

San Marino

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.

➤ **Risk of ill-treatment in case of extradition**

Following the European Court's judgment finding that domestic law concerning extradition and detention was not sufficiently accessible, precise and foreseeable, a law was adopted in 2014 entitled "Rules on Extradition" which introduced comprehensive procedural and substantive safeguards concerning the review of extradition requests and detention.

Toniolo (44853/10)

[Final Resolution
CM/ResDH\(2014\)283](#)

➤ **Functioning of justice**

▢ Fairness of criminal proceedings

In 2003, as the combination of the functions of investigating and trial judge by the *Commissario della Legge* raised issues of impartiality, it was decided to separate them. Furthermore, the new Code of Criminal Procedure of 2003 also provided for the right of defendants to be heard in person by the judge at a public hearing in appeal proceedings.

*Tierce and Others
(24954/94)*

[Final Resolution
CM/ResDH\(2004\)3](#)

▢ Remedies against excessive length of civil proceedings

In 2005, a legislative reform introduced a number of organisational changes and procedural amendments, such as time limits for the handling of cases by the courts and procedural sanctions in cases of inactivity on the part of the parties.

Tierce (69700/01)

[Final Resolution
CM/ResDH\(2011\)261](#)

➤ **Freedom of religion and conscience**

In 1993, a law introduced a choice for newly elected members of the General Grand Council (parliament) between taking the traditional oath and one in which the reference to the Gospels was replaced by the words "on my honour".

Buscarini (24645/94)

[Final Resolution
CM/ResDH\(2001\)13](#)