribute to Ukraine's stability, security, and prosperity by addressing immediate and medium-term needs during times of war and in the post-war period.

Furthermore, in 2023, Council of Europe Action Plans continued to be implemented in Azerbaijan (2022-2025), Bosnia and Herzegovina (2022-2025), Georgia (2020-2023), and the Republic of Moldova (2021-2024).

Targeted co-operation activities related to the execution of judgments

Throughout the years, the DEJ has maintained close contact with Council of Europe co-operation programmes to ensure that problems revealed in the European Court's judgments or during the execution process are taken into account where possible in Council of Europe programmes and co-operation activities.

In 2023, in the Reykjavik Declaration, Heads of State and Government committed to scaling up co-operation programmes to assist member states in the implementation of judgments, which may involve, as appropriate, states facing the same or similar issues in implementation, and to increase the synergy between the DEJ and the Council of Europe co-operation programmes.

In 2023, Council of Europe projects continued to provide targeted support for implementing the European Convention at the national, regional, and multilateral levels. This support focused on member states with a high number of applications before the European Court and those having systemic and repetitive issues requiring concrete action and a multilateral/thematic approach. Funding is mainly secured through voluntary contributions (through Action Plans or separately), the Human Rights Trust Fund (HRTF), or European Union funding tools: country-specific joint programmes, Partnership for Good Governance, Horizontal Facility, Technical Support Instruments. Occasional ordinary budget funding is reserved for stand-alone activities outside co-operation programmes (often where a quick intervention is necessary) and subject to the availability of funds. The European Union remains the Council of Europe's primary institutional partner in political, legal, and financial terms. Joint programmes between the European Union and the Council of Europe are viewed as key expressions of this strategic partnership and mutual commitment to promoting shared values.

In the design and implementation of co-operation projects, particular attention is given to the findings of the Court and priority is given to co-operation programmes assisting member states in the implementation of the Court's judgments. Co-operation programmes can therefore tackle substantial shortcomings identified in specific judgments of the Court and in the Committee of Ministers' decisions. The thematic scope of these programmes primarily covers issues within the mandate of the Directorate of Human Rights, including criminal justice, efficiency of the judiciary, prevention of torture, and access to justice. There are also programmes related to non-discrimination, education, Roma and Travellers and freedom of expression. Geographically, they cover all 46 member states; however, most projects related to the execution of the Court's judgments target non-EU member states, in particular the Western Balkans countries, the Eastern Partnership countries, and Türkiye. Some projects and activities aimed at increasing the efficiency of the judiciary are also being implemented in Bulgaria, Romania, and Latvia. The programmes are implemented in close coordination with the DEJ.

In 2023, the Council of Europe launched a new 18-month multilateral transversal project titled "Support to Efficient Domestic Capacity for the Execution of European Court of Human Rights Judgments (Phase 1)". The objective of this project is to strengthen the capacity of all 46 member states to fully, effectively, and promptly execute judgments of the European Court. The project will include a comprehensive study that examines the relevance of existing domestic execution mechanisms in light of Committee of Ministers' Recommendation CM/Rec(2008)2 on efficient domestic capacity for rapid execution of judgments. It will identify effective models and practices to enhance the execution process. Additionally, the project will facilitate the establishment of an "Execution Coordinators Network," which will serve as a platform for sharing experiences and knowledge among member states. The network aims to enable mutual support in the execution process. The Parliamentary Assembly Resolution 2494(2023) "Implementation of judgments of the European Court of Human Rights" called on state Parties to take full advantage of this project and to support the work aimed at establishing this Network.

Several events were organised in 2023 in the context of the "Improving the Protection of the Right to Property and Facilitating Execution of the European Court of Human Rights Judgments" and "Facilitating the Execution of ECtHR Judgments in Albania" actions, as well as the "Advancing the Protection from Discrimination in Albania" initiative within the "Horizontal Facility for the Western Balkans and Türkiye – Phase III" Joint Programme. These events were co-funded by the European Union and the Council of Europe and implemented by the Council of Europe. For instance, in February, representatives from Albanian local and central institutions gathered in Korça, with the attendance of a DEJ representative, to discuss practical measures to address segregation in schools and promote the integration of Roma and Egyptian children in education (*X. and Others*). In November, a regional forum on harmonising judicial practice with the case-law of the European Court was held in Tirana. This event emphasised the promotion of aligning domestic judicial practice with the case law of the European Court in cooperation with the Albanian High Judicial Council and the Supreme Court.

A workshop on practical issues related to the new Criminal Procedure Code and relevant case-law of the European Court was organised under the “Support to the Effective Execution of the Judgments of the European Court of Human Rights in Armenia” project. Funded by the HRTF and implemented as part of the Council of Europe Action Plan for Armenia (2023-2026), this initiative promoted discussions on the application of house arrest and compulsory measures according to the Court’s case law and national legislation.

The Steering Committee of the “Support for the Improvement of the Execution of the European Court Judgments by Azerbaijan” project convened for the first time in Baku in June. This project aims to assist in the revision of national practices to prevent and remedy human rights violations most frequently identified in the Court’s judgments. In the framework of that project, the DEJ also participated in November in an online meeting of the Working Group on the National Execution Strategy and Action Plan for the Execution of Judgments and Decisions of the European Court by the Republic of Azerbaijan. These events were conducted with the participation of representatives of the Administration of the President, the Parliament, the Constitutional Court, the Supreme Court, the Commissioner for Human Rights, the Prosecutor General’s Office, the Ministry of Justice, the Centre for Legal Examination and Legislative Initiatives, the Institute of Law and Human Rights and the Azerbaijani Bar Association. Discussions focussed on improving coordination during the execution process, resolving the backlog of cases, enhancing domestic monitoring by Parliaments, NHRIs and CSOs and ensuring adequate training for all stakeholders involved in executing the Court’s judgments.

In 2023, representatives from the Ministry of Justice and the judiciary of Bosnia and Herzegovina visited the Council of Europe, including the European Court. The purpose of this study visit was to foster dialogue between the Council of Europe and national stakeholders regarding the execution of the Court’s judgments and the importance of harmonising domestic case law. The study visit was organised within the framework of the project “Initiative for Legal Certainty and Efficient Judiciary in Bosnia and Herzegovina - Phase III”. The DEJ and the Director of Human Rights met with two Ministers of Justice from Bosnia and Herzegovina. Furthermore, in the context of that project, a discussion was held in Sarajevo with cantonal ministers of justice and their representatives to explore the introduction of a legal remedy against excessive delays in domestic courts proceedings.

Representatives of the Georgian Ministry of Justice, General Prosecutor’s Office and the Secretariat of the Parliament visited the Council of Europe in the framework of the project “Enhancing implementation of Human Rights Practices and Education in Georgia” with a view to enhancing the dialogue on the execution of judgments. The project aims to support the Georgian Parliament in effectively exercising its oversight function regarding the execution of the Court’s judgments against Georgia. In November, the final working group meeting was held on the National Strategy for the Execution of Judgments of the European Court and its corresponding Action Plan. The DEJ participated in both activities.

In collaboration with the Council of Europe, the inaugural meeting of the Advisory Council under the Government Agent of the Republic of Moldova took place in

November in Strasbourg with the participation of the DEJ. This meeting was held within the framework of the Council of Europe Action Plan for the Republic of Moldova, specifically the project “Strengthening the Human Rights Compliant Criminal Justice System in the Republic of Moldova”. The project aims to enhance national capacities to ensure the consistent application of the European Court’s case-law by national courts. It also focuses on preventing ill-treatment and torture, aligning pre-trial detention practices with the European Convention, and ensuring relevant human rights safeguards in criminal law and criminal procedure. The project is based on the Court’s judgments, including the *Şarban, Paladi, Modârca*, and *Boicenco* cases. The Advisory Council is expected to contribute to timely and effective implementation of the Court’s judgments in the Republic of Moldova through coordinated action of all national stakeholders and ensure the necessary high-level political support.

In 2023, the HRTF continued to support the execution of the Court’s judgments against Romania (*Bragadireanu* and *Țicu* groups) related to the provision of healthcare (including mental healthcare) in prisons within the project “Strengthening the provision of health care and mental health care in prisons in Romania”.

In August 2023, further to the DEJ mission to Belgrade on the same subject (referred to under *A. Enhanced dialogue* above), public discussions were held on amendments to the Serbian Law on the Right to Trial Within Reasonable Time as part of the state’s efforts to execute the *Kacapor and Others* group of cases. These discussions were organised within the framework of the action “Strengthening Human Rights Protection in Serbia”, implemented by the Council of Europe under the EU-Council of Europe Joint Programme “Horizontal Facility for the Western Balkans and Türkiye”.

As part of the EU-Council of Europe Joint Project on “Supporting the effective implementation of Turkish Constitutional Court judgments in the field of fundamental rights”, a delegation from the Turkish Constitutional Court carried out a study visit to Strasbourg. The project aims to strengthen the implementation of Turkish Constitutional Court judgments in the field of fundamental rights. The DEJ presented the execution process, the main Turkish cases under supervision of the Committee of Ministers and statistical information. The DEJ also drew the participants’ attention to examples of decisions where, in several groups of cases, the Committee welcomed the positive case-law of the Turkish Constitutional Court.

Under another EU-Council of Europe Joint Project “Strengthening the Criminal Justice System and the Capacity of Justice Professionals on Prevention of European Convention on Human Rights Violations in Türkiye,” a final conference was held in November 2023. This conference marked the culmination of the project, which aimed to enhance the criminal justice system and the capacity of justice professionals in Türkiye to prevent violations of the European Convention.

There are numerous co-operation projects ongoing regarding Ukraine, some of which will directly assist the authorities in executing pending cases related to structural and/or complex problems. Amongst other activities, in the framework of the “Fostering Human Rights in the Criminal Justice Field in Ukraine” and “Strengthening Ukrainian Law Enforcement Agencies during War and Post-War Period” projects, the DEJ held meetings with the leadership and representatives of the Qualification and Disciplinary Commission of Prosecutors, the Council of Prosecutors and the

Office of the Prosecutor General of Ukraine. The exchange focused notably on the progress made and outstanding issues for the implementation of the *Lutsenko* group of cases and in particular related to strengthening the independence of the prosecution service and individual autonomy of prosecutors, as well as the functioning of the prosecutorial self-governance and disciplinary bodies. The DEJ also met representatives of the investigative bodies of Ukraine including the National Police, the State Bureau of Investigations, the Office of the Prosecutor General and the State Security Service, to discuss outstanding issues related to the execution of the *Kaverzin/Afanasyev* group of cases. Issues of “zero tolerance” and prevention of torture or ill-treatment by the police and the conduct of effective investigations into such allegations were discussed. Special focus was put on the re-opening of investigations after a judgment of the European Court.

The DEJ also continued to collaborate with the Council of Europe projects accompanying Ukraine in its judicial and prison reforms: “Support to the functioning of justice in the war and post-war context in Ukraine” and “European Union and Council of Europe working together to support the Prison Reform in Ukraine Plus”. During an expert meeting on the Penitentiary reform in Ukraine, the DEJ focused on the progress made and outstanding issues for the implementation of the *Nevmerzhtsky/Sukachov* groups of cases pending since 2005. Among other things, participants discussed possible ways to reduce prison overcrowding, improve material conditions of detention as well as related remedies.

Continuous emphasis was also put on the development and accessibility of knowledge about Convention case-law at domestic level. The multilateral project “Enhancing Subsidiarity: Support to the ECHR Knowledge-sharing and Superior Courts Dialogue” was initiated, promoting the use of the European Court’s knowledge-sharing Platform (ECHR-KS), which has been available to the public since October 2022. Work continued to translate the ECHR-KS into non-official languages, support the Superior Courts Network and strengthen the legal professionals’ ability to identify and address Convention-related issues at national level.

D. Synergies with monitoring/advisory bodies and other relevant Council of Europe departments

The DEJ maintains contact with Council of Europe monitoring and advisory bodies to identify issues related to execution of the Court’s judgments which might be of common interest. In 2023, various initiatives were undertaken to ensure greater synergies between the DEJ and the other Council of Europe monitoring and advisory bodies.

The Convention’s effective implementation is at the core of the Commissioner for Human Rights’ mandate. In 2023, the Commissioner alerted member states on practices, legislation or reforms weakening the human rights protection provided by, or raising questions regarding their compliance with, the Convention and the Court’s case-law. The Commissioner also published thematic documents containing recommendations calling on member states to abide by the Convention and Court’s case-law. The Commissioner for Human Rights submitted Rule 9 communications to the Committee of Ministers in the context of the supervision of the execution of several

groups of judgments, including *Identoba and Others v. Georgia*, *Sejdić and Finci v. Bosnia and Herzegovina*, *McKerr v. United Kingdom*, and the case of *Ilias and Ahmed v. Hungary*.

The Parliamentary Assembly of the Council of Europe (PACE) continued its work in monitoring the implementation of the Court's judgments. In April 2023, the PACE Rapporteur published the 11th report on this subject, focusing on states with the highest number of cases pending before the Committee of Ministers, as well as inter-state cases and Article 18 judgments. Accompanied by a resolution and recommendation adopted by the PACE, the report urged member states to take prompt and effective measures for the execution of the Court's judgments. Additionally, in April 2023, the Assembly adopted a Resolution on the 'European Convention on Human Rights and national constitutions,' emphasising mutual understanding, respect, and judicial dialogue between domestic courts and the European Court to enhance the effectiveness of the Convention system.¹⁵

In November 2023, the Sub-Committee (of the Committee on Legal Affairs and Human Rights) on the Implementation of Judgments of the European Court of Human Rights convened in Zagreb to discuss how PACE members can further promote the execution of the Court's judgments. The Sub-Committee discussed potential new activities that may enhance the role of national parliamentarians and PACE in actively contributing to the implementation process, aligning with the objectives set forth in the Reykjavik Declaration. The DEJ took part in several hearings on the role of PACE and national parliamentarians in holding Governments to account for implementing European Court's judgments as well as the role of parliamentarians in proposing and driving through the necessary legislative and other reforms.

The Congress of Local and Regional Authorities has underlined its will to strengthen its contribution to the execution of judgments concerning the activities of local and regional authorities. To this end, the DEJ and the Secretariat of the Congress are in close contact and are exploring the areas in which actions from local authorities are required for the execution process.

The Committee of Ministers also regularly relied on the recommendations/reports of other Council of Europe monitoring and advisory bodies in the Notes on the Order of Business and decisions adopted during Human Rights meetings, where relevant to the execution process. These include for example the work of the European Commission against Racism and Intolerance (ECRI) in cases concerning minorities or discrimination, the European Commission for the Efficiency of Justice (CEPEJ) in cases concerning excessive length of proceedings, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) in cases related to poor conditions of detention or ill-treatment by police/law enforcement officers, the Venice Commission and the Group of States against Corruption (GRECO). Indeed, in 2023, the Venice Commission adopted a large number of opinions and reports in which it commented on human rights provisions in national constitutions and legislation, drawing on the Court's case-law as its main benchmark. Opinions contributed to the implementation of the Court's judgments. For example, in October the Venice Commission issued an Opinion with recommendations on the

15. [Resolution 2491\(2023\)](#), adopted on 25 April 2023.

draft amendments to the Constitution in Bulgaria which concerned, *inter alia*, the reform of the prosecution office in relation to the longstanding issues examined by the Committee of Ministers in the context of the execution of judgments against Bulgaria (*S.Z and Kolevi*). The reliance on the work of other bodies ensured a comprehensive approach to the execution of judgments and facilitated the exchange of expertise and best practices.

The DEJ contributed to the Pompidou Group of the Council of Europe Executive Course on drug-related policy and human rights focusing on cases relating to medical treatment in detention and implementation of judgments concerning substance use disorders.

The DEJ also took part in the meetings of the Committee of Experts on Strategic Lawsuits against Public Participation (MSI-SLP), having provided input on the jurisprudence of the European Court and implementation of its judgments in the area of freedom of expression and defamation.

In addition, the DEJ continued to be involved in the Council of Europe Electoral Cycle Platform, sharing information on the implementation of the Court's judgments concerning elections.

Finally, the DEJ regularly participated in events organised in the context of the HELP Programme (see separate sub-chapter F. below for further details).

E. Synergies with Civil society organisations (CSO) & National Human Rights Institutions (NHRI)

In the Reykjavik Declaration, Heads of States and Governments recognise the role of NHRIs and CSOs in monitoring compliance with the Convention and the European Court's judgments, and call for a review and further reinforcement of the Council of Europe outreach to, and meaningful engagement with them. To this end, the Committee of Ministers decided in December 2023 to make public its indicative annual planning for Human Rights meetings, in order to increase the efficiency and transparency of the supervision process and enable NHRIs and CSOs to plan ahead their interventions.

Throughout 2023, the DEJ organised several meetings and online consultations with NHRIs and CSOs involved in the execution process. During missions and visits to states, the DEJ tried to meet with civil society to raise awareness of the potential of their involvement in the implementation system. For example, the DEJ met with the Finnish Human Rights Centre in Helsinki, with the German Institute for Human Rights in Berlin, with UK NHRIs and CSOs in London, and with French NHRIs and CSOs in Paris who had submitted communications to the Committee of Ministers on the execution of French cases under enhanced supervision. The DEJ also met with the Ombudsman and civil society representatives in Skopje, the Ombudsman's Office in Baku, NHRIs and bar associations in Brussels, as well as with Slovenian CSOs in Ljubljana. Meetings were also held with the Georgian Public Defender's Office and CSOs; and the Ombudsman's office of Moldova. The DEJ also met with Romanian CSOs working for the protection and promotion of rights of people with disabilities or mental health conditions, Danish CSOs working on LGBTI rights as well as the Hungarian Helsinki Committee in relation to a number of judgments pending against Hungary.

In September 2023 the Department participated in the meeting of the RARE group (Recharging Advocacy Rights in Europe) at an event dedicated to networking in civil space and the rule of law. The DEJ also took part in a World Forum for Ukraine, organised under the auspices of the Council of Europe in Rzeszow, Poland, where it interacted with civil society involved in work on addressing consequences of aggression of the Russian Federation against Ukraine. The DEJ presented its work to assist Ukraine in full implementation of judgments and established contacts with a range of CSOs.

October 2023 was marked by the European Network of National Human Rights Institutions (ENNHRI) 10th anniversary conference *Advancing human rights, democracy and rule of law at a critical time in Europe: the role of NHRIs and ENNHRI*, which took place in Brussels with the attendance of the Director of Human Rights and the DEJ. It provided a forum where participants underlined the important role of NHRIs for the effective implementation of the European Court's judgments, not only by engaging with relevant domestic stakeholders and monitoring at national level, but also through communications submitted to the Committee.

The DEJ attended the sixth regional meeting in Copenhagen of National Preventive Mechanisms (NPMs) and CSOs on mental health in detention and presented the relevant principles arising from the European Court's jurisprudence, the supervision process, and examples of success stories in the implementation of cases concerning mental health in detention. The event explored risk factors for ill-treatment of detainees with mental health conditions and encouraged cooperation between NPMs, CSOs, and experts to identify and share best practices.

In November 2023, the DEJ organised a capacity-building seminar in cooperation with the ENNHRI and the European Implementation Network (EIN) attended by NHRIs from 18 member states. The aim of this training event was to enhance NHRIs' capacity to contribute to the implementation of the European Court's judgments. In December, the DEJ participated in an event organised by the CDDH on Council of Europe cooperation with ENNHRI and NHRIs.

The DEJ also participated in an event organised by the Council of Europe's Roma and Traveller Team which aimed at strengthening the co-operation with Roma and Traveller CSOs. The 16th Dialogue Meeting focused on the execution of Roma and Traveller-related judgments of the European Court with an accent on ineffective investigations into attacks against Roma and on discrimination in the enjoyment of right to education.

In addition, the DEJ continued collaboration with Russian civil society and CSOs, after facilitating an exchange of views with the Committee of Ministers in March 2023, in relation to pending cases concerning the Russian Federation and in September 2023, in relation to the execution of judgments related to human rights violations in the Transnistrian region of the Republic of Moldova. These are summarised in more detail in Chapter V on the supervision of the execution of cases against the Russian Federation.

The actions undertaken in 2023 helped lead to a record number of Rule 9 communications being submitted to the Committee. In total the Committee received 225

communications from CSOs, and 14 communications from NHRIs concerning a total of 33 states. However, efforts must be strengthened to ensure greater involvement of NHRIs in the execution of judgments and better transparency of the supervision process.

F. Human Rights Education for legal professionals

In 2023, the European Programme for Human Rights Education for Legal Professionals (HELP Programme) continued to provide invaluable support for the implementation of the European Court's judgments in the 46 member states. Its flexible methodology and reliance on a hybrid training format (face-to-face and online training) has proved crucial in supporting European Justice Training Institutions and legal professionals, and increasingly other professional groups. By the end of 2023, the number of users of the HELP online Platform reached 143 000 (32 000 new users joined the platform in 2023, compared to 20 000 in 2022). The top users of HELP courses in the reporting period came from France, Georgia, Greece, Italy, Spain, Romania, the Russian Federation, Türkiye, Ukraine and the United Kingdom.

The HELP Programme now has 51 online training courses in its catalogue, which deal with most Convention issues. In 2023, some 160 HELP courses were launched in 23 members states and beyond, with 8 300 legal professionals and students enrolled in the tutored courses.

HELP activities are usually tailored to the country's legal framework, including specific Convention issues raised in the national context. More than 600 national adaptations of HELP courses have already been carried out in member states and are available on the HELP platform. HELP courses related to the Rule of Law have been widely requested and contextualised at the national level such as Ethics for judges, prosecutors and lawyers; Procedural Safeguards in Criminal matters and Victims' Rights; Judicial Reasoning; Access to Justice for Women; and Freedom of expression.

In support of these efforts, the Committee of Ministers, in its decisions adopted during Human Rights meetings, frequently invites respondent states to take advantage of the various cooperation programmes and projects offered by the Council of Europe, including the HELP Programme.

In 2023, the HELP Programme, in close cooperation with the DEJ, launched and implemented national versions of the HELP online course on Introduction to the European Convention on Human Rights and the European Court of Human Rights (which includes a dedicated module on the execution of the European Court's judgments) in seven states for 14 groups of participants (gathering 674 legal professionals and 1 200 law students). This course is one of the most demanded by HELP users. The high number of participants is also due to the fact that some judicial training institutions (for example in Italy, Romania, Serbia, Spain, and Türkiye) have introduced the course for candidate judges and prosecutors, as part of their initial training.

This online course, developed with the Registry of the European Court and the DEJ, is now available in 29 language versions on the HELP online Platform and has 14 290 enrolled users (out of which 5 570 already completed it). In 2023, there were 3 290 new users enrolled in the various language versions of this course.

The DEJ exchanged with the HELP Consultative Board members on the need for a proactive attitude from member states, notably in order to develop parliamentary, executive and judicial capacity to respond to the European Court's case-law and ensure its dissemination. It was noted that HELP may be one of the major tools by which awareness raising and systematic training on Conventions may be pursued, in order to resolve especially persistent, structural or complex problems at national level.

Furthermore, in 2023 the DEJ actively participated in the HELP Annual Network Conference and other HELP events. For instance, the DEJ took part in the launch of the Greek version of the HELP course on Freedom of expression, the Croatian version of the HELP/UNHCR Course on Asylum and human rights and the Romanian version of the HELP course on Hate crime for Romanian prosecutors (in the context of the implementation of *M.C. and A.C., Association Accept and Others* and *Lingurar* cases). The DEJ also attended a meeting in Belgrade on the new "HELP in the Western Balkans" project, aimed at strengthening the execution of judgments in the region. Finally, the DEJ participated in the launch of the Labour Rights module for Polish and Lithuanian legal practitioners.

G. Media and Publications

In 2023, the DEJ continued to ensure transparent access to information about the supervision process, by publishing 75 news items on its website about its activities (67 in 2022), and 20 summaries of recent achievements in cases pending/closed by the Committee of Ministers (16 in 2022).

Thanks to an increasingly strong communication policy focused on transparency and visibility, the DGI Human Rights Twitter (X) account reached 6 720 followers at the end of 2023, 28% more than in 2022. Efforts to raise outside audience interest in the execution process were complemented by various improvements to the HUDOC-EXEC database, leading to the number of users of this tool reaching 128 050 in 2023, 30% more than in 2022 (98 846).

Moreover, the DEJ published four new thematic factsheets showcasing relevant examples of general and individual measures implemented by member states in the context of the execution of the European Court's judgments, on the following subjects: *Right to free elections*, *Excessive formalism by courts*, *Life imprisonment* and *Reproductive rights*. In addition, three previously published thematic factsheets were updated in 2023: *Effective investigations*, *Environment* and *Independence and Impartiality*. The thematic factsheets' webpage remains the most visited on the DEJ website, alongside the one dedicated to country factsheets.

In addition, the DEJ prepared and published 15 memoranda (H/Exec documents) providing assessment and analysis of issues concerning individual and/or general measures required in cases/groups of cases pending against six member states (Azerbaijan, Bulgaria, Georgia, Romania, Türkiye and Ukraine) and the Russian Federation. Lastly, in accordance with the *Strategy paper regarding the supervision of the execution of cases pending against the Russian Federation*, the DEJ created a public register of just satisfaction owing in all inter-state cases against the Russian Federation.

All of the statistics in this chapter relate only to member states and do not include the Russian Federation, which ceased to be a member of the Council of Europe as from 16 March 2022 and a Party to the Convention system as from 16 September 2022.

The distinction in the statistics, including from earlier years, is to give a clearer picture of the evolution of the new, pending and closed cases over the years.

As mentioned in more detail in Chapter II, the Court is increasingly issuing judgments which concern multiple joined applications. The supervision must continue and the case cannot be closed until individual redress has been provided to every applicant concerned. This may considerably prolong the length of the execution process.

A. State by state overview



Albania

In 2023, the Committee of Ministers received from the European Court 22 cases against Albania for supervision of their execution (compared to eight in 2022 and five in 2021).

On 31 December 2023, Albania had 54 cases pending execution (compared to 36 in 2022 and 31 in 2021), of which four were leading cases classified under enhanced procedure (as was the case in 2022 and compared to two in 2021), and 20 were leading cases classified under standard procedure. Of the leading cases under enhanced procedure, two have been pending for five years or more; similarly, seven of the leading cases under standard procedure have been pending for five years or more (compared to three in 2022 and two in 2021). The pending caseload includes cases concerning length of judicial proceedings; violations of the rights of a mentally ill person deprived of his liberty; and discrimination due to delayed and non-implemented desegregating measures in an elementary school. Of the new violations found by the Court in 2023, one case concerned an unfair trial in relation to vetting (re-evaluation) of a Supreme Court judge, and one case concerned the unlawful continued suspension of a prosecutor after termination of criminal proceedings against him relating to asset declarations.

In the course of 2023, the Committee of Ministers examined and adopted decisions in respect of two leading cases or groups of cases under enhanced procedure; one of these cases was examined by the Committee twice during the year. The Committee closed four cases, all of them under standard supervision. One repetitive case was closed because no further individual measures were necessary or possible. Notable advances, recognised by the Committee, in cases that are still pending include the fact that the individual constitutional complaint, the scope of which had been expanded in 2016, was recently considered by the European Court to be effective in principle in respect of all complaints alleging any breach of rights protected by the Convention.

The authorities submitted two action plans, four action reports and six communications. Updated action plans/action reports or communications containing additional information were awaited in respect of nine groups/cases, in which either the deadline set by the Committee of Ministers in this respect has expired (one case) or feedback was sent by the DEJ before 1 January 2023 (eight cases).

Finally, full payment of the just satisfaction awarded by the Court was registered in 11 cases in 2023, while confirmation of full payment and/or default interest was awaited in six cases for which the deadline indicated in the Court's judgment has passed since more than six months.



Andorra

On 31 December 2023, Andorra had no case pending execution (as was the case also in 2022 and 2021).



Armenia

In 2023, the Committee of Ministers received from the European Court 28 cases against Armenia for supervision of their execution (compared to 19 in 2022 and 22 in 2021).

On 31 December 2023, Armenia had 70 cases pending execution (compared to 57 in 2022 and 50 in 2021), of which six were leading cases classified under enhanced procedure (as was the case in 2022 and compared to five in 2021), and 20 were leading cases classified under standard procedure. Of the leading cases under enhanced procedure, five have been pending for five years or more; similarly, six of the leading cases under standard procedure have been pending for five years or more (compared to five in 2022 and four in 2021).¹⁶ The pending caseload includes notably cases concerning freedom of assembly, police ill-treatment and inadequate healthcare in prisons. Of the new violations found by the Court in 2023, one of them concerned the lack of access to court for a dismissed judge.

In the course of 2023, the Committee of Ministers examined and adopted decisions in respect of four leading cases or groups of cases under enhanced procedure. The Committee closed 15 cases, including one leading case under standard supervision. In addition, 10 repetitive cases were closed because no further individual measures were necessary or possible.

The authorities submitted 11 action plans, five action reports and eight communications. An updated action plan/action report containing additional information was awaited in one case, in which the deadline set by the Committee of Ministers in this respect has expired, and in another case in which feedback was sent by the DEJ before 1 January 2023.

Finally, full payment of the just satisfaction awarded by the Court was registered in 24 cases in 2023, while confirmation of full payment and/or default interest was

16. Of these cases, three leading cases under standard procedure were pending for more than 10 years.

awaited in one case for which the deadline indicated in the Court's judgment has passed since more than six months.



Austria

In 2023, the Committee of Ministers received from the European Court seven cases against Austria for supervision of their execution (compared to two in 2022 and seven in 2021).

On 31 December 2023, Austria had ten cases pending execution (compared to six in 2022 and 12 in 2021), of which six were leading cases classified under standard procedure. Of the leading cases under standard procedure, none have been pending for five years or more (as was the case also in 2022 and compared to two cases in 2021). Of the new violations found by the Court in 2023, four concerned access to and the efficient functioning of justice.

In the course of 2023, the Committee of Ministers closed three cases, including one leading case under standard supervision. The authorities submitted six action reports.

Finally, full payment of the just satisfaction awarded by the Court was registered in three cases in 2023, while confirmation of full payment and/or default interest was awaited in one case for which the deadline indicated in the Court's judgment has passed since more than six months.



Azerbaijan

In 2023, the Committee of Ministers received from the European Court 84 cases against Azerbaijan for supervision of their execution (compared to 49 in 2022 and 46 in 2021).

On 31 December 2023, Azerbaijan had 337 cases pending execution (compared to 285 in 2022 and 271 in 2021), of which 21 were leading cases classified under enhanced procedure (as was also the case in both 2022 and 2021), and 29 were leading cases classified under standard procedure. Of the leading cases under enhanced procedure, 14 have been pending for five years or more; similarly, 15 of the leading cases under standard procedure have been pending for five years or more (compared to 17 in 2022 and 18 in 2021).¹⁷ The pending caseload includes notably groups concerning *inter alia* arrest and detention found to constitute a misuse of criminal law with the intention to punish and silence the applicants; freedom of expression; lack of investigation into deaths of applicants' next of kin or their ill-treatment; and freedom of assembly and association. Of the new violations found by the Court in 2023, most of them concerned the right to freedom of association and some of them concerned the right to fair trial.

In the course of 2023, the Committee of Ministers examined and adopted decisions in respect of 10 leading cases or groups of cases under enhanced procedure; one of which was examined by the Committee in all four Human Rights meetings. The Committee closed 32 cases, including six leading cases under standard supervision. 16 repetitive cases were closed because no further individual measures were necessary or possible.

17. Of these cases, 12 leading cases under standard procedure were pending for more than 10 years.

Notable advances, recognised by the Committee, in cases that are still pending include the June 2023 amendments to the Law on the Judicial-Legal Council (JLC), which appear to respond to its calls in the *Mammadli* group, as well as the GRECO recommendations regarding the JLC's composition. The law now provides that no less than half of its members shall be judges who are directly elected or appointed by their peers, that it will no longer include a representative appointed by the President of Azerbaijan, that the Minister of Justice is no longer an *ex officio* member, and that the chairman of the JLC can now only be elected from amongst its judge members.

The authorities submitted 12 action plans, 24 action reports and eight communications. Initial action plans/action reports were awaited in respect of four groups despite the expiry of the extended deadline in this respect. Updated action plans/action reports containing additional information were awaited in respect of six groups, in which the deadline set by the Committee of Ministers in this respect has expired (five groups of cases) or feedback was sent by the DEJ before 1 January 2023 (one group).

Finally, full payment of the just satisfaction awarded by the Court was registered in 63 cases in 2023, while confirmation of full payment and/or default interest was awaited in 45 cases for which the deadline indicated in the Court's judgment has passed since more than six months.



Belgium

In 2023, the Committee of Ministers received from the European Court 15 cases against Belgium for supervision of their execution (compared to 19 in 2022 and 14 in 2021).

On 31 December 2023, Belgium had 36 cases pending execution (compared to 44 in 2022 and 37 in 2021), of which seven were leading cases classified under enhanced procedure (as was also the case in 2022 and five in 2021), and 13 were leading cases classified under standard procedure. Of the leading cases under enhanced procedure, four have been pending for five years or more; none of the leading cases under standard procedure have been pending for five years or more (compared to one in 2022 and two in 2021). The pending caseload includes notably cases concerning poor conditions of detention in prisons and the lack of an effective preventive remedy; the inappropriate detention of persons with psychiatric problems; the right to free elections and the lack of an effective remedy; and the excessive length of civil and criminal proceedings, in particular in the judicial area of Brussels. Of the new violations found by the Court in 2023, one case concerns the systemic failure of the executive authorities to enforce judicial decisions ordering them to give material assistance and accommodate asylum-seekers. The Court drew attention to the large number of applications pending before it with similar complaints and underlined under Article 46 the need for Belgium to take adequate measures to put an end to this situation.

In the course of 2023, the Committee of Ministers examined and adopted decisions in respect of three leading cases or groups of cases under enhanced procedure. The Committee closed 23 cases, including seven leading cases under standard supervision. In particular, it was possible to close one leading case concerning the right of seriously ill foreigners not to be subject to ill-treatment and non-respect of their

right to family life as a consequence of expulsion, following the adoption of internal instructions and the alignment of domestic case-law with the Convention. It was also possible to close another leading case following a detailed re-examination by the domestic courts of a European arrest warrant and its subsequent execution (an extradition to Spain).

The authorities submitted 12 action plans, 21 action reports and five communications. Updated action plans/action reports or communications containing additional information were awaited in respect of four groups/cases, in which feedback was sent by the DEJ before 1 January 2023.

Finally, full payment of the just satisfaction awarded by the Court was registered in 14 cases in 2023, while confirmation of full payment and/or default interest was awaited in five cases for which the deadline indicated in the Court's judgment has passed since more than six months.



Bosnia and Herzegovina

In 2023, the Committee of Ministers received from the European Court three cases against Bosnia and Herzegovina for supervision of their execution (compared to 23 in 2022 and 18 in 2021).

On 31 December 2023, Bosnia and Herzegovina had 31 cases pending execution (compared to 42 in 2022 and 34 in 2021), of which one was a leading case classified under enhanced procedure (as was the case in both 2022 and 2021), and 10 were leading cases classified under standard procedure. Of the leading cases under enhanced procedure, one has been pending for five years or more; similarly, five of the leading cases under standard procedure have been pending for five years or more (compared to three in 2022 and 2021).¹⁸ The pending caseload includes notably groups concerning ethnic discrimination in elections; delayed enforcement of domestic judgments; and the excessive length of judicial proceedings.

In the course of 2023, the Committee of Ministers examined and adopted decisions in respect of one group of cases under enhanced procedure which was examined three times during the year. The Committee closed 14 cases, including three leading cases under standard supervision. In particular, it was possible to close one leading case concerning a violation of the right to private life and degrading treatment by the police, following adoption of new legislation and by-laws. In addition, three repetitive cases were closed because no further individual measures were necessary or possible.

The authorities submitted 17 action plans, seven action reports and five communications.

Finally, full payment of the just satisfaction awarded by the Court was registered in eight cases in 2023, while confirmation of full payment and/or default interest was awaited in 13 cases for which the deadline indicated in the Court's judgment has passed since more than six months.

¹⁸. Of these cases, two leading cases under standard procedure were pending for more than 10 years.



Bulgaria

In 2023, the Committee of Ministers received from the European Court 31 cases against Bulgaria for supervision of their execution (compared to 37 in 2022 and 47 in 2021).

On 31 December 2023, Bulgaria had 166 cases pending execution (compared to 182 in 2022 and 164 in 2021), of which 32 were leading cases classified under enhanced procedure (compared to 30 in 2022 and 20 in 2021), and 56 were leading cases classified under standard procedure. Of the leading cases under enhanced procedure, 21 have been pending for five years or more; similarly, 30 of the leading cases under standard procedure have been pending for five years or more (compared to 32 in 2022 and 34 in 2021).¹⁹ The pending caseload includes notably cases/groups of cases concerning prison conditions; placement or living conditions in social care homes; the lack of independent investigation against the Chief Prosecutor; the lack of effective investigations; freedom of association; and police ill treatment. Of the new violations found by the Court in 2023, some concerned ethnically motivated expulsion of Roma from their homes and village; the failure to provide adequate protection to a minor victim of domestic violence; and the absence of any form of legal recognition and protection for same-sex couples.

In the course of 2023, the Committee of Ministers examined and adopted decisions in respect of 11 leading cases or groups of cases under enhanced procedure; one of these groups was examined by the Committee at every Human Rights meeting. The Committee closed 47 cases, including two leading cases under enhanced and 12 leading cases under standard supervision. In particular, it was possible to close, following legislative amendments, one leading case concerning freedom of expression and two leading cases concerning judicial review of the lawfulness of detention after conviction. In addition, nine repetitive cases were closed because no further individual measures were necessary or possible. Notable advances, recognised by the Committee, in cases that are still pending include legislative reforms which introduced the right to appeal against a prosecutorial decision to refuse the opening of criminal proceedings; a mechanism for independent investigation against a Chief Prosecutor; and the specific criminalisation of the crime of torture.

The authorities submitted 36 action plans, 30 action reports and five communications. Updated action plans/action reports or communications containing additional information were awaited in respect of 41 groups/cases, in which either the deadline set by the Committee of Ministers in this respect has expired (three cases/groups) or feedback was sent by the DEJ before 1 January 2023 (38 cases).

Finally, full payment of the just satisfaction awarded by the Court was registered in 63 cases in 2023, while confirmation of full payment and/or default interest was awaited in four cases for which the deadline indicated in the Court's judgment has passed since more than six months.

19. Of these cases, 11 leading cases under standard procedure were pending for more than 10 years.



Croatia

In 2023, the Committee of Ministers received from the European Court 26 cases against Croatia for supervision of their execution (compared to 38 in 2022 and 46 in 2021).

On 31 December 2023, Croatia had 67 cases pending execution (compared to 77 in 2022 and 79 in 2021), of which two were leading cases classified under enhanced procedure (as was also the case in both 2022 and 2021), and 25 were leading cases classified under standard procedure. Of the leading cases under enhanced procedure, one case has been pending for five years or more; similarly, five of the leading cases under standard procedure have been pending for five years or more (compared to six in 2022 and seven in 2021).²⁰ The pending caseload includes notably one group of cases concerning statutory limitations on use of property by landlords; one case concerning *inter alia*, collective expulsion of migrants; and one group of cases concerning excessive length of judicial proceedings. Of the new violations found by the Court in 2023, some of them concerned inadequate conditions of detention.

In the course of 2023, the Committee of Ministers examined and adopted decisions in respect of both groups of cases under the enhanced procedure; one of these groups was examined by the Committee twice during the year. The Committee closed 36 cases, of which five were leading cases under standard supervision. In particular, it was possible to close one leading case concerning the lack of impartiality of courts due to a change of domestic case-law and one leading case concerning the right of access to the Constitutional Court due to the costs of constitutional complaints, following the change of practice of the Constitutional Court. In addition, 17 repetitive cases were closed because no further individual measures were necessary or possible. Notable advances, recognised by the Committee, in cases that are still pending, include the establishment of an independent border monitoring mechanism, being the first of its kind in all member states.

The authorities submitted 16 action plans, 18 action reports and six communications.

Finally, full payment of the just satisfaction awarded by the Court was registered in 30 cases in 2023, while confirmation of full payment and/or default interest was awaited in one case for which the deadline indicated in the Court's judgment has passed since more than six months.



Cyprus

In 2023, the Committee of Ministers received from the European Court four cases against Cyprus for supervision of their execution (compared to three in 2022 and four in 2021).

On 31 December 2023, Cyprus had 13 cases pending execution (compared to 10 in 2022 and 13 in 2021), of which one was a leading case classified under enhanced procedure (as was the case in 2022 and compared to two in 2021), and nine were

²⁰. Of these cases, one leading case under standard procedure was pending for more than 10 years.

leading cases classified under standard procedure. The leading case under enhanced procedure has been pending for over five years; similarly, two of the leading cases under standard procedure have been pending for five years or more (compared to no cases in both 2022 and 2021). The pending caseload includes cases concerning poor conditions of detention, including pending deportation. Of the new violations found by the Court in 2023, some of them concerned the length of criminal proceedings and lack of an effective remedy in this respect.

The Committee closed one leading case under standard supervision. In particular, it was possible to close this case concerning unfair disciplinary proceedings before the Supreme Council of Judicature, following the adoption of new Procedural Rules by the Supreme Court.

The authorities submitted one action plan and four action reports. Updated action plans/reports were awaited in respect of four cases in which the feedback was sent by the DEJ before 1 January 2023.

Finally, full payment of the just satisfaction awarded by the Court was registered in four cases in 2023.



Czech Republic

In 2023, the Committee of Ministers received from the European Court five cases against the Czech Republic for supervision of their execution (compared to six in 2022 and four in 2021).

On 31 December 2023, the Czech Republic had eight cases pending execution (compared to seven in 2022 and six in 2021), of which one was a leading case classified under enhanced procedure (as was the case in both 2022 and in 2021), and four were leading cases classified under standard procedure. The only leading case under enhanced procedure has been pending for five years or more (as was the case in both 2022 and 2021); none of the leading cases under standard procedure have been pending for five years or more. The pending caseload includes cases concerning segregation of Roma children in education; the payment of compensation for expropriated property; and the excessive length of detention pending extradition. Of the new violations found by the Court in 2023, some of them concerned lack of effective investigations into alleged police ill-treatment or unfairness of civil proceedings.

In the course of 2023, the Committee of Ministers did not examine the only case against Czech Republic under enhanced procedure. The Committee closed four cases, including one leading case under standard supervision.

The authorities submitted three action plans and four action reports.

Finally, full payment of the just satisfaction awarded by the Court was registered in four cases in 2023.



Denmark

In 2023, the Committee of Ministers received from the European Court four cases against Denmark for supervision of their execution (compared to one in 2022 and three in 2021).

On 31 December 2023, Denmark had seven cases pending execution (compared to four in both 2022 and 2021), of which one was a leading case classified under the enhanced procedure (compared to none in both 2022 in 2021), and two were leading cases classified under the standard procedure. The pending caseload includes notably one case concerning the disproportionate interference in two children's right to private life following refusal to allow their adoption by their intended mothers after being born abroad through surrogacy. Most of the new violations found by the Court in 2023 concern disproportionate expulsion orders with long-term or permanent entry bans of settled migrants with criminal convictions.

Following legislative amendments, the Committee closed one leading case under standard supervision, which concerned the unjustified statutory waiting-time of three years for family reunification for persons benefitting from temporary protection. The authorities submitted one action plan and three action reports.

Finally, full payment of the just satisfaction awarded by the Court was registered in two cases in 2023.



Estonia

In 2023, the Committee of Ministers received from the European Court two cases against Estonia for supervision of their execution (compared to four in 2022 and three in 2021).

On 31 December 2023, Estonia had three cases pending execution (as was the case in 2022 and compared to one in 2021), of which two were leading cases classified under standard procedure. The pending caseload includes cases concerning insufficient procedural safeguards to protect lawyer-client privileged data and the failure to conduct an effective investigation into sexual abuse. Of the new violations found by the Court in 2023, one of them concerned poor conditions of detention on remand and excessive restrictions on family visits.

In the course of 2023, the Committee of Ministers closed two cases, both leading under standard supervision. The authorities submitted three action reports.

Finally, full payment of the just satisfaction awarded by the Court was registered in two cases in 2023.



Finland

In 2023, the Committee of Ministers did not receive from the European Court any cases against Finland for supervision of their execution (as was the case in 2022 and 2021).

On 31 December 2023, Finland had six cases pending execution (compared to 18 in both 2022 and 2021), of which one was a leading case classified under enhanced procedure (as was the case in both in 2022 and 2021), and one was a leading case classified under standard procedure. The leading case under enhanced procedure has been pending for five years or more; similarly, the leading case under standard procedure has been pending for five years or more (compared to eight in both 2022 and 2021). The pending caseload includes notably one case concerning the lack of adequate legal safeguards for extension of involuntary confinement in psychiatric hospitals and the forcible administration of medication.

In the course of 2023, the Committee of Ministers examined and adopted decisions in respect of one leading case under enhanced procedure. The Committee closed 12 cases, including seven leading cases under standard supervision. In particular, it was possible to close one group of cases concerning freedom of expression, following amendments to the Criminal Code and adjustment of the practice of domestic courts to align with Convention requirements. The authorities submitted two action plans and 12 action reports.



France

In 2023, the Committee of Ministers received from the European Court 17 cases against France for supervision of their execution (compared to 21 cases in 2022 and 14 in 2021).

On 31 December 2023, France had 42 cases pending execution (compared to 39 in 2022 and 32 in 2021), of which five were leading cases classified under enhanced procedure (as was the case in 2022 and compared to four in 2021), and 15 were leading cases classified under standard procedure. Of the leading cases under enhanced procedure, one has been pending for five years or more; similarly, three of the leading cases under standard procedure have been pending for five years or more (compared to four in both 2022 and 2021).²¹ The pending caseload includes notably cases concerning the protection of unaccompanied migrant children (including their expulsion from Mayotte); poor conditions of detention in prisons and the lack of an effective preventive remedy; the expulsion of foreigners convicted for terrorist offences despite interim measures indicated by the European Court; and the lack of safeguards against arbitrariness in the examination of requests to repatriate women of French nationality and their children from camps in Syria. Of the new violations found by the Court in 2023, one concerned the procedure surrounding the potential extradition of an individual towards an African country without consideration of the new political and constitutional context that had taken place.

In the course of 2023, the Committee of Ministers examined and adopted decisions in respect of four leading cases or groups of cases under enhanced procedure. The Committee closed 14 cases, including nine leading cases under standard supervision. In particular, it was possible to close one leading case concerning freedom of expression in the context of a call to boycott Israeli products, following a circular

21. Of these cases, one leading case under standard procedure was pending for more than ten years.

stating that prosecution should only take place in case of speech inciting hatred or violence. In addition, four cases concerning use of force by police officers were closed, following legislative amendments, new regulations and the organisation of training.

The authorities submitted eight action plans, 19 action reports and three communications. Updated action plans/action reports or communications containing additional information were awaited in respect of five groups/cases, in which either the deadline set by the Committee of Ministers in this respect has expired (one group and one case) or feedback was sent by the DEJ before 1 January 2023 (three cases).

Finally, full payment of the just satisfaction awarded by the Court was registered in 24 cases in 2023, while confirmation of full payment and/or default interest was awaited in two cases for which the deadline indicated in the Court's judgment has passed since more than six months.



Georgia

In 2023, the Committee of Ministers received from the European Court 15 cases against Georgia for supervision of their execution (compared to 10 in 2022 and 12 in 2021).

On 31 December 2023, Georgia had 78 cases pending execution (compared to 68 in 2022 and 63 in 2021), of which seven were leading cases classified under enhanced procedure (compared to six in 2022 and five in 2021), and 20 were leading cases classified under standard procedure. Of the leading cases under enhanced procedure, five have been pending for five years or more; similarly, eight of the leading cases under standard procedure have been pending for five years or more (compared to five in 2022 and four in 2021).²² The pending caseload includes notably cases and groups of cases concerning ill-treatment, hate crimes and domestic violence, as well as ineffective investigations into them; a restriction of the right to liberty and security for purposes not prescribed by the Convention; violations of the freedom of assembly of LGBTI persons; violations of freedom of religion and the right to a fair trial. Of the new violations found by the Court in 2023, most of them concern violations of the applicants' rights to freedom of assembly.

In the course of 2023, the Committee of Ministers examined and adopted decisions in respect of four groups of cases under enhanced procedure. The Committee closed five cases, including four leading cases under standard supervision. In particular, following the legislative changes and development of the practice of the domestic courts, it was possible to close leading cases concerning no punishment without law, judicial reviews of decisions refusing judicial appointment and the reasoning of the appeal court's decision in a jury trial case. In addition, one repetitive case was closed because no further individual measures were necessary or possible. Notable advances, recognised by the Committee, in cases that are still pending include measures taken to enhance both preventive and protection mechanisms for the victims of domestic violence.

22. Of these cases, two leading cases under standard procedure were pending for more than 10 years.

The authorities submitted four action plans, eight action reports and two communications. Updated action plans/action reports or communications containing additional information were awaited in respect of three cases, in which feedback was sent by the DEJ before 1 January 2023.

Finally, full payment of the just satisfaction awarded by the Court was registered in 12 cases in 2023, while confirmation of full payment and/or default interest was awaited in three cases for which the deadline indicated in the Court's judgment has passed since more than six months.



Germany

In 2023, the Committee of Ministers received from the European Court three cases against Germany for supervision of their execution (compared to two in 2022 and five in 2021).

On 31 December 2023, Germany had 12 cases pending execution (compared to 14 in 2022 and 16 in 2021), of which one was a leading case classified under enhanced procedure (compared to no cases in 2022 and 2021), and nine were leading cases classified under standard procedure. Of the leading cases under standard procedure, four have been pending for five years or more (compared to six in 2022 and three in 2021). The pending caseload includes notably one case concerning ineffective investigations into allegations of racial profiling.

In the course of 2023, the Committee of Ministers closed five cases, including four leading cases under standard supervision. In particular, it was possible to close a leading case concerning the adequate medical treatment of detainees with drug substitution therapy, following the adaptation of administrative practices in prisons.

The authorities submitted one action plan and two action reports.



Greece

In 2023, the Committee of Ministers received from the European Court 35 cases against Greece for supervision of their execution (compared to 25 in 2022 and 29 in 2021).

On 31 December 2023, Greece had 70 cases pending execution (as was the case in 2022 and compared to 93 in 2021), of which seven were leading cases classified under enhanced procedure (as was the case in both 2022 and 2021), and 20 were leading cases classified under standard procedure. Of the leading cases under enhanced procedure, six have been pending for five years or more; similarly, seven of the leading cases under standard procedure have been pending for five years or more (as was also the case in 2022 and compared to twelve in 2021).²³ The pending caseload includes notably cases concerning poor conditions of detention in prisons, freedom of association and police ill-treatment and ineffective investigations. Of the new violations found by the Court in 2023, six concerned the reception conditions

²³. Of these cases, three leading cases under standard procedure were pending for more than 10 years.

of asylum-seekers and/or the lack of an effective remedy for the same and two concerned the presumption of innocence.

In the course of 2023, the Committee of Ministers examined and adopted decisions in respect of five leading cases or groups of cases under enhanced procedure; one of these groups was examined by the Committee at least twice during the year. The Committee closed 35 cases, including two leading cases under enhanced and six leading cases under standard supervision. In particular, it was possible to close one leading case, concerning unaccompanied minors following the legislative measures abolishing protective custody and the adoption of organisational measures that led to the establishment of a Special Secretariat for the protection of unaccompanied minors. It was also possible to close one leading case concerning discriminatory deprivation of inheritance following legislative measures. In addition, seven repetitive cases were closed because no further individual measures were necessary or possible. Notable advances, recognised by the Committee, in cases that are still pending, include the adoption of legislative measures providing for the automatic lifting of expropriation orders from properties which had been under restrictions for a long period of time.

The authorities submitted three action plans, 11 action reports and five communications. Updated action plans/action reports or communications containing additional information were awaited in respect of 11 groups/cases in which feedback was sent by the DEJ before 1 January 2023.

Finally, full payment of the just satisfaction awarded by the Court was registered in 35 cases in 2023.



Hungary

In 2023, the Committee of Ministers received from the European Court 69 cases against Hungary for supervision of their execution (compared to 63 in 2022 and 52 in 2021).

On 31 December 2023, Hungary had 165 cases pending execution (compared to 219 in 2022 and 265 in 2021), of which 18 were leading cases classified under enhanced procedure (compared to 14 in both 2022 and 2021), and 26 were leading cases classified under standard procedure. Of the leading cases under enhanced procedure, nine have been pending for five years or more; similarly, 13 of the leading cases under standard procedure have been pending for five years or more (compared to 18 in 2022 and 22 in 2021).²⁴

The pending caseload includes notably one case concerning the premature termination of the applicant's mandate as President of the former Supreme Court (lack of access to court and freedom of expression). It also includes cases concerning poor conditions of detention in prisons and the lack of effective remedies in this respect; excessive length of judicial proceedings and the lack of effective remedies; ill-treatment by law enforcement officers and ineffective investigations (one of which related to applicants of Roma origin, one to border control operations); migration

²⁴. Of these, seven leading cases under standard procedure were pending for more than 10 years.

and asylum issues, including the prohibition of collective expulsions; the lack of safeguards against abuse in legislation on secret surveillance; life sentences without parole in combination with the lack of an adequate review mechanism; discrimination against Roma children in public education; the discriminatory restriction of voting rights of applicants belonging to recognised national minorities; and the lack of a domestic regulatory framework for legal gender recognition. Of the new violations found by the Court in 2023, most concerned lengthy judicial proceedings and violations of the rights of asylum-seekers during detention.

In the course of 2023, the Committee of Ministers examined and adopted decisions in respect of five leading cases or groups of cases under enhanced procedure; one case was examined by the Committee at least twice during the year.

The Committee closed 123 cases, including one leading case under enhanced and five leading cases under standard supervision. In particular, it was possible to close one group of cases concerning violations of the right to protection of property in connection with disability benefits, following legislative amendments. In addition, 27 repetitive cases were closed because no further individual measures were necessary or possible. Notable advances, recognised by the Committee, in cases that are still pending include the entry into force on 1 January 2022 of a compensatory remedy for excessively lengthy contentious civil proceedings, considered to be effective by the European Court in March 2023.

The authorities submitted five action plans, 18 action reports and seven communications. Updated action plans/action reports or communications containing additional information were awaited in respect of three groups/cases, in which either the deadline set by the Committee of Ministers in this respect has expired (one case) or feedback was sent by the DEJ before 1 January 2023 (two cases).

Finally, full payment of the just satisfaction awarded by the Court was registered in 103 cases in 2023, while confirmation of full payment and/or default interest was awaited in 14 cases for which the deadline indicated in the Court's judgment has passed since more than six months.



Iceland

In 2023, the Committee of Ministers received from the European Court no cases against Iceland for supervision of their execution (compared to three in 2022 and seven in 2021).

On 31 December 2023, Iceland had no cases pending execution (compared to five in 2022 and six in 2021). In the course of 2023, the Committee closed five cases, including one leading case under standard supervision which concerned the failure to inform the applicant of criminal charges against him and delay in providing access to legal assistance, further to the issuing of instructions and capacity building measures. In addition, one repetitive case was closed because no further individual measures were necessary or possible.

In the course of 2023, the authorities submitted three action reports.

 **Ireland**

In 2023, the Committee of Ministers received from the European Court no case against Ireland for supervision of its execution (as was also the case in 2022 and compared to three cases in 2021).

On 31 December 2023, Ireland had two cases pending execution (as was also the case in 2022 and compared to five in 2021), of which one was a leading case classified under the enhanced procedure (as was the case both in 2022 and 2021), and one was a leading case classified under the standard procedure. Both the leading cases have been pending for five years or more (as was the case in 2022 and 2021). The pending caseload includes notably one case concerning the lack of an effective remedy for excessive length of judicial proceedings.

In the course of 2023, the Committee of Ministers examined and adopted decisions in respect of one leading case under the enhanced procedure.

The authorities submitted two action plans and one communication.

 **Italy**

In 2023, the Committee of Ministers received from the European Court 87 cases against Italy for supervision of their execution (compared to 49 in 2022 and 59 in 2021).

On 31 December 2023, Italy had 249 cases pending execution (compared to 187 in 2022 and 170 in 2021), of which 27 were leading cases classified under enhanced procedure (compared to 23 in both 2022 and 2021), and 36 were leading cases classified under standard procedure. Of the leading cases under enhanced procedure, 14 have been pending for five years or more; similarly, 19 of the leading cases under standard procedure have been pending for five years or more (compared to 15 in 2022 and 16 in 2021).²⁵ The pending caseload includes notably cases concerning issues related to the impossibility for whole life prisoners to be eligible for release on parole in the absence of their cooperation with the judicial authorities; the authorities' lack of reaction to air pollution to the detriment of the surrounding population's health; the ineffective and delayed handling of complaints concerning domestic violence; and the detention of persons with mental health conditions in ordinary prisons due to the lack of sufficient capacity in specialised institutions to host them. Of the new violations found by the Court in 2023, some concerned the unlawful detention of migrants at an Early Reception Centre in poor conditions and their collective expulsion.

In the course of 2023, the Committee of Ministers examined and adopted decisions in respect of seven leading cases/groups of cases under enhanced procedure. The Committee closed 25 cases, including two leading cases under standard supervision. In particular, it was possible to close one leading case in standard procedure following the amendment of the Code of Criminal Procedure introducing the possibility

25. Of these cases, five leading cases under standard procedure were pending for more than 10 years.

of judicial review of the lawfulness and necessity of search warrants issued by the public prosecutor. In addition, 23 repetitive cases were closed because no further individual measures were necessary or possible. Notable advances, recognised by the Committee, in cases that are still pending include the legislative reform of the Prison Administration Act which introduced the possibility for prisoners who fail to cooperate with the justice system to be eligible for release on parole.

The authorities submitted six action plans, 18 action reports and 17 communications. Initial action plans/action reports were awaited in respect of eight groups/cases despite the expiry of the extended deadline in this respect. Updated action plans/action reports or communications containing additional information were awaited in respect of 18 groups/cases, in which either the deadline set by the Committee of Ministers in this respect has expired (four cases) or feedback was sent by the DEJ before 1 January 2023 (14 cases/groups).

Finally, full payment of the just satisfaction awarded by the Court was registered in 15 cases in 2023, while confirmation of full payment and/or default interest was awaited in 73 cases for which the deadline indicated in the Court's judgment has passed since more than six months.



Latvia

In 2023, the Committee of Ministers received from the European Court two cases against Latvia for supervision of their execution (compared to four in 2022 and three in 2021).

On 31 December 2023, Latvia had eight cases pending execution (as was the case also in 2022 and compared to nine in 2021), all of which were leading cases classified under standard procedure. The pending caseload includes notably cases concerning the right to a fair trial; freedom of association; and the lack of safeguards for search and seizure of a lawyer's computer containing privileged information. Of the new violations found by the Court in 2023, one of them concerned the failure of domestic authorities to take necessary and timely steps to enforce the applicants' contact rights with his daughter.

In the course of 2023, the Committee of Ministers closed two leading cases under standard supervision. The authorities submitted one action plan, five action reports and one communication.

Finally, full payment of the just satisfaction awarded by the Court was registered in four cases in 2023.



Liechtenstein

On 31 December 2023, Liechtenstein had no cases pending execution (as was also the case in 2022 and compared to two cases in 2021).

 **Lithuania**

In 2023, the Committee of Ministers received from the European Court five cases against Lithuania for supervision of their execution (compared to 12 in 2022 and seven in 2021).

On 31 December 2023, Lithuania had 34 cases pending execution (compared to 38 in 2022 and 32 in 2021), of which three were leading cases classified under enhanced procedure (compared to two in 2022 and three in 2021), and 18 were leading cases classified under standard procedure. Of the leading cases under enhanced procedure, two have been pending for five years or more; similarly, five of the leading cases under standard procedure have been pending for five years or more (compared to one in both 2022 and 2021). The pending caseload includes notably cases concerning “extraordinary rendition” operations; failure of border guards to accept applicants’ asylum applications; poor conditions of detention; and the unjustified refusal to exempt a conscientious objector, a Jehovah’s witness, from compulsory military service. Of the new violations found by the Court in 2023, one of them concerned the lack of legitimate aim for temporary suspension of a children’s fairy tale book depicting same-sex relationships and its subsequent labelling as harmful to minors.

In the course of 2023, the Committee of Ministers examined and adopted decisions in respect of two leading cases under enhanced procedure. The Committee closed nine cases, including two leading cases under standard supervision. In addition, three repetitive cases were closed because no further individual measures were necessary or possible.

The authorities submitted ten action plans, five action reports and five communications.

Finally, full payment of the just satisfaction awarded by the Court was registered in six cases in 2023.

 **Luxembourg**

In 2023, the Committee of Ministers received from the European Court one case against Luxembourg for supervision of its execution (compared to three cases in 2022 and none in 2021).

On 31 December 2023, Luxembourg had four cases pending execution (compared to three cases in 2022 and no case in 2021), of which two were leading cases classified under the standard procedure. The pending caseload includes a group of cases concerning excessive formalism of the Court of Cassation. The new violation found by the Court in 2023 concerned freedom of expression, more specifically the protection of whistleblowers.

In the course of 2023, the Committee did not close any cases concerning Luxembourg. The authorities submitted one action report.

Finally, full payment of the just satisfaction awarded by the Court was registered in three cases in 2023.



Malta

In 2023, the Committee of Ministers received from the European Court 15 cases against Malta for supervision of their execution (compared to 12 in 2022 and 11 in 2021).

On 31 December 2023, Malta had 57 cases pending execution (compared to 46 in 2022 and 39 in 2021), of which six were leading cases classified under enhanced procedure (compared to five in both 2022 and 2021), and nine were leading cases classified under standard procedure. Of the leading cases under enhanced procedure, three have been pending for five years or more; similarly, four of the leading cases under standard procedure have been pending for five years or more (compared to two in both 2022 and 2021).²⁶ The pending caseload includes notably cases concerning excessive length of criminal and constitutional redress proceedings; the operation of rent control legislation related to requisitioned properties and indefinite extension of private leases; and detention in view of deportation. Of the new violations found by the Court in 2023, one of them concerned the refusal of the applicant's asylum requests without an assessment of his claim as to the risk faced on his return to Bangladesh and lack of access to an effective remedy.

In the course of 2023, the Committee of Ministers examined and adopted decisions in respect of one leading case under enhanced procedure. The Committee closed four cases, including two leading cases under standard supervision. In particular, it was possible to close one leading case concerning unlawful interference with freedom of expression following legislative amendments. In addition, two repetitive cases were closed because no further individual measures were necessary or possible.

The authorities submitted seven action plans, six action reports and one communication.

Finally, full payment of the just satisfaction awarded by the Court was registered in ten cases in 2023, while confirmation of full payment was awaited in one case for which the deadline indicated in the Court's judgment has passed since more than six months.



Republic of Moldova

In 2023, the Committee of Ministers received from the European Court 29 cases against the Republic of Moldova for supervision of their execution (compared to 37 in 2022 and 54 in 2021).

On 31 December 2023, the Republic of Moldova had 162 cases pending execution (compared to 153 in 2022 and 170 in 2021), of which nine were leading cases classified under enhanced procedure (compared to seven in both 2022 and 2021), and 36 were leading cases classified under standard procedure. Of the leading cases under enhanced procedure, six have been pending for five years or more; similarly, 21 of the leading cases under standard procedure have been pending for five years

²⁶ Of these cases, one leading case under standard procedure was pending for more than 10 years.

or more (compared to 20 in 2022 and 25 in 2021).²⁷ The pending caseload includes notably cases concerning freedom of expression, poor conditions of detention, police ill-treatment, lack of medical care in detention and domestic violence. Of the new violations found by the Court in 2023, one concerned unfair disciplinary proceedings against a judge and one concerned forced abortions and birth control measures imposed upon persons with intellectual disabilities.

In the course of 2023, the Committee of Ministers examined and adopted decisions in respect of five leading cases or groups of cases under enhanced procedure. The Committee closed 20 cases, including six leading cases under enhanced and 14 leading cases under standard supervision. In particular, it was possible to close one leading case concerning ineffective investigations into an assault motivated by homophobia, following legislative amendments and changes of administrative practices. In addition, seven repetitive cases were closed because no further individual measures were necessary or possible.

The authorities submitted 15 action plans, 12 action reports and four communications. An updated action plan containing additional information was awaited in respect of one group, in which the deadline set by the Committee of Ministers in this respect has expired.

Finally, full payment of the just satisfaction awarded by the Court was registered in 31 cases in 2023.



Monaco

In 2023, the Committee of Ministers did not receive from the European Court any case against Monaco for supervision of its execution (as was the case in 2022 and compared to one in 2021).

On 31 December 2023, Monaco had no case pending execution (compared to one in 2022 and none in 2021).

In the course of 2023, the Committee closed one case which was a friendly settlement to register an association.



Montenegro

In 2023, the Committee of Ministers received from the European Court four cases against Montenegro for supervision of their execution (compared to six in 2022 and four in 2021).

On 31 December 2023, Montenegro had six cases pending execution (compared to nine in 2022 and seven in 2021), of which three were leading cases classified under standard procedure. Of the leading cases under standard procedure, one has been pending for five years or more (compared to one in 2022 and 2021). The pending

²⁷ Of these cases, 17 leading cases under standard procedure were pending for more than 10 years.

caseload includes notably one group concerning ineffective investigations into police ill-treatment and one case concerning excessive length of proceedings before the Constitutional Court.

In the course of 2023, the Committee closed seven cases, including two leading cases under standard supervision. In particular, it was possible to close one leading case concerning deprivation of property in the absence of compensation, following a change of the case-law of the Supreme Court.

The authorities submitted seven action plans and three action reports.

Finally, full payment of the just satisfaction awarded by the Court was registered in five cases in 2023.



Netherlands

In 2023, the Committee of Ministers received from the European Court seven cases against the Netherlands for supervision of their execution (compared to four in 2022 and seven in 2021).

On 31 December 2023, the Netherlands had seven cases pending execution (compared to four in 2022 and 10 in 2021), of which one was a leading case classified under enhanced procedure (as was the case also in 2022 and in 2021), and four were leading cases classified under standard procedure. The one leading case under enhanced procedure has been pending for five years or more; similarly, one of the leading cases under standard procedure has been pending for five years or more (as was the case also in 2022 and compared to two cases in 2021). The pending caseload includes notably one case concerning poor conditions of detention and one case concerning the de facto irreducibility of a life sentence. Of the new violations found by the Court in 2023, one concerned the revocation of the residence permit of a long-term settled migrant with mental illness.

In the course of 2023, the Committee of Ministers examined and adopted decisions in respect of one leading case under enhanced procedure. The Committee closed four cases under standard supervision. Notable advances, recognised by the Committee, in cases that are still pending include the imminent creation of a prison administration system and the improvement of material conditions of detention in Sint Maarten. The authorities submitted two action plans, one action report, and one communication.

Finally, full payment of the just satisfaction awarded by the Court was registered in six cases in 2023.



North Macedonia

In 2023, the Committee of Ministers received from the European Court 20 cases against North Macedonia for supervision of their execution (compared to 10 in 2022 and 20 in 2021).

On 31 December 2023, North Macedonia had 33 cases pending execution (compared to 29 in 2022 and 47 in 2021), of which four were leading cases classified under enhanced procedure (compared to three in 2022 and 2021), and seven were leading cases classified under standard procedure. Of the leading cases under enhanced procedure, two have been pending for five years or more; similarly, two of the leading cases under standard procedure have been pending for five years or more (compared to two in 2022 and three in 2021).²⁸ The pending caseload includes notably one group concerning police ill-treatment and ineffective investigations, and one case concerning legal gender recognition. Of the new violations found by the Court in 2023, one concerned the failure of the authorities to provide the applicants with access to water, food or toilet facilities in police custody, as well as a violation of their private life due to publication of their photographs, in which their identities were not concealed, by the Ministry of Interior.

In the course of 2023, the Committee of Ministers examined and adopted decisions in respect of two leading cases or groups of cases under enhanced procedure; these cases/groups were examined by the Committee once during the year. The Committee closed 16 cases, including four leading cases under standard supervision. In particular, it was possible to close one leading case, concerning a violation of the right to property on account of confiscation of a vehicle in the misdemeanour proceedings which were discontinued, following legislative amendments. In addition, four repetitive cases were closed because no further individual measures were necessary or possible.

The authorities submitted 12 action plans, four action reports and one communication. Additional information was awaited in respect of one group, in which the deadline set by the Committee of Ministers in this respect has expired.

Finally, full payment of the just satisfaction awarded by the Court was registered in eleven cases in 2023.



Norway

In 2023, the Committee of Ministers received from the European Court three cases against Norway for supervision of their execution (compared to one in 2022 and eight in 2021).

On 31 December 2023, Norway had six cases pending execution (compared to four in 2022 and 12 in 2021), of which one was a leading case classified under the enhanced procedure (as was the case in both 2022 and 2021) and the rest were repetitive cases. The group of cases pending concerns breaches of biological parents' rights to family life due to decisions taken in the public child welfare system related to removal of their parental authority, adoption, foster care and/or contact rights in connection with their children (violations of Article 8).

In the course of 2023, the Committee of Ministers examined and adopted a decision in respect of the only group of cases under enhanced procedure. The Committee closed one repetitive case because no further individual measures were necessary or

²⁸. Of these cases, one leading case under standard procedure was pending for more than 10 years.

possible. Notable advances, recognised by the Committee, include the coming into force of the new Child Welfare Act and what appears to be adjustment of domestic court practice to respond to the Court's judgments in child welfare cases.

The authorities submitted one action plan and two communications.

Finally, full payment of the just satisfaction awarded by the Court was registered in one case.



Poland

In 2023, the Committee of Ministers received from the European Court 58 cases against Poland for supervision of their execution (compared to 54 in 2022 and 42 in 2021).

On 31 December 2023, Poland had 131 cases pending execution (compared to 125 in 2022 and 97 in 2021), of which 16 were leading cases classified under enhanced procedure (compared to 14 in 2022 and 11 in 2021), and 28 were leading cases classified under standard procedure. Of the leading cases under enhanced procedure, eight have been pending for five years or more; similarly, 11 of the leading cases under standard procedure have been pending for five years or more (as was the case in 2022 and compared to 10 in 2021).²⁹ The pending caseload includes cases concerning excessive length of proceedings; access to lawful abortion; the secret rendition program; collective expulsion of aliens; excessive use of force by the police; and reforms undermining judicial independence. Of the new violations found by the Court in 2023, some notably concerned disciplinary and other measures applied against judges examining the legality of judicial appointments or defending the rule of law and judicial independence.

In the course of 2023, the Committee of Ministers examined and adopted decisions in respect of 12 leading cases or groups of cases under enhanced procedure; four of these cases/groups were examined by the Committee at least twice during the year. The Committee closed 50 cases, including 12 leading cases under standard supervision. One leading case in the standard procedure was closed following legislative amendments that changed the way the penalties for contempt of court are applied in court proceedings to ensure that impartiality is secured.

The authorities submitted one action plan, 48 action reports and 13 communications. Updated action plans/action reports or communications containing additional information were awaited in respect of five groups/cases, in which either the deadline set by the Committee of Ministers in this respect has expired (two cases) or feedback was sent by the DEJ before 1 January 2023 (three cases).

Finally, full payment of the just satisfaction awarded by the Court was registered in 60 cases in 2023.

²⁹. Of these cases, three leading cases under standard procedure were pending for more than 10 years.



Portugal

In 2023, the Committee of Ministers received from the European Court 17 cases against Portugal for supervision of their execution (compared to 16 in 2022 and 11 in 2021).

On 31 December 2023, Portugal had 48 cases pending execution (compared to 39 in 2022 and 28 in 2021), of which four were leading cases classified under enhanced procedure (compared to three in both 2022 and 2021), and 12 were leading cases classified under standard procedure. Of the leading cases under enhanced procedure, one has been pending for five years or more; similarly, eight of the leading cases under standard procedure have been pending for five years or more (compared to five in 2022 and four in 2021).³⁰ The pending caseload includes notably one group of cases concerning the excessive length of civil and administrative proceedings; and another group concerning overcrowding and material conditions in prisons and the lack of effective remedies.

In the course of 2023, the Committee of Ministers examined and adopted decisions in respect of one group of cases under enhanced procedure. The Committee closed eight repetitive cases because no further individual measures were necessary or possible.

The authorities submitted seven action plans and six communications.

Finally, full payment of the just satisfaction awarded by the Court was registered in 11 cases in 2023, while confirmation of full payment and/or default interest was awaited in five cases for which the deadline indicated in the Court's judgment has passed since more than six months.



Romania

In 2023, the Committee of Ministers received from the European Court 87 cases against Romania for supervision of their execution (compared to 137 in 2022 and 104 in 2021).

On 31 December 2023, Romania had 476 cases pending execution (compared to 509 in 2022 and 409 in 2021), of which 37 were leading cases classified under enhanced procedure (compared to 35 in 2022 and 33 in 2021), and 77 were leading cases classified under standard procedure. Of the leading cases under enhanced procedure, 23 have been pending for five years or more; similarly, 30 of the leading cases under standard procedure have been pending for five years or more (compared to 25 in 2022 and 20 in 2021).³¹

The pending caseload includes notably cases or groups of cases concerning overcrowding, material conditions and healthcare in prisons and pre-trial detention facilities; dysfunctions in the mechanisms set up to afford reparation for properties nationalised during the communist regime; and the non-execution or delayed execution of domestic court decisions by state or by state-controlled entities. It also includes a case about insufficient safeguards in the legislation governing secret

30. Of these cases, one leading case under standard procedure was pending for more than 10 years.

31. Of these cases, four leading cases under standard procedure were pending for more than 10 years.

surveillance based on national security considerations; cases concerning issues related to involuntary placements of people with mental health conditions or disabilities in psychiatric hospitals or residential social care facilities, as well as overcrowding and inadequate material conditions and care in psychiatric hospitals. Moreover, among the pending cases are those relating to the criminal law response to sexual offences, including when victims are children, as well as to domestic violence or sexual harassment; unjustified use of firearms or ill-treatment by law enforcement agents and ineffective criminal investigations (including into discriminatory motives); and the absence of a clear and predictable legal framework on gender recognition.

Of the new violations found by the Court in 2023, one concerned the continuing ineffectiveness of the reparation mechanism in respect of property nationalised during the communist regime; one concerned the absence of any form of legal recognition and protection for same-sex couples; and another the lack of effective avenues to obtain redress for alleged medical negligence.

In the course of 2023, the Committee of Ministers examined and adopted decisions in respect of 15 leading cases or groups of cases under enhanced procedure; five of these cases/groups were examined by the Committee at least twice during the year. The Committee closed 121 cases, including two leading cases under enhanced and 10 leading cases under standard supervision.

In particular, it was possible to close one leading case in the enhanced procedure following legislative amendments adopted in the context of a broader reform which, on the one hand, introduced full judicial review of decisions to remove from office senior officeholders in the State Prosecution Service and, on the other hand, abolished provisions which had unduly restricted the freedom of expression of judges and prosecutors vis-à-vis the other branches of government. Another leading case in standard procedure was closed following the adoption, in the same context, of other amendments reinforcing safeguards in the area of judicial discipline. In addition, 47 repetitive cases were closed because no further individual measures were necessary or possible.

Notable advances, recognised by the Committee, in cases that are still pending include one case concerning electoral rights of national minorities, where the necessary draft legislation was prepared in consultation with national stakeholders, including civil society, and submitted to Parliament for adoption.

The authorities submitted nine action plans, 42 action reports and 42 communications. An initial action plan/action report was awaited in respect of 37 groups/cases despite the expiry of the extended deadline in this respect. An updated action plan/action report or a communication containing additional information was awaited in respect of 44 groups/cases, in which either the deadline set by the Committee of Ministers in this respect has expired (five groups/cases) or feedback was sent by the DEJ before 1 January 2023 (39 groups/cases).

Finally, full payment of the just satisfaction awarded by the Court was registered in 132 cases in 2023, while confirmation of full payment and/or default interest was awaited in 152 cases for which the deadline indicated in the Court's judgment has passed since more than six months.



San Marino

In 2023, the Committee of Ministers received from the European Court two cases against San Marino for supervision of their execution (compared to none in 2022 and three in 2021).

On 31 December 2023, San Marino had three cases pending execution (compared to two in 2022 and three in 2021), all of which were leading cases classified under standard procedure.

In the course of 2023, the Committee of Ministers closed one case under standard supervision.

The authorities submitted one action plan.

Finally, full payment of the just satisfaction awarded by the Court was registered in two cases in 2023, while confirmation of full payment and/or default interest was awaited in one case for which the deadline indicated in the Court's judgment has passed since more than six months.



Serbia

In 2023, the Committee of Ministers received from the European Court 76 cases against Serbia for supervision of their execution (compared to 78 in 2022 and 69 in 2021).

On 31 December 2023, Serbia had 77 cases pending execution (compared to 97 in 2022 and 76 in 2021), of which five were leading cases classified under enhanced procedure (as was the case in both 2022 and 2021), and seven were leading cases classified under standard procedure. Of the leading cases under enhanced procedure, five have been pending for five years or more; similarly, one of the leading cases under standard procedure has been pending for five years or more (compared to one in 2022 and two in 2021).³² The pending caseload includes notably cases concerning excessive length of judicial proceedings; delayed enforcement of domestic decisions; and ineffective investigations into police ill-treatment. Of the new violations found by the Court in 2023, most of them concerned delayed enforcement of domestic decisions.

In the course of 2023, the Committee of Ministers examined and adopted decisions in respect of two groups of cases under enhanced procedure; both groups were examined by the Committee once during the year. The Committee closed 96 cases, including four leading cases under standard supervision. In particular, it was possible to close one leading case, concerning a violation of the applicant's right to private life on account of the retention of a DNA saliva sample in the context of a criminal investigation, following legislative amendments. In addition, seven repetitive cases were closed because no further individual measures were necessary or possible. Notable advances, recognised by the Committee, in cases that are still pending include measures aimed at ensuring swift enforcement of administrative demolition orders, in the context of cases concerning delayed enforcement of domestic decisions.

³². This case was pending under standard procedure for more than 10 years.

The authorities submitted 12 action plans, 77 action reports and three communications.

Finally, full payment of the just satisfaction awarded by the Court was registered in 81 cases in 2023, while confirmation of full payment and/or default interest was awaited in nine cases for which the deadline indicated in the Court's judgment has passed since more than six months.



Slovak Republic

In 2023, the Committee of Ministers received from the European Court 30 cases against the Slovak Republic for supervision of their execution (compared to 32 in 2022 and 39 in 2021).

On 31 December 2023, the Slovak Republic had 69 cases pending execution (compared to 59 in 2022 and 63 in 2021), of which four were leading cases classified under enhanced procedure (compared to three in 2022 and one in 2021), and 25 were leading cases classified under standard procedure. Four of the leading cases under standard procedure have been pending for five years or more (as was also the case in 2022 and compared to five in 2021).³³ The pending caseload includes notably cases concerning police ill treatment and failure to investigate such ill-treatment and possible racist motives; the authorities' failure to protect the physical well-being of a minor in police custody; the lack of safeguards against abuse in secret surveillance carried out by the Slovak Intelligence Service; and placement in a high security unit in prison with only limited safeguards against abuse. Of the new violations found by the Court in 2023, one case concerned inhuman and degrading treatment of Roma minors by police officers and ineffective investigation as well as failure to investigate possible racist motives; and another concerned a conviction based to a decisive degree on accomplices' statements without safeguards.

In the course of 2023, the Committee of Ministers examined and adopted decisions in respect of one group of cases under enhanced procedure. The Committee closed 20 cases, including three leading cases under standard supervision. In particular, it was possible to close one leading case concerning a ban on possession in prison of pornographic material depicting "classic" adult heterosexual intercourse, following amendments of a prison order. In addition, four repetitive cases were closed because no further individual measures were necessary or possible.

The authorities submitted 12 action plans, 12 action reports and six communications. Updated action plans/action reports or communications containing additional information were awaited in respect of eight groups/cases, in which feedback was sent by the DEJ before 1 January 2023.

Finally, full payment of the just satisfaction awarded by the Court was registered in 17 cases in 2023, while confirmation of full payment and/or default interest was awaited in three cases for which the deadline indicated in the Court's judgment has passed since more than six months.

33. Of these cases, two leading cases were pending for more than 10 years.



Slovenia

In 2023, the Committee of Ministers received from the European Court six cases against Slovenia for supervision of their execution (compared to five in 2022 and one in 2021).

On 31 December 2023, Slovenia had six cases pending execution (as was the case in 2022 and compared to four in 2021), of which one was a leading case classified under enhanced procedure (as was the case in 2022 and compared to none in 2021), and four were leading cases classified under standard procedure. The pending caseload includes notably one case concerning the lack of an effective remedy to challenge or seek compensation for the national bank's extraordinary measures cancelling shares and bonds. Of the new violations found by the Court in 2023, one of them concerned an unfair trial due to the lack of a hearing in minor offence proceedings which led to a conviction based solely on a police report.

In the course of 2023, the Committee of Ministers examined and adopted decisions in respect of one leading case under enhanced procedure which was examined by the Committee once during the year. The Committee closed six cases, including two leading cases under standard supervision. In particular, it was possible to close one leading case, concerning unfairness of the proceedings regarding the imposition of a fine for the obstruction of an inspection, following legislative amendments.

The authorities submitted three action plans and three action reports.

Finally, full payment of the just satisfaction awarded by the Court was registered in eight cases in 2023.



Spain

In 2023, the Committee of Ministers received from the European Court nine cases against Spain for supervision of their execution (compared to nine in 2022 and eight in 2021).

On 31 December 2023, Spain had 30 cases pending execution (as was the case in 2022 and compared to 37 in 2021), of which one was a leading case classified under enhanced procedure (as was the case in 2022 and compared to two in 2021), and 22 were leading cases classified under standard procedure. The leading case under enhanced procedure has been pending for five years or more; similarly, three of the leading cases under standard procedure have been pending for five years or more (compared to two in 2022 and three in 2021). The pending caseload includes notably cases concerning issues related to the lack of an effective remedy with suspensive effect against decisions to remove migrants to their country of origin taken in the framework of an accelerated asylum procedure; the application by domestic courts of criminal provisions on glorification of terrorism and insults to the Crown; and the Constitutional Court's dismissal of an amparo appeal against Parliament's failure to pursue the appointment process of a new General Council of the Judiciary.

The Committee closed nine cases, including five leading cases under standard supervision. In particular, it was possible to close one group of cases in standard procedure

concerning violations of the right to freedom of expression (due to criminal convictions and fines imposed for slander and insults) following the positive impact of the awareness-raising measures adopted and the domestic courts' incorporation of the Convention requirements in their case-law. In addition, one repetitive case was closed because no further individual measures were necessary or possible.

During the course of 2023, the authorities submitted four action plans, seven action reports and four communications.

Finally, full payment of the just satisfaction awarded by the Court was registered in eight cases in 2023.



Sweden

In 2023, the Committee of Ministers did not receive from the European Court any case against Sweden for supervision of execution (as was also the case in 2022 and compared to one in 2021).

On 31 December 2023, Sweden had one case pending execution (compared to two in both 2022 and 2021), which was a leading case classified under enhanced procedure (compared to two in both 2022 and in 2021). This case concerns shortcomings of the Swedish bulk data interception regime.

The Committee closed one leading case under enhanced supervision concerning access to court for alleged defamation through a foreign TV broadcast. This was possible following the entry into force, on 1 January 2023, of a constitutional reform which established the jurisdiction of the Swedish courts to hear defamation proceedings against those responsible for television programmes which, whilst broadcast from abroad, have a particularly strong connection to Sweden.

In the course of 2023, the authorities submitted two action plans.



Switzerland

In 2023, the Committee of Ministers received from the European Court eight cases against Switzerland for supervision of their execution (compared to 13 in 2022 and six in 2021).

On 31 December 2023, Switzerland had 11 cases pending execution (as was also the case in 2022 and compared to nine in 2021), of which eight were leading cases classified under standard procedure (compared to eight in both 2022 and 2021). One of the leading cases under standard procedure has been pending for five years or more (compared to no cases in both 2022 and 2021). The pending caseload includes notably cases concerning the imposition of a fine for begging, followed by imprisonment for non-payment; and the psychiatric detention of a convicted prisoner beyond the initial sentence. Of the new violations found by the Court in 2023, one of them concerned the domestic authorities' failure to apply the requirement of non-reliance on social assistance with sufficient flexibility when examining family reunification requests of provisionally admitted refugees.

The Committee closed eight cases, including four leading cases under standard supervision. In particular, following legislative amendments, it was possible to close one leading case concerning the lack of any form of legal recognition of the parental relationship between a child born through surrogacy abroad and the intended parent, who is in a recognised same-sex relationship.

The authorities submitted one action plan, 13 action reports and three communications. An updated action plan/report was awaited in respect of one case, in which the feedback was sent by the DEJ before 1 January 2023.

Finally, full payment of the just satisfaction awarded by the Court was registered in 10 cases in 2023.



In 2023, the Committee of Ministers received from the European Court 78 cases against Türkiye for supervision of their execution (compared to 77 in 2022 and 106 in 2021).

On 31 December 2023, Türkiye had 446 cases pending execution (compared to 480 in 2022 and 510 in 2021), of which 35 were leading cases classified under enhanced procedure (compared to 36 in 2022 and 37 in 2021), and 89 were leading cases classified under standard procedure. Of the leading cases under enhanced procedure, 24 have been pending for five years or more; similarly, 48 of the leading cases under standard procedure have been pending for five years or more (compared to 53 in 2022 and 61 in 2021).³⁴ The pending caseload includes notably groups of cases concerning freedom of expression and freedom of assembly, judicial independence, detention without sufficient reasons, ineffective investigations and impunity, and domestic violence. Of the new violations found by the Court in 2023, one of them concerned a violation, among others, of the principle of no punishment without law on account of conviction for membership in a terrorist organisation without the establishment of the elements of the offence in an individualised manner. In this case, the Court drew attention to the large number of applications pending before it with similar complaints and made an Article 46 indication in terms of general measures.

In the course of 2023, the Committee of Ministers examined and adopted decisions in respect of 13 leading cases or groups of cases under enhanced procedure; three of these cases/groups were examined by the Committee at least twice during the year, of which one was also examined at all the Committee's ordinary meetings. The Committee closed 111 cases, including three leading cases under enhanced and 18 leading cases under standard supervision. In particular, it was possible to close a leading case examined under the standard procedure concerning the right to education and non-discrimination of disabled persons further to amendments in secondary legislation. It was also possible to close a leading case examined under enhanced procedure concerning discrimination on the ground of religion due to the system in force for granting exemptions from payment of electricity bills for places

34. Of these cases, 26 leading cases under standard procedure were pending for more than 10 years.

of worship, following legislative amendments. In addition, 67 repetitive cases were closed because no further individual measures were necessary or possible.

Notable advances, recognised by the Committee, in cases that are still pending include the introduction of legislative amendments which addressed the legislative lacuna highlighted by the Court as well as the consistent approach of the Constitutional Court in adopting Convention-compliant criteria in wholesale blocking of access to internet where the removal of specific content is technically impossible.

The authorities submitted 26 action plans, 88 action reports and 44 communications. Updated action plans/action reports or communications containing additional information were awaited in respect of 38 groups/cases in which feedback was sent by the DEJ before 1 January 2023.

Finally, full payment of the just satisfaction awarded by the Court was registered in 68 cases in 2023, while confirmation of full payment and/or default interest was awaited in 58 cases for which the deadline indicated in the Court's judgment has passed since more than six months.



Ukraine

In 2023, the Committee of Ministers received from the European Court 125 cases against Ukraine for supervision of their execution (compared to 145 in 2022 and 196 in 2021).

On 31 December 2023, Ukraine had 766 cases pending execution (compared to 716 in 2022 and 638 in 2021), of which 50 were leading cases classified under enhanced procedure (compared to 51 in 2022 and 53 in 2021), and 53 were leading cases classified under standard procedure. Of the leading cases under enhanced procedure, 42 have been pending for five years or more; similarly, 27 of the leading cases under standard procedure have been pending for five years or more (compared to 24 in 2022 and 28 in 2021).³⁵ The pending caseload includes notably cases related to judicial reform (appointment and dismissal of judges, non-enforcement of domestic court decisions, lengthy judicial proceedings without effective remedies); lack of effective investigations; poor conditions of detention; and issues related to the asylum procedure. Particularly important judgments delivered by the Court in 2023 concerned dismissal of Constitutional Court judges; and the absence of any form of legal recognition and protection for same-sex couples.

In the course of 2023, the Committee of Ministers examined and adopted decisions in respect of 13 leading cases or groups of cases under enhanced procedure. The Committee closed 75 cases, including two leading cases under enhanced and eight leading cases under standard supervision. In particular, it was possible to close one leading case, concerning freedom of assembly and association, following legislative amendments lifting the unconditional ban on the right to strike for the transport sector employees. In addition, 65 repetitive cases were closed because no further individual measures were necessary or possible. Notable advances, recognised by the

35. Of these cases, 16 leading cases were pending for more than 10 years.

Committee, in cases that are still pending include the adoption of a mechanism for review for life sentences and their commutation into fixed-term sentences; the adoption of amendments to the Criminal Code bringing the definition of torture in line with the international standards; and the development of the Supreme Court's case-law remedying the violations stemming from the flaws in the Government Cleansing Act.

The authorities submitted 36 action plans, 32 action reports and 24 communications. An initial action plan was awaited in respect of one case despite the expiry of the extended deadline in this respect.

Finally, full payment of the just satisfaction awarded by the Court was registered in 103 cases in 2023, while confirmation of full payment and/or default interest was awaited in 293 cases for which the deadline indicated in the Court's judgment has passed since more than six months.



United Kingdom

In 2023, the Committee of Ministers received from the European Court four cases against the United Kingdom for supervision of their execution (compared to 11 in 2022 and ten in 2021).

On 31 December 2023, the United Kingdom had 12 cases pending execution (compared to 14 in 2022 and 16 in 2021), of which four were leading cases classified under enhanced procedure (compared to five in 2022 and four in 2021), and four were leading cases classified under standard procedure. Of the leading cases under enhanced procedure, two have been pending for five years or more, but that was not the cases for any of the leading cases in the standard procedure (as was also the case in 2022 and compared to one in 2021). The pending caseload includes notably cases concerning ineffective investigations into the deaths of the applicants' next-of-kin in Northern Ireland in the 1980s and 1990s; the unjustified retention of personal data (DNA profiles, fingerprints and photographs) following arrests and/or convictions; and the failure to take adequate operational measures to protect potential victims of child trafficking from prosecution.

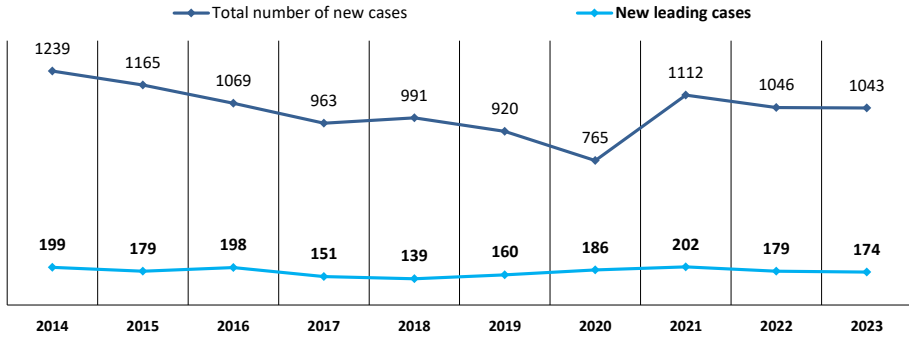
In the course of 2023, the Committee of Ministers examined and adopted decisions in respect of four leading cases or groups of cases under enhanced procedure; one of these groups was examined by the Committee three times during the year. The Committee closed six cases, including three leading cases under standard supervision. In particular, it was possible to close one leading case, concerning the failure to provide applicants the opportunity to bring employment claims against a foreign state where customary international law did not provide immunity, following legislative amendments to the State Immunity Act 1978. In addition, two repetitive cases were closed because no further individual measures were necessary or possible.

The authorities submitted five action plans, three action reports and nine communications. An updated action plan/report was awaited in respect of one case, in which feedback was sent by the DEJ before 1 January 2023.

Finally, full payment of the just satisfaction awarded by the Court was registered in two cases in 2023.

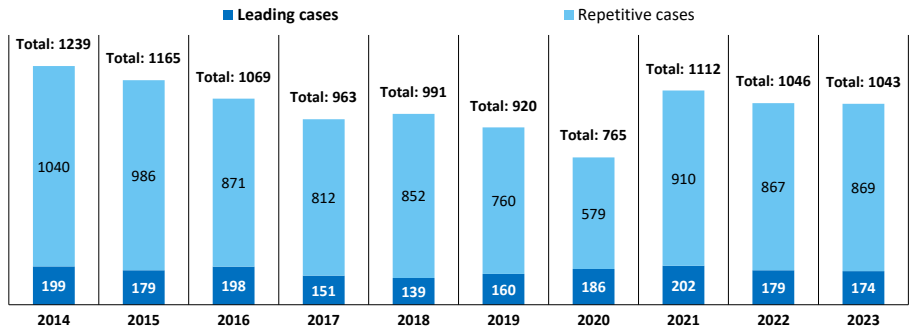
B. New cases

B.1. Overview



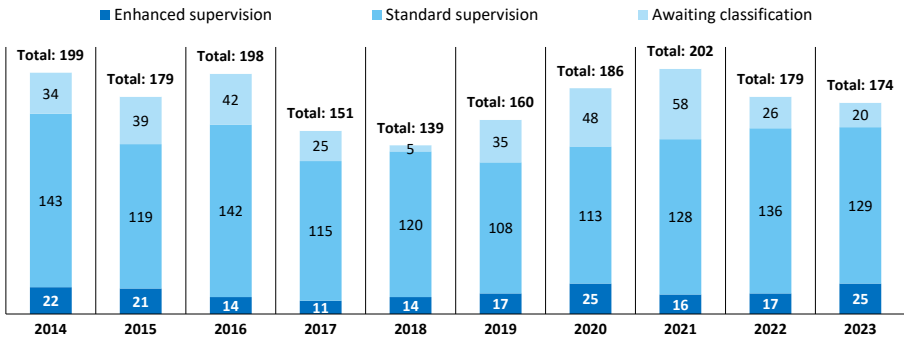
B.2. Leading or repetitive cases

For cases awaiting classification under enhanced or standard supervision (see B.3.), their qualification as leading or repetitive cases is not yet final.

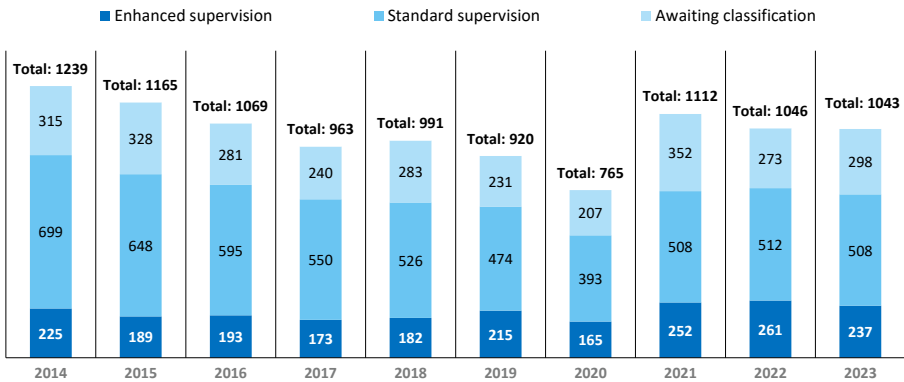


B.3. Enhanced or standard supervision

New leading cases



Total number of new cases



B.4. 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			
	2022	2023	2022	2023	2022	2023	2022	2023	2022	2023	2022	2023	2022	2023	2022	2023	2022	2023
Albania	1		1	7			2	7	2	3	4	6		6	6	15	8	22
Andorra							0	0							0	0	0	0
Armenia	1		5	4		2	6	6	7	8	5	12	1	2	13	22	19	28
Austria			1	4			1	4			1	2		1	1	3	2	7
Azerbaijan	1		6	2			7	2	9	9	22	52	11	21	42	82	49	84
Belgium			4	5	1	1	5	6			11	4	3	5	14	9	19	15
Bosnia and Herzegovina			1	1	2		3	1			16	2	4		20	2	23	3
Bulgaria	6	2	5	5		1	11	8	4	2	16	17	6	4	26	23	37	31
Croatia	1		10	5	2		13	5	2		20	19	3	2	25	21	38	26
Cyprus			1	2	1		2	2			1	2			1	2	3	4
Czech Republic			2	2			2	2			3	2	1	1	4	3	6	5
Denmark		1					0	1			1	1		2	1	3	1	4
Estonia			3	1		1	3	2			1				1	0	4	2
Finland							0	0							0	0	0	0
France	1		9		2		12	0			4	9	5	8	9	17	21	17
Georgia		1	2	2			2	3	6	4	1	4	1	4	8	12	10	15

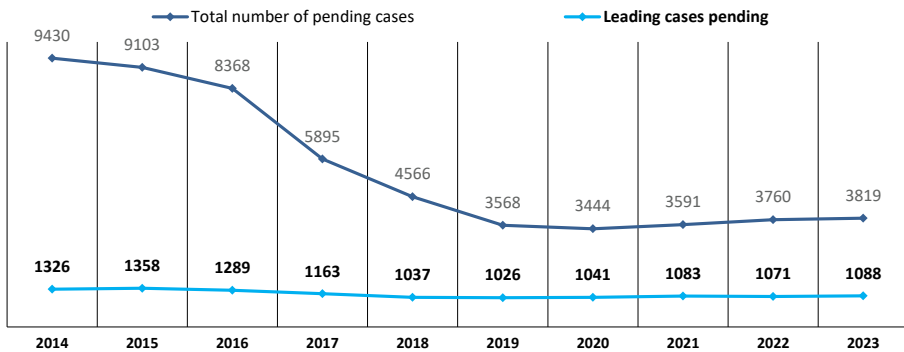
STATE	LEADING CASES								REPETITIVE CASES								TOTAL	
	Enhanced supervision		Standard supervision		Awaiting classification		Total of leading cases		Enhanced supervision		Standard supervision		Awaiting classification		Total of repetitive cases			
	2022	2023	2022	2023	2022	2023	2022	2023	2022	2023	2022	2023	2022	2023	2022	2023	2022	2023
Germany		1		1			0	2			2			1	2	1	2	3
Greece		1	4	6	1	1	5	8	2	3	7	14	11	10	20	27	25	35
Hungary		4	1	2		1	1	7	17	12	29	31	16	19	62	62	63	69
Iceland			1				1	0			2				2	0	3	0
Ireland							0	0							0	0	0	0
Italy	1	2	2	3	1	3	4	8	8	1	20	42	17	36	45	79	49	87
Latvia			2	2	2		4	2							0	0	4	2
Liechtenstein							0	0							0	0	0	0
Lithuania		1	6	3		1	6	5			4		2		6	0	12	5
Luxembourg			1	1			1	1			2				2	0	3	1
Malta		1	2	1			2	2	8	4	2			9	10	13	12	15
Republic of Moldova	1	1	5	5	2	1	8	7	7	3	18	14	3	5	28	22	36	29
Monaco							0	0							0	0	0	0
Montenegro			1				1	0			3	3	2	1	5	4	6	4
Netherlands			1	1			1	1			3	6			3	6	4	7
North Macedonia		1	2	3		2	2	6			6	5	2	9	8	14	10	20
Norway							0	0	1	3					1	3	1	3
Poland	1	1	8	9	1	2	10	12	3	4	20	22	21	20	44	46	54	58

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			
	2022	2023	2022	2023	2022	2023	2022	2023	2022	2023	2022	2023	2022	2023	2022	2023	2022	2023
Portugal		1					0	1	2	1	10	8	4	7	16	16	16	17
Romania	2	3	10	9	3	1	15	13	31	30	55	31	36	13	122	74	137	87
San Marino				1			0	1				1			0	1	0	2
Serbia			3	3	1	2	4	5	30	30	2	7	42	34	74	71	78	76
Slovak Republic	1		4	6	1		6	6		1	18	20	8	3	26	24	32	30
Slovenia			2	3	1		3	3			1	3	1		2	3	5	6
Spain			6	7	1		7	7			1	2			1	2	8	9
Sweden							0	0							0	0	0	0
Switzerland			2	4	2	1	4	5			8	2	1	1	9	3	13	8
Türkiye		2	10	13	1		11	15	20	22	33	20	13	21	66	63	77	78
Ukraine		2	10	5			10	7	85	72	17	15	33	31	135	118	145	125
United Kingdom			3	1	1		4	1			7	1		2	7	3	11	4
TOTAL	17	25	136	129	26	20	179	174	244	212	376	379	247	278	867	869	1046	1043

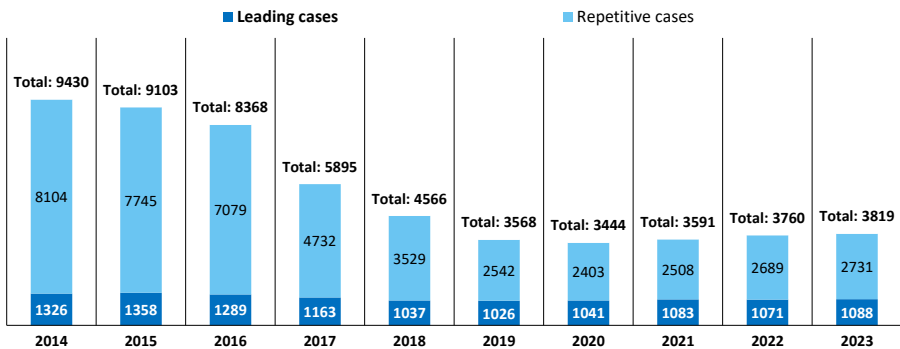
C. Pending cases

Pending cases are those in which the execution process is ongoing. 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 and underway.

C.1. Overview

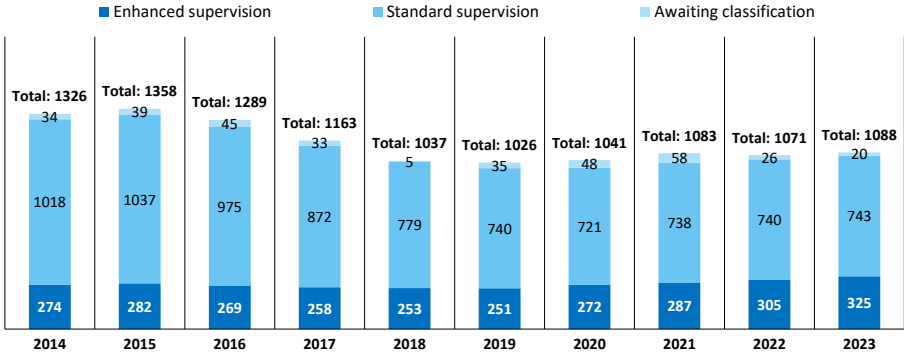


C.2. Leading or repetitive cases

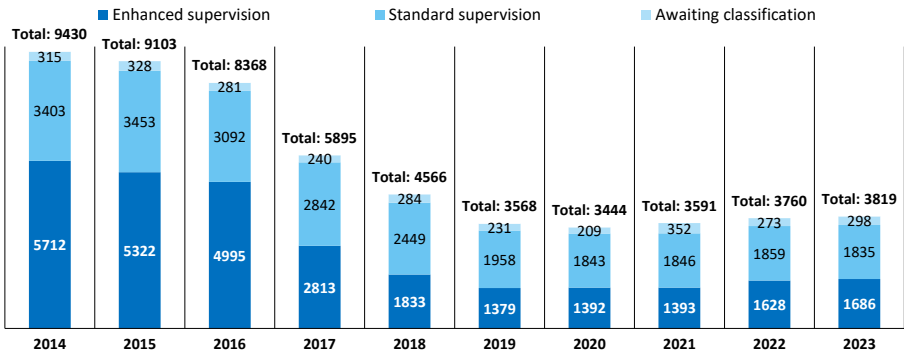


C.3. Enhanced or standard supervision

Leading cases pending



Total number of pending cases



C.4. Pending cases – state by state

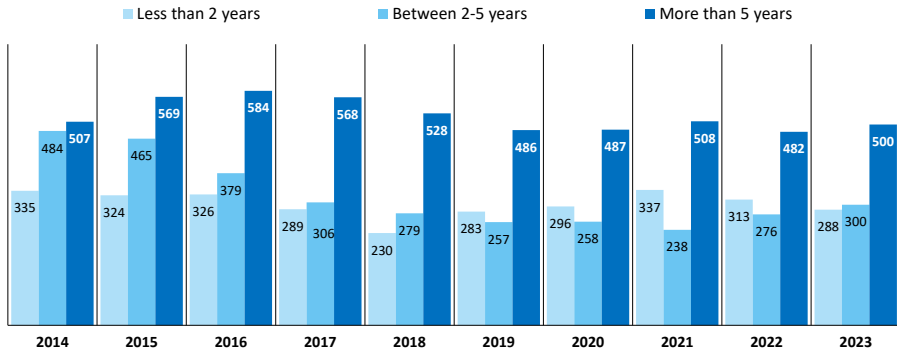
STATE	LEADING CASES								REPETITIVE CASES								TOTAL	
	Enhanced supervision		Standard supervision		Awaiting classification		Total of leading cases		Enhanced supervision		Standard supervision		Awaiting classification		Total of repetitive cases			
	2022	2023	2022	2023	2022	2023	2022	2023	2022	2023	2022	2023	2022	2023	2022	2023	2022	2023
Albania	4	4	12	20			16	24	3	6	17	18		6	20	30	36	54
Andorra							0	0						0	0	0	0	0
Armenia	6	6	17	20		2	23	28	17	17	16	23	1	2	34	42	57	70
Austria			3	6			3	6			3	3		1	3	4	6	10
Azerbaijan	21	21	32	29			53	50	121	129	100	137	11	21	232	287	285	337
Belgium	7	7	14	13	1	1	22	21	4	5	15	5	3	5	22	15	44	36
Bosnia and Herzegovina	1	1	10	10	2		13	11	4	4	21	16	4		29	20	42	31
Bulgaria	30	32	63	56		1	93	89	37	32	46	41	6	4	89	77	182	166
Croatia	2	2	22	25	2		26	27	6	6	42	32	3	2	51	40	77	67
Cyprus	1	1	7	9	1		9	10			1	3			1	3	10	13
Czech Republic	1	1	3	4			4	5			2	2	1	1	3	3	7	8
Denmark		1	3	2			3	3			1	2		2	1	4	4	7
Estonia			3	2		1	3	3							0	0	3	3
Finland	1	1	8	1			9	2			9	4			9	4	18	6
France	5	5	22	15	2		29	20	1	1	4	13	5	8	10	22	39	42
Georgia	6	7	21	20			27	27	27	30	13	17	1	4	41	51	68	78

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			
	2022	2023	2022	2023	2022	2023	2022	2023	2022	2023	2022	2023	2022	2023	2022	2023	2022	2023
Germany		1	12	9			12	10			2	1		1	2	2	14	12
Greece	7	7	19	20	1	1	27	28	18	16	14	16	11	10	43	42	70	70
Hungary	14	18	29	26		1	43	45	58	50	102	51	16	19	176	120	219	165
Iceland			1				1	0			4				4	0	5	0
Ireland	1	1	1	1			2	2							0	0	2	2
Italy	23	27	35	36	1	3	59	66	29	28	82	119	17	36	128	183	187	249
Latvia			6	8	2		8	8							0	0	8	8
Liechtenstein							0	0							0	0	0	0
Lithuania	2	3	17	18		1	19	22			17	12	2		19	12	38	34
Luxembourg			1	2			1	2			2	2			2	2	3	4
Malta	5	6	10	9			15	15	22	26	9	7		9	31	42	46	57
Republic of Moldova	7	9	36	36	2	1	45	46	18	16	87	95	3	5	108	116	153	162
Monaco			1				1	0							0	0	1	0
Montenegro			5	3			5	3			2	2	2	1	4	3	9	6
Netherlands	1	1	3	4			4	5				2			0	2	4	7
North Macedonia	3	4	8	7		2	11	13	8	4	8	7	2	9	18	20	29	33
Norway	1	1					1	1	3	5					3	5	4	6
Poland	14	16	31	28	1	2	46	46	27	27	31	38	21	20	79	85	125	131

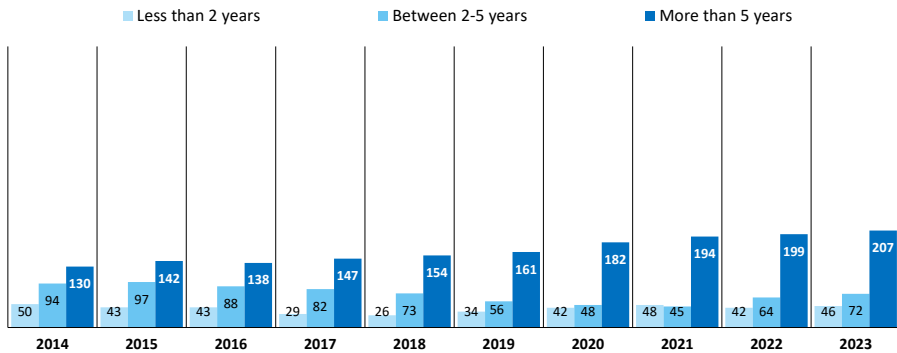
STATE	LEADING CASES								REPETITIVE CASES								TOTAL	
	Enhanced supervision		Standard supervision		Awaiting classification		Total of leading cases		Enhanced supervision		Standard supervision		Awaiting classification		Total of repetitive cases			
	2022	2023	2022	2023	2022	2023	2022	2023	2022	2023	2022	2023	2022	2023	2022	2023	2022	2023
Portugal	3	4	12	12			15	16	7	7	13	18	4	7	24	32	39	48
Romania	35	37	75	77	3	1	113	115	212	214	148	134	36	13	396	361	509	476
San Marino			2	3			2	3							0	0	2	3
Serbia	5	5	7	7	1	2	13	14	37	25	5	4	42	34	84	63	97	77
Slovak Republic	3	4	20	25	1		24	29	1	3	26	34	8	3	35	40	59	69
Slovenia	1	1	2	4	1		4	5			1	1	1		2	1	6	6
Spain	1	1	19	22	1		21	23			9	7			9	7	30	30
Sweden	2	1					2	1							0	0	2	1
Switzerland			6	8	2	1	8	9			2	1	1	1	3	2	11	11
Türkiye	36	35	89	89	1		126	124	152	150	189	151	13	21	354	322	480	446
Ukraine	51	50	48	53			99	103	508	558	76	74	33	31	617	663	716	766
United Kingdom	5	4	5	4	1		11	8	3	2				2	3	4	14	12
TOTAL	305	325	740	743	26	20	1071	1088	1323	1361	1119	1092	247	278	2689	2731	3760	3819

C.5. Length of the execution of leading cases pending

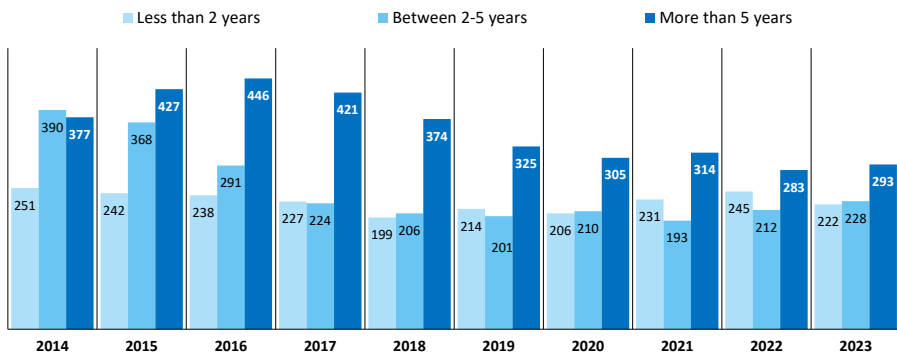
Overview



Leading cases under enhanced supervision



Leading cases under standard supervision



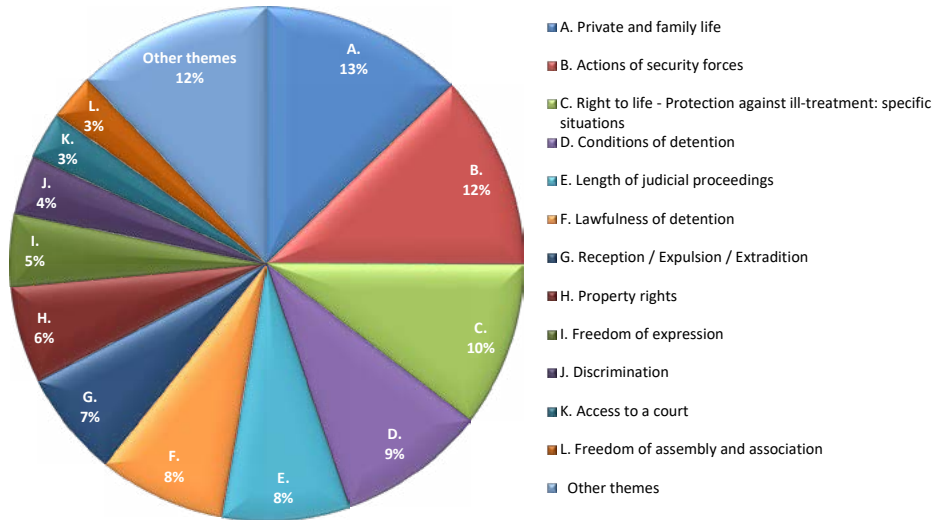
Leading cases pending – state by state

STATE	ENHANCED SUPERVISION						STANDARD SUPERVISION					
	< 2 years		2-5 years		> 5 years		< 2 years		2-5 years		> 5 years	
	2022	2023	2022	2023	2022	2023	2022	2023	2022	2023	2022	2023
Albania	1	1	2	1	1	2	2	8	7	5	3	7
Andorra												
Armenia	1	1	1		4	5	8	8	4	6	5	6
Austria							3	4		2		
Azerbaijan	1	1	7	6	13	14	9	8	6	6	17	15
Belgium			3	3	4	4	8	6	5	7	1	
Bosnia and Herzegovina					1	1	2	2	5	3	3	5
Bulgaria	7	8	1	3	22	21	18	9	13	17	32	30
Croatia	1	1			1	1	13	14	3	6	6	5
Cyprus					1	1	2	4	5	3		2
Czech Republic					1	1	2	4	1			
Denmark		1					2		1	2		
Estonia							3	1		1		
Finland					1	1					8	1
France	1	1	4	3		1	11	6	7	6	4	3
Georgia	1	1		1	5	5	6	2	10	10	5	8
Germany		1					3	1	3	4	6	4
Greece		1	1		6	6	5	7	7	6	7	7
Hungary	1	4	3	5	10	9	3	3	8	10	18	13
Iceland							1					
Ireland					1	1					1	1
Italy	4	5	6	8	13	14	8	5	12	12	15	19
Latvia							3	5	3	3		
Liechtenstein												
Lithuania		1	1		1	2	7	8	9	5	1	5
Luxembourg							1	2				
Malta	1	1	1	2	3	3	3	2	5	3	2	4
Republic of Moldova	1	2	1	1	5	6	10	7	6	8	20	21
Monaco							1					
Montenegro							2		2	2	1	1
Netherlands			1			1	2	1		2	1	1
North Macedonia		1	2	1	1	2	3	4	3	1	2	2
Norway			1	1								

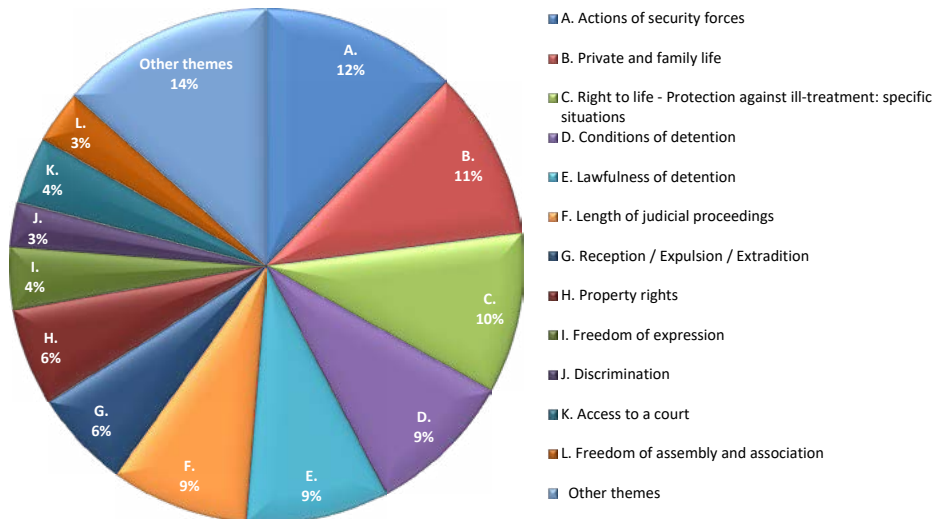
STATE	ENHANCED SUPERVISION						STANDARD SUPERVISION					
	< 2 years		2-5 years		> 5 years		< 2 years		2-5 years		> 5 years	
	2022	2023	2022	2023	2022	2023	2022	2023	2022	2023	2022	2023
Poland	5	3	1	5	8	8	11	12	9	5	11	11
Portugal		1	2	2	1	1	1		6	4	5	8
Romania	7	5	9	9	19	23	24	16	26	31	25	30
San Marino							1	1	1	2		
Serbia					5	5	3	4	3	2	1	1
Slovak Republic	2	2	1	2			10	10	6	11	4	4
Slovenia	1			1			1	4	1			
Spain					1	1	11	12	6	7	2	3
Sweden	1			1	1							
Switzerland							4	4	2	3		1
Türkiye	3	2	8	9	25	24	17	21	19	20	53	48
Ukraine	2	2	7	6	42	42	17	16	7	10	24	27
United Kingdom	1		1	2	3	2	4	1	1	3		
TOTAL	42	46	64	72	199	207	245	222	212	228	283	293

C.6. Main themes of leading cases under enhanced supervision

2023

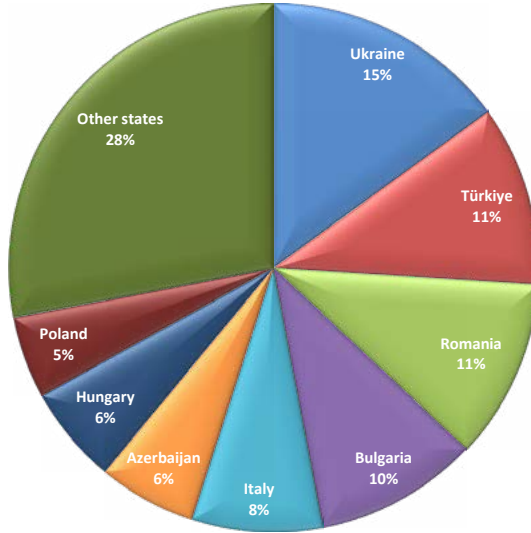


2022

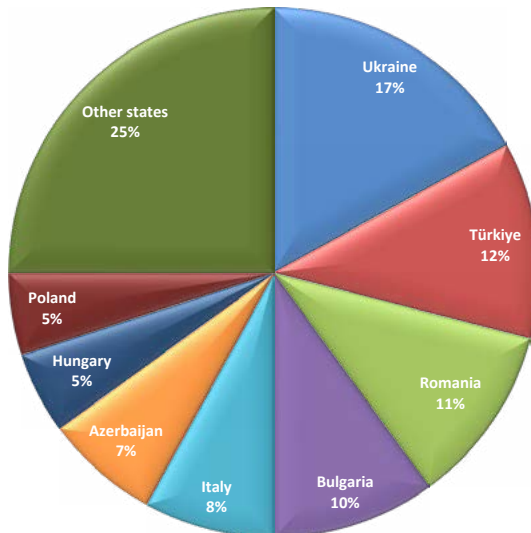


C.7. Main states with leading cases under enhanced supervision

2023

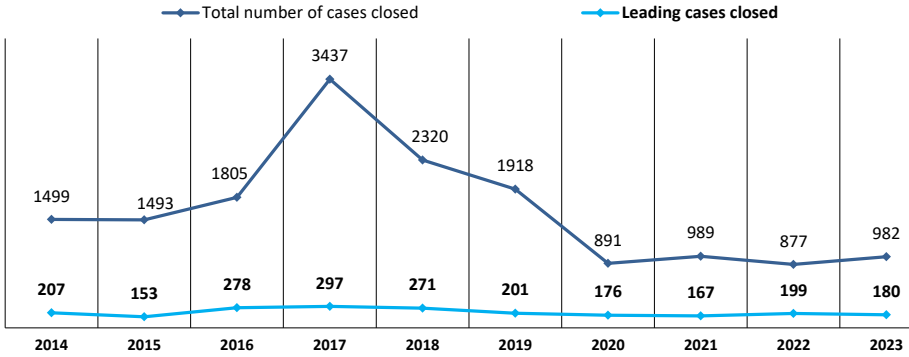


2022

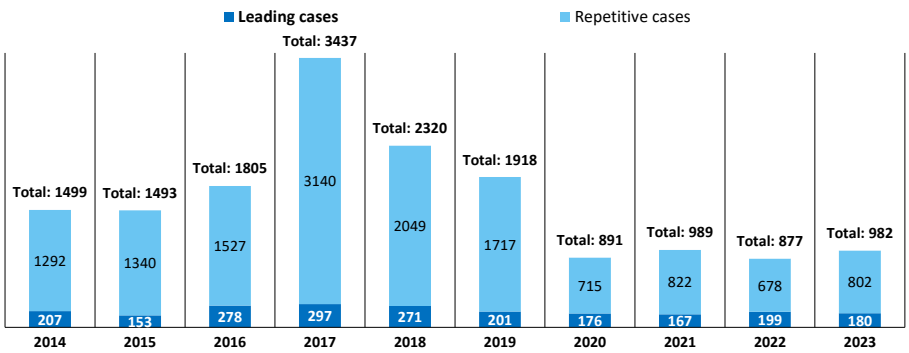


D. Closed cases

D.1. Overview

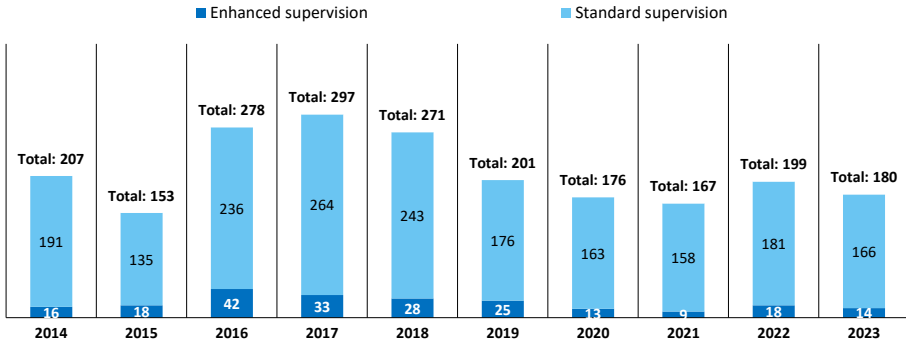


D.2. Leading or repetitive cases

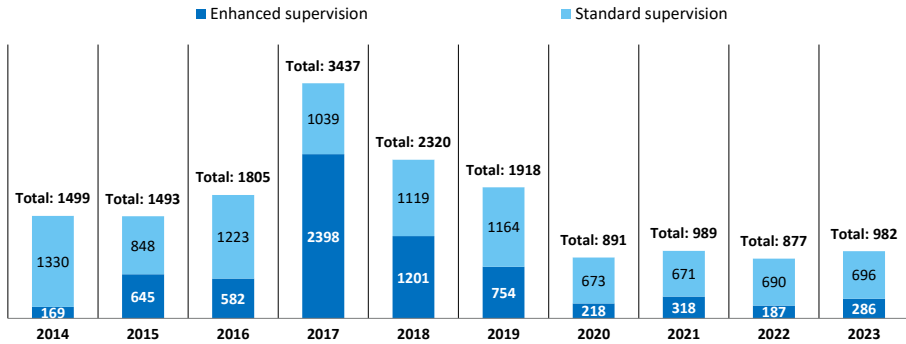


D.3. Enhanced or standard supervision

Leading cases closed



Total number of cases closed



D.4. Closed cases – state by state

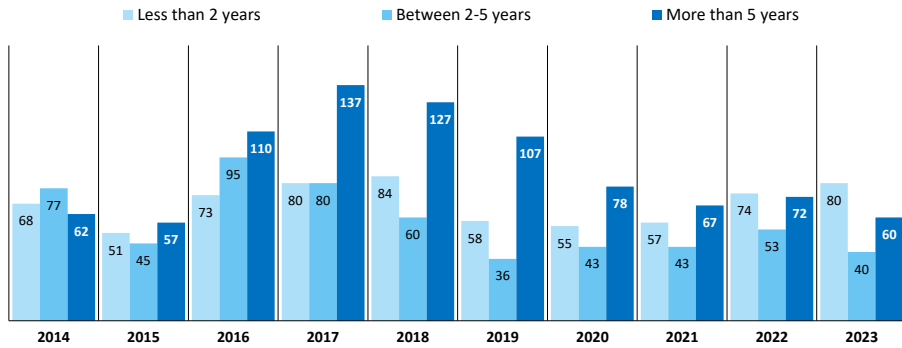
STATE	LEADING CASES						REPETITIVE CASES						TOTAL	
	Enhanced supervision		Standard supervision		Total of leading cases		Enhanced supervision		Standard supervision		Total of repetitive cases			
	2022	2023	2022	2023	2022	2023	2022	2023	2022	2023	2022	2023	2022	2023
Albania					0	0			3	4	3	4	3	4
Andorra					0	0					0	0	0	0
Armenia			7	1	7	1		8	5	6	5	14	12	15
Austria			5	1	5	1			3	2	3	2	8	3
Azerbaijan	1		2	6	3	6	1	4	31	22	32	26	35	32
Belgium			5	7	5	7	2		5	16	7	16	12	23
Bosnia-Herzegovina			2	3	2	3			13	11	13	11	15	14
Bulgaria		2	10	12	10	14		7	9	26	9	33	19	47
Croatia	1		12	5	13	5	4		23	31	27	31	40	36
Cyprus	1		2	1	3	1	1		2		3	0	6	1
Czech Republic				1	0	1			5	3	5	3	5	4
Denmark				1	0	1			1		1	0	1	1
Estonia			1	2	1	2			1		1	0	2	2
Finland				7	0	7				5	0	5	0	12
France			8	9	8	9			6	5	6	5	14	14
Georgia			2	4	2	4	2	1	1		3	1	5	5
Germany			1	4	1	4			3	1	3	1	4	5

STATE	LEADING CASES						REPETITIVE CASES						TOTAL	
	Enhanced supervision		Standard supervision		Total of leading cases		Enhanced supervision		Standard supervision		Total of repetitive cases			
	2022	2023	2022	2023	2022	2023	2022	2023	2022	2023	2022	2023	2022	2023
Greece		2	14	6	14	8	1	6	33	21	34	27	48	35
Hungary		1	4	5	4	6	33	24	72	93	105	117	109	123
Iceland	1		1	1	2	1			2	4	2	4	4	5
Ireland					0	0			3		3	0	3	0
Italy	2		2	2	4	2	9	2	19	21	28	23	32	25
Latvia			3	2	3	2			2		2	0	5	2
Liechtenstein			1		1	0			1		1	0	2	0
Lithuania	1		2	2	3	2			3	7	3	7	6	9
Luxembourg					0	0					0	0	0	0
Malta				2	0	2	4		1	2	5	2	5	4
Republic of Moldova	1		13	6	14	6		6	39	8	39	14	53	20
Monaco				1	0	1					0	0	0	1
Montenegro			1	2	1	2			3	5	3	5	4	7
Netherlands			5		5	0			5	4	5	4	10	4
North Macedonia			6	4	6	4		4	22	8	22	12	28	16
Norway			1		1	0	8	1			8	1	9	1
Poland	1		2	12	3	12		13	23	25	23	38	26	50

STATE	LEADING CASES						REPETITIVE CASES						TOTAL	
	Enhanced supervision		Standard supervision		Total of leading cases		Enhanced supervision		Standard supervision		Total of repetitive cases			
	2022	2023	2022	2023	2022	2023	2022	2023	2022	2023	2022	2023	2022	2023
Portugal			2		2	0		1	3	7	3	8	5	8
Romania	2	2	6	10	8	12	7	38	22	71	29	109	37	121
San Marino					0	0			1	1	1	1	1	1
Serbia	1		2	4	3	4	43	84	11	8	54	92	57	96
Slovak Republic			3	3	3	3			33	17	33	17	36	20
Slovenia			3	2	3	2				4	0	4	3	6
Spain	1		8	5	9	5			6	4	6	4	15	9
Sweden		1			0	1					0	0	0	1
Switzerland	1		3	4	4	4			7	4	7	4	11	8
Türkiye	3	3	23	18	26	21	28	28	53	62	81	90	107	111
Ukraine	1	2	15	8	16	10	26	44	25	21	51	65	67	75
United Kingdom		1	4	3	4	4		1	9	1	9	2	13	6
TOTAL	18	14	181	166	199	180	169	272	509	530	678	802	877	982

D.5. Length of the execution of 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	
	2022	2023	2022	2023	2022	2023	2022	2023	2022	2023	2022	2023
Albania												
Andorra												
Armenia							5	1	2			
Austria							2	1	1		2	
Azerbaijan			1				1	1		2	1	3
Belgium							2	4	2	2	1	1
Bosnia and Herzegovina							1	2	1	1		
Bulgaria						2	4	2	5	3	1	7
Croatia					1		7	4	2		3	1
Cyprus			1				2					1
Czech Republic										1		
Denmark								1				
Estonia							1	2				
Finland												7
France							4	4	4	3		2
Georgia								3	2	1		
Germany									1	1		3
Greece						2	4	5	2	1	8	
Hungary						1					4	5

STATE	ENHANCED SUPERVISION						STANDARD SUPERVISION					
	< 2 years		2-5 years		> 5 years		< 2 years		2-5 years		> 5 years	
	2022	2023	2022	2023	2022	2023	2022	2023	2022	2023	2022	2023
Iceland	1							1			1	
Ireland												
Italy					2					2	2	
Latvia							1	1	2	1		
Liechtenstein											1	
Lithuania					1		1	1	1	1		
Luxembourg												
Malta							1		1			
Republic of Moldova					1		8	5		1	5	
Monaco								1				
Montenegro							1	1		1		
Netherlands							2		1		2	
North Macedonia							3		2	4	1	
Norway							1					
Poland					1		1	6		2	1	4
Portugal							1		1			
Romania		1	2	1			2	7	4	2		1
San Marino												
Serbia					1		1	2	1	2		
Slovak Republic							1	2	1	1	1	
Slovenia							2	1	1	1		
Spain	1						1	3	5	1	2	1
Sweden						1						
Switzerland					1		3	4				
Türkiye					3	3		4	6	2	17	12
Ukraine					1	2	6	6	2	2	7	
United Kingdom						1	4	3				
TOTAL	2	1	4	1	12	12	72	79	49	39	60	48

E. Just satisfaction

E.1. Just satisfaction awarded

Global amount

YEAR	TOTAL AWARDED
2023	52 533 119 €
2022	30 646 632 €
2021	24 463 389 €
2020	64 994 093 €
2019	48 697 318 €
2018	55 624 403 €
2017	45 841 226 €
2016	74 908 733 €
2015	48 394 302 €
2014	159 653 629 €

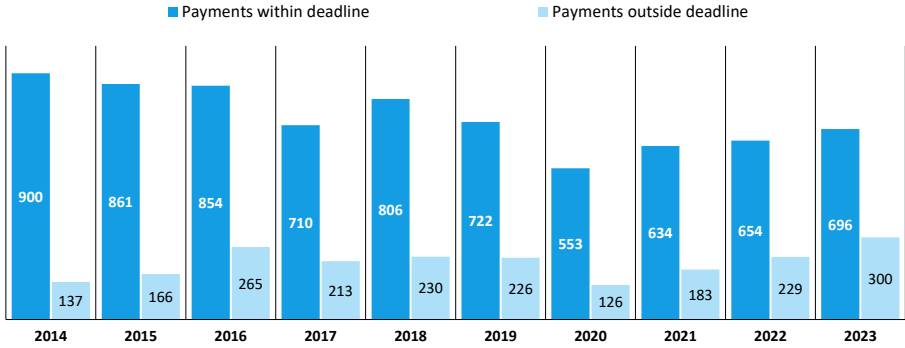
State by state

STATE	TOTAL AWARDED	
	2022	2023
Albania	60 000 €	114 990 €
Andorra	0 €	0 €
Armenia	208 716 €	481 494 €
Austria	25 400 €	29 160 €
Azerbaijan	986 152 €	883 635 €
Belgium	281 860 €	188 874 €
Bosnia and Herzegovina	240 519 €	54 000 €
Bulgaria	408 117 €	2 227 370 €
Croatia	389 205 €	209 577 €
Cyprus	22 763 €	44 600 €
Czech Republic	33 140 €	30 339 €
Denmark	0 €	45 400 €
Estonia	25 129 €	15 070 €
Finland	0 €	0 €
France	541 826 €	321 185 €
Georgia	272 100 €	144 700 €
Germany	22 500 €	12 000 €
Greece	933 702 €	2 811 110 €
Hungary	4 320 410 €	4 812 873 €
Iceland	8 000 €	0 €

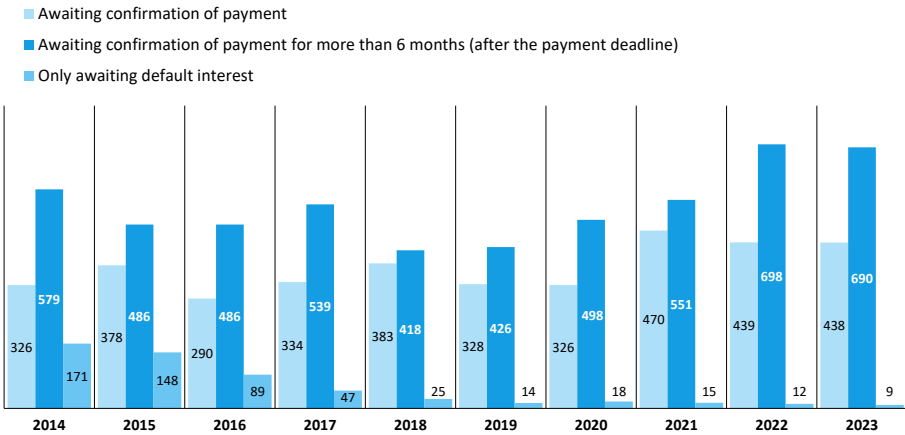
STATE	TOTAL AWARDED	
	2022	2023
Ireland	0 €	0 €
Italy	5 905 876 €	22 631 295 €
Latvia	63 762 €	24 376 €
Liechtenstein	0 €	0 €
Lithuania	217 296 €	84 996 €
Luxembourg	24 000 €	55 000 €
Malta	1 141 759 €	632 937 €
Republic of Moldova	503 058 €	294 251 €
Monaco	0 €	0 €
Montenegro	71 200 €	13 000 €
Netherlands	18 812 €	15 774 €
North Macedonia	116 350 €	828 673 €
Norway	25 500 €	150 000 €
Poland	721 401 €	977 076 €
Portugal	323 135 €	281 475 €
Romania	2 860 079 €	1 930 743 €
San Marino	0 €	10 000 €
Serbia	1 171 688 €	690 455 €
Slovak Republic	386 473 €	5 342 468 €
Slovenia	69 000 €	26 365 €
Spain	221 029 €	125 916 €
Sweden	0 €	0 €
Switzerland	321 885 €	148 085 €
Türkiye	5 682 721 €	3 003 567 €
Ukraine	1 864 517 €	2 166 105 €
United Kingdom	157 552 €	674 186 €
TOTAL	30 646 632 €	52 533 119 €

E.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 on 31 December		... including cases awaiting this information for more than six months (outside payment deadline)	
	2022	2023	2022	2023	2022	2023	2022	2023	2022	2023
Albania	4	3	1	8			16	22	11	6
Andorra										
Armenia	20	24	1				1	4	1	1
Austria	3	1		2			1	3	1	1
Azerbaijan	13	34	25	29	3	3	73	89	45	45
Belgium	3	6	13	8			9	5	3	5
Bosnia and Herzegovina	13	6	4	2			16	14	12	13
Bulgaria	10	54		9			46	13	17	4
Croatia	31	29	3	1			6	2	1	1
Cyprus	4	3		1			1			
Czech Republic	9	4					1	2		
Denmark	2	1	1	1						
Estonia	3	2								
Finland										
France	9	16		8			15	8	4	2
Georgia	9	12					2	5	2	3
Germany	4							1		
Greece	24	35					13	7	1	
Hungary	115	81	20	22			82	47	56	14
Iceland	3		1							
Ireland										
Italy	10	12	13	3	6	5	72	136	31	73
Latvia	2	4								
Liechtenstein										
Lithuania	10	6	1				1			
Luxembourg		1		2			2		2	
Malta	17	10	1				1	6	1	1
Republic of Moldova	49	31					7	4		

STATE	RESPECT OF PAYMENT DEADLINES									
	Payments within deadline		Payments outside deadline		Cases only awaiting default interest		Cases awaiting confirmation of payments on 31 December		... including cases awaiting this information for more than six months (outside payment deadline)	
	2022	2023	2022	2023	2022	2023	2022	2023	2022	2023
Monaco	1									
Montenegro	5	5					1	1		
Netherlands	4	6					1			
Norway	6	1	1					3		
North Macedonia	9	9	1	2			3	9	1	
Poland	41	53	4	7			24	18	6	
Portugal	6	8	3	3			15	16	6	5
Romania	38	80	28	52			215	176	154	152
San Marino	1	2					1	1	1	1
Serbia	26	42	44	39			51	52	7	9
Slovak Republic	39	17					12	24	1	3
Slovenia	3	8	1				1			
Spain	6	6	5	2			4	3	1	
Sweden										
Switzerland	8	10					4	2		
Türkiye	54	47	11	21			82	70	59	58
Ukraine	32	26	42	77	3	1	357	384	274	293
United Kingdom	8	1	5	1			1	1		
TOTAL	654	696	229	300	12	9	1137	1128	698	690

F. Additional statistics

F.1. Overview of friendly settlements and WECL cases

Year	"WECL" cases Article 28§1b	New friendly settlements <u>without</u> undertaking	New friendly settlements <u>with</u> undertaking	TOTAL of new friendly settlements
2023	477	289	62	351
2022	446	293	77	370
2021	501	309	43	352
2020	337	179	16	195
2019	390	296	12	308
2018	359	322	21	343
2017	301	322	23	345
2016	181	433	6	439
2015	143	517	59	576
2014	175	479	96	575

F.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	
	2022	2023	2022	2023	2022	2023
Albania	3 (3)	14 (22)	2 (2)	1 (1)	5	15
Andorra					0	0
Armenia	11 (19)	17 (23)	1 (1)	3 (5)	12	20
Austria	1 (1)	4 (4)		1 (1)	1	5
Azerbaijan	10 (24)	25 (56)	21 (64)	44 (152)	31	69
Belgium	4 (4)	1 (1)	10 (22)	6 (8)	14	7
Bosnia and Herzegovina	9 (14)	1 (1)	14 (48)	1 (1)	23	2
Bulgaria	15 (15)	16 (23)	10 (33)	6 (7)	25	22
Croatia	17 (21)	19 (19)	7 (20)	4 (5)	24	23
Cyprus	1 (1)	1 (1)	1 (1)		2	1
Czech Republic			4 (4)	2 (2)	4	2
Denmark				1 (1)	0	1
Estonia	1 (1)	2 (2)	1 (1)		2	2
Finland					0	0
France		4 (5)	5 (6)	5 (5)	5	9

STATE	“WECL” cases Article 28§1b (number of corresponding applications)		Friendly settlements (Article 39§4) (number of corresponding applications)		TOTAL	
	2022	2023	2022	2023	2022	2023
Georgia	3 (3)	4 (4)			3	4
Germany		1 (1)	2 (2)		2	1
Greece	13 (13)	12 (13)	6 (7)	16 (367)	19	28
Hungary	31 (197)	30 (64)	29 (170)	33 (234)	60	63
Iceland			2 (2)		2	0
Ireland					0	0
Italy	15 (22)	37 (98)	25 (85)	40 (164)	40	77
Latvia	3 (3)				3	0
Liechtenstein					0	0
Lithuania	5 (14)		2 (9)		6	0
Luxembourg	1 (1)				0	0
Malta	7 (9)	13 (13)			8	13
Republic of Moldova	25 (26)	13 (29)	3 (3)	7 (10)	44	20
Monaco					1	0
Montenegro	2 (2)		2 (4)	4 (6)	2	4
Netherlands		2 (2)	4 (4)	4 (4)	2	6
North Macedonia	3 (3)	5 (14)	7 (19)	12 (86)	16	17
Norway		3 (9)			5	3
Poland	16 (16)	18 (46)	22 (77)	28 (135)	32	46
Portugal	4 (6)	6 (6)	9 (14)	11 (18)	7	17
Romania	57 (497)	52 (343)	68 (406)	27 (57)	97	79
San Marino				1 (1)	2	1
Serbia	8 (24)	5 (11)	68 (625)	67 (489)	66	72
Slovak Republic	5 (7)	12 (12)	19 (23)	13 (19)	34	25
Slovenia		1 (1)	2 (13)	3 (3)	0	4
Spain	2 (2)	1 (4)			4	1
Sweden					0	0
Switzerland	1 (1)	2 (4)	7 (7)	2 (2)	1	4
Türkiye	43 (666)	40 (704)	8 (10)	7 (9)	59	47
Ukraine	130 (356)	116 (373)			177	116
United Kingdom			9 (9)	2 (2)	5	2
TOTAL	446 (1971)³⁶	477 (1908)	370 (1691)	351 (1794)	1074	828

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

Supervision of the execution of cases against the Russian Federation

The Russian Federation ceased to be a member of the Council of Europe as from 16 March 2022 and a Party to the European Convention on Human Rights as from 16 September 2022. However, as emphasised in the Committee of Ministers' resolutions and decisions, the Russian Federation remains bound by obligations under the Convention, including to implement all judgments of the European Court, and the Committee of Ministers continues to supervise the execution of these judgments.

A. Overview of the situation

As set out in the Committee of Ministers Resolution CM/Res(2022)3, the supervision of the execution of judgments and friendly settlements in cases against the Russian Federation continues, although it ceased to be a member of the Council of Europe on 16 March 2022 and a Party to the European Convention on 16 September 2022. On 16-17 May 2023, at their Summit in Reykjavik, the Heads of State and Government of the Council of Europe underlined that the Russian Federation remains under the binding and unconditional obligation under international law to implement all final judgments and decisions of the Court in relation to its acts or omissions capable of constituting a violation of the Convention that occurred before 16 September 2022.

A.1. Previous reforms and measures adopted following European Court's judgments

Between the ratification by the Russian Federation of the European Convention in May 1998 and its cessation of membership, the European Court adopted 3 642 judgments against it finding one or more violations. During this period, the Committee of Ministers closed its supervision of 1 368 such cases, following the payment of just satisfaction and the implementation of any other necessary individual measures as well as, in 84 of these cases classified as "leading", the necessary general measures to prevent similar violations.

It can be seen, therefore, that the Convention system had an undeniable impact on the Russian Federation and its legal system. Some of these general measures involved reforms to the justice system, including the adoption of domestic remedies for non-execution of judgments against state authorities (*Burdov No. 2*) and for excessive length of judicial proceedings (*Kormacheva*). Progress was also achieved concerning people with mental disabilities, who are no longer deprived of some key rights (*Rakevich*). Reforms were made to ensure that decisions related to detention on remand contained reasoning and set specific time-limits for detention. The situation as to the presence of defendants during hearings was also improved (*Bednov*). Moreover, the right of non-judicial officials to appeal against any court judgment without any time-limit was abolished (*Ryabykh*). Some progress was also made to address prison overcrowding (*Kalashnikov*). With regard to individual measures, many domestic proceedings were re-opened following Court's judgments and the applicants' rights restored. Just satisfaction awarded by the Court was fully paid in 2 276 cases.

However, in March 2022, there were 2 025 cases still pending execution (of which 225 were leading).³⁷ The cessation of the Russian Federation's membership to the Council of Europe has left dozens of millions of people, not only Russian nationals, but also those who suffer from human rights violations caused by the actions of the Russian Federation, deprived of the protection granted by the Convention system.

A.2. Continued supervision of cases following exclusion from the Council of Europe

Incoming cases and statistical information

In 2023, the Court continued delivering judgments against the Russian Federation: 214 judgments were transmitted to the Committee for supervision of their execution. Among these cases, nine were classified as leading and 205 as repetitive cases. The violations established by the Court relate to a wide range of subjects such as the application of the Foreign Agents Act to CSOs (*Ecodefence and Others*), the legal recognition and protection of same-sex couples (*Fedotova*), the use of facial recognition technology to punish for participation in a demonstration (*Glukhin*) and arrests following a Greenpeace protest (*Bryan and Others*). In two cases, the Court also found a breach of Article 18, considering that the respective restrictions aimed to punish the applicants for their human rights activities (*Kogan and Others and Kutayev*). By 31 December 2023, the Russian Federation had therefore 2 566 cases pending execution.

Continued case processing

Since 3 March 2022, the Russian authorities have stopped all communication with the DEJ and the Secretariat of the Committee of Ministers. The DEJ has continued to write to the Russian authorities to request information on specific cases, action plans/reports and to forward communications received under Rule 9. Moreover, the Secretariat of the Committee of Ministers continues to inform the Russian authorities of the cases against the Russian Federation proposed for examination at the Human Rights meetings and to invite them to participate in the meetings in accordance with the terms of paragraph 7 of Resolution [CM/Res\(2022\)3](#) on legal and financial consequences of the cessation of membership of the Russian Federation in the Council of Europe. However, no representative in respect of the Russian Federation has participated in the Human Rights meetings and no information has been provided. In 2023, based on information notes³⁸ prepared by the DEJ, the Committee continued to elaborate on its strategy for the examination of Russian cases and adopted two decisions in this respect. Following these instructions, the DEJ took several important steps, explained further below, to assist the Committee in its functions of supervision of the execution of European Court judgments.

In the course of 2023, through adopting decisions and interim resolutions, the Committee continued underlining the obligation on the Russian Federation to

37. For an overview of the outstanding measures, see [H/Exec\(2023\)12 – Memorandum – Judgments of the European Court of Human Rights against the Russian Federation: measures required in the pending cases](#).

38. [CM/Inf/DH\(2023\)22](#) and [CM/Notes/1483/H46-A3](#).

execute the Court's judgments. It examined and adopted decisions in respect of 18 leading cases or groups of cases under enhanced procedure. At three Human Rights meetings, the Committee examined the two inter-state cases, namely *Georgia v. Russia (I)*, concerning the arrest, detention and expulsion from the Russian Federation of large numbers of Georgian nationals between the end of September 2006 and the end of January 2007; and *Georgia v. Russia (II)*, concerning various violations of the Convention in the context of the armed conflict between the Russian Federation and Georgia in August 2008.

Moreover, in the context of the *Navalnyy and Ofitserov* group, the Committee repeatedly deplored that to date Mr Aleksey Navalnyy remains in detention under deteriorating conditions and has repeatedly called for his release. It also adopted decisions in the *Catan and Others* and *Mozer* groups, concerning various violations of the Convention in the Transnistrian region of the Republic of Moldova. Among the other topics examined by the Committee in 2023 were cases concerning restrictions of freedoms of expression, assembly, religion, as well as various violations concerning abuses in application of the anti-extremism legislation against the opposition, LGBTI rights, and cases concerning high-profile murders, including organised by the Russian authorities.

The Committee has repeatedly deplored that the Russian Federation has chosen not to participate in the Human Rights meetings and ceased all communication in respect of the implementation of the Court's judgments.

Further avenues have therefore been explored to enhance the visibility of the Committee's supervision of the Russian cases.

Upon the invitation of the Committee, the Secretary General has continued to send a letter after each Human Rights meeting to the Minister of Foreign Affairs of the Russian Federation informing him of the decisions and resolutions adopted by the Committee in cases where the Russian Federation is the respondent state and urging the authorities to comply with their obligations under international law and the Convention to fully abide by the Court's judgments. These letters were made public via the Council of Europe website.

In addition, the DEJ prepared a detailed memorandum on "Judgments of the European Court of Human Rights against the Russian Federation: measures required in the pending cases". It tables all leading cases by Convention Article and also by specific subject where necessary. This memorandum will be updated with the Committee's future decisions and submitted to the Committee for consideration at each December Human Rights meeting. This stocktaking document is publicly available online on the Department's website and the HUDOC-Exec database.

As to just satisfaction, in accordance with the Interim Resolution [CM/ResDH\(2022\)254](#), adopted by the Committee at its Human Rights meeting in December 2022 and in line with the Strategy paper regarding the supervision of the execution of cases pending against the Russian Federation ([CM/Inf/DH\(2022\)25](#)), the Secretariat created and published a public register of just satisfaction owing in all inter-state cases

against the Russian Federation.³⁹ This register is regularly updated as regards the default interest accrued so that both the issue and the sums due can remain under close public scrutiny and be available to the Committee in the light of any future developments.

In general, overall information on just satisfaction is missing in 1 336 cases against the Russian Federation. As of 31 December 2023, the total outstanding amount stood at over 2.2 billion euros. This includes the sums awarded by the Court in the two inter-state cases pending execution.

A.3. Co-operation with the United Nations and civil society

Contacts with the United Nations

In 2023, the United Nations General Assembly underlined the key role of the European Court in ensuring effective human rights protection in Europe and noted with interest the efforts to ensure the rapid and effective execution of Court judgments.⁴⁰

The Russian Federation remains a member of the United Nations (UN) and a party to a number of UN human rights instruments with their own monitoring mechanisms. The general and individual measures required from the Russian Federation to implement the European Court's judgments in many instances coincide with issues followed by the UN monitoring bodies, notably by the UN Human Rights Council (HRC). It is therefore important that the Council of Europe and the relevant UN bodies complement one another to ensure effective compliance with human rights obligations. Thus, the Heads of State and Government, in the Reykjavik Declaration, recommitting to the Convention system as the cornerstone of the Council of Europe's protection of human rights, affirmed the need to make every effort to ensure the execution of the Court's judgments by the Russian Federation, including through the development of synergies with other international organisations such as the UN.

Working visit to Geneva

To enhance co-operation with the UN bodies, a delegation from the DEJ had a working visit to Geneva on 12 and 13 June 2023 and held meetings with Ms Mariana Katzarova, the UN Special Rapporteur on the situation of human rights in the Russian Federation, as well as with staff members from the HRC and Treaty Mechanisms Division, including the Petitions and Urgent Action Section and the Europe and Central Asia Section. The delegation also met with staff members of the UN Working Group on Enforced or Involuntary Disappearances (UNWGEID).

39. In the case of *Georgia v. Russia (I)* the Court awarded EUR 10,000,000, which by 31 December 2023 had accrued default interest of 1,956,438.36 EUR, and in the case of *Georgia v. Russia (II)*, in its just satisfaction judgment of 28 April 2023, the Court awarded just satisfaction in the amount of EUR 129,827,500, to be paid within three months, which by 31 December 2023 had accrued default interest of 4,247,849.09 EUR.

40. United Nations Resolution on Cooperation with the United Nations and the Council of Europe, adopted on 26/04/2023, A/RES/77/284.

Contacts with the Special Rapporteur on the situation of human rights in the Russian Federation

Following the initial meeting in Geneva, the DEJ continued its dialogue with the UN Special Rapporteur on the situation of human rights in the Russian Federation. In her report to the 54th HRC meeting, the Special Rapporteur included a recommendation about the execution of judgments concerning the Russian Federation, highlighted the very poor human rights situation in the Russian Federation in various fields, and also addressed the necessity of implementation of the Court's judgments (§ 112, h⁴¹).

As a further step in this continued dialogue, upon the invitation of the Committee, on 12 and 13 December 2023 the DEJ organised a visit of the Special Rapporteur to Strasbourg. The Special Rapporteur held an exchange of views with the Committee and also had bilateral meetings [with the Secretary General](#) and the Secretariat of the DEJ. The execution of judgments of the European Court against the Russian Federation and contacts with Russian civil society and human rights defenders were among the main topics of these meetings.

Universal Periodic Review (UPR) process

On 13 November 2023, at its 44th session, the Human Rights Council's Working Group on the Universal Periodic Review (UPR) reviewed the situation in the Russian Federation. During the interactive dialogue, several Council of Europe member states took the floor to remind the Russian Federation of its unconditional obligation to abide by the European Court's judgments and decisions.

[Contacts with civil society](#)

In the absence of communication from the authorities, the information provided by CSOs remains a vital resource to enable the Committee to keep up to date with the situation in the Russian Federation. In accordance with the general procedure, the DEJ has continued to forward all communications received from civil society under Rule 9 to the Russian authorities.

The DEJ also had regular contacts with representatives of civil society both inside and outside the Russian Federation. On 7 March 2023, the Committee held an exchange of views with three Russian human rights CSOs, namely with *the Memorial Human Rights Defence Centre*, *the Mass Media Defence Centre*, and *the Stitching Justice Initiative*, on issues relevant to the execution of pending cases concerning in particular freedom of assembly (*Lashmankin* group of cases), freedom of expression online (*Vladimir Kharitonov* group of cases), and the continuing human rights violations in the North Caucasus region (*Khashiyev* group of cases). The delegations expressed their support to continuing this dialogue.

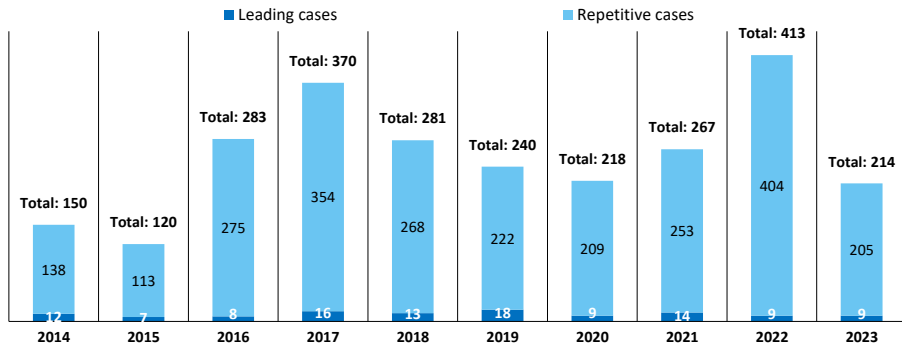
41. See, the Report of the Special Rapporteur on the situation of human rights in the Russian Federation, A/HRC/54/54, examined by the Human Rights Council at its 54th session.

In September 2023, a similar exchange was held with the People’s Advocate (Ombudsman) of the Republic of Moldova and the CSO “Promo-Lex Association” on the issues raised by the pending cases against the Russian Federation concerning the Transnistrian region of the Republic of Moldova. Further exchanges on other cases against the Russian Federation will continue in 2024. These exchanges revealed the importance of keeping in touch with civil society, not only from the perspective of the Committee but also for the Russian population. The CSOs stressed that the press releases and the decisions of the Committee and the Council of Europe are very important for the public to receive an impartial and independent version of information as to implementation of Court’s judgments and the human rights situation in the Russian Federation. The Council of Europe’s continued dialogue with the Russian civil society is also very significant for their fear of undue pressure and the risk of further deterioration of the human rights situation.

B. Statistics

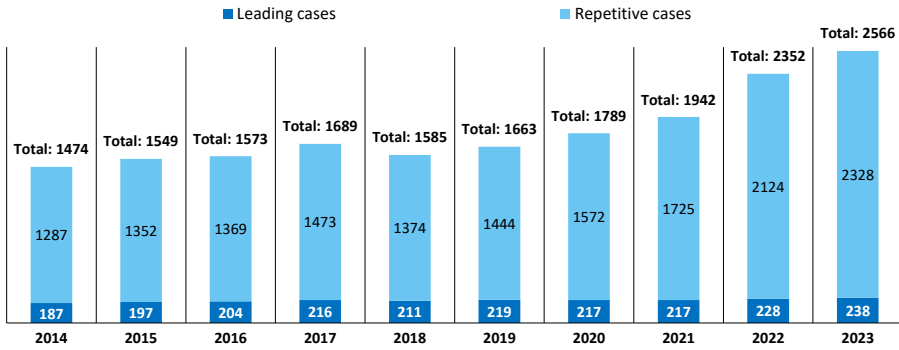
B.1. New cases

Under the Resolution on the consequences of the cessation of membership of the Russian Federation to the Council of Europe in light of Article 58 of the Convention, adopted by the Court on 22 March 2022, “the Court remains competent to deal with applications directed against the Russian Federation in relation to acts or omissions capable of constituting a violation of the Convention provided that they occurred until 16 September 2022”. As a consequence, the Committee of Ministers continues to receive judgments and decisions against the Russian Federation for supervision of their execution.

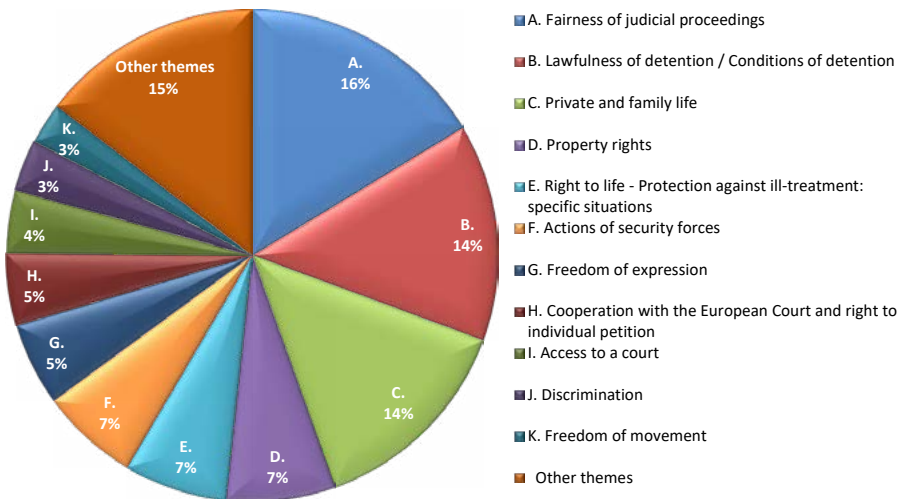


B.2. Pending cases

In accordance with a decision adopted in September 2023, all pending cases against the Russian Federation have been transferred to, and all new cases will be classified, in the enhanced procedure.⁴²

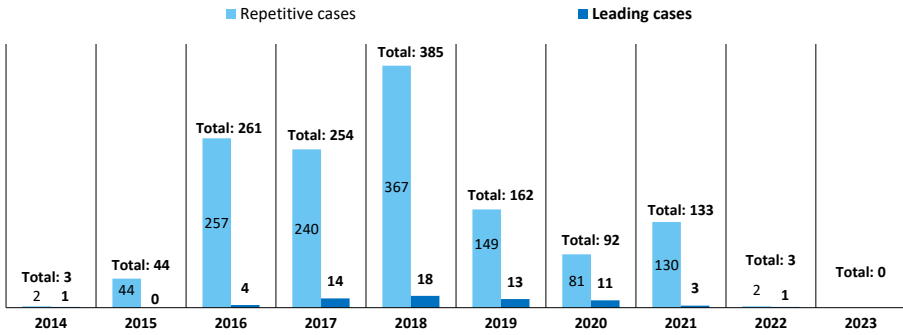


B.3. Main themes of leading cases pending



42. [CM/Del/Dec\(2023\)1475/A2a](#).

B.4. Closed cases



B.5. Just satisfaction awarded

YEAR	AMOUNT AWARDED
2023	157 505 928 €
2022	80 155 549 €
2021	11 917 616 €
2020	11 458 094 €
2019	28 547 005 €
2018	13 115 481 €
2017	14 557 886 €
2016	7 380 062 €
2015	4 916 117 €
2014	1 879 542 229 €

Chapter VI

Statistics on the supervision process

As the Committee of Ministers continues to supervise the execution of judgments and decisions against the Russian Federation, unlike Part IV, the following statistics related to general case processing continue to include data concerning the Russian Federation.

A. Action plans/reports

Since the introduction of new working methods in 2011, states must submit an action plan or action report to the Committee of Ministers, as soon as possible and in any case at the latest within six months of a judgment becoming final. Action plans set out the measures taken and/or envisaged by the respondent state to fully implement a judgment, together with an indicative timetable. Action reports set out the measures taken which in the respondent state's view fully implement the judgment and/or an explanation of why no measures, or no further measures, are necessary.

Year	Action plans received	Action reports received	Reminder letters ⁴³ (states concerned)
2023	294	541	80 (17)
2022	254	509	92 (17)
2021	245	427	84 (16)
2020	212	398	48 (19)
2019	172	438	54 (18)
2018	187	462	53 (16)
2017	249	570	75 (36)
2016	252	504	69 (27)
2015	236	350	56 (20)
2014	266	481	60 (24)

43. According to the CM 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).

B. Interventions of the Committee of Ministers⁴⁴

Year	Number of interventions of the CM during the year	Total cases/groups of cases examined	States concerned	States with cases under enhanced supervision
2023	164	160	30	30
2022	154	145	32	32
2021	168	161	29	28
2020	136	131	28	32
2019	131	98	24	32
2018	123	96	30	31
2017	157	116	26	31
2016	148	107	30	31
2015	108	64	25	31
2014	111	68	26	31

The Committee of Ministers' interventions are divided as follows:

Year	Examined four times or more	Examined three times	Examined twice	Examined once
2023	8	22	23	107
2022	20	9	24	92
2021	28	9	33	91
2020	1	3	16	86
2019	3	4	14	77
2018	3	1	11	81
2017	6	2	17	89
2016	5	6	11	85
2015	4	10	9	41
2014	6	5	11	46

44. Examinations during ordinary meetings of the CM without any decision adopted are not included in these tables.

C. Transfers of leading cases/groups of cases

Transfers to enhanced supervision

Year	Leading cases/groups of cases transferred to enhanced supervision	States concerned
2023	2 (935)	Bulgaria – (Russian Federation ⁴⁵)
2022	11	Albania – Belgium – Bulgaria – Italy – Serbia – Türkiye – United Kingdom
2021	2	North Macedonia – Russian Federation
2020	6	Cyprus – Sweden – Serbia – Türkiye – Hungary
2019	5	Poland – Romania – Türkiye
2018	4	Cyprus – Malta – Hungary
2017	2	Ireland – Russian Federation
2016	6	Bulgaria – Georgia – Romania – Türkiye
2015	2	Hungary – Türkiye
2014	7	Bulgaria – Lithuania – Poland – Türkiye

Transfers to standard supervision

Year	Leading cases/groups of cases transferred to standard supervision	States concerned
2023	3	Türkiye – Ukraine
2022	0	–
2021	3	Bosnia and Herzegovina – Lithuania
2020	4	Croatia – Russian Federation – Serbia – Ukraine
2019	32	North Macedonia – Greece
2018	0	–
2017	5	Bulgaria – Bosnia and Herzegovina – Russian Federation
2016	4	Greece – Ireland – Türkiye
2015	2	Norway – United Kingdom
2014	19	Bosnia and Herzegovina – Germany – Greece – Hungary – Italy – Poland – Russian Federation

45. In September 2023, the Committee of Ministers decided to transfer all pending cases and classify all new cases against the Russian Federation to the enhanced supervision procedure (CM/Del/Dec(2023)1475/A2a).

D. Contributions from Civil Society Organisations and National Human Rights Institutions

The distinction between communications from CSOs and communications from NHRIs was clearly made as from 2021. The statistics prior to that date combine all communications.

Year	CSO	NHRI	States concerned
2023	225	14	33
2022	200	17	29
2021	195	11	27
2020	176		28
2019	133		24
2018	64		19
2017	79		19
2016	90		22
2015	81		21
2014	80		21
2013	81		18
2012	47		16
2011	47		12

Chapter VII

New judgments with indications of relevance for the execution

A. Pilot judgments which became final in 2023

In 2023, the European Court did not issue any pilot judgment.

B. Judgments with indications of relevance for the execution (under Article 46) which became final in 2023

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

STATE	CASE	APPLICATION NUMBER	JUDGMENT FINAL ON	NATURE OF VIOLATIONS FOUND BY THE COURT AND MEASURES INDICATED
Albania	<i>Besnik Cani</i>	37474/20	04/01/2023	<p>Standard supervision</p> <p>A breach of the requirement of a “tribunal established by law” with regard to a former prosecutor’s dismissal as part of an exceptional vetting process for the re-evaluation of all serving judges and prosecutors, in particular concerning the applicant’s arguable and serious claim of a manifest breach of a fundamental domestic rule in the appointment of one judge to the Special Appeal Chamber (SAC) and the latter’s participation in the bench having decided the applicant’s dismissal.</p> <p>The Court noted that the vetting proceedings had had serious consequences for the applicant as he had been immediately dismissed and given a lifetime ban on returning to a prosecutorial or judicial post. It considered that the most appropriate form of redress for the applicant would be, to the extent that that might be possible under domestic law, to reopen the proceedings, should the applicant make such request, and to re-examine his case in a manner that is keeping with all the requirements of a fair trial. However, the finding of a violation could not in itself be taken to require the reopening of all similar cases that have in the meantime become <i>res judicata</i> under domestic law.</p>

STATE	CASE	APPLICATION NUMBER	JUDGMENT FINAL ON	NATURE OF VIOLATIONS FOUND BY THE COURT AND MEASURES INDICATED
Albania	<i>Sevdari</i>	40662/19	13/03/2023	<p>Standard supervision</p> <p>Disproportionate interference with a prosecutor's private life on account of her dismissal and lifetime ban from re-entering justice system due to an isolated professional error and her spouse's failure to pay tax on a small part of his income.</p> <p>The Court considered that the appropriate redress for the violation of the applicant's rights would be to reopen the proceedings and for the case to be re-examined in accordance with the requirements of Article 8 of the Convention. The Court underlined, however, that the functioning of the current vetting process in general, based on the Constitution and the Vetting Act, did not disclose any systemic problem.</p>
Azerbaijan	<i>Aykhan Akhundov</i>	43467/06	01/06/2023	<p>Standard supervision</p> <p>Unfair civil proceedings relating to a property dispute due to the arbitrary reasons given by the domestic courts for their decisions resulting in the annulment of the applicant's property rights.</p> <p>The Court noted the applicant's right to ask for a reopening of his case under the domestic law. However, as the lapse of time since the domestic decisions complained of might have rendered their annulment and a reversal of their effects problematic, it underlined that it will be the competent domestic court's task to evaluate all circumstances of the case and to choose the appropriate means to ensure the maximum possible reparation.</p>

STATE	CASE	APPLICATION NUMBER	JUDGMENT FINAL ON	NATURE OF VIOLATIONS FOUND BY THE COURT AND MEASURES INDICATED
Azerbaijan	<i>Alif Ahmadov and Others</i>	22619/14	04/08/2023	<p>Standard supervision</p> <p>Lack of a procedure in eviction proceedings enabling an adequate review of the proportionality of the interference with property rights in the light of personal circumstances.</p> <p>The Court found that there would be a breach of Article 8 of the Convention if the eviction order were to be enforced without the carrying out of an adequate review. It underlined that it should be left to the Committee of Ministers to supervise with due regard to the applicants' evolving situation, the adoption of measures aimed at ensuring that the domestic authorities comply with the Convention requirements, as clarified in the present judgment.</p>
Belgium	<i>Camara</i>	49255/22	18/10/2023	<p>To be classified in March 2024</p> <p>Systemic problem of national authorities' capacity to comply with their domestic legislation on asylum-seekers' right to accommodation, including final judicial decisions ordering such compliance.</p> <p>Although it was aware of the difficulties the Belgian authorities had been facing, the Court found that such a response was incompatible with the principle of the rule of law which is inherent in the system of protection established by the Convention. It was the respondent state's responsibility to take appropriate measures to put an end to this situation and comply with the domestic law on the right to accommodation of asylum seekers, including final court decisions.</p>

STATE	CASE	APPLICATION NUMBER	JUDGMENT FINAL ON	NATURE OF VIOLATIONS FOUND BY THE COURT AND MEASURES INDICATED
Belgium	<i>Van den Kerkhof</i>	13630/19	05/12/2023	<p>To be classified in March 2024</p> <p>Structural problem of excessive length of civil proceedings before courts and tribunals of the Brussels judicial district.</p> <p>The Court noted that the problems at issue were structural and relied on a June 2022 audit of the Brussels Court of Appeal and on the concerns expressed already several times by the Committee of Ministers regarding the execution of the <i>Bell</i> judgment. The Court indicated that tackling this problem could require the Belgian state to take a range of legislative, organisational, budgetary and other measures and that compliance with the reasonable-time requirement also necessarily called for the involvement of all protagonists in the justice system.</p>
Bulgaria	<i>Korporativna Targovska Banka AD</i>	46564/15 and 68140/16	30/01/2023	<p>Enhanced supervision</p> <p>Complex problem: Lack of practical possibility for the applicant bank, KTB, to obtain judicial review of the Bulgarian National Bank's decision to withdraw its licence, lack of proper representation in insolvency proceedings and the lack of safeguards against arbitrariness.</p> <p>The Court indicated that although the only way to put right the breach of Article 6 § 1 relating to the impossibility for KTB to obtain proper judicial review of the withdrawal of its licence is to give it such a possibility, it does not necessarily follow that the form of redress following a possible finding that the Bulgarian National Bank's decision to withdraw KTB's licence was unlawful or unjustified should consist in the annulment of that decision and a reversal of its effects rather than in an award of compensation.</p> <p>As regards the general measures, it indicated that Bulgaria should ensure that a bank whose licence has been withdrawn be able to directly and independently seek and obtain effective judicial review of that measure and amend certain provisions of the Bank Insolvency Act 2002 to allow a bank to be properly represented in insolvency proceedings.</p>

STATE	CASE	APPLICATION NUMBER	JUDGMENT FINAL ON	NATURE OF VIOLATIONS FOUND BY THE COURT AND MEASURES INDICATED
Greece	<i>Georgiou</i>	57378/18	14/06/2023	<p>Standard supervision</p> <p>Unfair proceedings in the applicant's appeal on points of law due to the Court of Cassation's failure to examine the applicant's request to seek a preliminary ruling on a legal question from the Court of Justice of the European Union, without any justification.</p> <p>The Court considered that reopening of the proceedings before the Court of Cassation would constitute appropriate redress for the violation of the applicant's rights.</p>
Hungary	<i>Szolcsán</i>	24408/16	30/06/2023	<p>Enhanced supervision</p> <p>Complex problem: Discrimination of a Roma pupil on account of the unjustified segregation in a State-run primary school attended almost exclusively by Roma children and failure of authorities to take adequate desegregation measures to correct the factual inequality and to avoid its perpetuation and resultant discrimination.</p> <p>The Court considered that measures to be taken must ensure the end of the segregation of Roma pupils at the Jókai Mór school and, more generally, the development of a policy against segregation in education, including steps to eliminate it as recommended by the European Commission against Racism and Intolerance. It reiterated that the coexistence of members of society free from racial segregation is a fundamental value of democratic societies and that inclusive education is the most appropriate means of guaranteeing the fundamental principles of universality and non-discrimination in the exercise of the right to education.</p>

STATE	CASE	APPLICATION NUMBER	JUDGMENT FINAL ON	NATURE OF VIOLATIONS FOUND BY THE COURT AND MEASURES INDICATED
North Macedonia	<i>Elmazova and Others</i>	11811/20 and 13550/20	13/03/2023	<p>Enhanced supervision</p> <p>Complex problem: Discrimination of Roma pupils on account of the unjustified segregation in two state-run primary schools attended predominantly by Roma children and with Roma-only classes as well as state failure to take adequate desegregation measures to correct factual inequality and to avoid the perpetuation of discrimination resulting from the Roma pupils' over-representation in one of the district's school.</p> <p>The Court considered that measures to be taken must ensure the end of the segregation of Roma pupils in the primary schools G.S. and G.D. in Bitola and Shtip, as recommended by the European Commission against Racism and Intolerance, the national Commission for Prevention and Protection against Discrimination, and the Ombudsman. It reiterated that the coexistence of members of society free from racial segregation is a fundamental value of democratic and that inclusive education is the most appropriate means of guaranteeing the fundamental principles of universality and non-discrimination in the exercise of the right to education.</p>

STATE	CASE	APPLICATION NUMBER	JUDGMENT FINAL ON	NATURE OF VIOLATIONS FOUND BY THE COURT AND MEASURES INDICATED
Romania	<i>Văleanu and Others</i>	59012/17+	03/04/2023	<p>Enhanced supervision</p> <p>Structural problem: Continuing ineffectiveness of the restitution mechanism for property confiscated or nationalised by the communist regime, despite new remedies under domestic law.</p> <p>The Court found that despite its validation - in its judgment <i>Preda and Others</i> - of the general functioning of the 2013 restitution mechanism, the implementation of the mechanism continues to fall short of being comprehensively effective and convincingly consistent. The Court underlined the importance of appropriate arrangements to ensure that the restitution process was conducted without further unnecessary delays and provided genuine effective relief for claimants. Moreover, the Court emphasised the need for short but realistic and binding time-limits for the completion of ongoing administrative proceedings. The Court underlined that it is crucial that Romania continue its consistent efforts to adopt further appropriate measures, with a view to bringing its legislation and practice into line with the Court's findings in the present case and with its relevant case-law, so as to achieve complete compliance with Article 1 of Protocol No. 1 to the Convention and Article 46 of the Convention.</p>

STATE	CASE	APPLICATION NUMBER	JUDGMENT FINAL ON	NATURE OF VIOLATIONS FOUND BY THE COURT AND MEASURES INDICATED
Russian Federation	<i>Navalnyy (No. 3)</i>	36418/20	06/06/2023	<p>Enhanced supervision</p> <p>Domestic authorities' refusal to investigate the applicant's plausible claims of poisoning with a chemical nerve agent prohibited by the Chemical Weapons Convention.</p> <p>The Court underlined the authorities' persistent failure to carry out an effective investigation into credible allegations of attempted murder, despite multiple calls by international bodies on the Russian government to elucidate the circumstances of the incident as a matter of serious public concern. The Court found that the specific individual measures required must include effective and prompt criminal investigations, in consideration of its findings in the present judgment. In its examination of any future applications lodged by the applicant, the Court would draw inferences for related complaints as long as a Convention-compliant investigation had not taken place.</p>
Serbia	<i>S.E.</i>	61365/16	11/10/2023	<p>To be classified in March 2024</p> <p>Lack of appropriate regulations for the implementation of the Asylum Act, resulting in the authorities' refusal to issue the applicant with a travel document for refugees, which impaired the very essence of his freedom of movement.</p> <p>The Court underlined the need for appropriate statutory and operational measures to complete the pertinent legislative framework as well as implementing regulations to ensure the effective right to leave the territory, and the possibility for any individual in a similar situation to that in which the applicant found himself to access the procedure to apply for and obtain a travel document.</p>

STATE	CASE	APPLICATION NUMBER	JUDGMENT FINAL ON	NATURE OF VIOLATIONS FOUND BY THE COURT AND MEASURES INDICATED
Türkiye	<i>Yüksel Yalçınkaya</i>	15669/20	26/09/2023	<p>Enhanced supervision</p> <p>Structural problem: Unforeseeable judicial interpretation resulting in the applicant’s conviction for membership in an armed terrorist organisation, based decisively on the use of an encrypted messaging application named “ByLock”; unfairness of criminal proceedings due to the non-disclosure of raw data obtained from the server without adequate procedural safeguards as well as the unforeseeable extension of the scope of offence, when relying on the applicant’s membership in a trade union and an association considered to be affiliated with a terror organisation.</p> <p>The Court stated that the reopening of the criminal proceedings, if requested, would be the most appropriate way of putting an end to the violations found in the present case and of affording redress to the applicant. As concerns general measures, the Court urged a rapid and effective correction of the defect identified in the national system of human-rights protection. It underlined that Türkiye had to take general measures as appropriate to address the systemic problem, notably the domestic courts’ approach to the use of Bylock. The domestic courts were required to take due account of the relevant Convention standards as interpreted and applied in the present judgment.</p>

Chapter VIII

Where to find further information on the execution of judgments

HUDOC-EXEC database

The HUDOC-EXEC database is a search engine to improve 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 searches by a number of criteria (state, supervision track, violations, themes etc.).

The number of visits to the HUDOC-EXEC database increased from 98 846 in 2022 to 128 050 in 2023 (+30%).

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

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Website of the Committee of Ministers

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

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

Website of the Department for the Execution of Judgments

The website provides the public with various information on the work of the Committee of Ministers and the DEJ, notably through the regular publication of the latest news on the supervision of cases and on the Department's activities. Amongst other things, it includes country and thematic fact-sheets, interim and final resolutions and annual reports. It also includes information about the Department's missions, articles on seminars, round tables, workshops, meetings, and other co-operation activities. A specific webpage enables issues related to the payment of just satisfaction to be followed.

Detailed information is available for NHRIs and CSOs on a dedicated webpage with a view to increase transparency and encourage Rule 9 communications.

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





Social media

The DEJ manages the X account Human Rights (DGI) providing targeted information for national authorities, legal professionals, CSOs and NHRIs, the media, and the public in general. The followers of the Twitter account increased in 2023 by approximately 26% and reached 6 720 (compared to 5 320 in 2022).

The DEJ publishes the Committee of Ministers' decisions on the cases examined at the end of each Human Rights meeting as well as information on the activities related to the execution of the European Court's judgments.

@CoEHumanRights

Thematic factsheets

The thematic factsheets are created and published by the DEJ and aim to present an overview of selected legislative, case-law and other reforms in member states, following the European Court's judgments whose execution has been supervised and ended by the Committee of Ministers. As the execution process in pending cases may evidence important progress, some factsheets also include relevant pending cases.

In 2023, four new thematic factsheets were published on: *Right to free elections*, *Excessive formalism by courts*, *Life imprisonment and Reproductive rights*. In addition, three existing factsheets were updated: *Effective investigations*, *Environment and Independence and Impartiality*.

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



Country factsheets

The online factsheets present an overview of the main issues raised by the European Court's judgments whose execution is still pending before the Committee of Ministers, with links to information on the cases' status of execution (*Main issues pending*).

They also provide concise information on legislative and other reforms made by member states in the context of the execution of the European Court's judgments (*Main achievements*). Country-based statistics are also available on the webpage including a new modern, interactive tool.

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

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.

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 to any higher instance. 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.

Friendly settlement with undertaking – agreement between the applicant and the respondent state aiming at putting an end to the application before the Court. The respondent state undertakes and commits to adopting specific individual and/or general measures in order to provide adequate redress to the applicant and/or prevent future similar violations. The Court approves the settlement if it finds that respect of human rights does not justify maintaining the application. The Committee of Ministers will supervise and ensure that the respondent state has complied with the undertaking given.

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).

Human Rights 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.

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 disclosing a problem, in law and/or practice, at national level, often requiring the adoption by the respondent state of new or additional general measures to prevent recurrence of similar violations. If this new problem proves to be of an isolated nature, the adoption of general measures, in addition to the publication and dissemination of the judgment, is not in principle required. A leading case may also reveal structural/systemic problems, identified by the Court in its judgment or by the Committee of Ministers in the course of its supervision of execution, requiring the adoption by the respondent state of new general measures to prevent recurrence of similar violations.

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

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

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

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

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

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

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

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

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

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

The Annual Report contains an overview of major advances and challenges recorded in the execution of the European Court's judgments and decisions in 2023. It also provides a state by state overview along with statistics on notably: new, pending and closed cases; payment of just satisfaction awarded to applicants; and submission of action plans and reports by respondent states.

2023 continued to be marked by the full-fledged war of aggression of the Russian Federation against Ukraine, which continued to cause extraordinary suffering but also had severe consequences on Ukraine's capacity to promptly execute the Court's judgments. Nevertheless, Ukraine continued to demonstrate its commitment to the Convention system by actively engaging in the execution process.

The Committee of Ministers also implemented various innovative strategies in 2023 to supervise judgments against the Russian Federation by for example hearing directly from key interlocutors, including civil society and the United Nations.

For the first time, the statistics in the 2023 annual report are separated into those related to member states and those related to the Russian Federation, to give a clearer vision of the developments in the execution of cases pending against member states who continue to participate actively in the execution process and where progress is continually reported.

The adoption of the Reykjavik Declaration by the Heads of State and Government of the Council of Europe in 2023 was a key milestone, as member states at the highest-level expressly reaffirmed their unwavering commitment to the Convention system and underlined the importance of the full, effective and prompt execution of the Court's judgments. To this end, and following the guiding framework set out in that Declaration, the Department for the Execution of Judgments intensified work in 2023 to assist states through co-operation and dialogue with a record number of 140 missions and bilateral meetings with national authorities. Work also continued to increase the transparency of the execution process and reinforce as far as possible its participatory character and led to a steady increase in communications from civil society organisations and national human rights institutions.

www.coe.int



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

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