

Russian Federation

EXECUTION OF THE EUROPEAN COURT OF HUMAN RIGHTS' JUDGMENTS

MAIN ACHIEVEMENTS IN MEMBER STATES

It is recalled that the Russian Federation ceased to be a member of the Council of Europe as from 16 March 2022 (CM/Res(2022)2), and a Party to the European Convention on Human Rights as from 16 September 2022.

Since then, the human rights situation in the Russian Federation continues to deteriorate, as stated in recent CM decisions with regard to several key human rights areas.¹ This is all the more worrying, as the Convention system had an undeniable positive impact on the Russian Federation and its legal system prior to its expulsion. In order to contrast the current deterioration against the earlier positive impact, it would be appropriate to take stock of all the improvements in the human rights situation in the Russian Federation as evidenced by the Committee of Ministers prior to the expulsion. A step in this direction is taken in the table below, listing the human rights problems in Russia which the Committee of Ministers considered as resolved.

The measures taken and detailed descriptions of specific aspects of the human rights problems addressed can be found either directly in the final resolution/decision to which reference is made or in the action reports to which further reference is made in the final resolution/decision.

It should be stressed that although the Committee previously considered these problems to have been resolved, this does not mean that a problem could not arise again, especially in the context of a general deterioration in the human rights situation.

Domain on which the Committee has closed its supervision	Final resolution/decision
Article 5: right to liberty and security	
1. Article 5 § 1: absence of time-limits for the detention on remand period	CM/Del/Dec(2015)1243/H46-17
2. Article 5 § 1: delays between decisions to extend detention on remand	CM/Del/Dec(2015)1243/H46-17
3. Article 5 § 1: refusals to grant a request for release being considered to be sufficient grounds for the extension of the detention on remand	CM/Del/Dec(2015)1243/H46-17
4. Article 5 § 1: retroactive application of detention on remand orders	CM/Del/Dec(2015)1243/H46-17
5. Article 5 § 1: the transmission alone of the case for trial being considered as a sufficient ground for detention on remand	CM/Del/Dec(2015)1243/H46-17
6. Article 5 § 1: total absence of reasoning in certain decisions ordering detention on remand, primarily when cases were referred between instances	CM/Del/Dec(2015)1243/H46-17
7. Article 5 § 1: unclear legal provision relating to the calculation of the detention on remand period when the court refers the case back to the investigation stage	CM/Del/Dec(2015)1243/H46-17
8. Article 5 § 1: unsubstantiated placement in a psychiatric hospital in the framework of criminal proceedings	CM/ResDH(2017)355
9. Article 5 § 1 and Article 5 § 4: no judicial control of psychiatric confinement if the guardian of the person lacking legal capacity consents to it	CM/ResDH(2020)333
10. Article 5 § 4: failure to examine complaints against detention on remand orders	CM/Del/Dec(2015)1243/H46-17
11. Article 5 § 4: detention on remand hearings conducted in the absence of the detainee and his counsel	CM/Del/Dec(2015)1243/H46-17

¹ Including with regard to freedom of association (*Ecodefence and Others*, decision of 14 March 2024, § 7), rights and freedoms concerning elections (*Yabloko and Others* and other cases, decision of 14 March 2024, § 6), LGBT rights (*Alekseyev* and other cases, decision of 7 December 2023, § 3), freedom of religion (*Taganrog LRO and Others* group, decision of September 2023, § 4), and freedom of assembly (*Lashmankin and Others* group, decision of March 2023, § 5).

Article 6: right to a fair trial	
12. access to court: jurisdiction dispute between the courts	CM/ResDH(2011)152
13. access to court: restrictions on public access to a court room	CM/ResDH(2018)339
14. access to court: loss of a case file	CM/ResDH(2018)340
15. access to court: application of the principle of the absolute immunity of foreign state bodies, even in relation to their activities under private law	CM/ResDH(2019)100
16. access to court: refusal to accept an appeal without any valid reason	CM/ResDH(2019)204
17. access to court: refusal to examine civil claims for failing to provide a fixed address	CM/ResDH(2018)337
18. participation in hearings: no notification of a court hearing	CM/ResDH(2020)332
19. participation in hearings: no notification of a supervisory-review hearing	CM/ResDH(2017)413
20. participation in hearings: unreasoned appeal decision to reduce the awarded interest, without hearing the parties	CM/ResDH(2020)331
21. participation in hearings: refusal to participate in a criminal hearing on account of a mental condition	CM/ResDH(2019)205
22. participation in hearings (Article 6, Article 8): automatic deprivation of all procedural rights of persons lacking legal capacity due to mental disability	CM/ResDH(2020)333
23. participation in hearings: refusing to grant the applicant's request to adjourn the hearing to enable her to appear in person	CM/ResDH(2018)211
24. non-enforcement of final decisions delivered by a specific court in 1997-2000	CM/ResDH (2004)85
25. remedy for non-enforcement of monetary State obligations	CM/ResDH(2011)293
26. remedy for non-enforcement of in-kind State obligations	CM/ResDH(2016)268
27. non-enforcement of final decisions: social housing to judges and Chernobyl liquidators	CM/ResDH(2019)329
28. non-enforcement of final decisions: social housing to the former military	CM/ResDH(2016)268 CM/ResDH(2020)37
29. non-enforcement of final decisions: obligations in kind (except to provide social housing for the outstanding categories)	CM/ResDH(2021)34
30. legal certainty: deficiencies in quashing final judgments in the supervisory-review proceedings (<i>nadzor</i>): civil proceedings	CM/ResDH(2017)83
31. legal certainty: deficiencies in quashing final judgments in the supervisory-review proceedings (<i>nadzor</i>): commercial proceedings	CM/ResDH(2011)151
32. legal certainty: deficiencies in quashing final judgments in the supervisory-review proceedings (<i>nadzor</i>): criminal proceedings	CM/ResDH(2021)168
33. legal certainty: discontinuation of the enforcement proceedings, in breach of the domestic law ("appeal in disguise")	CM/ResDH(2017)278
34. excessive length of criminal and civil proceedings	CM/ResDH(2017)168
35. no access to the reasoning part of a judgment	CM/ResDH(2020)334
36. no notification of a decision adopted	CM/ResDH(2008)17
37. unlawful composition of the court: issues related to lay judges	CM/ResDH (2004) 46 CM/ResDH(2017)167
38. lack of impartiality of a court referring to an accused person as "guilty" in a ruling issued before his conviction	CM/ResDH(2017)280
Article 8: right to respect for private and family life	
39. no tailored option in law between full legal capacity and full legal incapacity for mentally disabled persons	CM/ResDH(2020)333
40. presence of medical students during the birth of the applicant's child	CM/ResDH(2016)72
41. refusal to establish paternity and to change the family name of the stillborn child of the applicant	CM/ResDH(2008)21
42. impossibility to extend time limits for contesting paternity in court	CM/ResDH(2011)150
43. poor reasoning of a judgment determining child's residence	CM/ResDH(2018)254
44. eviction in violation of domestic law	CM/ResDH(2011)154 CM/ResDH(2020)282
Article 10: right to freedom of expression	
45. defamation proceedings: courts' failure to distinguish between value judgment and statement of facts; non-public defamation.	CM/ResDH(2008)18
46. disproportionate sanction (disbarment) of a lawyer for insulting judges	CM/ResDH(2022)132
Article 11: right to freedom of assembly and association	
47. refusal to renew a party's registration in violation of domestic law	CM/ResDH(2008)20
48. dissolution of a political party for not having enough members and regional branches; refusal to amend some data in this party's state registrar	CM/ResDH(2017)354
Article 34: right to individual applications to the European Court	
49. Article 34: prison administration's repeated refusals to forward the applicant's letters to the European Court	CM/ResDH(2008)19 CM/ResDH(2011)30 CM/ResDH(2018)440
50. Article 34: prison administration's failure to forward the European Court's letters to the applicant	CM/ResDH(2020)330
51. Article 34: pressure on the applicant through the prosecutor's conversations about his application to the European Court	CM/ResDH(2020)335

Article 1 of Protocol No. 1: right to protection of property	
52. delays in the payment of monthly old-age pensions	CM/ResDH(2018)341
53. debt arising out of the Urozhay-90 bonds	CM/ResDH(2012)134
54. confiscation of the applicant's car in the criminal proceedings conducted against her husband: no basis under the domestic law	CM/ResDH(2011)153
55. confiscation of the applicants' property in the criminal proceedings conducted against a family member: no judicial review	CM/ResDH(2019)66
56. confiscation for smuggling without precise legal justification	CM/ResDH(2011)301
57. selling a car seized by customs authorities while the appeal against the seizure was still pending	CM/ResDH(2018)342
Article 3 of Protocol No. 1: right to free elections	
58. blanket ban of prisoners' voting rights	CM/ResDH(2019)240
59. cancellation or refusal of registration to stand as a candidate in federal elections on specific legal grounds	CM/ResDH(2018)17
Other cases	
60. Article 2: death of the applicant's son, who was shot by a guard as he was escaping from a military unit	CM/ResDH(2019)126
61. Article 3: deprivation of glasses in detention	CM/ResDH(2017)84
62. Article 4: no effective investigation of alleged human trafficking to Cyprus	CM/Del/Dec(2012)1144/8
63. Article 2 of Protocol No. 4: refusal to process an application for residence registration, in violation of domestic law	CM/ResDH(2018)338