

Supervision by the Committee of Ministers of the implementation of the judgment *Q and R v. Slovenia*

Nedim Kulenović
Legal officer

Department for the Execution of Judgments
of the European Court of Human Rights
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Council of Europe
Conseil de l'Europe



Q and R v. Slovenia **(final on 20 June 2022)**

Concerns a violation of the applicant's right to a fair trial on account of the excessively long foster care permission proceedings (violation of Article 6)



Issues highlighted by ECtHR

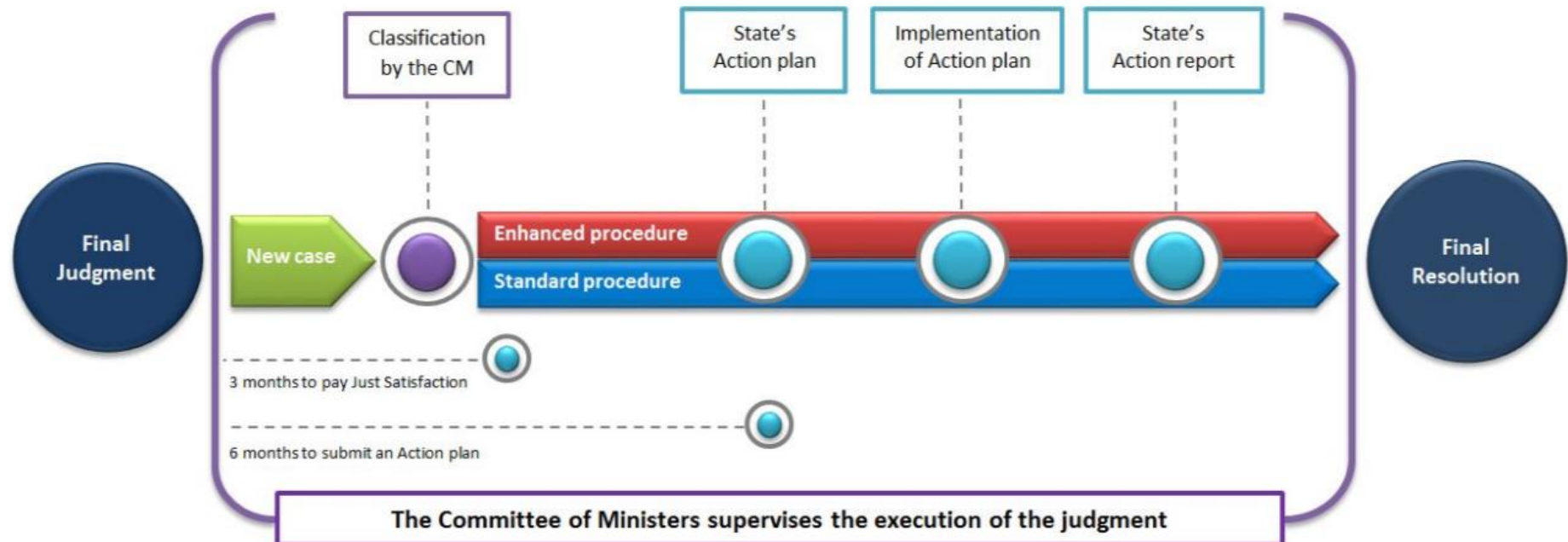
- inadequate provision of experts or their excessive workload which resulted in significant delays
- failure of the first-instance court to appoint a special guardian and examine an expert, which resulted in the remittal of the case following the constitutional complaint
- adverse effect of the Covid-19 public-health crisis on the general operation of the courts and in particular lack of classification of the present case as urgent



Article 46

- 46 § 1 “States undertake to **abide** by the **final** judgment of the European Court in any case to which they are parties”
- 46 § 2 “The final judgment of the Court shall be **transmitted** to the Committee of Ministers which shall supervise its execution”

Supervision process



Principles governing the execution process

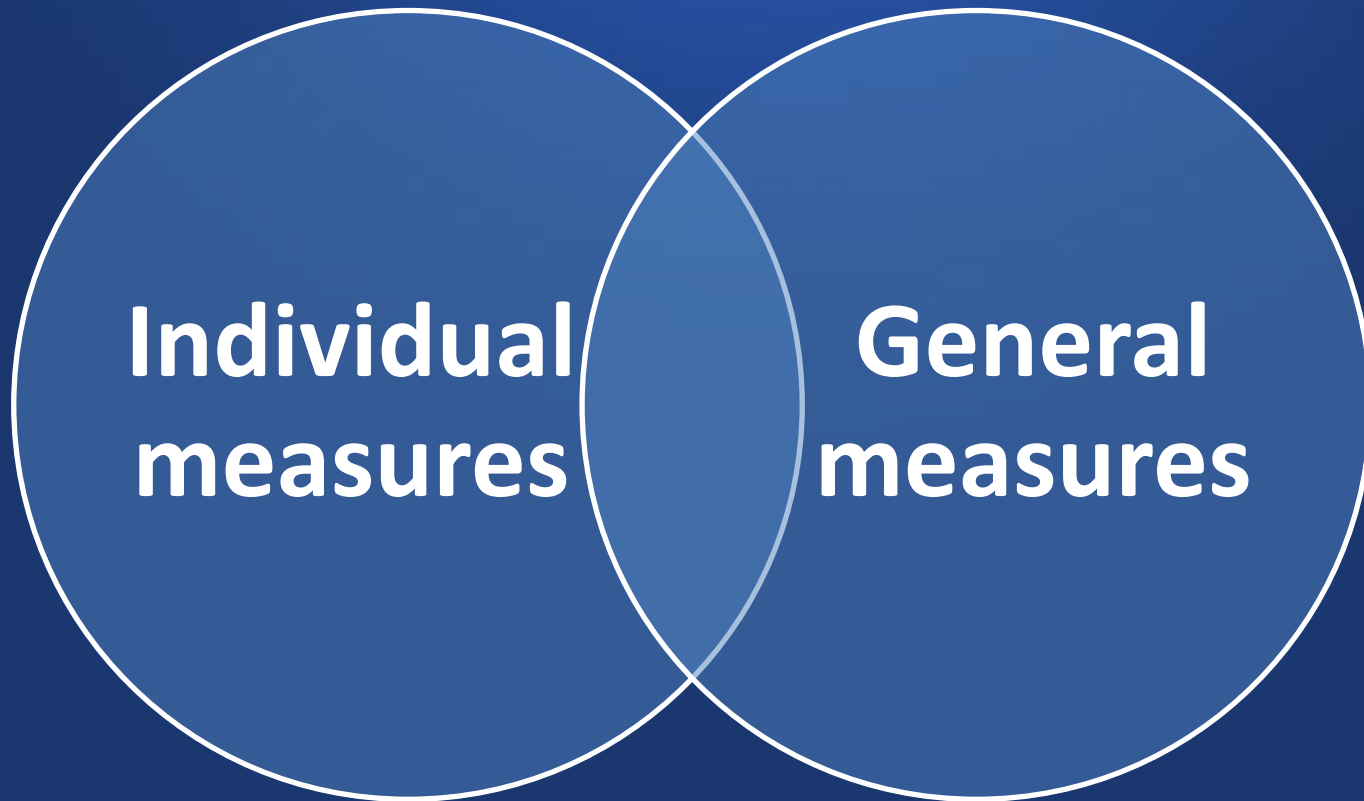
Subsidiarity

*Collective
responsability*

Actors



Measures



General measures

Goal: to prevent new violations similar to those found, or put an end to continuing violations

NB : Ensuring effectiveness of domestic remedies is an important concern

General measures

Administrative
practice

Architectural
and
technological
innovations

Staffing
policy

Trainings and
awareness
raising measures

Publication and
dissemination of
the ECtHR
judgment

Timely, adequate and sufficient

Changes in
the legislative
framework

Case-law of
domestic courts
or prosecutors'
practice

Examples of general measures

Abenavoli v. Italy, no. 25587/94, 2 September 1997

Kudla v. Poland [GC], no. 26 October 2000

Burdov v. Russia (no. 2), no. 33509/04, 15 January 2009

Lukenda v. Slovenia, no. 23032/02, ECHR 2005 X

Legislative
measures

Examples of general measures

Other measures

Atanasovic and Others v. the former Yugoslav Republic of Macedonia, no. 13886/02, 22 December 2005

Ümmühan Kaplan v. Turkey, no. 24240/07, 20 March 2012

Milovanović v. Serbia, no. 56065/10, 8 October 2019

Useful information

www.coe.int/execution

CM Annual Reports

www.hudoc.exec.coe.int