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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.

Right to life

➢ *Protection from medical negligence*

In 2010, regulations related to licence for medical activities became more precise and stricter. Since 2012 penalties prescribed for administrative offences of non-compliance with the conditions of medical licences and permits were increased. In addition, to improve the quality of health care services, in 2023, the State control of medical facilities, including private ones, was strengthened and the powers of the regulatory body were increased.

Sarishvili-Bolkvadze (58240/08)
Final resolution CM/ResDH(2024)300

➢ *Compensation for non-pecuniary damages*

Uniform judicial practice was developed to award compensation for non-pecuniary damages to deceased victims' next-of-kins.

Sarishvili-Bolkvadze (58240/08)
Final resolution CM/ResDH(2024)300

Conditions of detention / detainees' medical care

Extensive reforms of the prison system were undertaken in 2010-2014 in order to improve the medical care system and a new Prison Code was adopted, including the right to health in line with European Prison Rules. All penitentiary institutions were staffed with doctors/psychiatrists in order to ensure adequate prevention and control of mental health problems.

Ghavtadze (23204/07)
Final Resolution CM/ResDH(2014)209

Jashi (10799/06)
Final Resolution CM/ResDH(2014)162

Right to liberty and security

➢ *Lawfulness of detention*

Rules to ensure speedy judicial control of detention, also after the prosecutor's transfer of the case-file to the trial court, were codified in the 2010 Code of Criminal Procedure. Furthermore, in the Organic Law on Common Courts of 2009, the power of bailiffs to arrest individuals was better circumscribed and guarantees for the holding of a public hearing and the respect for equality of arms were granted.

Patsuria (30779/04+)
Final Resolution CM/ResDH(2011)105

Kakabadze and Others (1484/07)
Final Resolution CM/ResDH(2017)77

➢ *Compensation for unlawful detention*

The possibility to obtain compensation for unlawful detention was ensured, independently of conviction or acquittal, by an amendment of the Criminal Procedure Code of 2010.

Jgarkava (7932/03)
Final Resolution CM/ResDH(2016)25

Functioning of justice

➢ *Fairness of proceedings*

The adversarial principle was introduced in all criminal proceedings and the necessity of reasoned court decisions was ensured through amendments in

Donadze (74644/01)
Final Resolution CM/ResDH(2011)63

2006 and 2007 to the Criminal Procedure Code. The Code's 2010 revision developed and improved one's right to be exempted from court fees where necessary to preserve one's right of access to court. The possibility of reopening of proceedings to give effect to judgments of the European Court of Human Rights was introduced.

FC Mretebi (38736/04)
Final Resolution CM/ResDH(2010)163

Gorgiladze (4313/04)
Final Resolution CM/ResDH(2012)125

- *Enforcement of judicial decisions*

Enforcement of judicial decisions was improved, in particular, through the allocation of a special budget in 2007, enabling the state to honour old judgment debt and the setting-up of a new enforcement organisation – the National Bureau of Enforcement. Enforcement was further improved in 2010 following amendments of the Civil Code, the Code of Civil Procedure and the Enforcement Procedures Act: enabling the forcible execution of cases in which the State is debtor to be carried out by a special Department which requests the Finance Ministry to pay the amount owed by the Government Fund to the creditor. The Code of Civil Procedure also provides compensation for damages and loss of income.

"Iza" Ltd and Makrakhidze (28537/02+)
Final Resolution CM/ResDH(2011)108

- *Reopening of administrative judicial proceedings*

In 2022, the Administrative Procedure Code of Georgia was amended, and the provisions of the Civil Procedure Code of Georgia became applicable to the reopening of administrative judicial proceedings when the European Court renders its judgment.

Sarishvili-Bolkvadze (58240/08)
Final resolution CM/ResDH(2024)300

Protection of private and family life

- *Protection of home / environmental pollution*

The 2017 Environmental Assessment Code introduced the necessity of a Strategic Environmental Assessment and a Transboundary Environmental Impact Assessment for both private and public entities' hazardous economic activities. The code provides for the public's access to relevant information and involvement in decision-making as well as regular public reviews. Operations without relevant permits entail administrative and criminal liability. The Criminal Code was amended accordingly in 2017. Furthermore, the 2017 Law on Environmental Responsibility created a legal framework to prevent and compensate significant environmental damage based on the "polluter pays" principle. Furthermore, the technical Regulation on Ambient Air Quality Standards of 2018 ensured air quality assessment in accordance with European standards.

Jugheli and Others (38342/05)
Final Resolution CM/ResDH(2020)255

Freedom of expression

➢ *Defamation*

The Civil Code was amended in 2004 to introduce the distinction between value judgments and facts and a right to reply in the media and request compensation in respect of non-pecuniary and pecuniary damages for infringements of honour, dignity, private life, personal security and reputation. The law on freedom of speech and expression of 2004 replaced the former law on press and media. It defines defamation and makes a distinction between defamation towards a private individual and a public personality. It stipulates that it is for the defendant to prove that a fact is erroneous and that he or she has suffered prejudice as a result of its publication. Concerning defamation towards a public personality, the defendant's civil responsibility is engaged if the plaintiff proves that the defendant knew that the fact was erroneous.

Gorelishvili (12979/04)

Final Resolution CM/ResDH(2010)164

Protection of property rights

➢ *Compensation due to victims of Soviet political repression*

The impugned Law of 11 December 1997 and the Code of Administrative Procedure were amended in 2011 to entitle victims of Soviet political repression and their first-generation heirs to submit applications for monetary compensation. While the determination of the appropriate amount of compensation was initially in the sole competence of the Tbilisi City Court, further amendments of 2014 extended the territorial jurisdiction.

Klaus and Yuri Kiladze (7975/06)

Final Resolution CM/ResDH(2015)41

Electoral rights

In 2014 and 2015, legislative amendments to the electoral laws established detailed criteria for the invalidation of election results by the Central Electoral Commission and a new mechanism was put in place for dispute settlement in case of complaints against the decisions of the Precinct Election Commissions.

Georgian Labour Party (9103/04)

Final resolution CM/ResDH(2016)42

The Constitution was amended in 2011 to allow prisoners convicted of "crimes of little gravity" to vote. The Electoral Code was adapted accordingly. A further constitutional amendment, in 2017, excluded from voting solely those persons in prison on a conviction for particularly serious criminal offences.

Ramishvili (48099/08)

Final Resolution CM/ResDH(2019)49

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.

Main issues pending

Actions of security forces

Lack of effective investigations into allegations of violations of the right to life and of ill-treatment, or excessive use of force by the police during arrest and/or custody; failure of the authorities to carry out effective investigations into assaults and homicides.

***Tsintsabadze* group** (35403/06) **(former *Gharibashvili* group)**
Judgment final on 18/03/2011
Enhanced supervision
Status of execution

Lawfulness of detention and use of restrictions on rights for illegitimate purposes

Continued pre-trial detention in the absence of sufficiently reasoned decisions, and abusive use of pre-trial detention as a pressure mean to get information on matters unrelated to the criminal case.

Merabishvili (72508/13)
Judgment final on 28/11/2017
Enhanced supervision
Status of execution

Domestic violence

Failure to take preventive action with a view to protecting the applicants' female relatives from domestic violence culminating in their death, and the failure to investigate the law-enforcement authorities' inaction, against a backdrop of systemic failures and gender-based discrimination.

***Tkhelidze* group** (33056/17)
Judgment final on 08/10/2021
Enhanced supervision
Status of execution

Gender identity

Lack of quick, transparent and accessible procedures for **legal gender recognition.**

A.D. and Others (57864/17)
Judgment final on 01/03/2023
Enhanced supervision
Status of execution

Freedom of religion

Absence of State protection against physical assaults on Jehovah's Witnesses by a group of extremist Orthodox believers; ineffective criminal investigations into these events, as well as into the allegations of ill-treatment of the Muslim minority representatives at the hands of the police.

Members of the Gldani Congregation of Jehovah's Witnesses (71156/01)
Judgment final on 03/08/2007
Enhanced supervision
Status of execution

Freedom of assembly and association

Lack of adequate protection against homophobic bias-motivated attacks during LGBT demonstrations; ineffective investigations into allegations of ill-treatment.

***Identoba and Others* group** (73235/12)
Judgment final on 12/08/2015
Enhanced supervision
Status of execution

Arbitrary arrest/detention, shortcomings in administrative proceedings and disproportionate convictions and sanctions in the context of the exercise of freedom of assembly.

***Makarashvili and Others* group** (23158/20)
Judgment final on 30/01/2023
Enhanced supervision
Status of execution

Excessive and disproportionate use of force by the police during the dispersal of a demonstration, and ineffective investigation into these facts.	***Tsaava and Others*** (13186/20) Judgment final on 11/12/2025 Enhanced supervision **Status of execution**

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