

Andorra

EXECUTION OF THE EUROPEAN COURT OF HUMAN RIGHTS' JUDGMENTS

MAIN ACHIEVEMENTS IN MEMBER STATES

The present survey presents short summaries¹ 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 or government regulations or the adoption of new policies or general guidelines from superior courts. As a rule, the survey does not cover information on measures aiming at providing individual redress to applicants.

The presentation is organised country-by-country and reforms are, in principle, presented in the order corresponding to the thematic domains used in the Council of Europe's specialised database HUDOC EXEC and the Committee of Ministers' Annual Reports on the Supervision of the Execution of the European Court of Human Rights' judgments.

Many reforms address issues which appear to be on-going challenges in the member State. The effects of reforms adopted at one point in time may thus need to be monitored and possibly re-evaluated as conditions change.²

¹ The summaries are the sole responsibility of the Department for the execution of the judgments of the European Court of Human Rights.

² 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

The right to constitutional appeal was extended to allow appeals without prior agreement of the public prosecutor.

Millan i Tornes (35052/97)
[Final Resolution
CM/ResDH\(1999\)721](#)

▢ Reopening of judicial proceedings

The possibility to reopen domestic civil, criminal or administrative proceedings in order to give effect to the judgments of the European Court of Human Rights was introduced by law in 2014 (amended in 2016).

*UTE Saur Vallnet
(16047/10)*
[Final resolution
CM/ResDH\(2017\)73](#)

► **No punishment without law**

In order to prevent ancillary penalties (such as professional prohibitions) being maintained beyond the duration of the original penalty in cases where subsequent legislative amendments lead to more lenient sanctions, the law today clearly indicates that ancillary penalties cannot exceed the duration of the principal penalty. The same tribunal that issued the judgment automatically reviews the penalty according to the principle of retroactivity of the most favourable legislation.

Gouarré Patte (33427/10)
[Final Resolution
CM/ResDH\(2017\)226](#)