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**STEERING COMMITTEE FOR HUMAN RIGHTS /  
COMITÉ DIRECTEUR POUR LES DROITS DE L'HOMME  
(CDDH)**

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**COMPILATION OF ADDITIONAL INFORMATION RECEIVED FROM  
MEMBER STATES ON THE NATIONAL IMPLEMENTATION  
OF THE BRUSSELS DECLARATION /**

**COMPILATION DES INFORMATIONS COMPLÉMENTAIRES REÇUES  
DES ÉTATS MEMBRES SUR LA MISE EN ŒUVRE  
DE LA DÉCLARATION DE BRUXELLES AU NIVEAU NATIONAL**

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## **Introduction**

1. At its 90<sup>th</sup> meeting (27–30 November 2018), the CDDH agreed in respect of the follow-up to the Brussels Declaration<sup>1</sup> that the Secretariat will prepare, based on the replies<sup>2</sup> received until then from 24 States Parties<sup>3</sup>, a preliminary draft *Report on measures taken by the member States to implement relevant parts of the Brussels Declaration*.<sup>4</sup> The said preliminary draft Report has been transmitted to all member States with an invitation to the States not having submitted information on the national implementation of the Brussels Declaration to provide it by 3 May 2019.

2. The present document thus contains a compilation of information received from the States Parties in response to the above invitation and should be read as complementing the information provided earlier and compiled in document CDDH(2018)23. The information and comments received thus supplement the preliminary draft *Report on measures taken by the member States to implement relevant parts of the Brussels Declaration*, in view of the presentation of the final draft Report (CDDH(2019)17rev) to the CDDH at its 91<sup>th</sup> meeting (18–21 June 2019).

3. The results of the final Report will subsequently be reflected in the *Contribution to the evaluation provided for by the Interlaken Declaration*<sup>5</sup> before the end of 2019.

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<sup>1</sup> Adopted by the Committee of Ministers at the High-level Conference on “Implementation of the European Convention on Human Rights, our shared responsibility”, held in Brussels on 26–27 March 2015 (for the text of the Declaration please click on the following link: [https://www.echr.coe.int/Documents/Brussels\\_Declaration\\_ENG.pdf](https://www.echr.coe.int/Documents/Brussels_Declaration_ENG.pdf))

<sup>2</sup> These replies are compiled in document [CDDH\(2018\)23](#).

<sup>3</sup> Albania, Andorra, Armenia, Azerbaijan, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Ireland, Liechtenstein, Lithuania, Luxembourg, Monaco, Montenegro, Netherlands, Norway, Poland, Russian Federation, Slovakia, Sweden, United Kingdom.

<sup>4</sup> Document CDDH(2019)17.

<sup>5</sup> See on this Contribution the report of the 90<sup>th</sup> meeting (27–30 November 2018) of the CDDH, document [CDDH\(2018\)R90](#), §§ 22–24.

## **Introduction**

1. Lors de sa 90<sup>e</sup> réunion (27–30 novembre 2018), le CDDH a décidé, en ce qui concerne le suivi de la Déclaration de Bruxelles,<sup>6</sup> que le Secrétariat préparera, sur la base des réponses reçues jusqu'à-là<sup>7</sup> de 24 États parties,<sup>8</sup> un avant-projet de *Rapport sur les mesures prises par les États membres pour mettre en œuvre les parties pertinentes de la Déclaration de Bruxelles*.<sup>9</sup> Ledit avant-projet de rapport a été transmis à tous les États membres avec une invitation aux États n'ayant pas fourni d'informations sur la mise en œuvre de la Déclaration de Bruxelles au niveau national de les communiquer avant le 3 mai 2019.

2. Le présent document contient ainsi une compilation d'informations reçues des États parties en réponse à l'invitation ci-dessus et devrait être lu comme complétant les informations fournies précédemment et compilées dans le document CDDH(2018)23. Les informations et commentaires reçus viennent ainsi compléter l'avant-projet de *Rapport sur les mesures prises par les États membres pour mettre en œuvre les parties pertinentes de la Déclaration de Bruxelles*, en vue de la présentation du projet de Rapport final (document CDDH(2019)17rev) au CDDH lors de sa 91<sup>e</sup> réunion (18–21 juin 2019).

3. Les résultats du Rapport final seront ensuite reflétés dans la *Contribution à l'évaluation prévue par la Déclaration d'Interlaken*<sup>10</sup> avant fin 2019.

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<sup>6</sup> Adoptée par le Comité des Ministres lors de la Conférence de haut niveau sur « La mise en œuvre de la Convention européenne des droits de l'homme, notre responsabilité partagée », tenue à Bruxelles les 26 – 27 mars 2015 (pour consulter le texte de la Déclaration veuillez cliquer sur le lien suivant : [https://www.echr.coe.int/Documents/Brussels\\_Declaration\\_FRA.pdf](https://www.echr.coe.int/Documents/Brussels_Declaration_FRA.pdf))

<sup>7</sup> Ces réponses sont compilées dans le document [CDDH\(2018\)23](#).

<sup>8</sup> Albanie, Andorre, Arménie, Azerbaïdjan, Chypre, République tchèque, Danemark, Estonie, Finlande, France, Allemagne, Irlande, Liechtenstein, Lituanie, Luxembourg, Monaco, Monténégro, Pays-Bas, Norvège, Pologne, Fédération de Russie, Slovaquie, Suède, Royaume-Uni .

<sup>9</sup> Document CDDH(2019)17.

<sup>10</sup> Voir pour cette Contribution le rapport de la 90<sup>e</sup> réunion (27–30 novembre 2018) du CDDH, document [CDDH\(2018\)R90](#), §§ 22–24.

## Member States / États membres

## AUSTRIA / AUTRICHE

**Comments made on the Preliminary draft CDDH report on measures taken by the member States to implement relevant parts of the Brussels Declaration (document CDDH(2019)17)**

[...]

14. As it appears from the replies received from a large majority<sup>11</sup> of the responding States, general information on the Convention and the Court is usually available through the official websites or webpages of the Ministries of Justice or of Foreign Affairs.

[...]

20bis. In the same vein, the Austrian Government maintains a public database, since 1997 free of charge: The Legal Information System of the Republic of Austria (*Rechtsinformationssystem des Bundes* - RIS) provides extensive information on Austrian law (legislation, court decisions). The data collections are supplemented with a comprehensive selection of summaries and translations of the Court's judgments and decisions and of links to websites of Austrian federal and regional authorities, the EU and international organizations as well as to other Internet providers of legal data, including the Court, the DG Human Rights and Rule of Law („list of links“).

[...]

28. As far as awareness-raising measures are concerned, in several member States,<sup>12</sup> the practice of publishing and disseminating the Court's judgments to national courts, prosecution authorities, the police, penitentiary administration and / or the police is well established.

[...]

30. The authority(ies) carrying out the awareness-raising measure(s) differ from one State to another. Quite often, this responsibility is ensured by the Government Agent before the Court, the Ministry of Justice,<sup>13</sup> but at times also by the Ombudsman (or a similar institution),<sup>14</sup> the National Human Rights institution,<sup>15</sup> National Judicial Academy<sup>16</sup> or the Bar association.<sup>17</sup>

<sup>11</sup> This covers 19 States (Albania, Armenia, [Austria](#), Azerbaijan, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Ireland, Lithuania, Montenegro, Norway, Poland, the Russian Federation, Slovakia, Sweden and the United Kingdom) out of 24 responding States.

<sup>12</sup> For instance, Albania, Armenia, [Austria](#), Czech Republic, Denmark, Estonia, Finland, France, Germany, Ireland, Liechtenstein, Lithuania and Poland.

<sup>13</sup> For instance in [Austria](#), Germany, Ireland, the Russian Federation, the United Kingdom etc.

<sup>14</sup> Notably, in the Russian Federation.

<sup>15</sup> See for example, the Netherlands.

<sup>16</sup> For instance in Azerbaijan and the Slovak Republic.

<sup>17</sup> For instance, in Andorra, Cyprus and Lithuania.

[...]

33. In some other States, awareness-raising on the Convention and the Court's case-law is also carried out through vocational and in-service training of judges, prosecutors, lawyers and national officials. In this respect, several responding States<sup>18</sup> reported that training on the Convention and the Court's case-law are part of the university curricula for lawyers.

[...]

44. To the extent that the Convention is, in one way or another, an integral part of the internal legal order, in some<sup>19</sup> of the States Parties to the Convention, the monitoring of compliance with the Convention is inherent in the legislative process, so that all domestic bodies vested with the right to legislative initiative are required or deemed to ensure compliance of all national legislation with the Convention.

[...]

46. In some other States, this competence is attributed to the Ministry of Justice,<sup>20</sup> as the main governmental body competent to ensure for all draft and existing laws *inter alia* the quality and compatibility check-up with the Convention and the Court's case-law. In some other States this function is performed by the Government Agent<sup>21</sup> or other governmental body.<sup>22</sup>

[...]

48. [...]

In Austria, the Convention has become part of Federal Constitutional Law in 1964. The legal remedies to ensure the protection of Convention rights is similar to the Slovak system described above. Furthermore, individuals are entitled under certain conditions to address the Constitutional Court directly to ask it to review the constitutionality (conformity with constitutionally guaranteed rights, including compatibility with the Convention) of statutes and treaties and the legality of regulations and treaties and to repeal them, or to declare treaties inapplicable.

[...]

<sup>18</sup> For instance, Austria, the Czech Republic, Estonia, France, Germany, Lithuania, the Netherlands, Sweden, Norway, Poland and the Russian Federation.

<sup>19</sup> For instance, Albania, Armenia, Austria, Estonia, the Czech Republic, the Netherlands, Poland and Slovakia.

<sup>20</sup> Germany (Federal Ministry of Justice and Consumer Protection), Liechtenstein (Foreign Affairs Office and Office of Justice), Lithuania (European Law Department of the Ministry of Justice), Montenegro (the Ministry of Human and Minority Rights), Netherlands (Legislation and Legal Affairs Department at the Ministry of Security and Justice), etc.

<sup>21</sup> See for example: Albania (the State Advocate Office), Armenia (the Government Agent), in Cyprus (the Attorney General), Czech Republic (the Government Agent), in Estonia (the Chancellor of Justice), Liechtenstein (Permanent Representation of the Council of Europe in Strasbourg), Luxembourg (*Ambassadeur itinérant*) etc..

<sup>22</sup> For instance, in Austria (Constitutional Service of the Federal Ministry of Constitutional Affairs, Reforms, Deregulation and Justice), in France (*Secrétariat Général du Gouvernement*, followed by *Conseil d'Etat*), in Luxembourg (*Commission consultative des droits de l'homme*), in Monaco (Department of external relations/ *Département des Relations Extérieures* – Human Rights Cell / *Cellule des droits de l'homme*), in Slovakia (Legislative Council; Legislation and Law Approximation Department of the Office of the National Council), in Sweden (Council on Legislation), United Kingdom (Joint Committee on Human Rights), etc.

52. Other States<sup>23</sup> have put in place a constitutional appeal as an effective legal remedy available at national level in respect of violations of the rights protected by the Convention.

- (i) As in Slovakia and in Austria (see § 45-48 above), in the Czech Republic, the Constitutional Court may receive appeals from any individual who claims that a final decision in proceedings to which the individual was a party, or a measure or any other action taken by a public authority, has infringed his or her fundamental rights or freedoms as guaranteed by the Constitution. The Constitutional Court also has the power to order a public authority to stop infringing the appellant's rights.
- (ii) Furthermore, France provided a series of examples of domestic remedies put in place in order to prevent violations of the Convention such as (a) strengthening the administrative judge's control over the decisions taken by the prison administration, notably by extending the control of legality of the decisions taken in penitentiary matters, easing the conditions engaging the responsibility of the prison administration and recourse to interlocutory proceedings in penal matters, and (b) the modification of the remedies available against negative decisions in asylum cases. Likewise, Lithuania has provided examples of important legislative reforms, involving the drafting of a new Code of Administrative Offences and amendments made to the Code of Civil Procedure, in order to bring these laws in line with the Convention requirements. The Austrian administrative court system has been fundamentally reorganised with effect from 1 January 2014. This major reform was guided by the aim to fully comply with obligations under international law, in particular those arising from Articles 5, 6 and 13 of the Convention and the Court's jurisprudence.

[...]

56. Furthermore, there are numerous States that reported seconding punctually or regularly<sup>24</sup> lawyers / judges to the Court and some of them also to the Execution Department<sup>25</sup>.

[...]

58. The answers provided in this Questionnaire show that the large majority of States<sup>26</sup> have at least one independent National Human Rights Institution (NHRI) and in certain States,<sup>27</sup> these institutions comply with the Paris Principles of the United Nations<sup>28</sup> and are respectively accredited with "A" status.

<sup>23</sup> Albania, Austria, Czech Republic, Liechtenstein, Poland, Slovakia.

<sup>24</sup> For example, Austria, Azerbaijan, Cyprus, the Czech Republic, France, Germany, Norway, Poland, the Russian Federation and Sweden.

<sup>25</sup> For instance, France, Poland and Norway.

<sup>26</sup> Austria (Ombudsman Board), Azerbaijan (*Office of the Commissioner for Human Rights - Ombudsman*), Cyprus (*Ombudsman*), Czech Republic (*Public Defender of Rights*), Denmark (*Institute for Human Rights*), Finland (*Parliamentary Ombudsman*), France (*Commission nationale consultative des droits de l'homme*), Germany (*German Institute for Human Rights*), Liechtenstein (*Association for Human Rights*), Lithuania (*Seimas Ombudsmen's Office*), Luxembourg (*Commission consultative des droits de l'homme*), Monaco (*Haut-Commissaire*), Montenegro (*Institution of the Protector of Human Rights and Freedoms*), Norway (*National Human Rights Institution*), Poland (*Human Rights Defender-Ombudsman*), Russian Federation (*High Commissioner*), Slovak Republic (*Centre for Human Rights*) and United Kingdom (*Equality and Human Rights Commission* (for England and Wales), the *Northern Ireland Human Rights Commission* and the *Scottish Human Rights Commission*).

<sup>27</sup> For example, in Denmark, Finland, France, Germany, Liechtenstein, Lithuania, Norway, Poland, the Russian Federation and Slovak Republic.

[...]

60. All the responding States<sup>29</sup> acknowledged that timely delivery of comprehensive action plans and reports to the Committee of Ministers is important for the process of execution of judgments of the Court.

[...]

68. The responses provided by the States reflect quite similar patterns of coordination at the national level between the Government Agent / the ministry responsible for monitoring the execution of judgments process and the other relevant authorities that might need to get involved in this process.

[...]

- (ii) In Denmark, the coordination between the relevant authorities for the execution of judgments is not based on a written procedure, but on working arrangements between the national authorities that developed over time. The Ministry of Foreign Affairs immediately transmits judgments in cases against Denmark to the Ministry of Justice and to other relevant authorities. An analysis is then undertaken, by the particular authorities in question, to identify measures required to ensure execution of the judgment. Such an analysis will often be carried out with the assistance of the Ministry of Justice. If individual measures are required in order to comply with the judgment, the authority in question will be responsible for carrying out the necessary steps, for example the payment of compensation. If general measures are required in order to comply with a judgment, for example in cases where the underlying problem is the Danish legislation, the legislation in question will be reassessed by the responsible authority, usually in collaboration with the Ministry of Justice. If measures at legislative level turn out to be required, the responsible minister would prepare the necessary amendments and present the proposal to the Parliament; hereafter it will be up to the Parliament to adopt the proposed amendment. Very similarly to the Danish example, the Austrian Government Agent's Office in the Federal Ministry for Europe, Integration and Foreign Affairs coordinates the execution process.

[...]

70. Moreover, some of the States<sup>30</sup> declared that they were closely following the developments in the Court's case-law, even when these do not directly concern them. Indeed, not all the responding States<sup>31</sup> are confronted with genuine structural or systemic problems.

[...]

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<sup>28</sup> Paris Principles are available at : <https://www.un.org/ruleoflaw/files/PRINCI~5.PDF>

In 2018, there were 27 European NHRIs accredited by the Global Alliance of NHRIs (GANHRI) with an A status (fully compliant with the *Paris Principles*) and 11 with B Status (partially compliant with the *Paris Principles*); for the Chart of the status of National Institutions by GANHRI see: <https://www.un.org/ruleoflaw/files/PRINCI~5.PDF>.

<sup>29</sup> Andorra, Armenia, Austria, Cyprus, Czech Republic, Denmark, Estonia, France, Germany, Ireland, Liechtenstein, Lithuania, Luxembourg, Monaco, Montenegro, the Netherlands, Norway etc..

<sup>30</sup> For instance, Austria, France, Germany, Lithuania and the United Kingdom.

<sup>31</sup> For instance, Andorra, Cyprus, Estonia, Liechtenstein and the Netherlands.



75. Moreover, the informal network set up among Government Agents in order to share information and good practices about the respective national legal systems as well as the avenues of possible execution of the Court's leading judgments was mentioned.

[...]

- (ii) Denmark and Austria declared ~~its~~their openness to exchange information, including information on the implementation of general measures and best practices, with other States Parties upon request.

[...]

84. While in certain States the establishment of contact points is not considered necessary, given their size or the quality of the inter-institutional dialogue, several other States have established networks of contact persons or inter-ministerial committees/working groups involving mainly representatives of relevant ministries, and sometimes also the highest courts or other public bodies. The Government Agent often plays an important role within those networks. Moreover, in several member States there is a practice of a permanent or *ad hoc* cooperation between the competent public authorities in the execution of the Court's judgments.

- (i) In Austria, the Government Agent and his deputy preside over the network of human rights coordinators in the Federal Ministries and the regions (*Länder*). This network regularly exchanges information on current human rights issues, including the Court's jurisprudence.
- (ii) In France, for instance, it is envisaged, following the Brussels Declaration, to extend the existing human rights network in order for it to include other national actors involved in the execution process, such as the Parliament, the *Commission Nationale Consultative des Droits de l'Homme*, the Public Defender of Rights, the General Controller of places of detention, etc.
- (iii) In Germany, meetings of contact persons organised by the Agent's Office take place in the presence of the Court's judge elected in respect of Germany and the Head of the German Division in the Court's Registry.
- (iv) In Luxembourg, the institution of the "Itinerant Ambassador for Human Rights" was put in place in 2015, under the Secretariat General of the Ministry of Foreign and European Affairs, whose task is to contribute to the harmonisation and synchronisation of national and international actions of Luxembourg in the field of human rights.
- (v) In the Netherlands, apart from the contact points with overall expertise on the Convention which exist within certain ministries, there are coordinators for European law within each court who are responsible for keeping their colleagues informed about relevant developments in the case-law of the European courts.
- (vi) In Poland plenipotentiaries for human rights, who carry out comprehensive activities fostering respect for human rights have been appointed at the Police and the Border Guard. Recently, consultants for human rights protection have also been appointed at the courts of appeal.

<b>BULGARIA / BULGARIE</b>
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**INFORMATION ABOUT THE REPUBLIC OF BULGARIA WITH REGARD TO  
THE PRELIMINARY DRAFT CDDH REPORT ON MEASURES TAKEN BY THE  
MEMBER STATES TO IMPLEMENT RELEVANT PARTS OF THE BRUSSELS  
DECLARATION**

*B.1.a) Prior to and independently of the processing of cases by the Court: ensure that potential applicants have access to information on the Convention and the Court, particularly about the (a) scope and limits of the Convention's protection, (b) the jurisdiction of the Court and the (c) admissibility criteria*

The Bulgarian Ministry of Justice has published on their website the Convention, the Toolkit to inform public officials about the State's obligations under the European Convention on Human Rights, information on how to lodge an application, the Admissibility Criteria Guide and other relevant information in both Bulgarian and English. Databases with general information about the Court and the Convention, as well as on the Court's case-law translated into the national language have been developed. They are available at [www.humanrights.bg](http://www.humanrights.bg)<sup>32</sup>, a website maintained by the Procedural Representation of Republic of Bulgaria before the ECtHR. The National Institute of Justice provides a permanent on-line course on the law of the Convention for legal professionals<sup>33</sup>.

*B.1.b) Prior to and independently of the processing of cases by the Court: increase efforts at national level to raise awareness among members of parliament and improve the training of judges, prosecutors, lawyers and national officials on the Convention and its implementation, including as regards the execution of judgments, by ensuring that it constitutes an integral part of their vocational and in-service training, where relevant, including by having recourse to the Human Rights Education for Legal Professionals (HELP) programme of the Council of Europe, as well as to the training programmes of the Court and to its publications*

Since 2012 the Minister of Justice prepares annual reports concerning the execution of judgements against Bulgaria which are approved by the Council of Ministers and submitted before the National Assembly for adoption. They are also published on the Ministry's website, as well as on [www.humanrights.bg](http://www.humanrights.bg). Judgments concerning the work of the judicial system are disseminated to the relevant judicial bodies, as well as to the National Institute of Justice and are included in their training programmes.

All judgments and decisions against Bulgaria are translated and uploaded on the Ministry of Justice website and on [www.humanrights.bg](http://www.humanrights.bg). They are disseminated by the Government Agents to the respective national courts, prosecution authorities and bodies of the executive.

The Convention and the Court's case-law are included in trainings within the National Institute of Justice and the Academy of the Ministry of Interior.

*B.1.d) Prior to and independently of the processing of cases by the Court: take appropriate action to improve the verification of the compatibility of draft laws, existing laws and internal administrative practice with the Convention, in the light of the Court's case law*

<sup>32</sup> <http://humanrights.bg/bg/documents/other>

<sup>33</sup> <https://e-learning.nij.bg/enrol/index.php?id=324>

In 2017, an amendment was introduced in art. 28, para 3 of the Law on Normative Acts. Pursuant to it the Minister of Justice has to provide a report on the compliance with the Convention and the Court's jurisprudence of all draft laws within the coordination procedure among the ministries before they may be submitted for approval by the Council of Ministers. By order of the Minister of Justice the compliance reports are prepared by the Government Agents. More than 150 reports have been provided to date.

*B.1.e) Prior to and independently of the processing of cases by the Court: ensure the effective implementation of the Convention at national level, take effective measures to prevent violations and to provide effective domestic remedies to address alleged violations of the Convention*

In the past 7 years, Bulgaria introduced a number of domestic remedies under the Convention including, but not limited to a preventive remedy for bad material conditions of detention and compensatory remedies for violations of art. 3 (material conditions in penitentiary institutions), art. 5 and art. 6 (reasonable duration of pre-trial and court proceedings). All of them proved to be effective and as a result of that, among other factors, the applications pending before the Court have dropped from more than 3000 in 2012 to only 514 in 2018.

In June 2018, the Chief Prosecutor and the Minister of Justice signed a Cooperation Agreement, which established a framework for cooperation on new complaints to the ECtHR concerning ineffective investigations and on the necessary measures to implement the judgments of the Court. The agreement states that such cases will be closely monitored by the relevant Prosecutor's Office in order to ensure that the Ministry of Justice is provided with all necessary information about the measures taken in relation to the case. The relevant Prosecutor's Office will be monitored by the Supreme Cassation Prosecutor's Office, which will identify wider issues requiring organisational and methodological measures within the prosecution. The notifications to the Prosecution are aimed to assist it to take immediate action, where possible, to remedy shortcomings in pending or completed investigations. Any decision of the Court in this matter is now published with annotated comments by the Prosecutor's Office. As regards the execution of judgments, the agreement establishes rules for better cooperation in identifying and implementing the necessary individual and general measures. The agreement was put into force as soon as it was signed, officials of both bodies were designated as contact persons, and cooperation in 2018 was very productive.

It should be pointed out that in many cases Bulgarian courts directly apply the Convention and the Court's jurisprudence even though the domestic legislation has not been amended yet. The most vivid example is the practice of the administrative courts with regard to the assessment of proportionality in cases of demolition of illegal dwellings based on the *Yordanova and Others*<sup>34</sup> case. This has already been noted by the Court in its recent decision on *Aydarov and Others*<sup>35</sup>. However, at present the Government is in the process of introducing legislative amendments on the matter, as well.

*B.2.b) After the Court's judgments: in compliance with the domestic legal order, put in place in a timely manner effective remedies at domestic level to address violations of the Convention found by the Court*

In the past 7 years, and in execution of the three pilot judgments against Bulgaria<sup>5</sup> the Government introduced a number of domestic remedies under the Convention including, but not limited to a preventive remedy for bad material conditions of detention (in 2017) and compensatory remedies for violations of art. 3 (material conditions in penitentiary institutions

<sup>34</sup> Application 25446/06, Judgment of 02/10/2012

<sup>35</sup> Application 33586/15, Decision of 02/10/2018

– in 2017), art. 5 (in 2012), and art. 6 (reasonable term of proceedings – in 2012).

Currently there are several interinstitutional working groups acting to elaborate amendments in legislation concerning other violations found by the Court, including but not limited to ineffective investigations and other criminal matters, a compensatory remedy in cases of prolonged restitution, assessment of proportionality upon demolition of illegal dwellings, etc.

*B.2.d) After the Court's judgments: attach particular importance to ensuring full, effective and prompt follow-up to those judgments raising structural problems, which may furthermore prove relevant for other States Parties;*

See the answer to B.2.b) above.

*B.2.f) After the Court's judgments: promote accessibility to the Court's judgments, action plans and reports as well as to the Committee of Ministers' decisions and resolutions, by:*  
*– developing their publication and dissemination to the stakeholders concerned (in particular, the executive, parliaments and courts, and also, where appropriate, National Human Rights Institutions and representatives of civil society), so as to involve them further in the judgment execution process;*  
*- translating or summarising relevant documents, including significant judgments of the Court, as required*

See the answers above.

*B.2.h) After the Court's judgments: in particular, encourage the involvement of national parliaments in the judgment execution process, where appropriate, for instance, by transmitting to them annual or thematic reports or by holding debates with the executive authorities on the implementation of certain judgments*

See B.1. b).

*B.2.i) After the Court's judgments: establish "contact points", wherever appropriate, for human rights matters within the relevant executive, judicial and legislative authorities, and create networks between them through meetings, information exchange, hearings or the transmission of annual or thematic reports or newsletters*

A particularly productive step in this regard was made with the conclusion of an Agreement of Interaction with the Supreme Cassation Prosecutor's Office (see the answer to point B.1.e)). The establishment of a framework of contact points concerning the execution of judgments has been envisaged in a project developed by the Government Agents Office under the Norwegian financial mechanism, which is still in the process of preparation and approval.

**CROATIA / CROATIE**

Zagreb, 3 May 2019

**REPORT**  
**on measures taken to implement relevant parts of the Brussels Declaration - Croatia**

*B.1.a) Prior to and independently of the processing of cases by the Court: ensure that potential applicants have access to information on the Convention and the Court, particularly about the (a) scope and limits of the Convention's protection, (b) the jurisdiction of the Court and the (c) admissibility criteria*

In the Republic of Croatia, general information on the Convention is available on the webpage of the Office of the Representative of the Republic of Croatia before the European Court of Human Rights [www.uredzastupnika.hr](http://www.uredzastupnika.hr) (hereinafter: The Representative's webpage). This includes:

- the Croatian version of the video on European Convention on Human Rights (hereinafter: The Convention) produced by the European Court on Human Rights (hereinafter: the ECtHR),
- full text of the Convention in Croatian language as well as the link to the full text of the Convention in English,
- full text of the Rules of Court in Croatian as well as the link to the full text in English,
- and link to the ECtHR's web page containing information on the procedure before the Court and how to make and lodge a valid application also in Croatian language.

The Representative's webpage also provides for general information on the ECtHR, which includes the Croatian version of the film on the Court produced by the ECtHR, links to the ECtHR's website, HUDOC database and the Croatian versions of useful documents (Court in brief, ECHR in 50 questions, Questions & Answers). Information on the reform of Strasbourg system are also available, including full texts of the Brighton, Izmir, Interlaken, Brussels and Copenhagen Declaration in Croatian and English language.

As to the admissibility criteria, the Representative's webpage provides the Croatian version of the video on admissibility conditions produced by the ECtHR, as well as the links to useful documents in Croatian language published on the ECtHR's webpage (Case-processing: The life of an application, simplified case-processing flow chart by judicial formation, Notes for filling in the application, Your application to the ECHR, Rule 47 of the Rules of Court, COURTalks- disCOURS – admissibility criteria video). The 2014 version of the Practical Guide on Admissibility Criteria is also available in Croatian.

The Office of the Representative ensures translation to the Croatian language of all judgements and decisions of the ECtHR in respect to Croatia and important judgements and decisions of the ECtHR in respect to other states. These judgements and decisions are available free of charge in the public case-law database hosted on the Representative's webpage.

The Constitutional Court of the Republic of Croatia republishes on its website the ECtHR's judgements and decisions delivered in Croatian cases and translated into Croatian language by the Office of the Representative.



The Supreme Court's official website has links to the Representative's and the ECtHR's websites, whilst the Office of the Ombudsperson has a link to the web-page of the ECtHR.

*B.1.b) Prior to and independently of the processing of cases by the Court: increase efforts at national level to raise awareness among members of parliament and improve the training of judges, prosecutors, lawyers and national officials on the Convention and its implementation, including as regards the execution of judgments, by ensuring that it constitutes an integral part of their vocational and in-service training, where relevant, including by having recourse to the Human Rights Education for Legal Professionals (HELP) programme of the Council of Europe, as well as to the training programmes of the Court and to its publications*

Regarding the efforts at the national level to raise awareness among members of parliament, the Office of the Representative continuously informs the relevant parliamentary committee (the Committee on Human and National Minorities Rights) about the judgements and the decisions of the ECtHR. Also, the Committee may organise thematic sessions devoted to human rights protection within the Strasbourg system.

Additionally, the Office systematically introduces all branches of power, including the Croatian Parliament, to the Convention standards expressed in the ECtHR's case-law. Namely, the Office translates and summarises important judgements and decisions of the ECtHR in respect of all State Parties on quarterly bases, publishes them in the web-publication titled "Overview of the ECtHR case law" and disseminates them widely to the Constitutional Court, the Supreme Court and all other national courts, General State Attorney's Office, Parliament, Government and its ministries, to all Ombudspersons, Croatian Bar Association, Judicial Academy, Police Academy, academia and also to a broader public if a person expresses his/her wish to receive the said publication.

Moreover, the Office writes analyses of judgments and important decisions in Croatian cases, publishes them on its web page and disseminates to all relevant stakeholders as well as other materials of interest for better understanding of the Convention and its application by national authorities (guides on various Convention articles, reviews of the ECtHR's case law containing legal summaries of important judgements and decisions of the ECtHR, the ECtHR's selected factsheets, Information notes, etc.).

As already mentioned in the Report related to implementation of the Interlaken Declaration at national level, several institutions in Croatia are responsible for vocational education and training of judges, state attorneys and civil servants. The Judicial Academy and the State School for Judicial Officials are responsible for training of the judicial officials. They conduct initial training programmes for trainees in judicial bodies and candidates for judges and deputy prosecutors and continuous ongoing professional training for judges and state attorneys, including on specific Convention rights. The National School of Public Administration provides systematic vocational training and education of civil servants, including on the Convention and case law of the ECtHR. Additionally, within the system of executive power, some ministries established the units that carry out vocational training and education of their servants/officers (e.g. Police Academy within the Ministry of Interior for police officers, Centre for training of the prison officials within the Ministry of Justice). Particular training programs occasionally offer subjects on human rights protection where the participants get acquainted with Convention standards. As regards university education, all law faculties in Croatia integrated the education on the Convention into the curricula of the subjects that are closely related to the protection of human rights (especially Constitutional Law, Family Law, European Law, Civil Procedural Law, Civil Law, Criminal Law, Criminal Procedural Law, International Public Law, Labour and Social Law, Administrative Law). In addition, some law faculties (Rijeka, Osijek, and Zagreb) hold postgraduate studies which incorporate modules on the Convention law.

As a new development it is to me mentioned that the Judicial Academy in 2016 initiated HELP e-Courses "Introduction to the European Convention for the Protection of Human Rights and Fundamental Freedoms and the European Court of Human Rights" and "Fight against racism, xenophobia, homophobia and transphobia" intended for Croatian judicial officials. In addition, HELP courses had been initiated within the Croatian Bar Association. On 22 February 2018, the HELP course on Introduction to the Convention and the ECtHR was launched for Croatian lawyers, in cooperation with the Croatian Bar association.

*B.1.c) Prior to and independently of the processing of cases by the Court: promote, in this regard, study visits and traineeships at the Court for judges, lawyers and national officials in order to increase their knowledge of the Convention system*

The Office of the Representative has seconded a lawyer to the Committee of Ministers of the Council of Europe since 2017.

Traineeships and study visits to the ECtHR by national judges and prosecutors are regularly organised by the Judicial Academy in cooperation with European Judicial Training Network.

*B.1.d) Prior to and independently of the processing of cases by the Court: take appropriate action to improve the verification of the compatibility of draft laws, existing laws and internal administrative practice with the Convention, in the light of the Court's case law*

Upon request of the ministry proposing a new law or amendments to an existing law the Office of the Representative analyses draft laws and gives opinion on their compatibility with the Convention and the ECtHR's case-law.

As for the verification of compliance of domestic case-law and administrative practices with the Convention, the domestic authorities may apply the Convention directly since it takes precedence over the national legislation. Additionally, if the Constitutional court finds that a certain decision, measure or act violates fundamental rights and freedoms it shall quash such a decision, measure or act.

*B.1.e) Prior to and independently of the processing of cases by the Court: ensure the effective implementation of the Convention at national level, take effective measures to prevent violations and to provide effective domestic remedies to address alleged violations of the Convention*

The Convention is a part of the Croatian national law and may be relied upon in the national courts.

As it submitted in Report on the implementation of the Interlaken Declaration, general remedy for the protection of Conventional human rights in case of their violation is the constitutional complaint to the Constitutional Court. The constitutional complaint is an effective domestic legal remedy that may be lodged by anyone who deems that his rights and freedoms guaranteed by the Constitution or Convention were violated. Also, ordinary courts up to the Supreme Court as well as administrative bodies apply the Convention standards in cases when a party invokes a certain Convention right/freedom.

In terms of execution of the ECtHR judgments the Republic of Croatia also takes measures to prevent future similar violations of the Convention (e.g. adoption of measures aiming at strengthening procedural discipline and simplifying civil proceedings, such as the repeal of the Croatian courts' inquisitorial function in favour of adversarial civil proceedings and the introduction of pecuniary penalties against parties abusing their procedural rights).

Furthermore, it aligned existing Criminal Procedure Act with the Convention standards allowing for reopening of criminal proceedings when the ECtHR found a violation of the Convention (subject to time limits, i.e. 30 days from the day the judgement finding violation became final). Before this change, the possibility to reopen criminal proceedings after the judgement of the ECtHR was associated with the reasons for reopening of proceedings under domestic law, that is, the applicant was permitted to apply for a retrial only if the violation determined by the ECtHR responded to one of the reasons for the reopening of the proceedings under the domestic law.

Moreover, the Criminal Procedure Act provides the State Attorney General with an extraordinary remedy against a court's decision violating basic human rights and liberties guaranteed by the Croatian Constitution, domestic or international law – a Request for the Protection of Legality. The State Attorney General may invoke this remedy before the Supreme Court against final decisions of lower courts. Croatian courts make direct references to the Convention.

*B.1.f) Prior to and independently of the processing of cases by the Court: consider making voluntary contributions to the Human Rights Trust Fund and to the Court's special account to allow it to deal with the backlog of all well-founded cases, and continue to promote temporary secondments to the Registry of the Court*

As mentioned above, the Office of the Representative has a seconded lawyer to the Committee of Ministers of the Council of Europe since 2017.

*B.1.g) Prior to and independently of the processing of cases by the Court: consider the establishment of an independent National Human Rights Institution*

Croatia has more NHRIs, with specific jurisdictions and functions. These are: Ombudsman, Ombudsman for Children, Ombudsman for Persons with Disabilities, The Gender Equality Ombudsperson.

*B.2.a) After the Court's judgments: continue to increase their efforts to submit, within the stipulated deadlines, comprehensive action plans and reports, key tools in the dialogue between the Committee of Ministers and the States Parties, which can contribute also to enhanced dialogue with other stakeholders, such as the Court, national parliaments or National Human Rights Institutions*

The task of coordinating the execution of judgments and decisions of the ECtHR in the Republic of Croatia is entrusted to the Representative of the Republic of Croatia before the ECtHR and its Office.

In order to implement the Interlaken Declaration and the Recommendation CM/Rec(2008)2 on efficient domestic capacity for rapid execution of judgments the Government strengthened the Office's capacities to deal with execution by establishing the Department for Coordination of Execution of Judgements as well as the Expert Council for the execution of judgments of the ECtHR.

The Department's role is to:

- inform responsible authorities on the ECtHR judgments (by sending them judgment translated into Croatian language and the analyses of the judgment),



- request their information on the measures needed to execute a particular judgment and provisional deadlines in which the measures will be undertaken (by a questioner),
- draft Action Plans and Reports based on information received and
- cooperate with the CM Department for the Execution of Judgments of the ECtHR.

Members of the Expert Council, an inter-departmental and inter-institutional body, are experts from each ministry and other bodies of state administration. The Constitutional Court, the Supreme Court and the State Attorney's Office have their representatives as members of the Expert Council. The chairperson of the Expert Council is the Representative, and she coordinates its work.

In 2014 the Expert Council adopted its Rules of Procedure, that serves as a tool to ensure submission of information needed for drafting the action plans/reports. They explicitly provide, *inter alia*, that members of the Expert Council, within the competence of the authority they represent, are responsible for:

- determining appropriate individual or/and general measures for execution of a particular judgment or a group of judgments,
- monitoring the implementation of the measures agreed upon and
- keeping the Office of the Representative up to date with the measures implemented and planned.

In addition, the Representative's Office may at any time request members of the Expert Council to submit information on the progress of the implementation of general measures.

*B.2.b) After the Court's judgments: in compliance with the domestic legal order, put in place in a timely manner effective remedies at domestic level to address violations of the Convention found by the Court*

As already mentioned under *B.1.e)* the constitutional complaint is a general domestic legal remedy that may be lodged to the Constitutional Court by anyone who deems that his rights and freedoms guaranteed by the Constitution or Convention were violated.

There are additional effective remedies that Croatia put in place in the process of execution of the ECtHR's judgements, such as those shortening overall duration of proceedings in land registry cases in accordance with the "reasonable time" requirement and transferring all registry data on mortgage and ownership rights into electronic form (*Buj v. Croatia*); acceleratory remedies introduced by the Administrative Procedure Act 2012 and the possibility of electronic communication between the administrative courts and parties to the proceeding. The 2013 Courts Act, applicable to all courts introduced deadlines for the delivery of court's decisions. Furthermore, it provides for compensatory remedy allowing higher courts to set out time-limits for lower courts to deliver their decisions and to award compensations in the cases of unreasonable length of proceedings.

Also, Croatian legal system provides for a possibility to re-open proceedings before the domestic courts in civil, administrative and criminal cases after the ECtHR's judgment finding a violation of the Convention.

*B.2.c) After the Court's judgments: develop and deploy sufficient resources at national level with a view to the full and effective execution of all judgments, and afford appropriate means and authority to the government agents or other officials responsible for co-ordinating the execution of judgments*

As regards development of sufficient resources and appropriate means to effectively execute the ECtHR judgments, please refer to *B.2.a)*.

Due to economic crises and restrictions on public servants' employment, the Office does not have sufficient human resources for delivering its tasks in a timely manner.

*B.2.d) After the Court's judgments: attach particular importance to ensuring full, effective and prompt follow-up to those judgments raising structural problems, which may furthermore prove relevant for other States Parties;*

The Office continuously encourages relevant authorities to undertake measures aiming at full, effective and prompt execution of judgments. However, one should be aware of the fact that the execution of judgements takes place in a political arena and political changes, notably changes of government can effect promptness of the execution of the ECtHR's judgments raising structural problems.

Croatia will continue to ensure that the ECtHR's judgements are executed effectively, in a timely manner, and that remedies are put in place to address violations found by the ECtHR, including those raising structural problems.

*B.2.e) After the Court's judgments: foster the exchange of information and best practices with other States Parties, particularly for the implementation of general measures*

A direct exchange of information and best practices is possible between Government Agents concerning all issues that a certain State may face, whether in the course of a case pending before the ECtHR or during the execution process.

*B.2.f) After the Court's judgments: promote accessibility to the Court's judgments, action plans and reports as well as to the Committee of Ministers' decisions and resolutions, by:*  
*– developing their publication and dissemination to the stakeholders concerned (in particular, the executive, parliaments and courts, and also, where appropriate, National Human Rights Institutions and representatives of civil society), so as to involve them further in the judgment execution process;*  
*- translating or summarising relevant documents, including significant judgments of the Court, as required*

The Office of the Representative ensures translation and dissemination of all judgements and decisions delivered in respect of Croatia and publishes them on the Representative's webpage, as well as significant judgements against other states.

Furthermore, the Office prepares legal summaries/analyses of the most relevant ECtHR's judgements and decisions against Croatia, disseminates them to relevant authorities (e.g. judicial bodies, Parliament, Ombudspersons, Judicial Academy) and publishes them on its webpage. The Office also prepares and publishes press releases of all judgements and decisions against Croatia.

In addition, the Office of the Representatives submits action plans/reports to all members of the Expert Council in English language for comments and approval before their delivery to the CM CoE.

*B.2.g) After the Court's judgments: within this framework, maintain and develop the financial resources that have made it possible for the Council of Europe, since 2010, to translate a large number of judgments into national languages*

The Office of the Representative translates all judgments and important decisions in relation to Croatia. It also translates key judgements in relation to other State Parties to the Convention and delivers them to the ECtHR for their inclusion in the HUDOC database. Moreover, the Office translates guides on various Convention articles, reviews of the ECtHR's case law containing legal summaries of important judgements and decisions of the ECtHR, the ECtHR's selected factsheets, Information notes, and delivers them also to ECtHR for publication on its website.

*B.2.h) After the Court's judgments: in particular, encourage the involvement of national parliaments in the judgment execution process, where appropriate, for instance, by transmitting to them annual or thematic reports or by holding debates with the executive authorities on the implementation of certain judgments*

The Office of the Representative continuously informs the relevant parliamentary committee (the Committee on Human and National Minorities Rights) about the judgements and the decisions of the ECtHR. Also, the Committee may organise thematic sessions devoted to human rights protection within the Strasbourg system.

*B.2.i) After the Court's judgments: establish "contact points", wherever appropriate, for human rights matters within the relevant executive, judicial and legislative authorities, and create networks between them through meetings, information exchange, hearings or the transmission of annual or thematic reports or newsletters*

Croatia has established a network of contact persons in the ministries, the highest courts, State Attorney's Office, and other relevant authorities. Those contact persons are members of the abovementioned Execution Council, a permanent inter-institutional body ensuring the cooperation of all competent authorities in the execution process. In its full composition, the Expert Council meets at least once a year. It analyses the achieved results in the previous period and submits a work plan for the next period. However, for the purposes of the execution of the certain judgement of group of judgements of the ECtHR, the Council meets more frequently in a narrower composition.

As a new development, it is to be mentioned that in 2018 special departments within courts (Supreme Court, High Administrative Court, High Commercial Court, High Misdemeanour Court, county courts and some municipal and commercial courts) and state attorney's offices (General State Attorney's Office and county state attorney offices) were established. Those departments are responsible for keeping their colleagues informed about relevant development in the case law of the European courts.

*B.2.j) After the Court's judgments: consider, in conformity with the principle of subsidiarity, the holding of regular debates at national level on the execution of judgments involving executive and judicial authorities as well as members of parliament and associating, where appropriate, representatives of National Human Rights Institutions and civil society*

Occasionally, debates are organised within various forums on execution of the ECtHR's judgments (e.g. within academia, NGOs', judicial professionals, associations of judges, lawyers). The Office of the Representative takes an active part during these forums.

**CYPRUS / CHYPRE****Comments made on the Preliminary draft CDDH report on measures taken by the member States to implement relevant parts of the Brussels Declaration (document CDDH(2019)17)**

In relation to the document attached in your email below (CDDH (2019) 17, 12 April 2019), please note that there is some inaccuracy at paragraph 61 (ii) in relation to Cyprus. An accurate reference would be along the following lines: "In Cyprus, the drafting of action plans or reports in the execution process is being ensured by the lawyer at the Attorney General/Government Agent's office, who has dealt with the case before the Court, i.e. has prepared the Government's observations in the proceedings before the Court."

I would be much obliged if paragraph 61(ii) were amended in order to reflect the above reference.

## GEORGIA / GEORGIE

**Comments made on the Preliminary draft CDDH report on measures taken by the member States to implement relevant parts of the Brussels Declaration (document CDDH(2019)17)**

[...]

14. As it appears from the replies received from a large majority<sup>36</sup> of the responding States, general information on the Convention and the Court is usually available through the official websites or webpages of the Ministries of Justice or of Foreign Affairs.

[...]

19. Likewise, in Germany, the website of the Federal Ministry of Justice and Consumer Protection hosts the Ministry's case-law database<sup>37</sup> with all the judgments of the Court in cases against Germany, translated into German language.<sup>38</sup> In Georgia, all judgments of the ECtHR rendered in respect of Georgia are translated and published at the websites of the official herald, Ministry of Justice and the Supreme Court. Lithuania reported the existence of both public and private search engines of the judgments and decisions of the Court. The public database, free of charge, is hosted on the website of the Government Agent<sup>39</sup> and the private database, subject to a charge – *Infolex*<sup>40</sup> –, is the largest private legal search engine in Lithuania, used by legal professionals.

[...]

28. As far as awareness-raising measures are concerned, in several member States,<sup>41</sup> the practice of publishing and disseminating the Court's judgments to national courts, prosecution authorities, the police, penitentiary administration and / or the police is well established.

29. Often, the Court's case-law is disseminated to Parliaments,<sup>42</sup> which are notably monitoring the process of the execution of judgments of the Court.

[...]

33. In some other States, awareness-raising on the Convention and the Court's case-law is also carried out through vocational and in-service training of judges, prosecutors, lawyers and national officials. In this respect, several responding States<sup>43</sup> reported that training on the Convention and the Court's case-law are part of the university curricula for lawyers.

<sup>36</sup> This covers 20 States (Albania, Armenia, Azerbaijan, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Ireland, Lithuania, Montenegro, Norway, Poland, the Russian Federation, Slovakia, Sweden and the United Kingdom) out of 24 responding States.

<sup>37</sup> [www.bmju.de/egmr](http://www.bmju.de/egmr)

<sup>38</sup> The case-law translated into German is regularly sent to several important publishing houses that publish legal periodicals.

<sup>39</sup> <http://lv-atstovas-ezt.lt/>

<sup>40</sup> <http://www.infolex.lt/tp/>

<sup>41</sup> For instance, Albania, Armenia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Ireland, Liechtenstein, Lithuania and Poland.

<sup>42</sup> For example, Andorra, Czech Republic, Estonia, France, Germany, Georgia, Ireland, Liechtenstein and Norway.

<sup>43</sup> For instance, the Czech Republic, Estonia, France, Germany, Lithuania, the Netherlands, Sweden, Norway, Poland and the Russian Federation and Georgia.

34. In many other States, the Convention and the Court's case-law are taught within the Justice Academy, Police Academy or School of Advocates – institutions that most often provide both vocational and in-service training, tailored to law professionals in a particular domain, notably to future or in-service judges, prosecutors, police, lawyers, advocates and other law professionals, for instance, penitentiary public servants.<sup>44</sup>

[...]

36. Several States have indicated that vocational and in-service trainings are regularly or, at least, occasionally accompanied by training seminars and / or traineeships, notably at the Court,<sup>45</sup> but also by study visits to various institutions of the judiciary or penitentiary systems in other member States,<sup>46</sup> which provide a rich source for fruitful exchanges of experience and practice, a matter which is assessed in more detail below, under B.1.c).

[...]

39. In this vein, a number of States<sup>47</sup> have mentioned that trainings, seminars and/or in-situ visits to the Court are taking place notably in the framework of various co-operation programmes for justice and/ or penitentiary reforms, developed and implemented with the Council of Europe and the European Union<sup>48</sup> and covering *inter alia* specific human rights issues, such as combating ill-treatment, strengthening the application of the Convention and the Court's case-law, strengthening health care and human rights protection in prisons, family law etc.

[...]

50. Some States provided examples where highest and / or lower courts made direct reference<sup>49</sup> to the Court's case-law in respect of their own State and / or in respect of other States but of relevance for national practice.

[...]

58. The answers provided in this Questionnaire show that the large majority of States<sup>50</sup> have at least one independent National Human Rights Institution (NHRI) and in certain

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<sup>44</sup> For example, in Georgia.

<sup>45</sup> For example, in Georgia judicial candidates are given opportunity to have study visits to Strasbourg, with the purpose to familiarize with the activities of the European Court of Human Rights as well as institutions and agencies of the Council of Europe (CoE).

<sup>46</sup> The Russian Federation, for instance, has reported, in particular, an important co-operation and intense exchange of best practices regarding the functioning of penitentiary institutions with some 26 States all over the world, of which 14 States are members of the Council of Europe.

<sup>47</sup> For example, Armenia, Azerbaijan, Montenegro and Russian Federation.

<sup>48</sup> See, for example, Finland, France, Lithuania, the Netherlands, Poland, Slovak Republic, United Kingdom and Georgia.

<sup>49</sup> Albania, Estonia, Ireland, Lithuania, Monaco, Montenegro and Georgia.

<sup>50</sup> Azerbaijan (*Office of the Commissioner for Human Rights - Ombudsman*), Cyprus (*Ombudsman*), Czech Republic (*Public Defender of Rights*), Denmark (*Institute for Human Rights*), Finland (*Parliamentary Ombudsman*), France (*Commission nationale consultative des droits de l'homme*), Georgia (*Public Defender*), Germany (*German Institute for Human Rights*), Liechtenstein (*Association for Human Rights*), Lithuania (*Seimas Ombudsmen's Office*), Luxembourg (*Commission consultative des droits de l'homme*), Monaco (*Haut-Commissaire*), Montenegro (*Institution of the Protector of Human Rights and Freedoms*), Norway (*National Human Rights Institution*), Poland (*Human Rights Defender- Ombudsman*), Russian Federation (*High Commissioner*), Slovak Republic (*Centre for Human Rights*) and United Kingdom (*Equality and Human Rights Commission* (for England and

States,<sup>51</sup> these institutions comply with the Paris Principles of the United Nations<sup>52</sup> and are respectively accredited with “A” status.

[...]

60. All the responding States<sup>53</sup> acknowledged that timely delivery of comprehensive action plans and reports to the Committee of Ministers is important for the process of execution of judgments of the Court.

[...]

61. Many replies provide examples of multifaceted cooperation between several relevant authorities at national level involved in the process of drafting of action plans / reports. Usually, it is the Government Agent or a given Ministry - of Justice or of Foreign Affairs - that cooperates with other ministries and relevant national authorities for the drafting of comprehensive action plans and reports and ensures their timely transmission to the Committee of Ministers.

[...]

(iii) In Georgia, the Statute of the Ministry of Justice authorizes the Department of the State Representation to International Courts (the Office of the Government Agent) to collect information, materials, files, reports and other documents from the governmental institutions and from other bodies, for the purpose of enforcing judgments/decisions delivered by the ECtHR. Furthermore, pursuant to the amendments made to the rules of procedure of the Parliament of Georgia, since 2016 the Office of the Agent submits annual reports to the Parliament on the execution of the Judgements of the Court which envisage detailed information regarding the Court's findings as well as the implementation measures.

[...]

67. Another type of an effective remedy introduced in many States<sup>54</sup> is the possibility, after the delivery by the Court of a judgment finding a violation of the Convention, to re-open proceedings before the domestic courts, including the higher domestic courts or the Constitutional Court.

[...]

(vi) In Georgia, the Criminal and Civil Procedure Codes envisage a possibility of reopening proceedings before the national courts if there exists a final

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Wales), the *Northern Ireland Human Rights Commission* and the *Scottish Human Rights Commission*).

<sup>51</sup> For example, in Denmark, Finland, France, Germany, Liechtenstein, Lithuania, Norway, Poland, the Russian Federation and Slovak Republic.

<sup>52</sup> Paris Principles are available at : <https://www.un.org/ruleoflaw/files/PRINCI~5.PDF>

In 2018, there were 27 European NHRIs accredited by the Global Alliance of NHRIs (GANHRI) with an A status (fully compliant with the *Paris Principles*) and 11 with B Status (partially compliant with the *Paris Principles*); for the Chart of the status of National Institutions by GANHRI see: <https://www.un.org/ruleoflaw/files/PRINCI~5.PDF>.

<sup>53</sup> Andorra, Armenia, Cyprus, Czech Republic, Denmark, Estonia, France, **Georgia**, Germany, Ireland, Liechtenstein, Lithuania, Luxembourg, Monaco, Montenegro, the Netherlands, Norway etc..

<sup>54</sup> For instance, Armenia, the Czech Republic, Denmark, Estonia, Finland, France, **Georgia**, Lithuania, the Netherlands, Norway and the Russian Federation.



judgement/decision of the European Court establishing that the Convention or the Protocols have been violated with respect to that case and the judgement subject to review was based on that violation.

[...]

68. The responses provided by the States reflect quite similar patterns of coordination at the national level between the Government Agent / the ministry responsible for monitoring the execution of judgments process and the other relevant authorities that might need to get involved in this process.

[...]

(vi) In Georgia once the judgment has been rendered by the European Court, the Office of the Government Agent analyses the violation thoroughly and addresses the relevant agencies with official communication. In the process of planning of individual and general measures, the relevant bodies are actively engaged (to which the violation concerns). In addition to formal contacts, the coordinator from the Ministry of Justice also contacts the relevant bodies through informal means in order to speed up the execution process.

[...]

82. It has also been noted that member States themselves have the Court's significant judgments translated into their national languages; such translations are accessible in the national database (mostly online) and are often made available in the Court's HUDOC database.

In Georgia, in 2017 the Memorandum of Understanding was signed by the Ministry of Justice of Georgia, Supreme Court of Georgia and the European Court of Human Rights on the development of a Georgian language user interface for the HUDOC case-law database of the ECtHR. According the MoU, the Ministry of Justice and the Supreme Court will make best efforts to translate (in full text, extracts and/or summary form) the leading cases which the Court's Bureau selects on a quarterly basis (about 30 cases per year).

[...]

83. It appears from the replies received that in most States national parliaments are regularly informed by the Government, often through the annual report of the Government Agent, about the judgments and decisions delivered by the Court against the country in question and the ensuing execution process, and that they are involved in the discussions on the implementation of these judgments. Specialised parliamentary (sub)committees may exist to support parliaments' legislative and supervisory functions. Government Agents are often involved in the relevant meetings and targeted ministerial auditions may also be organised in the national parliaments.

[...]

(vi) In Georgia, the role of the Parliament has been enhanced in the process of supervision of execution of the ECtHR judgments according to the amendments adopted in 2016 in the Rules of Procedure of the Parliament of Georgia. In particular, the Government has to submit annual reports before the parliament on the pending as well as closed cases. Mentioned reports are orally heard before several Committees of Parliament of Georgia (such as Human Rights and Civil Integration



Committee, Legal Issues Committee, Foreign Relations Committee) as well as published by the Parliament on its web-site.

[...]

84. While in certain States the establishment of contact points is not considered necessary, given their size or the quality of the inter-institutional dialogue, several other States have established networks of contact persons or inter-ministerial committees/working groups involving mainly representatives of relevant ministries, and sometimes also the highest courts or other public bodies. The Government Agent often plays an important role within those networks. Moreover, in several member States there is a practice of a permanent or *ad hoc* cooperation between the competent public authorities in the execution of the Court's judgments.

[...]

(vi) In Georgia, the Department of State Representation to International Courts of the Ministry of Justice (the Office of the Government Agent) has close contacts with all line ministries and agencies, which informally designated the contact persons for the execution of the ECtHR judgments/decisions.

[...]

86. Other member States referred to the existence of the specialised committees, mentioned under B.2.h) and B.2.i), which are composed of the key relevant actors, i.e. not only public bodies but also leading human rights NGOs or national structures for the protection of human rights.

[...]

(iv) In Georgia, the annual reports submitted before the Parliament on execution of the ECtHR judgments are orally heard before several Committees of Parliament involving executive and judicial authorities. This process is open and transparent for public, members of the civil society and various kinds of non-governmental organizations, Public Defender, national and international experts, students, etc. which promotes respective debates on execution issues.

<b>PORTUGAL</b>
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### Déclaration de Bruxelles (réponse du Portugal)

*B.1.a) En amont et indépendamment du traitement des affaires par la Cour : veiller à ce que les requérants potentiels aient accès à des informations sur la Convention et la Cour, en particulier sur (a) la portée et les limites de la protection de la Convention, (b) la compétence de la Cour et (c) les critères de recevabilité*

#### B.1

a) Un ensemble d'informations est mis à disposition dans la page web du Bureau de Documentation et de Droit Comparé de la *Procuradoria-Geral da República* ([www.gddc.pt](http://www.gddc.pt)).

Les arrêts et les décisions d'inadmissibilité/admissibilité partielle concernant le Portugal, sont régulièrement mis à jour dans cette page, en sorte à ce que le lecteur puisse y accéder de manière actualisée. De même, les traductions vers le portugais de quelques de ces arrêts figurent dans la même page, avec l'indication qu'il s'agit d'une traduction, au moyen d'un drapeau portugais.

Il y a un lien vers la page web du Conseil de l'Europe, un lien vers le site web de la Cour et un lien vers la banque de jurisprudence *Huddoc* de la Cour européenne des Droits de l'Homme.

Un ensemble d'informations est également disponible, dont la version régulièrement mise à jour, du guide pratique sur la recevabilité, avec les liens qui y figurent, également activables; des informations sur l'introduction d'une requête devant la Cour, ainsi que diverses informations relatives à l'origine et au fonctionnement du Conseil de l'Europe et au fonctionnement de la Cour figurent aussi dans la même page du GDDC. La *boîte à outils* (*toolkit*) a, elle aussi, été traduite vers le portugais, et, elle a fait l'objet d'une diffusion au Portugal.

Enfin, en première page, sous l'entête "*divulgations*", des arrêts choisis de la Cour européenne des Droits de l'Homme font l'objet d'une divulgation et d'un commentaire, qui apportent quelque lumière sur les arrêts récents de la Cour, et, parfois les grands arrêts de la Cour, que celle-ci vient d'adopter.

De surcroît, au moyen d'une action conjointe entre le Juge élu au titre de Portugal et la section portugaise de la Cour, le Centre d'Etudes Judiciaires et le Barreau des Avocats, une *newsletter* est élaborée, et régulièrement diffusée (3 numéros en 2017, 12 en 2018, et 3 jusqu'au mois d'avril 2019), qui contient des résumés et des synthèses, en langue portugaise, d'arrêts de la Cour choisis, proférés à l'encontre des différents Etats. Actuellement cette *newsletter* est aussi mise à disposition dans un site web de la CPLP (la Communauté des Pays de Langue Portugaise) géré par l'Office du Procureur général de la République.

La Cour Suprême de Justice, elle aussi, divulgue, sur son site web, des informations sur la jurisprudence plus importante de la Cour, accompagnée d'un résumé.

*B.1.b) En amont et indépendamment du traitement des affaires par la Cour : redoubler les efforts nationaux pour sensibiliser les parlementaires et pour accroître la formation des juges, procureurs, avocats et agents publics à la Convention et à sa mise en œuvre, en ce compris le volet exécution des arrêts, en veillant à ce qu'elle fasse, le cas échéant, partie intégrante de leur formation professionnelle et continue, notamment par le recours au Programme européen de formation aux droits de l'homme pour les professionnels du droit (HELP) du Conseil de l'Europe ainsi qu'aux programmes de formation de la Cour et à ses publications*

**b)** Tous les arrêts (sauf ceux rendus dans les affaires répétitives) concernant les affaires contre le Portugal sont envoyés au Centre d'Etudes Judiciaires pour leur inclusion dans les actions de formation initiale et continue de magistrats.

Le plan d'activités du Centre d'Etudes Judiciaires (CEJ) inclus, dans la formation initiale des magistrats, l'abordage de la jurisprudence de la Cour, en particulier dans le contexte du droit à un procès équitable, du respect de la vie privée et familiale, de la liberté d'expression, de l'interdiction de la torture, du droit à la vie, du droit à la liberté et à la sécurité, et encore, du droit au respect des biens.

Par delà ceci, des conférences ou des séminaires thématiques ouverts à des magistrats, des avocats et à d'autres professionnels ont lieu, sur des matières qui relèvent de la jurisprudence de la Cour. Pour les années 2016, 2017 et 2018, l'on peut mettre en évidence, parmi d'autres, des thèmes comme *"L'humour et la liberté d'expression"* (ayant compté avec la participation de l'Agente du Gouvernement auprès de la Cour, qui a présenté une synthèse de la jurisprudence respective à l'encontre des différents Etats); la *"Violence de genre et la mutilation génitale féminine"*; les *"Migrants, Migration, Immigration et loi d'asile en temps de crise humanitaire!"*; *"Les droits des personnes handicapées"*; *"La lutte contre le trafic d'êtres humains"*; *"Juger sous une perspective de genre"*; *"Les droits de la personnalité"*; *"Le droit international de la famille"*; *"Le droit européen du travail"*; *"La protection multi niveaux des droits sociaux dans la jurisprudence des tribunaux et des autres institutions d'exécution de la jurisprudence (sur les plans national et supranational)"*.

De nombreuses actions menées par le CEJ ont d'ailleurs généré des *e-books* sur les sujets concernés.

Dans le cadre du Programme *Help* du Conseil de l'Europe et de l'Union européenne, le Centre d'Etudes Judiciaires a mené à bien deux cours relatifs aux *"Droits du travail en tant que droits de l'Homme"*, comptant avec la participation de juges, de procureurs, d'inspecteurs et d'autres agents du Ministère du Travail. Toujours dans le cadre du Programme *Help*, le Centre d'Etudes Judiciaires et l'institution homologue espagnole ont tenu un cours de formation de formateurs en matière de droits de l'homme, cinq formateurs du CEJ ayant été certifiés.

*B.1.c) En amont et indépendamment du traitement des affaires par la Cour : promouvoir, à cet égard, les visites d'études et les stages à la Cour pour des juges, des juristes et des agents publics afin d'accroître leur connaissance du système de la Convention*

**c)** Depuis il y a environ cinq ans, trois juges portugais se sont tenus successivement auprès de la section portugaise du Greffe de la Cour dans le cadre de la formation organisée par le Réseau européen de formation judiciaire.

En 2017 et en 2018 des visites d'étude de futurs juges et procureurs à la Cour ont été organisées par le Centre d'Études Judiciaires, avec la présence du Directeur du Centre, ces futurs magistrats ayant assisté à une audience devant la Cour.

*B.1.d) En amont et indépendamment du traitement des affaires par la Cour : prendre les mesures appropriées pour améliorer la vérification de la compatibilité des projets de loi, des législations existantes et des pratiques administratives internes avec la Convention, à la lumière de la jurisprudence de la Cour*

d) Comme cela a été mentionné en de précédentes réponses à des questionnaires, la 1ère Commission parlementaire de l'Assembleia da República procède à la vérification des projets de loi, face aux exigences en matière de droits, de libertés et de garanties.

*B.1.e) En amont et indépendamment du traitement des affaires par la Cour : assurer l'application effective de la Convention au niveau national, prendre les mesures effectives pour prévenir les violations et mettre en place des recours nationaux effectifs pour répondre aux violations alléguées de la Convention*

e) La divulgation des arrêts de la Cour auprès des magistrats constitue une mesure importante de sensibilisation, qui permet que, en des cas futurs, les magistrats appliquent la Convention (qui fait partie du droit interne) telle qu'elle est interprétée par la Cour, ce qui est fréquent, avec la citation expresse de la jurisprudence de Cour, en particulier en des affaires relatives à la liberté d'expression et à la durée excessive des procédures.

D'autre part, en ce qui concerne les requêtes relatives à la durée excessive des procédures, qui, avant 2016, formaient la majeure partie des affaires pendantes contre le Portugal (entre environ, 80% à 90%), il existe désormais un moyen interne efficace à la disposition des requérants (l'action en responsabilité civile extracontractuelle contre l'Etat, à instaurer auprès des tribunaux administratifs), comme cela a été reconnu par l'arrêt rendu par la Cour, le 29 octobre 2015, dans l'affaire *Valada Matos das Neves c. le Portugal*, ce qui a permis une réduction significative du nombre de requêtes pendantes devant la Cour contre le Portugal.

*B.1.f) En amont et indépendamment du traitement des affaires par la Cour : envisager d'apporter des contributions volontaires au Fonds fiduciaire pour les droits de l'homme et au compte spécial de la Cour pour lui permettre de traiter l'arriéré de toutes les affaires bien fondées, et continuer à promouvoir des détachements temporaires auprès du greffe de la Cour*

f) – Il existe au Portugal une institution de cette nature (le Médiateur/*Provedoria de Justiça*)

*B.2.a) En aval des arrêts de la Cour : continuer à accentuer leurs efforts pour produire, dans les délais impartis, des plans et bilans d'action complets, instruments-clés du dialogue entre le Comité des Ministres et les Etats parties, qui peuvent également contribuer à un dialogue renforcé avec d'autres acteurs, tels que la Cour, les parlements nationaux ou les institutions nationales des droits de l'homme*

*B.2.c) En aval des arrêts de la Cour : développer et déployer les ressources suffisantes au niveau national en vue d'une exécution complète et effective de tous les arrêts, et donner les moyens et l'autorité appropriés aux agents du gouvernement ou autres agents publics chargés de la coordination de l'exécution des arrêts*

## **B.2.**

**a) et c)** – L'Agent du Gouvernement auprès de la Cour intervient, dans la pratique, comme l'élément de coordination, en travaillant en articulation avec la Représentation Permanente auprès du Conseil de l'Europe et en établissant, sur le plan interne, les contacts avec les autorités compétentes, selon la matière en question, en ayant en vue l'adoption des mesures d'ordre individuel et d'ordre général adéquates. Dans les cas où une modification législative ou un changement de procédures s'avèrent nécessaires, les propositions et suggestions pertinentes sont adressées aux autorités compétentes, en particulier, au Ministère de la Justice.

C'est ainsi l'Agent qui, suite aux contacts nécessaires – tant formels qu'informels – élabore le bilan ou le plan d'action correspondant, contenant l'indication des mesures d'ordre individuel et général déjà adoptées ou à adopter.

Par delà les contacts réguliers avec la Représentation Permanente, des réunions sont tenues avec le Service d'exécution des arrêts (en général, une fois par an, à Strasbourg), avec la présence de l'Agent, lors desquelles les différentes affaires pendantes sont passées en revue.

*B.2.b) En aval des arrêts de la Cour : en conformité avec l'ordre juridique interne, mettre en place en temps opportun des recours effectifs au niveau national pour réparer les violations de la Convention constatées par la Cour*

**b)** Nous renvoyons à l'antérieur point B.1.e);

*B.2.d) En aval des arrêts de la Cour : accorder une importance particulière à un suivi complet, effectif et rapide des arrêts soulevant des problèmes structurels qui, par ailleurs, peut s'avérer pertinent pour d'autres Etats parties*

**d)** D'une façon générale, le Portugal a exécuté sans problème particulier, les arrêts de la Cour.

Les paiements des indemnités attribuées sont faits à brève échéance. La réouverture de procès internes, suite à un arrêt de la Cour inconciliable avec une décision interne est permise, tant dans les affaires de nature civile qu'administrative et criminelle.

Les Conseils Supérieurs Judiciaires, ainsi que l'office du Procureur-général de la République, divulguent sur leurs sites *web* les arrêts rendus par la Cour en des affaires contre le Portugal. Le Centre d'Études Judiciaires divulgue et mène la formation exigée par ces arrêts.

Certaines situations subsistent, qui dépendent d'une intervention législative ou de la modification de pratiques suivies il y a longtemps, ce qui demande toujours un certain temps pour l'assimilation et la consolidation.

*B.2.e) En aval des arrêts de la Cour : privilégier l'échange d'informations et de bonnes pratiques avec d'autres Etats parties, en particulier pour la mise en œuvre des mesures générales*

e) ....

*B.2.f) En aval des arrêts de la Cour : favoriser l'accès aux arrêts de la Cour, aux plans et bilans d'action ainsi qu'aux décisions et résolutions du Comité des Ministres : en développant leur publication et leur diffusion aux acteurs concernés (en particulier, l'exécutif, les parlements, les juridictions, mais aussi, le cas échéant, les institutions nationales des droits de l'homme et des représentants de la société civile), en vue de leur implication accrue dans le processus d'exécution des arrêts ; en traduisant ou résumant les documents pertinents, y compris les arrêts significatifs de la Cour, autant que de besoin*

**f)** En ce qui concerne la divulgation des arrêts, comme cela a été dit, ceux-ci sont toujours divulgués auprès des magistrats et du Centre d'Etudes Judiciaires (sauves les affaires répétitives) et, en accord avec leurs matières, ces arrêts sont aussi envoyés à diverses autres entités (par exemple, des institutions de santé, des forces de sécurité, des services pénitentiaires, certains Ministères et autorités administratives, des commissions de protection à l'enfance, des services d'étrangers, le Médiateur, etc.).

Les arrêts les plus importants (tant du point de vue juridique que du point de vue social) sont traduits vers le portugais, la traduction de tous les arrêts s'avérant difficile en termes des ressources disponibles.

Les plans et les bilans d'action ne sont pas traduits ni divulgués, ce qui pourrait survenir en des affaires plus pertinents, nommément en des cas de supervision renforcée.

*B.2.g) En aval des arrêts de la Cour : maintenir et développer, dans ce cadre, les ressources financières ayant permis au Conseil de l'Europe, depuis 2010, de traduire de nombreux arrêts dans les langues nationales*

g) ...

*B.2.h) En aval des arrêts de la Cour : en particulier, encourager l'implication des parlements nationaux dans le processus d'exécution des arrêts, lorsque c'est approprié, par exemple, en leur transmettant des rapports annuels ou thématiques ou par la tenue de débats avec les autorités exécutives sur la mise en œuvre de certains arrêts*

**h)** L'intervention du Parlement au sujet de l'exécution des arrêts n'est pas habituelle. Nous sommes d'avis que cette intervention pourrait avoir lieu, à l'avenir, en des affaires d'une importance particulière, tant en raison du droit violé qu'en fonction des problèmes vérifiés, en particulier lorsque l'exécution des arrêts impose l'adoption de mesures de nature législative ou de toute autre intervention de la compétence du Parlement.

*B.2.i) En aval des arrêts de la Cour : mettre sur pied, dans la mesure où cela est approprié, des « points de contact » droits de l'homme au sein des autorités exécutives, judiciaires et législatives concernées, et créer des réseaux entre eux par le biais de réunions, d'échanges d'informations, d'auditions ou par la transmission de rapports annuels ou thématiques ou encore de courriers périodiques d'information*

i) Des contacts réguliers sont entrepris avec les responsables de différentes entités concernées par l'exécution de l'arrêt en question, en générale avec une certaine informalité, l'institution formelle d'éléments de liaison, ou même d'un réseau ne s'étant pas encore avérée nécessaire.

Le rapport annuel de l'Agente contient une partie afférente à l'exécution des arrêts, comprenant les données statistiques, qui mentionne les affaires les plus importantes et leur évolution, ainsi que d'éventuels problèmes qui y sont relatifs. Ce rapport est envoyé à la généralité des entités habituellement impliquées dans l'exécution des arrêts de la Cour.

*B.2.j) En aval des arrêts de la Cour: envisager, en conformité avec le principe de subsidiarité, la tenue de débats réguliers au niveau national sur l'exécution des arrêts – impliquant les autorités exécutives et juridictionnelles ainsi que les membres des parlements et associant, lorsque c'est approprié, des représentants des institutions nationales des droits de l'homme et de la société civile.*

j) ...



<b>RUSSIAN FEDERATION / FEDERATION DE RUSSIE</b>
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**Comments made on the Preliminary draft CDDH report on measures taken by the member States to implement relevant parts of the Brussels Declaration (document CDDH(2019)17)**

[...]

19. Likewise, in Germany, the website of the Federal Ministry of Justice and Consumer Protection hosts the Ministry's case-law database<sup>55</sup> with all the judgments of the Court in cases against Germany, translated into German language.<sup>56</sup> Lithuania reported the existence of both public and private search engines of the judgments and decisions of the Court. The public database, free of charge, is hosted on the website of the Government Agent<sup>57</sup> and the private database, subject to a charge – *Infolex*<sup>58</sup> –, is the largest private legal search engine in Lithuania, used by legal professionals.

**For instance, in the Russian Federation, comprehensive information on the Convention (its' text, protocols, Rules of the European Court, application form in Russian language for submission to the ECHR) is presented on the official web-site of the High Commissioner for Human Rights in the Russian Federation, in the section "Human Rights in the World". Also the text of the Convention and the Protocols, the Rules of the European Court, the application form for submission to the ECHR in Russian, and other reference materials are publicly available in reference legal systems "Consultant-Plus" and "Garant".**

[...]

30. The authority(ies) carrying out the awareness-raising measure(s) differ from one State to another. Quite often, this responsibility is ensured by the Government Agent before the Court, the Ministry of Justice,<sup>59</sup> but at times also by the Ombudsman (or a similar institution),<sup>60</sup> the National Human Rights institution,<sup>61</sup> National Judicial Academy<sup>62</sup> or the Bar association.<sup>63</sup>

[...]

**In the Russian Federation, for instance, the Supreme Court systematically provides thematic reviews of case-law and legal positions of the European Court and international human rights treaty bodies, as well as reviews of the Supreme Court's practice taking into account the respective legal positions of the ECHR and international human rights treaty bodies. The texts of the relevant generalizations (reviews) are communicated to judges and officials of the Supreme Court of the Russian Federation, the lower courts. The Investigative Committee continued proactive efforts to ensure access by investigators and other Investigative Committee's officials to the case-law of**

<sup>55</sup> [www.bmjv.de/egmr](http://www.bmjv.de/egmr)

<sup>56</sup> The case-law translated into German is regularly sent to several important publishing houses that publish legal periodicals.

<sup>57</sup> <http://lv-atstovas-ezt.lt/>

<sup>58</sup> <http://www.infolex.lt/tp/>>

<sup>59</sup> For instance in Germany, Ireland, the Russian Federation, the United Kingdom etc.

<sup>60</sup> Notably, in the Russian Federation.

<sup>61</sup> See for example, the Netherlands.

<sup>62</sup> For instance in Azerbaijan and the Slovak Republic.

<sup>63</sup> For instance, in Andorra, Cyprus and Lithuania.



the European Court and study of the practice of the Convention interpretation and application. The Ministry of Healthcare transfers copies of judgments of the ECHR regarding the issues related to rights of persons in the area of healthcare and medical service received from the office of the Representative at the ECHR to executive bodies of the constituent entities of the Russian Federation in the area of healthcare, to the Federal Bio-Medical Agency, to federal state institutions and state unitary enterprises (those subordinate to the Ministry of Healthcare), and also to the Federal Compulsory Medical Insurance Fund.

[...]

52. Other States<sup>64</sup> have put in place a constitutional appeal as an effective legal remedy available at national level in respect of violations of the rights protected by the Convention.

[...]

(iii) A positive practice that continued after the adoption of Brussels Declaration is particularly noted of monitoring of law enforcement activities in the Russian Federation in the light of analysis of judgements of the Constitutional Court and the European Court in accordance with Decree of the President of Russia no. 657 (edited on 25 July 2014) "On monitoring of law enforcement activities in the Russian Federation". In compliance with this Decree, the Ministry of Justice, together with other competent state bodies, conducts analysis of judgements of the Constitutional Court and the European Court in order to provide suggestions on reforming the current legislation and further implementation of such reforms. Such suggestions are submitted to the President of the Russian Federation and become the basis for the future schedule of legislative activity of the Russian Government, execution of which is constantly supervised. Relevant documents are published every year and are accessible for the public. As part of law enforcement monitoring the authorities have created effective domestic legal remedies which allowed solving a range of systematic problems in the Russian legal system identified by the Court (Timofeyev, Ryabykh, Kormacheva, Smirnova groups of cases) or advance considerably in solving such problems (Klyakhin, Gerasimov, Kalashnikov, Garabayev case groups, etc.). Major progress was made in solving the problem of unlawful and unreasonably lengthy detention identified by the ECHR (Klyakhin group of cases). The Russian authorities took a complex of consistent measures that include improving laws, clarification of its application procedure by the Constitutional Court and the Supreme Court, and improving of legal practice by the competent national authorities. Detailed information on those measures taken by the Russian authorities is presented in the document DH-DD(2015)1171. These measures were positively evaluated by the Committee of Ministers resolution of 9 December 2015 and the final resolution CMResDH(2015)249, which discontinue the supervision of several aspects of the problem identified by the ECHR and certain cases of this type.

[...]

61. Many replies provide examples of multifaceted cooperation between several relevant authorities at national level involved in the process of drafting of action plans / reports. Usually, it is the Government Agent or a given Ministry - of Justice or of Foreign Affairs - that

<sup>64</sup> Albania, Czech Republic, Liechtenstein, Poland, Slovakia.

cooperates with other ministries and relevant national authorities for the drafting of comprehensive action plans and reports and ensures their timely transmission to the Committee of Ministers.

[...]

(iii) For instance, in the Russian Federation, –close coordination and cooperation with the relevant competent public bodies has been organized in the preparation of the action plans and reports on execution of the ECHR judgments and implementation of the Convention provisions in the legal system of the Russian Federation. In turn, these authorities have appointed responsible persons to communicate with the Representative and more efficiently solve the problems identified by the Court. In the Supreme Court the issues of analysing legal implications of the European Court's judgments and the implementation of the Convention's provision in practice of the Russian courts and practical cooperation with the Representative (among other issues) are addressed by the International law division. The Constitutional Court established the Division of International Relations and Generalization of the Constitutional Control Practice which provides information and analytical support for the proceedings in the Constitutional Court on the international law issues including the European Court practice. In order to implement the powers granted and strengthen coordination to ensure more effective implementation of the Convention provisions and the ECHR case-law in the legal system of the Russian Federation upon the proposal of the Representative, inter-ministerial working groups have been set up and operate for the purpose of execution of the ECHR judgments in cases raising complex and/or structural problems. For example, such groups are created in the context of the execution of the "pilot" judgments *Ananyev and others v. Russia*, *Gerasimov and others v. Russia*, regulations on the interstate complaint of *Georgia v. Russia (I)*, group of cases *Garabayev*.

[...]

67. Another type of an effective remedy introduced in many States<sup>65</sup> is the possibility, after the delivery by the Court of a judgment finding a violation of the Convention, to re-open proceedings before the domestic courts, including the higher domestic courts or the Constitutional Court.

[...]

(vi) In the Russian Federation, for instance, as part of executing the “pilot” judgement of the ECHR *Gerasimov and others v. Russia* in order to create an effective legal remedy, the Federal Law no. 450-FZ was drafted and passed on 19 December 2016 “On amending the federal law on compensation for violating the right to judicial proceedings within a reasonable time” regarding award of compensation for the violation of the right to execution within a reasonable time of a judgement providing for the State to execute obligations of non-monetary (pecuniary or non-pecuniary) nature. This Federal Law extends the area of the Compensation law to cases of violation of execution within a reasonable time of judgements that provide for the State to execute obligations in natural form (providing housing or benefits, performance of certain actions and others).

<sup>65</sup> For instance, Armenia, the Czech Republic, Denmark, Estonia, Finland, France, Lithuania, the Netherlands, Norway and the Russian Federation.

[...]

68. The responses provided by the States reflect quite similar patterns of coordination at the national level between the Government Agent / the ministry responsible for monitoring the execution of judgments process and the other relevant authorities that might need to get involved in this process.

[...]

(vi) In the Russian Federation; in particular, the coordination of relevant activities is carried out by the Representative of the Russian Federation at the European Court for Human Rights, who has his own Office. Logistical and other support of the activities of the Representative at the ECHR and its Office is performed by the Ministry of Justice of Russia. For these purposes annual target budget allocations are provided and have been supplied after the Brussels Conference. Activities of the Representative are clearly regulated by law, and he it is the Deputy Minister of Justice of the Russian Federation and has sufficient competence. In particular, the Representative performs the following functions on the implementation of the provisions of the Convention in the legal system of the Russian Federation:

- analysis of legal consequence of the European Court judgments (in respect of Russia and other Member States of the Council of Europe) and preparation, taking into account the practice of the ECHR and the Committee of Ministers, of recommendations on improvement of the Russian legislation and law enforcement practices, as well as Russia participation in international contracts and on development of international law meeting the interests of the country;
- ensuring cooperation between state authorities and municipal authorities in the execution of the ECHR judgments and CMCE decisions, including the restoration of violated rights of the applicants, payment of compensation awarded by the Court and the adoption of general measures aimed at eliminating and (or) preventing further violations identified by the European Court.

To implement these functions, the Representative has broad powers, including the following: to request the necessary information from the heads of the state bodies and municipal authorities which is to be provided by the relevant authorities in a timely manner; to create, if necessary, working groups of representatives of the relevant authorities, as well as to initiate and provide, in cooperation with them, the preparation of draft laws or other regulatory legal acts, etc.

## SPAIN / ESPAGNE

**NATIONAL REPORT OF THE KINGDOM OF SPAIN ON THE IMPLEMENTATION OF THE BRUSELS DECLARATION: "Implementation of the European Convention on Human Rights, our shared responsibility"**

*B.1.a) Prior to and independently of the processing of cases by the Court: ensure that potential applicants have access to information on the Convention and the Court, particularly about the (a) scope and limits of the Convention's protection, (b) the jurisdiction of the Court and the (c) admissibility criteria*

In order to ensure that all potential applicants have easy and free access to the convention, the Court, its case-law and the admissibility criteria the Office of the Agent opened some years ago an specific webpage (<https://www.mjusticia.gob.es/cs/Satellite/Portal/es/areas-tematicas/area-internacional/tribunal-europeo-derechos> ) within that of the Ministry of Justice, giving relevant news, information and links which facilitate potential applicants to pursue their claims before the Court.

Information comprises:

a) Translation with our own Agent services of all judgments and decision referring to Spain (with internal personnel and now with added additional external translators through public procurement) and of the Guide on Admissibility Criteria.

From the entry of Spain in the Council of Europe, back in 1977, Spain has performed free translation of all decisions and judgments –regardless of the defendant's State- until 2002 and of all Spanish cases and relevant other cases onwards. These translations have been done by the Lawyers at the Secretariat of the Parliament until 2002 and, afterwards, by the Agent's office. The General Council of the Judiciary has recently joined this effort, allocating funds for annual translation of the ECtHR Bureau's choice of most important judgments. The very competent Registry of the Constitutional Court is considering joining in the effort regarding specific materials.

For translations to be available to the public and to judges, dissemination of all translations is funnelled through the judicial database, the Agent's webpage and the HUDOC.

The development of a HUDOC interface in Spanish has helped much to disseminate as search engines work with any word –regardless of the language- and will extract results from the translations into that language. Surprisingly enough, a cross-fertilization has occurred between the American System for HR protection (The Inter-American Court) and the ECtHR, and nowadays most of the searches in HUDOC come from Spanish speaking individuals worldwide.

b) On the basis of agreements between the Ministry of Justice, the Court and the Public Open University, Ph.D. students and last year students in law, international relations, and English/French philology, translate relevant judgments and decision in non-Spanish cases that may be interesting for legal professional in the Spanish legal environment

c) Our webpage includes a link to the free HELP training courses for legal professionals.

d) Edition of a newsletter on ECtHR issues, which is disseminated in the Agent's webpage.

e) Dissemination of all translations in our own webpage, the HUDOC and the internal judicial database

The agreement with universities is now rendering a very good output and several other universities would like to join in. The accuracy of translations is double-checked before dissemination: by the University professor in charge of the program and by ourselves. Everybody is very satisfied with this agreement: the students take part in HR protection while widening their skills in the legal field, Ph.D. tend to elaborate their own thesis upon the selected judgments, the University likes to promote human rights and the costs are not higher than those of usual university training.

In order to enhance our internal capacity, we have also subscribed to an encrypted automatic translator. It works rather well to get a first draft of a translation but it has to be checked before issuing the final translation.

We have always considered very important that translations are free of charge to all individuals. Jurisprudence of the ECtHR can only be accessed with equality of arms between potential applicants from the first national instances if this is so.

*B.1.b) Prior to and independently of the processing of cases by the Court: increase efforts at national level to raise awareness among members of parliament and improve the training of judges, prosecutors, lawyers and national officials on the Convention and its implementation, including as regards the execution of judgments, by ensuring that it constitutes an integral part of their vocational and in-service training, where relevant, including by having recourse to the Human Rights Education for Legal Professionals (HELP) programme of the Council of Europe, as well as to the training programmes of the Court and to its publications*

Both junior and senior judges and prosecutors receive initial and continuous training programs, that include extensive studies on human rights in national and international law, organized either by the Judicial School (from the General Council of the Judiciary) or the Centre for Legal Studies, which depends on the Ministry of Justice. Both have close relations with the HELP programme.

The professional training of security officers (either in the police or the army) also include extensive knowledge on the protection of human rights.

*B.1.c) Prior to and independently of the processing of cases by the Court: promote, in this regard, study visits and traineeships at the Court for judges, lawyers and national officials in order to increase their knowledge of the Convention system*

More frequent visits are envisaged but restricted due to budgetary limits. Nonetheless, for example, there is a close high level contact of the highest courts, mainly the Constitutional Court, with the ECtHR.

Some Spanish Judges and State Prosecutors have followed one year long traineeships at the Registry during the last three years within the frame of European Union programs.

*B.1.d) Prior to and independently of the processing of cases by the Court: take appropriate action to improve the verification of the compatibility of draft laws, existing laws and internal administrative practice with the Convention, in the light of the Court's case law*

Last year, the Ministry of Justice through the D.G. of International Legal Cooperation, took over new functions, devised for promoting and studying laws, regulations and internal administrative practices in order to ensure their full compliance with the international obligations of Spain deriving from international instruments on the protection of human rights ratified by Spain, and promoting coordination among public actors in order to comply with international standards on human rights.

In this vein, a national plan for Human Rights is elaborated on a regular basis. Once the first national plan was approved and implemented, a second one (2019-2023) is being drafted in order to further enhance human rights promotion and protection.

(<http://www.lamoncloa.gob.es/consejodeministros/Paginas/enlaces/071218-enlaceddhumanos.aspx> ).

The elaboration of the Plan involves experts from civil society, the Ombudsman and the Parliament, among others.

In the elaboration of new Laws that may have an impact on the implementation or enforcement of treaties on the protection of human rights ratified by Spain, the Council of State, the highest consultative body of the State, has to deliver an opinion before it can be subject to deliberation at the Parliament. This report concerns all legal issues that may have an impact on the protection of human rights<sup>66</sup>

*B.1.e) Prior to and independently of the processing of cases by the Court: ensure the effective implementation of the Convention at national level, take effective measures to prevent violations and to provide effective domestic remedies to address alleged violations of the Convention*

In Spain, apart from the possibility the request for enforcement of human rights before any ordinary judge with up to three possible different internal appeals, there is an specific appeal on fundamental rights that can be filed before the Constitutional Court, the so called “*Recurso de amparo constitucional*”.

The case-law of the Constitutional Court on Amparo Appeals extensively incorporates the case-law of the ECtHR in judgments and decisions. In fact an estimated 60 % of the Constitutional Court's judgements on “amparo” appeals make an in-depth analysis of the ECtHR case-law that may have a bearing in the instant case. This is especially important regarding matters which have raised in the past judgments of the ECtHR declaring violations by Spain of articles of the European Convention. In this cases the applications for “amparo” appeal are considered as bearing “constitutional relevance” and therefore examined on the merits.

The doctrine of the Constitutional Court in matters of fundamental rights on amparo appeals is binding on all Judges and Courts (art. 5.1 and 7.2 of the Organic Law of the Judiciary). It operates as a very effective way to disseminate the ECtHR case-law and to apply its general principles internally, so as prevent former violations from reiterating in the future.

<sup>66</sup> See article 21 of Organic Law 3/1980 of 22 nd April on the Council of State: <https://www.boe.es/buscar/act.php?id=BOE-A-1980-8648>



There is also a feasible way to claim for damages, costs and expenses arising from human rights violations. Just satisfaction can be obtained through an internal administrative claim whose decision is amenable to judicial review, without the need of claiming anew before the ECtHR, as recognized by the Court in its non-admissibility decision of 28<sup>th</sup> January 2003 in the *Ramirez de Arellano v. Spain* case number 68874/01.

*B.1.f) Prior to and independently of the processing of cases by the Court: consider making voluntary contributions to the Human Rights Trust Fund and to the Court's special account to allow it to deal with the backlog of all well-founded cases, and continue to promote temporary secondments to the Registry of the Court*

Spanish financing of translations into Spanish of a relevant number of judgments and decisions of the ECtHR and of relevant legal materials (Factsheets, Rules of Court and Guide on Admissibility criteria) constitutes a relevant and very effective voluntary contribution to the Conventional system. It operates not only supporting financially the conventional system but also disseminating case-law so that national first instance judges can prevent cases from being raised to the ECtHR –thus slimming to a minimum the ECtHR workload-.

Spain has also made a voluntary contribution to the ECtHR to publish a book in Spanish on the role and work of the Court within the frame of the 60<sup>th</sup> Anniversary of the Court and the 70<sup>th</sup> Anniversary of the Council of Europe. This will help to expand knowledge and appreciation to the Conventional system worldwide and, in particular, in Spanish speaking countries.

In addition to that, Spain has made a voluntary contribution to the René Cassin's International Institute of Human Rights and to the Venice Commission. Their aim is the projection of the Council of Europe and the strengthening of the rule of law and human rights in Latin America. They have financed courses of the Institute on the ECtHR system and its jurisprudence in Latin America and support for the activity of the Venice Commission in Latin America.

Spain is also studying ways to second high level legal experts (judges, prosecutors,...) to temporarily at work the Court's Registry.

*B.1.g) Prior to and independently of the processing of cases by the Court: consider the establishment of an independent National Human Rights Institution*

In Spain the 1978 Constitution foresees an independent national human rights institution, the National Ombudsman (*Defensor del Pueblo*<sup>67</sup>), whose status complies in full with the "Paris principles". In addition, several Regional Authorities (*Comunidades Autonomas*) have established their own territorial Ombudsmans who work in parallel with the national Ombudsman (*Andalucía, Galicia, Aragón, Canarias, Navarra, Castilla y León, País Vasco, Cataluña and Comunitat Valenciana*). It is noteworthy that Aragon's Ombudsman (the so called "*Justicia de Aragón*") was instituted in the 12<sup>th</sup> century, being one of the first institutions of this kind in the world.

In addition to that, the Government has created several observatories on specific aspects relating to the protection and promotion of human rights on specific problems. For example, i.a.:

<sup>67</sup> <https://www.defensordelpueblo.es/>

- The “National Observatory against racism and xenophobia” (Oberaxe<sup>68</sup>). Within the framework of its functions, the Oberaxe collects information on projects, surveys, resources, reports and studies promoted by the General Secretariat for Immigration and Emigration and by other ministerial departments, entities and institutions; with the aim of serving as a platform for knowledge, analysis and promotion of work to combat racism, racial discrimination, xenophobia and other forms of intolerance, as well as incidents and hate crimes. All this through collaboration with public administrations and civil society at national, European Union and international level.
- The President of the Government has recently created, under his direct authority, the High Commissioner against child poverty. It was created with the aim of coordinating actions and policies in order to combat child poverty and inequality and has the following functions: Analysis and Studies on Child Inequality and Poverty, Study of the state of child protection in accordance with the Convention on the Rights of the Child, Proposal of measures against child poverty to the various ministerial departments, Collaboration and cooperation with other territorial administrations, Planning and monitoring of public policies, Evaluation of the impact of political decisions on inequality and child poverty.

*B.2.a) After the Court's judgments: continue to increase their efforts to submit, within the stipulated deadlines, comprehensive action plans and reports, key tools in the dialogue between the Committee of Ministers and the States Parties, which can contribute also to enhanced dialogue with other stakeholders, such as the Court, national parliaments or National Human Rights Institutions*

The Agent's Office, within the D.G. on Constitutional and Human Rights affairs of the Office of the State General Attorney, is in charge of submitting Action Plans and Action Reports within the deadline set.

Translation and dissemination of the judgements is done on a regular basis by the Agent's Office. The Agent's webpage (<https://www.mjusticia.gob.es/cs/Satellite/Portal/es/areas-tematicas/area-internacional/tribunal-europeo-derechos>) disseminates the judgment through a newsletter which is automatically sent to subscribers, which adds to the ordinary ad hoc service of the decisions and judgments to all those public administrations concerned. Special attention is paid to the translations being loaded in the internal judicial database, so that first instance judges can easily access to them. The Spanish HUDOC interface, to whose creation and set into motion the Agent's Office has strived, helps for quick dissemination of relevant case-law amongst all legal professionals.

*B.2.b) After the Court's judgments: in compliance with the domestic legal order, put in place in a timely manner effective remedies at domestic level to address violations of the Convention found by the Court*

The Agent has, by Law, the authority to certify that the just satisfaction is final, so that payment can be immediately made against the Ministry of Justice's budget.

Regarding the possibility to quash an internally final judgment after an ECtHR judgment, an amendment of procedural laws adopted in 2015 grants reopening of internal proceedings before all Supreme Tribunals at any bench, be them civil, labour, contentious-administrative or criminal.

<sup>68</sup> <http://www.mitramiss.gob.es/oberaxe/es/index.htm>



Should a general measure be required, the D.G. of International Legal Cooperation within the Ministry of Justice (according to the new functions mentioned above), may, under the legal counsel of the Agent's Office, promote the drafting of new laws, guide on renewing administrative directives implementing existing law and convening meetings with all the national, regional and/or local authorities concerned in order to foster and speed up the adoption of adequate internal measures.

*B.2.c) After the Court's judgments: develop and deploy sufficient resources at national level with a view to the full and effective execution of all judgments, and afford appropriate means and authority to the government agents or other officials responsible for co-ordinating the execution of judgments*

In Spain the responsibility of payment of the just satisfaction and dissemination of judgements and decisions lies on the Agent's Office.

This is so regarding legal counsel that may be needed in the adoption of general measures, if they are eventually necessary.

The Agent is helped by the D.G. of International Legal Cooperation in promoting administrative coordination or legal drafting concerned by the enforcement of a particular judgment.

*B.2.d) After the Court's judgments: attach particular importance to ensuring full, effective and prompt follow-up to those judgments raising structural problems, which may furthermore prove relevant for other States Parties;*

In Spain it is important to point out that effective dissemination of translation of judgments that refer to a similar situation to the judicial authorities concerned help in promoting new interpretative nuances to existing law that may allow for full compliance with the Conventional right at stake without ensuing a complicated and sometimes slow legislative procedure.

*B.2.e) After the Court's judgments: foster the exchange of information and best practices with other States Parties, particularly for the implementation of general measures*

In Spain we try to provide all relevant national experience that is required by other Member States, either in a bilateral basis or in the frame of consultations launched through the network of Agents.

We also endeavour to answer to the questionnaires of good practices, as we feel that they are a tool to revise practises that are wrongly contemplated as unchangeable due to lack of perspective. In this vein we find especially inspiring the compendiums of other State's good practices.

*B.2.f) After the Court's judgments: promote accessibility to the Court's judgments, action plans and reports as well as to the Committee of Ministers' decisions and resolutions, by:*  
 – *developing their publication and dissemination to the stakeholders concerned (in particular, the executive, parliaments and courts, and also, where appropriate, National Human Rights Institutions and representatives of civil society), so as to involve them further in the judgment execution process;*  
 - *translating or summarising relevant documents, including significant judgments of the Court, as required*

Please, see above, regarding the translation of judgements, decisions and relevant legal materials issued by the Court.

In addition to that, the Government answers in detail, with the help of the Agent to the frequent parliamentary oral and written questions posed by Deputies and Senators regarding the execution of judgments and decisions of the Court.

*B.2.g) After the Court's judgments: within this framework, maintain and develop the financial resources that have made it possible for the Council of Europe, since 2010, to translate a large number of judgments into national languages*

In order to ensure that all potential applicants have easy and free access to the convention, the Court, its case-law and the admissibility criteria, the Office of the Agent opened some years ago an specific webpage (<https://www.mjusticia.gob.es/cs/Satellite/Portal/es/areas-tematicas/area-internacional/tribunal-europeo-derechos> ) within that of the Ministry of Justice, giving relevant news, information and links which facilitate potential applicants to pursue their claims before the Court.

Information comprises:

a) Translation with our own Agent services of all judgments and decision referring to Spain (with internal personnel and now with added additional external translators through public pro-curement) and of the Guide on Admisibility Criteria.

From the entry of Spain in the CoE, back in 1977, Spain has performed free translation of all decisions and judgments –regardles of the defendant State- until 2002 and of all Spanish cases and relevant other cases onwards. These translations have been performed by the Lawyers at the Secretariat of the Parliament until 2002 and afterwards by the Agent's office. The General Council of the Judiciary has recently joined allocating funds for annual translation of the ECtHR Bureau's choice of most important judgments. The very competent Registry of the Constitutional Court is considering joining in the effort regarding some materials.

For translations to be available to the public and to judges, dissemination of all translations is funnelled through the judicial database, the Agent's webpage and the HUDOC.

The development of a HUDOC interface in Spanish has helped much to disseminate as search engines work with any word –regardless of the language- and will extract results from the translations into that language. A curious development has been that a cross-fertilization has oc-curred between the American System for HR protection (The Inter-American Court) and the EC-tHR. Surprisingly enough nowadays most of the searches in HUDOC come from Spanish speak-ing individuals worldwide.

b) The agreements between the Ministry of Justice, the Court and the Static Open University, by which Ph.D. students and last year students in law, international relations, and English/French philology to translate relevant judgments and decision in non-Spanish cases that may be interest-ing for legal professional in the Spanish legal environment

c) Furnish in our webpage a link to the free HELP training courses for legal professionals.

d) Development of a newsletter in the Agent's webpage on ECtHR issues.

e) Dissemination of all translations in our own webpage, the HUDOC and the internal judicial database

The agreement with universities is now rendering a very good output and several other universities would like to join soon. The accuracy of translations is double checked before reaching dissemination: by the University professor in charge of the program and by ourselves. Everybody seems to be delighted with the agreement: the students take part in HR protection while widening their skills in the legal field, Ph.D. tend to elaborate their own thesis upon the selected judgments, the University likes to promote human rights and the associated costs are not other than those of usual university training.

In order to enhance our internal capacity we have also subscribed to an encrypted automatic translator. It works rather well to get a first draft of a translation but it has to be checked before issuing the final translation.

We have always considered very important that translations are free of charge to all individuals. Jurisprudence of the ECtHR can only be accessed with equality of arms between potential applicants from the first national instances if this is so.

*B.2.h) After the Court's judgments: in particular, encourage the involvement of national parliaments in the judgment execution process, where appropriate, for instance, by transmitting to them annual or thematic reports or by holding debates with the executive authorities on the implementation of certain judgments*

The national parliamentarians, either Deputies or Senators, frequently formulate questions to the Government concerning ECtHR judgments and issues that may come under the future adjudication before the ECtHR. The Agent is called by the Minister of Justice to provide detailed legal answer to those in order to prepare for the oral debates which may be followed in the Parliament.

*B.2.i) After the Court's judgments: establish "contact points", wherever appropriate, for human rights matters within the relevant executive, judicial and legislative authorities, and create networks between them through meetings, information exchange, hearings or the transmission of annual or thematic reports or newsletters*

In Spain the Agent's Office is organised within the Office of the General State Attorney. The tasks traditionally endowed to the General State Attorney's Office are those of legal counsel and representation before all national Courts of Justice of the State and the highest officers of all Ministries at national level ( Ministers, Secretaries of State, Under Secretaries, D.G.s) and at regional level (Territorial Delegates of the Government and delegates of the ministries). So , in a highly politically decentralised State such as Spain, the Office of the General Attorney of the State, is one of the few organisations that has seats in each and every part of the State Administration and is able to grant proper dissemination on a coordinated manner of legal counsel nationwide. Therefore the network so created is a valuable tool in order to promote adequate and timely enforcement of the ECtHR judgments.

That helps the Agent a lot when coordinating the proper enforcement of the ECtHR judgments.

*B.2.j) After the Court's judgments: consider, in conformity with the principle of subsidiarity, the holding of regular debates at national level on the execution of judgments involving executive and judicial authorities as well as members of parliament and associating, where appropriate, representatives of National Human Rights Institutions and civil society*

We have considered more useful, so far, to promote this debates on an ad hoc basis, through meetings with all the authorities concerned in the enforcement of a particular judgment.

Special care is taken in order not to disrupt the constitutional separation of powers between the executive and the judiciary, which we consider essential to grant the due independence and impartiality of the latter.

<b>SWEDEN / SUÈDE</b>
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**Comments made on the Preliminary draft CDDH report on measures taken by the member States to implement relevant parts of the Brussels Declaration (document CDDH(2019)17)**

Just one comment regarding Sweden. Under para. 55 it is stated that Sweden has provided punctual substantial contributions to the **Human Rights Fund**. This is not correct as we are not a member of the Human Rights Fund. The Swedish contributions have rightfully been directed to the Court's special account.