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I. Main achievements

This chapter presents short summaries of a selection of the main reforms and achievements reported in final resolutions since the Convention system was amended in 1998 by Protocol No. 11, with a clear focus on recent reforms, referring however also to important earlier developments.

In view of the wealth of cases closed, the selection concentrates on those which have led to changes of legislation, government regulations, the adoption of new policies or general guidance from superior courts. As a rule, the overview does not cover information on measures providing individual redress to applicants.

The reforms are in principle presented in the order corresponding to the thematic domains used in the specialised database HUDOC-EXEC of the Department for the Execution of Judgments of the European Court of Human Rights.

Many reforms address issues which appear to be on-going challenges in member states. The effects of reforms adopted at one point in time may thus need to be monitored and possibly revisited as conditions change.[1]

Definitions of the terms used in the context of the supervision of the execution of the European Court's judgments are available in the dedicated Glossary.

[1] The presentation is limited to the information provided at the time of the adoption of the final resolution. It is recalled in this context that the Committee of Ministers has issued Recommendation (2004)5 on the verification of the compatibility of draft laws, existing laws and administrative practice with standards laid down in the European Convention on Human Rights.

Functioning of justice

Access to a court and fairness of proceedings

The right to challenge the lawfulness of Government decrees was introduced by an amendment to the Constitution in November 2005. The amendment allows for appeals to the Constitutional Court to contest the constitutionality of legislative acts, including Presidential and Government decrees.

Melikyan (9737/06)
Final Resolution CM/ResDH(2014)44

In 2009, in addition to being exempt from court fees, commercial entities' right to pursue judicial proceedings was further enforced, notably to allow them to challenge the legality of administrative actions, in cases in which the levying of such fees would make the pursuit of proceedings impossible.

Paykar Yev Haghtanak (21638/03)
Final Resolution CM/ResDH(2011)185

The procedural requirements for lodging an appeal on points of law to the Court of Cassation were amended and the requirement that only specially licensed advocates could lodge such appeals was abolished in 2009. The lodging by attorneys of an appeal in cassation was upheld by the Constitutional Court in 2015, and legal aid is offered to ensure effective access to a court.

Shamonyan (18499/08)
Final Resolution CM/ResDH(2016)104

The Court of Cassation and the Constitutional Court improved the reasoning of their decisions.

Sholokhov (40358/05)
Final Resolution CM/ResDH(2015)116

Oral hearings in administrative cases were introduced by the new 2013 Code of Administrative Procedure.

Stepanyan (45081/04)
Final Resolution CM/ResDH(2015)38

In 2007, metal cages were removed from all courtrooms where criminal proceedings take place.

Piruzyan (33376/07)
Final Resolution CM/ResDH(2016)37

The 2015 constitutional reforms introduced a new independent state body, the Supreme Judicial Council, which has exclusive competence and full jurisdiction over matters pertaining to disciplinary liability of judges, acting as a "court" for these purposes, and whose decisions are binding and final.

Mnatsakanyan (2463/12)
Final Resolution CM/ResDH(2025)353

Principle of legal certainty

In 2014, more circumscribed rules on appeals on points of law were introduced by amendments to the Code of Civil Procedure, in order to avoid several final judgments concerning the same case.

Amirkhanyan (22343/08+)
Final Resolution CM/ResDH(2017)185

Enforcement of domestic judicial decisions

In 2014, a remedy was introduced to the new Code of Administrative Procedure to contest Government decrees before the administrative courts, including cases of slow or negligent enforcement. In order to secure the payment of State debts in case of lack of funds, fixed amounts were allocated from the state budget to the Compulsory Enforcement Service. In addition, the electronic governance system of the judiciary was synchronized with that of the Compulsory Enforcement Service, notably ensuring that the latter always receive a copy of final judgments.

Khachatryan (31761/04)
Final Resolution CM/ResDH(2015)37

Freedom of expression

➢ Broadcasting licenses

To protect against unwarranted refusals by the National Television and Radio Commission (NTRC) to grant broadcasting licences, the Television and Radio Broadcasting Act was amended in 2010, introducing the obligation for NTRC to provide properly substantiated and reasoned decisions with respect to the selection, refusal or invalidation of such licences.

Meltex Ltd and Mesrop Movsesyan (32283/04)
Final Resolution CM/ResDH(2011)39

➢ Whistle-blowing

The Law on the Whistle-Blowing System entered into force on 1 January 2018. Among other things, an anonymous reporting system for whistle-blowers has been launched and a special electronic reporting platform has been created. The law provides for safeguards against liability for submitting whistle-blowing reports concerning alleged crimes or other misconduct.

Hrachya Harutyunyan (15028/16)
Final Resolution CM/ResDH(2026)96

Freedom of religion

➢ Conscientious objection to military service

In 2013 legislation provided for a system of alternative service under civilian management and aligned the length of service to that of military service. The Criminal Code was amended to incorporate transitional clauses concerning the release of conscientious objectors serving a sentence, termination of ongoing proceedings against conscientious objectors as well as the clearance of their criminal records.

Bayatyan (23459/03+)
Final Resolution CM/ResDH(2014)225

Freedom of assembly

The penalty of administrative detention for participating in peaceful assemblies was abolished in 2005 and a more precise legal framework for peaceful assemblies was adopted in 2011, providing additional safeguards.
Additional guarantees for freedom of assembly, in general, spontaneous or urgent assemblies, or those with less than 100 participants, which no longer require prior notification, were introduced by amendments of the Constitution in 2015.

Galstyan (26986/03+)
Final Resolution CM/ResDH(2016)185

Helsinki Committee of Armenia (59109/08)
Final Resolution CM/ResDH(2017)297

Effective remedy – Compensation for non-pecuniary damage

Amendments of the Civil Code in 2014 and 2016 introduced of the right to non-pecuniary damages for violations of rights and freedoms guaranteed by the Convention, i.a. unlawful detention, ill-treatment or miscarriage of justice. Compensation is thus also available to persons who were wrongfully convicted.

Khachatryan and Others (23978/06+)
Final Resolution CM/ResDH(2016)184

Protection of property rights

The 2006 Law on expropriation for the needs of society and the State provided for a more foreseeable, accessible and precise framework for expropriations, including a respective right to compensation.

Minasyan and Semerjyan (27651/05+)
Final Resolution CM/ResDH(2015)91

Electoral rights

The 2011 Electoral Code abolished the obligation to submit a property and income declaration and resulting restrictions to the right to register as candidate in general elections. In addition, the Electoral Code introduced remedies for violations of electoral rights, allowing for appeals to be lodged before courts.

Sarukhanyan (38978/03)
Final Resolution CM/ResDH(2014)108



II. Main issues pending before the Committee of Ministers

This chapter presents the main issues pending in cases/groups of cases currently under the Committee of Ministers' supervision. The relevant supervision procedure is indicated for each case/group of cases.

Detailed information on the status of execution of these cases as well as on the Committee of Ministers' supervision process is available on the specialised database HUDOC-EXEC of the website of the Department for the Execution of Judgments of the European Court of Human Rights.

Definitions of the terms used in the context of the supervision of the execution of the European Court's judgments are available in the dedicated Glossary.

Actions of security forces and effective investigations

Ill-treatment, torture or death in police custody; ineffective investigations into allegations of such acts.	***Vardanyan and Khalafyan* group** (2265/12) Judgment final on 08/02/2023 Enhanced supervision **Status of execution**
Authorities' failure to comply with their positive **obligation to protect the lives of military servicemen**, as well as ineffective investigations into their deaths.	***Nana Muradyan* group** (69517/11) Judgment final on 05/07/2022 Enhanced supervision **Status of execution**

Protection of minors against sexual abuse

Lack of legislative and regulatory framework and of preventive operational measures to **protect minors against sexual abuse**; disclosure without legal basis of **personal data**.	***A.P.*** (58737/14) Judgment final on 18/09/2024 Standard supervision **Status of execution**

Detention conditions – Medical care

Denial of **adequate medical assistance** to prisoners and lack of effective remedy in this respect.	***Shirkhanyan* group** (54547/16) Judgment final on 22/05/2022 Standard supervision **Status of execution**
Inadequate **conditions of detention** and the lack of effective remedies in this respect.	***Volodya Avetisyan*** (39087/15) Judgment final on 03/08/2022 Standard supervision **Status of execution**

Lawfulness of detention and related issues

Shortcomings in domestic law and judicial practice involving various violations of the **right to liberty** and security related to **detention on remand**.	***Poghosyan* group** (44068/07+) Judgment final on 20/03/2012 Standard supervision **Status of execution**

Functioning of justice

Unfair proceedings depriving the applicant of his legal capacity and lack of access to court to pursue divorce and eviction proceedings, as well as to seek the restoration of his legal capacity.	***Nikolyan*** (74438/14) Judgment final on 03/01/2020 Standard supervision **Status of execution**

Medical negligence

Lack of effective criminal investigation related to the **medical malpractice**; lack of **effective civil or administrative remedies** in respect of complaints concerning alleged medical negligence.	***Botoyan* group** (5766/17) Judgment final on 08/05/2022 Standard supervision **Status of execution**

Freedom of assembly Disproportionate and unnecessary **dispersal of protests** and related detention, prosecution and convictions of activists and opposition supporters against the outcome of the 2008 presidential elections; **lack of an effective domestic remedy** for grievances under Article 11.	
Protection of home and property – displaced persons **Impossibility for displaced persons to gain access, in the context of the Nagorno-Karabakh conflict, to their homes and properties** in Nagorno-Karabakh and surrounding territories - and lack of effective remedies.	***Mushegh Saghatelyan* group** (23086/08) Judgment final on 20/12/2018 Enhanced supervision **Status of execution**
Discrimination on the basis of sexual orientation Lack of protection against **homophobic attacks and hate speech**; failure to carry out effective investigation; absence of **effective domestic criminal-law mechanism** for investigating discrimination complaints.	***Chiragov and Others*** (13216/05) Judgment final on 16/06/2015 Enhanced supervision **Status of execution** ***Oganezova*** (71367/12) Judgment final on 17/08/2022 Enhanced supervision **Status of execution**



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